

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE *PA-206/88* OF

NAME OF THE PARTIES.....*Parashu Ram*.....Applicant

Versus

.....*Union of India Govt.*.....Respondent

Part A,B & C

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12		
13		

CERTIFICATE

Certified that no further action is required to 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

Promotion

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 206 of 1988

APPLICANT (s) Purshu Rami

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 two 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 case 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, my 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 -
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 ? - nil
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ? - 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 N.A.
17. Are the facts of the case mentioned in item No. 6 of the application ? - yes -
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ? yes -
18. Have the particulars for interim order prayed for indicated with reasons ? - Nil
19. Whether all the remedies have been exhausted. - yes -

D.R.
Let the case be put up
for orders before ~~competent~~
Court for proper court.

gwan
28/11

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

INDEX SHEETCAUSE TITLE 206 of 1988(U).NAME OF THE PARTIES Parghu Ram

Applicant

Versus

Union of India RespondentPart A, B & C

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(A)

O.A. No. 206/88


6/9/91

Hon. Mr. D.K. Agrawal, Jm.
Hon. Mr. K. Obayya, Am.

None appears for the applicant.
Shri Anil 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, VC, 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.


A.M.


Jm.

3

Recd
Copy of judgment
to
Hon. Mr. D.K. Agrawal
Hon. Mr. K. Obayya
9/10/91
Recd copy of
order dt. 6/9/91
H.K. Kulkarni

C.A. No. 206/88(4)

28-3-89

Hon'ble D.S. Mishra, A.M.
Hon'ble D.K. Agrawal, J.M.

None is present for the applicant.
List 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.
Submitted for order.
28/6

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 to 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.

A.M.

(sns)

17.7.89

No sitting. Adj. to 29.0.09.
for order.

h
B.O.C.

29.0.09

Hon. Justice K. Nalath, V.C

On the request of the applicant,
the case is adjourned to 31.10.09
for orders.

h
V.C

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.

an
notice issued
by 7.7.89

OR
case is submitted
for orders,

1317
Notice were
7.7.89.
Neither reply nor
any undelivered
rept. cover have
been return back.
for.
Submitted for order
20/10

OR
Notice were issued
on 7.7.89.

Neither reply
nor any undelivered
rept. cover have been
return back.

Submitted for
order.

h
27/10

206/1006

(H6)

S-11-90

Hon'ble Mr. D.K. Agrawal J.M.
" Mr. M.Y. Priolkar - A.M.

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

Q

26/11/90

D

B.O.C

Hon. Mr Justice K. Math, vc
Hon. Mr. M.M. Singh, A.M.

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. H. L
A.M.

VC

28.1.91

No sitting Adj to S-2 91
Jr

Hon. Mr Justice K. Math, vc
Hon. Mr A. Chagga A.M.

OR

This case was decided
on 5.2.91.

MP No 63/91 is filed
by lc for the applicant
but not duly served.
S.fo

L
712

Case not reached Adversum

18/2/91

No 20.3.91
A.M.

VC

MP 63/914
CA 206/88.4.

20-3-91

No sitting Adj. to 12.4.91
J

(A7)

12-4-91 -

No sitting adj to 3.5.91.

3.5.91

No sitting adj to 9.5.91
J

9/5/91

Hon. Mr. Justice U.C. Sinha, VC
Hon. Mr. A.B. Goswami, AM.

OR
MP 63/915 filed by
JC for the applicant
for recall.
S. to
8/5

List the case for final
hearing on 26/6/91.
Am. ✓
VC.

✓

26.6.91.

Hon. Mr. K. Chatterjee - AM.
Hon. Mr. S. N. Prasad - JM.

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

JM.

Am.

27.6.91.

Hon. Mr. K. Chatterjee AM.
Hon. Mr. S. N. Prasad JM.

On the request of counsel for
the both parties case is adjourned to
6.9.91.

JM.

Am.



(10)

M.P. No 141/94

OA No 206/88

A/9

OR

Misc. Review Application
No 829/91(u) has been
allowed on 25.6.92 by
Hon Mr Justice U.C. Srivastava
and Hon Mr K. Chagga AM.

Vice order of Hon court, 18.2.94
Original Application should
be proceeded further.

Now M.P. No 141/94 has
been filed by the applicant. 18.4.94
Submitted before Hon court
for orders.

Plaza
1.2.94

DR

1.2.94

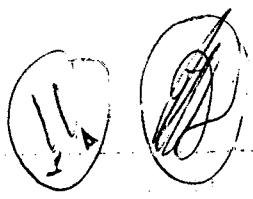
Place before the
Honble Bench for order
on 18-2-94 for

211

Due to strike of advocates
adjourn to 16.4.94
Doc

Lawyers abstain for settlement
adjourn to 20.6.94
Dize

OR
MP 141/94
has not been condensed
earlier
Submitted for
order regarding
MP 141/94
(11)
27/6/94



ORDER SHEET

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

1/0

206 NO. OF 1988
Pawan Datta Vs. B. C. Saxena

Sl.No.	Date	Office Report	Orders
		<u>28.6.94</u>	No filing a.D.M. of 23.8.94 u me
	<u>23/8/94</u>		Hon-Mr. Justice B.C. Saxena, V.C. Hon-Mr. K. Mithukumar, A.M. M.P. No. 141/94 is misentered 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 u A.M. (Cham)

B.C.
V.C.

13

A/

08/2/95
D.R.

Learned Counsel for the
respondent is present.
None for the applicant.
No. C-A. filed. Hon'ble
Bench has given last
chance for filing C-A. vide
order dated 06/1/95. Place
before the Hon'ble Bench
on 30/3/95 for orders.
Latter Lk for the applicant
is present.

or
2nd filed
SPD
29/3/95

~~AD~~

D.R. (G)

15

L.A. No. 206/88
C.II.
Rev. 829/91.

14-9-95

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

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

The Rejoinder Affidavit has ^{not} been filed.

The applicant is granted two weeks ^{time} further to file Rejoinder.

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

L.K.
A.M.

Bd.
V.C.

K.N.

2-11-95

Honble Mr. V.K. Seth - A.M.

Honble Mr. D.C. Varma - J.M.

For respondents - Sri Anil Srivastava
learned Counsel

For applicant - Sri A. Keerti, learned
Counsel.

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

List for hearing on 2-11-95

J.M.

L.K.
A.M.

K.N.

2-11-95 Hon Mr V.K. Seth A.M.
Hon Mr D.C. Varma J.M.

Re. A Keerti for applicant.
Sri Anil Srivastava has sent
illness slip. List for hearing
on 18-12-95

J.M.

L.K.
A.M.

CA not filed till
today
31/10/95

CA 10A K.N. in
exchange of
10/10/95

(17)

26-2-96

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.

or
Pleadings are
complete
16/9/96.

20-9-96

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

Hon. 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.

or
CPA are in
exchange
19/12/96.

12-11-96

No sitting @ D.M. office
29.11.96

J.
Boc

29-11-96 - No sitting of PB case
is say to 1-1-97

J.
Boc

(19)

QA 206/88
c.w.
Review. 029/91

X

14-10-97

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

Li. A. Keerthi, learned counsel
for applicant. Li. Anil Srivastava,
for respondents.

learned counsel for appli-
cant prays for & is allowed
4 weeks time for filing reply
to supp. Pt. after serving a copy
of the same on the learned
counsel for respondents.

List on 08-12-97 for
leavey.

J. N.

A.M.

0-12-97

Due to Sad dismissed & R. 10 and Dr. Del.
affairs 12.1.98

Dr.

12.1.98

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

1306

on
No. Subb Pt. filed
21/11/97

Dr. A. Keerthi, learned counsel
for applicant. Dr. Anil Srivastava,
for respondents.
not filed full reply
21/2/98

17-3-99

(2)

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

Hon'ble Mr. AK Misra, A.M.

For applicant Sni A Keerti.

For respondent Sni Anil Srivastava has sent an adjournment application.

Due to part heard case, adjourned to 24-5-99 for hearing.

A.M.

J.M.

or
Readings are
complete
20/5/99

24-5-99

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

Hon'ble Mr. AK Misra, A.M.

or
CP/PA, sub PCA/sub PA
have been exchanged.
23/7/99

None for parties.

List for hearing on 22-7-99.

A.M.

J.M.

22-7-99.

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

27-7-99

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

Hon'ble Mr. AK Misra, A.M.

Sni A Keerti for applicant.

Sni Praveen Kumar brief holder

for Sni A Srivastava for respondents.

List for hearing on 26-8-99.

A.M.

J.M.

OA 206/88

7/10

08/02/2000

Honble VC(J) (AVH)
Honble MCA) (JLN)

Sr A. Keesh Counsel for applicant
Sr A. Smeasles Counsel for respondent
Heard. order reserved

Y
BUC 08/02

15.02.2000

Honble VC(J) (AVH)
Honble MCA) (JLN)

order pronounced in open court

today.

Y
B.O.C.
Court-I

OR
order at 15/2/00
prepared on 18.2.00
Q.00/00

AS

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)

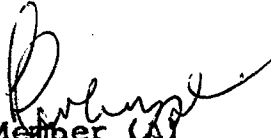
(By Hon.Mr.Justice K.Nath, V.C.)

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 various 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

JL

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 ^{response} ~~reply~~ 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

19

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.No. 206/88

Lucknow this the 15th 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~~ ^{it was recalled} 71

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. However, 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 by the Department vide Anneuxre 5 to this petition.

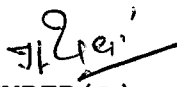
5. The respondents, on the other hand, vehemently opposed the application and submitted that the post of Assistant Station Master in the pay scale of Rs 455-700 was selection post and hence without qualifying the said selection, one cannot be regularly appointed/promoted. No doubt, the applicant had 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 (Annexure 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 voce (Annexures 13 and 14). Continuous working ⁱⁿ 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)

Lucknow; Dated:


VICE CHAIRMAN

IN THE GENERAL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi

Additional Bench - Allahabad

Circuit Bench - Lucknow. (A10)

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.

10-74

Anexure No. 2

Temporary posting of A-2 Signallors, vide letter No. E/T/227/1 Pt. III dated 7.3.63 of Chief Operating Supdt.

Anexure No. 3(i)

List of Assistant Station Master issued by D.O.S. Izzatnagar.

12-74

Anexure No. 4

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

13-74

Anexure No. 5

Letter No. E/254/Pari./Stema01 dated 17.3.81 issued by Divisional Supdt. (Kamik), Izzatnagar, in connection of Station Master's pay scale (455 - 700).

15-74

Anexure No. 6

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

17-74

Filed on 21-11-88

Noted for 24-11-88

Atul K. Singh

Adv. No. 8

Anexure No. 7

Appreciation letter issued by Mandal Sanraksha Adhikari.

18-74

Memorandum No. T/241/Award/84 dt. 18.2.85.

19-74

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

20-74

Application dated 3.10.88.

21-74

Anexure No. 8(i) 18x

Receipt of registered letter dated 3.10.88.

22-74

Parashu Ram

(11)

Annexure (ii) Application dated 3.5.88, to General Manager, N.E. Railway, Gorakhpur. 23

Annexure (iii) Receipt of Registered letter dated 3.5.88. - 24

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

Annexure No 10 Application to DRM in connection of oral examination of Station Masters (455-700). - 28

Annexure No 11 Application to General Manager, N.E. Railway, Gorakhpur in connection of Station Master's examination at the scale (455-700). - 29

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

Annexure No 14 Memo for amended pay scale by DRM (Karnik). - 31

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

Annexure No 17 Letter of applicant in connection promotion restructuring addressed to DRM(Karnik) NER, Izzatnagar - 34

Annexure No 18 Receipt of registered letter. - 35

79 Power - 36

- Porashu Ram

1
(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 :

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

Noted for
25/11/88
Atul Keerti
Adv.

Parashu Ram

(A13)

A/26

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

(v) Address for service of House No. 76, Bhim Nagar,
all notices. - (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.

Sarathi Ram

(A14)

A/27

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
A15

~~is at the top of the list of Scheduled caste~~
candidates.

(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.

(i) 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.

(ii) 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.

Lawyer's Room

5
(216)

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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.

(iv)

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

Sanjay Ram.

8
(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.

(viii)

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 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 12. Since then he has been working in the same grade, the photostat copies of orders are marked as Annexures 13 and 14 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/-.

Sarva Sri Pyare Lal

op. Pw. No 3

9
A/B

(Xii) 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.

(Xiii) 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.

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

(Xv) 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~~

Jaroshu Ram

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

Parahu Ram

authority or any other Bench of the Tribunal.

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.

12. Documents have been annexed.

Parashu Ram
Applicant

V e r i f i c a t i o n

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 day of November 1988

Dated: November 18, 1988.

Parashu Ram
Applicant

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)72CML5/5 dated 11.1.73, received under GM(P)/NDLS's letter No. 83-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.
1. No. E(NG)66PML/98 Dt. 13.10.67	No. 847-E/O-II(EMC) Dt. 15.1.68
2. No. E(SCT)68CML5/10 Dt. 27.8.68	No. 831-E/30-II(EMC) Dt. 14.11.68
3. No. E(SCT)70CML5/10 Dt. 20.4.70	No. " Dt. 11.6.70
4. No. E(SCT)70CML5/10 Dt. 29.4.70	No. " Dt. 23.6.70
5. No. E(SCT)70CML5/6 Dt. 29.7.70	No. " Dt. 28.9.70
6. No. E(SCT)70CML5/15/1 Dt. 19.11.70	No. " Dt. 11.1.71
7. No. E(SCT)70CML5/6 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)72CML5/5 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)68CML5/10 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 7% 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%.

Encl. 1

True copy

Attested
H. K. Verma
Asst. Dir.

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/PCR.

Sub:- Temporary posting of A-2 Signallors.

The following candidates selected by the Railway Service Commission/Allahabad vide their letter No. 49-B(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 you for temporary appointment as A-2 signallors in scale Rs. 110-200(RS) plus usual allowances as admissible under the rules against ASMs vacancies in scale Rs. 130-225(AS). They may please be posted as ASM after requisite practical training on their turn.

Sl. No.	Name	Merit position obtained at ETS/APP	Distt. to which posted	Application form No.	Fit memo and date.
1.	Shri Mohan Ram	II	BSB	153168	<u>171</u> 21.1.63
2.	" Ram Badan Ram	V	"	F 17329	<u>170</u> 1.2.63
3.	" Ram Mahesh Sharma	IV	"	6 129393	<u>177</u> 1.2.63
4.	" Lal Chand Ram	III	"	F 65209	<u>154</u> 16.1.63
5.	" Parshou Ram	I	PCR	F 89907	<u>168</u> 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 (P)

- 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)

Parshou Ram

*True copy
Attested
H. K. S. S. S.*

N. E. RLY.
OFFICE ORDER.

Annexure-2 - (4) 12

The following ASM 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/Sr				
1	S. M. Saxena	ASM/BRY	PBE	Rs. 580/-
2	D. D. Banerjee	IZN	PBE	Rs. 560/-
3	Sia Ram Katiyar	FGR	FGR	Rs. 600/-
4	Tej Bahadur Saxena	ASM/BE	IKU	Rs. 580/-
5	Kishan Chand	BC	PBE	Rs. 560/-
6	S. John	FGR	FGR	Rs. 600/-
7	R.N. Awasthi	FGR	FGR	Rs. 600/-
8	D.N. Mallick	KGM	IKU	Rs. 600/-
9	Santokh 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, ASM in grade Rs. 455-700 who 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	Pay fixed in Gr. 455-700-
S/Sr				
1	S.N. Singh	IR SM/BC	BHI	Rs. 580/-
2	B.D. Mehtani	SM/SKW	SPN	Rs. 560/-
3	D.C. Sharma	SM/KCO	PRK	Rs. 545/-
4	Mathura Pd.	ASM/MRP	MDA	Rs. 455/- (S.C.)
5	Ram Ratan	ASM/DRN	KAP	Rs. 455/- (S.C.)
6	Jag deo Ram	ASM/BN SA	SZP	Rs. 455/- (S.C.)

Contd - 2

No of 12 E
M H 12. 15/11/76

Parsu Ram

*True Copy
Attested
Atul Bearti
Adv.*

पूर्वोत्तर रेलवे

कार्यालय मण्डल अधीक्षक कार्मिक
इण्डियन नगर दिनांक 2/9-78

सं0ई/210/4/स0वीसी0/1

स्टेशन मास्टर-बहेडी -फरेखाबाद मन्धानासोरोकासगंज बरेली

गण्डुडवारा-गुरसहायगंज रामनगर-मुरादाबाद- कच्छा
कासगंज-कन्नौज-मझौला-मथुरा-सुदागंज मरहारा उझाना।

विषय:- परिचालन विभाग में सस्टिमा/स्टीमा का संशोधित
प्रोन्नति सोपान -कर्मचारियों का विकल्प तथा उनकी
अगली प्रोन्नति एवं तैनाती ।

संदर्भ:- इस कार्यालय का समसंख्यक अधिसूचना दिनांक 24-6-78 तथा 16-8-78.

निम्नलिखित कर्मचारियों का किसी प्रकार का विकल्प न प्राप्त होने पर उन्हें इस कार्यालय के दि016-8-78 की अधिसूचना द्वारा स्टोमा ग्रुप में दर्शाया गया था । इनमें से कुछ कर्मचारियों ने प्रतिवेदन दिया है कि उन्होंने निश्चित तिथि के अन्दर ही सस्टेमा वेतनमान 455-700 में पदोन्नति का विकल्प दे दिया था यद्यपि इस कार्यालय में प्राप्त नहीं हुये है । अतः उपरोक्त अधिसूचना को आंशिक रूप से संशोधित कर हुये उन सभी कर्मचारियों को एक मौका और दिया जाता है कि वे अपना निश्चित विकल्प भर कर इस कार्यालय को भेजे कि वे अपनी अगली पदोन्नति सस्टेमा वेतनमान 455-700 में चाहते है अथवा स्टोमा वेतनमान 425-640 में तैनाती एवं स्टोमा वेतनमान 455-700 में पदोन्नति आपको निर्देश दिया जाता है कि आप अपने अधिस्थ सस्टेमा , जिनके नाम नीचे अंकित है, से निर्णित विकल्प लेकर दस दिन के अन्दर श्री बाबू लाल प्रसाद समाधि 11 के नाम से कृप्य भेज दें जो कर्मचारी दोनों में से किसी पद के हेतु विकल्प नहीं देना चाहते है उनमें से इस प्रकार का कथन लिखित रूप से प्राप्त कर सभी विकल्पों के साथ भेजा जाय। यह आवश्यक है ।

क्रमसं0	नाम	पद	स्टेशन
1.	श्री के0के0राय	सस्टेमा	बहेडी
2.	श्री परशु राम	"	फरेखाबाद
3.	श्री लल्लू सिंह	,,	मन्धाना
4.	श्री जे0के0चतुर्वेदी	,,	सोरी/कासगंज
5.	श्री सस0श्री0सक्सेना	"	कच्छा
6.	श्री वी0सस0		
	यादव	,,	कच्छा/पी सी
7.	श्री सस0सी0कुलशेठ		गण्डुडवारा
8.	श्री सस सी.		
	तिवार	,,	गुरसहायक गंज

For Mr. Ram

*True Copy
Attested
Atul Kanti
Adv.*

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9.	श्री जे०स्म०शर्मा	सस्टेमा	खीरी
10.	श्री जगदीश राय	,,	मुरादाबाद/रामनगर
11.	श्री मोती लाल	,,	मुरादाबाद ।
12.	श्री राम रतन	,,	वर्तमान स्टेमा परछम
13.	श्री जगदीश राम	,,	वर्तमान स्टेमा किच्छा
14.	श्री मुरारी लाल मिश्रा,	,,	कायमगंज
15.	स्म०स्म०हक	,,	कन्नौज
16.	श्री स्म०वाई०सिद्धी की		मझौला
17.	श्री ललिता राम अ०जा०		मथुरा
18.	श्री गंगाराम अ०जा०		खुदागंज
19.	श्री परसादी लाल अ० अ०	,,	मरकरा
20.	श्री छरग सिंह अ० अ०	,,	बीसी
21.	श्री गुलाब सिंह अ० अ०	,,	उझानी

ह०अप०नीय

पुरे मण्डल अधीक्षक अ०कार्मिक
इज्जतनगर ।

प्रतिलिपि :-

श्री-----

द्वारा स्टेमा ----- का दिन के
भीतर अपना उचित जबाब अवश्य दें ।

ह०अप०नीय

पुरे मण्डल अधीक्षक अ०कार्मिक
इज्जतनगर ।सत्य प्रतिलिपि

Parashu Ram

पूर्वातिर रेलवे

: कार्यालय:

सं०-ई/254/परि०/स्टेमा/।

मण्डल रेल प्रबन्धक कार्मिक
इज्जतनगर, दि० 17-3-1981

स्टेशन अधीक्षक/बरेली सीटी

स्टेशन मास्टर/सहावर टाउन कासगंज, वृन्दावन, मझौला, सिकन्दरा राय
मझानी, शाहजहाँपुर, वैसगंज, बहेडी, शाहगढ़ उत्तरीपुरा, दुदागंज,
जिन्दपुरा, रती का नगला, माला, गोंशाला, गोबुलनगर, वितराई, आटामाडा,
सरकरा, मरन्दपुरा, कानपुरा, पुरनपुर, गुरसहाथगंज, निगोही,
रामनगर, नरेहरा, मधुसा के ।

विषय:- स्टेशन मास्टर वेतनमान ₹455-700 का प्रकरण ।

सन्दर्भ:- इस कार्यालय का तार सं० दिनांक 16.3.81 ।

स्टेशन मास्टर वेतनमान ₹455-700 के प्रकरण हेतु मौखिक परीक्षा दिनांक 24-3-81 को दिन के 11 बजे एवं कार्यालय में होनी निश्चित हुई है । नीचे लिखे कर्मचारियों को, जो दि० 08.3.81 से 13.3.81 को हुई उपरोक्त पद की लिखित परीक्षा में उत्तीर्ण घोषित हुये है, को निर्देश दिया जाता है कि ये दिनांक 24-3-81 को होने वाली मौखिक परीक्षा में सम्मिलित हों ।

क्रमांक	नाम	पद	स्टेशन
1	2	3	4
1.	सर्वेजी		
1.	रामकृष्ण चावला	स्टेमा	सहावर टाउन
2.	मोहम्मद सलीक-उल्लाह	,,	कासगंज
3.	रामचन्द्र सक्सेना	,,	वृन्दावन
4.	धानन सिंह	प्रिन्सा,	मझौला
5.	हारका दास गुप्ता	स्टेमा	सिकन्दरा राय
6.	छगन लाल गुप्ता	,,	मझानी
7.	धरम पाल धीर	,,	शाहजहाँपुर
8.	जमीदा सिंह	,,	वैसगंज
9.	टिकोरी सिंह	,,	बहेडी
10.	शोभराज	,,	शाहगढ़
11.	जानकी प्रसाद मिश्रा	,,	बहेडी

क्रमांक: 2/-

Sarashu Ram

True copy
Attested
A. K. K. K.

1	2	3	4
12.	तुला राम	स्टेमा	उत्तरी पुरा
13.	श्याम नरायन शुक्ला , ,		दुर्गागंज
14.	शहजादे लाल , ,		जिन्दपुरा
15.	सुरेन्द्र पाल गुप्ता , ,		रती का नाला
16.	जै नरायन भट्ट पिडा , ,		वृन्दावन
17.	भगवान दास	स्टेमा	माला
18.	सेत लाल	रिली विंग स्टेमा	बरेली सिटी
19.	रामदास	स्टेमा	गौशाला
20.	लेखराज	, ,	गोकुल नगर
21.	नियम सिंह	, ,	धितराई
22.	ओमपकाश	, ,	आटामांडा
23.	राम रक्षमाल गुप्ता	, ,	सरकारा
24.	कृष्ण चन्द्र शर्मा	, ,	करन्दपुर
25.	परशुराम अ०जा०	, ,	कब्जानपुर
26.	जगदीश राम अ०जा०	, ,	दीर्यागंज
27.	मोती लाल अ०जा०	, ,	पूरनपुर
28.	ललितराम अ०जा०	, ,	गुरसरायगंज
29.	विष्णु प्रसाद अ०जा०	, ,	निगोही
30.	काशीनाथ प्रसाद अ०जा०	, ,	रामनगर
31.	परसादी लाल अ०जा०	, ,	म रेकरा
32.	रधूराम विपल अ०जा०		मधुरा सेट

ह०अपठनीय,

कृते मण्डल रेल प्रबन्धक अ०कार्मिक

इज्जतनगर ।

ह०/- 18-3-81

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. यातायात निरीक्षक/फ्लोहगट मधुरा डैक्ट, बरेली सिटी काठगोदाम पीलीभीत ।

2. रीरया अधिकारी/फ्लोहगट ।

ह०अपठनीय,

कृते मण्डल रेल प्रबन्धक अ०कार्मिक

इज्जतनगर ।

ह०/- 18-3-81

सत्य प्रतिलिपि

Sasank Kumar

Annexure - 5

19

186 No.E(NG)I-82 PMI-132

Dt. 9.8.82

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

A28

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-/PMI-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".

Parashu Ram

True copy
Attested
Atul Kanti

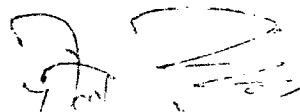
A28

A28

प्रशस्ति - पत्र

श्री परशु राम पद होम
 स्टेशन UTP जिनकी सेवाएँ 20 वर्ष
 से अधिक दुर्घटना रहित रही है, आज दिनांक 29.6.22
 को मण्डल रेल प्रबंधक/इज्जतनगर द्वारा रजत पदक तथा रुपये
 1000/- के नकद पुरस्कार द्वारा सम्मानित किया जाता है।

प्रशासन आपकी सेवाओं की सराहना करती है तथा
 भविष्य में दुर्घटना रहित रहने की कामना करती है।



|| पी. बी. एस. आनन्द ||
 मण्डल सहायक अधिकारी
 इज्जतनगर

Parashu Ram

True copy
 Attested
Atul Kaur
 Adv.

Annexure - 7

19

(A30)

43

L.B. to Secy

General

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

(P. L. Anand)
DS/12N

Lt. I/241/ANAND/84 dt: 18-2-1985

Copy to :-

- 1: Budget Clerk (Sr. DCS's office) in dup;
- 2: DAO/12N;
- 3: SM/Kalyanpur

DSM(SAFETY)/12N

Hasan Khan

*True Copy
Attested
Atul Keshri
Sd/-*

सेवा में,

श्रीमान् महाप्रबन्धक
पूर्वोत्तर रेलवे गोरखपुर ।

द्वारा:- मंडल रेल प्रबन्धक, पूर्वोत्तर रेलवे इज्जत नगर

विषय:- दिनांक 1.8.1983 रीस्टक्विरिंग का लाभ
स्टेशन मास्टर ग्रेड रु 455-700 से वेतन का निर्धारण
न करके ग्रेड 425-540 सहायक स्टेशन मास्टर में -
निर्धारित करने की विसंगत के सुधार हेतु प्रार्थना पत्र।

सन्दर्भ:- मंडल रेलवे प्रबन्धक कार्मिक इज्जतनगर के पत्र सं 10/10/परशुराम दिनांक 21.7.1987

माननीय महोदय,

सविनय निवेदन है कि प्रार्थी मंडल रेलवे प्रबन्धक कार्मिक 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। चूंकि दिनांक 15.10.76 के पत्रांक सं 10/248/पोरचालन/अपग्रेडिंग/11/के द्वारा स्टेशन मास्टर रु 455-700 में चुना गया था तब से प्रार्थी दिनांक 11.12.1976 से लगातार इसी वेतन मान में कार्यकर्ता रहा है। दिनांक 8.3.1981 को ग्रेड रु 455-700 की लिखित परीक्षा स्टेशन मास्टर के चयन 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 कनिष्ठ कर्मचारियों के नियमों को उलन्धन करके चुना गया जबकि प्रार्थी का नाम अनुसूचित जाति की वरियता सूची में प्रथम स्थान था। जो कि रेलवे परिषद के पत्रांक 10/एनसी/आई/75/पीएनएम/284 दिनांक 25.1.1976 का छुले तौर पर उलन्धन करके प्रार्थी के साथ घोर अन्याय किया गया है।

प्रार्थी अभी से न्याय के लिये प्रार्थना करता आ रहा है। पुनः रेलवे परिषद द्वारा रीस्टक्विरिंग में अभी रेल रेल कर्मचारियों को लाभान्वित किया गया है लेकिन मुझे रु 455-700 से वेतन मान का निर्धारण न करके दिनांक 1.8.1983 से रु 425-540 सहायक स्टेशन मास्टर के मूल वेतन में मान कर निर्धारण किया गया है जो प्रार्थी के विचार से घोर अन्याय हुआ है चूंकि लगातार सात-सात तक एक ग्रेड में कार्य करने के पश्चात वेतन मान का लाभ न देना न्यायोचित नहीं है क्योंकि प्रार्थी दि 11.12.1976 से लगातार रु 455-700 में कार्य करता आ रहा है।

अतः प्रार्थी अन्त में पुनः निवेदन करता है कि प्रार्थी के सब साथ शीघ्र न्यायोचित कार्यवाही करने की कृपा की जाये। 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 न्याय पाने हेतु न्यायालय की शरण लेना आवश्यक हो जायेगा। अतः प्रार्थी सर्वदृष्टि से प्रार्थना करता है कि प्रार्थी के प्रार्थना पत्र पर सहानुभूति पूर्वक विचार करके नियमानुसार दिनांक 15.10.1976 के प्रवर्ण में वरियता वेतनमान रु 455 से 700 में करने की कृपा करें तथा वरियता क्रम के अनुसार अन्य वेतन मानों में भी पदोन्नति निर्धारित करने के लिये विचार करके उचित आदेश पारित करने की कृपा करें। आपकी मडान देना होगी।

Parashu Ram

सधन्यवाद।
दिनांक 3.8.88

True Copy
Attil Keerti

प्रार्थी
परशु राम दि 28/8/88

Anexure — 9/11

224

A34
x/16

बोमा नहीं/NOT INSURED

चिपके गये डाक टिकटों का मूल्य
Amount of stamps affixed

Rs. 6.30

क्रमांक/No. 3027

एक रजिस्ट्री*

प्राप्त किया

तारीख-मोहर
Date-stamp

Received a Registered*

पाने वाले का नाम

Addressed to

श्री मधुपरा दाम
गिरधर

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

U P C

सेवा में

श्रीमान मधुपरा दाम

बु. डा. के इन्चार्ज
वरिष्ठ (ड. पी.)

अंक/अ



Panshuram

True Copy
Attested
A. P. K. K. K.
A. K.

सेवा में,

श्रीमान् मंडाप्रबन्धक
पूर्वोत्तर रेलवे गोरखपुर ।

(H-35) AT

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

विषय:- दिनांक 1.8.1983 रीस्टक्विरिंग का लाभ
स्टेशन मास्टर ग्रेड रु 455-700 से वेतन का निर्धारण
न करके ग्रेड रु 425 - 640 सहायक स्टेशन मास्टर में -
निर्धारित करने की विसंगत के सुधार हेतु प्रार्थना-पत्र।

सन्दर्भ:- मण्डल रेलवे प्रबन्धक कार्मिक इज्जतनगर के पत्र सं 0 ई0/
पी0सी0/परशुराम दिनांक 21.7.1987

माननीय महोदय,

सविनय निवेदन है कि प्रार्थी मण्डल रेलवे प्रबन्धक कार्मिक 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। चूंकि दिनांक 15.10.76 के पत्रांक सं 0 ई0/248/परिचालन/अपग्रेडिंग/11/के द्वारा स्टेशन मास्टर रु 455-700 में चुना गया था तब से प्रार्थी दिनांक 11.12.1976 से लगातार इसी वेतन मान में कार्यकर्ता रहा है। दिनांक 8.3.1981 को ग्रेड रु 455-700 की लिखित परीक्षा स्टेशन मास्टर के चयन 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 कनिष्ठ - कर्मचारियों के नियमों को उलन्धन करके चुना गया जबकि प्रार्थी का नाम - अनुसूचित जाति की वरियता सूची में प्रथम स्थान था। जो कि रेलवे परिषद के पत्रांक ई0/एनसी/आई/75/पीएनएम/284 दिनांक 25.1.1976 का दृढ़ तौर पर उलन्धन करके प्रार्थी के साथ घोर अन्याय किया गया है।

प्रार्थी अभी से न्याय के लिये प्रार्थना करता आ रहा है। पुनः रेलवे परिषद द्वारा रीस्टक्विरिंग में सभी रेल रेल कर्मचारियों को लाभान्वित किया गया है लेकिन मुझे रु 455-700 से वेतन मान का निर्धारण न करके दिनांक 1.8.1983 से रु 425-640 सहायक स्टेशन मास्टर के मूल वेतन में मान कर निर्धारण किया गया है जो प्रार्थी के विचार से घोर अन्याय हुआ है चूंकि लगातार सात-सात तक एक ग्रेड में कार्य करने के पश्चात वेतन मान का लाभ न देना न्यायोचित नहीं है क्योंकि प्रार्थी दि 11.12.1976 से लगातार रु 455-700 में कार्य करता आ रहा है।

अतः प्रार्थी अन्त में पुनः निवेदन करता है कि प्रार्थी के अ साथ शीघ्र न्यायोचित कार्यवाही करने की कृपा की जाये। 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 न्याय पाने हेतु न्यायालय की शरण लेना आवश्यक हो जायेगा। अतः प्रार्थी बर्बरता से प्रार्थना करता है कि प्रार्थी के प्रार्थना-पत्र पर सहानुभूति पूर्वक - विचार करके नियमानुसार दिनांक 15.10.1976 के प्रवर्ण में वरियता वेतनमान रु 455 से 700 में करने की कृपा करें तथा वरियता क्रम के अनुसार अन्य वेतन मानों में भी परोन्नति निर्धारित करने के लिये विचार करके उचित आदेश पारित करने की कृपा करें। आपकी मडान दया होगी।

Rasul Khan

सपन्यवाद।

दिनांक 2.5.88

True copy

Attested

Hulkari

प्रार्थी

परशुराम दि 22.8.87

उत्तराखण्ड

A 26

17/48

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 6 पं० 25
Amount of stamps affixed Rs. P.

एक रजिस्ट्री*.....प्राप्त किया

Received a Registered*

पाने वाले का नाम श्री. श्री. सुप्रकाश सुंदर रॉय

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

क्रमांक/No.
1177

तारीख मोहर
Date Stamp



बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 6 पं० 25
Amount of stamps affixed Rs. P.

एक रजिस्ट्री*.....प्राप्त किया

Received a Registered*

पानेवाले का नाम श्री. श्री. सुप्रकाश सुंदर रॉय

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

क्रमांक/No.

1178

तारीख मोहर
Date Stamp



Pragathi Rao

True copy
Attested
Hulbeethi

क्षेत्र में,

ASX

1/49

जी मान् महाप्रबन्धक
पूर्वांतर रेलवे, नौरपुर ।

हारा:- मण्डल रेल प्रबन्धक, पूर्वांतर रेलवे प्रबन्धक नगर।

विषय:- दिनांक 1-8-1983 में रीट्रिब्यूटन का लाभ ॥
स्टेशन मास्टर के ॥ रू 455-700 ॥ से वेतन का
निर्धारण न करके के ॥ रू 425-540 ॥ तथा यह
स्टेशन मास्टर में निर्धारित करने की विवेक के
द्वारा हेतु प्रार्थना- पत्र ।

संदर्भ:- महाप्रबन्धक ॥ जा ॥ नौरपुर के पत्र सं १०/250/
६/13/ए.एन.एम.डब्ल्यू./जी./ दिनांक 11-5-1984

गान्धी नदी,

विषय निवेदन है कि प्रार्थी दिनांक 15-12-1976 के पत्र सं
संख्या १०/210/नौरपालन/अप. ॥ ॥ ॥ के द्वारा स्टेशन मास्टर ॥ रू. 455-
700 ॥ से पुनः नया या तो के प्रार्थी १५० 11-12-1976 से लगातार इसी वेतन
मान में कार्य करता रहा है । दिनांक 8-3-1981 को ॥ ॥ रू 455-700 ॥ की
लिखित परीक्षा स्टेशन मास्टर के पत्र हेतु बुलाया गया था जिसमें मुझे सफल घोषित
किया गया । लेकिन गौरीपुर परीक्षा दिनांक 24-3-1981 को आयोजित की गयी
की उम्मीद मुझे सफल घोषित किया गया था कि प्रार्थी का नाम अनुसूचित जाति की
वर्गीयता सूची में प्रथम स्थान था लेकिन निम्नलिखित निर्धारणों को नियमों का उल्लंघन
करके पुनः किया गया । जो कि रेलवे परिषद के पत्र सं १०/एन.टी./आर्.०-73
पी.एन.एम./264 दिनांक 25-1-1976 का मुझे तौर पर उत्तरवाक्य करके प्रार्थी के
लाभ और अन्याय किया गया ।

प्रार्थी तभीसे न्याय के लिये प्रार्थना करता आ रहा है पुनः
रेलवे परिषद द्वारा रीट्रिब्यूटन में सभी रेल अधिकारियों को लाभान्वित किया
गया है लेकिन मुझे ॥ रू 455-700 ॥ से वेतन मान का निर्धारण न करके दिनांक
1-8-1983 से ॥ रू 425-540 ॥ तक तत्काल स्टेशन मास्टर के मुक्त वेतन में
मान कर निर्धारण किया गया है जो प्रार्थी के विचार से घोर अन्याय हुआ है ।
सु: कि लगातार बात बात तब तक के ॥ रू ॥ में कार्य करने के पश्चात वेतन मान का
लाभ न देना स्वीकृत न्यायोचित नहीं है क्योंकि प्रार्थी १५० 11-12-1976 से
लगातार ॥ रू 455-700 ॥ में कार्य करता आ रहा है ।

अतः प्रार्थी अन्त में पुनः निवेदन करता है कि प्रार्थी के लाभ
की न्यायोचित कार्यवाही करने की कृपा की जाये । 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 न्याय पाने हेतु
न्यायालय को प्रण लेना आवश्यक हो जायेगा । अतः प्रार्थी अर्द्ध छ से प्रार्थना
करता है कि प्रार्थी के प्रार्थना पत्र पर तत्कालीन मुख्य विचार करके नियमानुसार
१५० 15-10-1976 के प्रकरण में वर्गीयता वेतन मान रू 455 से 700 में करने की
कृपा करें तथा वर्गीयता प्रम के अनुसार अन्य वेतन मानों में भी पक्षोन्नीत निर्धारित
करने के लिये विचार करके उचित आदेश पारित करने की कृपा करें । काम की मजाप
क्या होनी ।

सत्यमेव जयते ।

प्रार्थी

परशुराम ॥
स्टेशन मास्टर
नौरपुर

Sargu Ram

True Copy
Attested
Atul Kaur
Adv.

रखने में:-

श्रीमान महा प्रबंधक (कार्गिक)

पूर्वोत्तर रेलवे गोरखपुर

द्वारा -

माण्डल रेल प्रबंधक,

पूर्वोत्तर रेलवे इज्जतनगर।

विषय:- " स्टेशन मास्टर तैयान मान (455-700) की मौखिक परीक्षा-24-3-76 के सम्बन्ध में "

सन्दर्भ:- रेलवे बोर्ड नं. डी. (एन.सी.) 1-75 वी. स्म. रजम-26 दिनांक - 25-1-76 के अनुसार मौखिक परीक्षा में असफल घोषित करना अनुचित है।
 आह्वेदय, स्वीकृत निवेदन यह है कि प्रार्थी को दिनांक 15-10-76 को राहगाह स्टेशन तैयान मान (455-700) में चुना गया था, तब से मैं उपरोक्त पद की गोरमा कांय करने के लिए नियमित रूप से कर्तव्य निष्ठ एवं जिम्मा मितौ शिफारस के अपने दायित्वों का निष्ठापूर्वक निर्वाह कर रहा हूँ। यह स्टेशन मास्टर तैयान मान (455-700) में एक लिखित परीक्षा परीक्षा नं. 8-3-81 को हुई थी। निरासे मुझे भी शामिल होने का अवसर प्रदात किया गया था। तथा लिखित परीक्षा के मूल्यांकन के पश्चात् राफल घोषित किया गया था, किन्तु 24-3-81 की मौखिक परीक्षा में प्रार्थी को असफल घोषित कर दिया गया। जब कि प्रार्थी का नाम तैयान मान में प्रेषित था। एवं इसी तैयान मान में नवम्बर 1976 से लगातार काम करता आ रहा है, जब कि रेलवे बोर्ड के उपरोक्त आदेशानुसार अनुरोधित जाति के वरिष्ठ प्रार्थी को मौखिक परीक्षा में असफल घोषित करना राहगाह अनुचित कार्य ही नहीं बल्कि सरासरी पक्षपात व अन्नाय है। जब कि मौखिक परीक्षा में चयन किये गये अनुरोधित जाति के प्रार्थी जिनका कि तैयान मान स्टेशन (455-700) में चयन किया गया था, वे प्रार्थी से तैयान मान में काम हैं। इसी रूप से होता है कि अनु.जा. के वरिष्ठ प्रार्थी के साथ अन्नाय उपेक्षित हटि के 0, पक्षपात एवं अनुचित कार्य किया गया है।

अतः आप से करवद प्रार्थना है

राहगाह निरुपेक्ष विचार करके प्रार्थी के इस पक्ष में निरुपेक्ष करे।
 आपकी महान् कृपा होगी।

प्रार्थी - (परमराज)
 22/3/76

प्रेषित प्रतिलिपि -

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(A39) 1/5

सेवा में,
श्रीमान महाप्रबन्धक, पृ०उ०रे०, गोरखपुर

द्वारा:- म०रे०प०
कृ०उ०रे०इज्जतनगर ।

विषय:- स्टेशन मास्टर वेतनमान §455-700§ प्रकरण परीक्षा में अनुत्तीर्ण तथा वरीयता 1-12-76 के संबंध में ।

सन्दर्भ:- §1§ महा प्रबन्धक §का०§ गोरखपुर कापत्र सं० ई/254/4/13
स०स०स्म०डब्ल्यू§6§ दिनांक 11-5-84.

§2§ म०रे०प०इज्जतनगर का पत्र संख्या ई/पी०सी०/परसुराम स्टेशन
मास्टर/द्वितीय दिनांक 12-3-86.

महोदय,

सविनय निवेदन है कि प्रार्थी म०रे०प०इज्जतनगर के आदेश संख्या ई०/210/परिचालन/अपग्रेडिंग §1§ दि० 15-10-76 के द्वारा सहायक स्टेशन मास्टर §455-700§ में चुना गया था तभी से §1-12-76§ लगातार इसी वेतनमान में कार्य करता आ रहा है । प्रार्थी को पुनः 8-3-81 को -
§455-700§ स्टेशन मास्टर लिखित 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 वरीयता सूची में प्रथम स्थान का असफल घोषित किया गया जबकि कनिष्ठ कर्चारियों को चुना गया जो कि रेलवे परिषद संख्या ई/स्न-सी/175पी/स्न०स्म०264 दि० 29-1-76 का उल्लंघन कर प्रार्थी के साथ अन्याय किया गया प्रार्थी को आज तक §455-700§ से पदोन्नति नहीं किया गया है । एवं नियमानुसार सभी वरीयता वृद्धियां उक्त वेतनमान में मिलती आ रही है । तथा कोई भी ऐसा कार्य प्रार्थी से नहीं हुआ जिसके द्वारा उक्त वेतनमान के अयोग्य पाया गया । प्रार्थी ने 1982 से लगातार न्याय हेतु माननीय म०रे०प०इज्जतनगर से प्रार्थना करता आ रहा है एवं कठिन प्रयास के पश्चात् माननीय म०रे०प०इज्जतनगर ने दिनांक 12-3-86 के पत्र द्वारा उत्तर दिया जिसमें प्रार्थी के साथ कोई न्याय नही देने की बात नहीं साई गई एवं प्रार्थी उपरोक्त उत्तर से सन्तुष्ट नहीं हुआ है । अतः अब प्रार्थी आपके पास यह न्याय हेतु प्रेषित कर रहा है ।

अतः आपसे करवद्ध प्रार्थना है कि प्रार्थी के प्रार्थना पत्र पर उपरोक्त सन्दर्भित पत्रों की सहानुभूति पूर्वक अवलोकन कर नियमानुसार 15-10-76 कि प्रकरण में वरीयता वेतनमान §455-700§ में दी जावे तथा उसी वरीयता क्रम के आधार पर अन्य वेतनमानों में भी नियमता पदोन्नति निर्धारित करने के लिये विचार करके उचित आदेश पारित करने की कृपा

Sasanku Rai

True Copy
Attested
Atul Keshri
Adv.

Ah0
7/5

-2-

की जाय । एवं निर्णय से प्रार्थी को ~~स्व-प्रयत्न~~ भी सूचित करने की कृपा की जाये एवं प्रार्थी आपका आजीवन आभारी रहेगा ।

प्रथम संलग्नक:-

- ① Railway Board No E/14C/1-75 INM/266 of 25-1-76
- ② DRM (P) 12N No E/210/419/49/11 of 15-10-76
- ③ DRM (P) 12N No E/254/419/5M/11 of 17-5-81
- ④ DRM (P) 147 No E/210/419/5M/11 of 12-3-86
- ⑤ GM (D) GIC No E/254/413/15M/11 of 11-5-84.

अग्रिम प्रतिलिपि -सूचनार्थ एवं आवश्यक कार्यवाही हेतु:-

§1§ महाप्रबन्धक गोरखपुर

§2§ महाप्रबन्धक, काँहगोरखपुर

§3§ महामन्त्री मजदूर यूनियन, गोरखपुर ।

दिनांक -

आपका आज्ञाकारी,

ह0अमठनीय,

परसुराम §स्टेशन मास्टर§

मानोमऊ ।

ह0/- 11-4-81

सत्य प्रतिलिपि

Sarashu Ram

Annexure - 12

Office GM(P)
Gorakhpur
Dt. 31.1.74

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

All heads of Deptt.
All Division Supdts.
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 officiate 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)

Parashu Ram

*True copy
Attested
Atul K. Singh
Ady*

Annexure - B

कार्यालय आदेश

निम्नलिखित स्टेप 455-700 की पदोन्नति स्टेप 550-750 में अननितिम स्तर से उनके अपने वर्धित वेतन तथा स्ेशन पर अस्थायी स्तर से स्थायी अधिकारी के अनुमोदन द्वारा दी जाती है।

यदि पदोन्नति अननितिम स्तर से है तथा माननीय उच्च न्यायालय के आदेशों पर निर्णय निर्णय पर निर्भर रहेगी।

	पद स्ेशन	पदोन्नति पद	वेतन
	स्टेप	स्टेप	निर्धारण
1- श्री जे0एच0कुंहे	स्टेप 455-700 अगसौली	स्टेप 550-750 अगसौली	725/-
2- श्री आर0एस0जैन	स्टेप 455-700 रिहारोड	स्टेप 550-750 रिहारोड	725/-
3- श्री गोविन्द राम	स्टेप 455-700 केरगंज	स्टेप 550-750 केरगंज	725/-
4- श्री पारुराम(अजा)	स्टेप 550-750 तदर्थ माननीमड	स्टेप 550-750 माननीमड	675/5 700/- (1-12-86)
5- श्री रामेश्वर दयाल(अजा)	स्टेप 455-700 अवावर टाउन	स्टेप 550-750 पटियाली	590/-
6- श्री जगदीश राय(अजा)	स्टेप 550-750 तदर्थ ललौराडोडा	स्टेप 550-750 ललौराडोडा	630/0 650/0 (1-4-86)
7- श्री ललिता राम(अजा)	स्टेप 550-750 तदर्थ गुहसहायगंज	स्टेप 550-750 गुहसहायगंज	630/0 650/0 (1-11-86)

क्रम 1, 4, 6 व 7 तदर्थ में कार्यरत को नियमित किया जाता है।
क्रम 105 को स्थानान्तरण पर देय लगाने की हददी 10 दिन पास भारत
आदि देय है। उनके पास रेल यातायात से बाली को।

यदि कोई कार्यरत वेतनवृद्धि के लिए विवरण निम्न वेतनमान की
वेतनवृद्धि विधि से देना जाने लगे रहने के अन्तर में रहता है।

स्टेप 550-750 तेल ब्रजनाक(का)

20/11/86 जज्जतनगर

अध्या ई/210/स्टेप/परि0/11

दिनांक 17-2-86

प्रतिलिपि सूदनार्थ एवं आवश्यक कार्यवाही हेतु :

- 1- प्राप्ताधी/गिहरी/पतेधित/जज्जतनगर
- 2- स्टेप/स्टेप/अगसौली, रिहारोड, केरगंज, माननीमड, अवावर टाउन, पटियाली
ललौराडोडा गुहसहायगंज।
- 3- यातायात निरीक्षक/फतेहगढ़, पथुरा हा0, काठगोदाप की0सा0 पीलीभीत
- 4- कार्याधी(मिल)
- 5- निजी परिष्ठा

Parashuram

True Copy
H & Steel
H & Steel
Adv.

4

7
बनावा "कोव." २२/११/२०२०

31 July 1974

1-12-83 600/- (455.70)

1-12-63: 600/-

23 11 84 639- (55077035)
द्वारा (५५०७७०३५)

23. 11. 84 - 620/-

1- 12 84... 650/2

कमरवाणी के अतिरिक्त पट्टासन
नियम से 2017 R.A. व आवाग
निष्कारण, वनमान 75 550 7550 में
पदाकार पट्टा 1

1. निर्यात
 2. आयात
 3. निर्यात
 4. आयात
 5. निर्यात
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 8. आयात
 9. निर्यात
 10. आयात

503/172/पा१/क.स.सा/अ.पि.मं./न
श्री/वि.न 22.1.1962 परत आवाऱार
दि.20/3/85-
आवुलाई ई.ग.

$$\frac{d}{dt} \left(\frac{1}{2} \cdot \frac{1}{2} \cdot \frac{1}{2} \cdot \frac{1}{2} \right)$$

① ②

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Thine truly
H. C. Kelley
And Keester

Parashuram

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(m) 27.2.2014

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17/5/86

श्री. इंजीनियरिंग/पुण्य/स्टेशन/॥

कार्यालय
मंडल रेल प्रवक्ता
इलाहाबाद 12/5/86

श्री परमेश्वर
स्टेशन मास्टर
भानीमठ

विषय: हमें 455-700 प्रकरण परीक्षा
में अनुत्तीर्ण तथा नवीयता
सम्बन्धी सविबेदन

आपके उत्तर में 21-8-86 तिथि के
स्टेशन 455-700 में तदर्थ कार्य करने का
प्रमाण में उत्तीर्ण करने सम्बन्धी के प्रमाण
में सूचित किया जाता है कि स्टेशन
455-700 का पर प्रकरण पर है तथा
इसमें उत्तीर्ण का कार्य सम्पन्न है। तदर्थ
में कार्य करने पर प्रमाण में उत्तीर्ण
करने का कोई विषय नहीं है।

कुल मीटर (का)
रज

प्रतिनिधि - हित निरीक्षक कार्यालय हित
काय रणाय सदस्य
17/5/86 अ. 21/1/86

कुल मीटर (का)
रज

Parashuram

True Copy
Attested
Atul Keshri
AM

कार्यालय आदेश

ALS

निम्नलिखित सहायक स्टेशन मास्टर 455-700 जो एसपी 10 ई/ विजिलेन्स/दीर्घ शास्ति आदि पदोन्नति में बाधक मामलों से मुक्त है, को स्टेशन मास्टर पद पर वेतन म. 550-750 में तदर्थ रूप में पदोन्नत किया जाता है एवं उनके नाम के सामने अंकित स्टेशनों पर पद स्थापित किया जाता है।

क्र.सं.	नाम	वर्तमान पद और वेतन मान	वर्तमान स्टेशन	पदोन्नति पर पद स्थापना का स्टेशन	वेतन निर्धारण
1.	श्री परशु राम 30जा 0	सस्टेमा 455-700	कल्यानपुर	कल्यानपुर	630/-
2.	जगदीश राम	"	बी 0 सी 0	लली री डेड़ा	630/-
3.	ललिता राम	वि 0 दा 0 सस्टेमा 455-700	गुरसहायगंज	गुरसहायगंज वि 0 दा 0 स्टेमा के रूप में।	610/-
4.	सुख लाल 30जा 9	सस्टेमा 455-700	फतेहगढ़	स्वायम्	610/-
5.	नेम्हा लोकरा 30जा 0	"	फर्रुखाबाद	फर्रुखाबाद मुक्तक स्टेमा के रूप में।	550/-

उपरोक्त क्रम सं 5 नेम्हा लोकरा को पदोन्नति पर मुक्तक स्टेमा के रूप में फर्रुखाबाद, में ही स्थापित किया जाता है किन्तु यह वहां सस्टेमा के रूप में ही काम करेगा।

उपरोक्त कर्मचारियों की पदोन्नति विद्वधतः तदर्थ रूप में की गयी है अतः इनको इस पदोन्नत पद पर बने रहने अथवा धरणीयता आदि का लाभ नहीं मिलेगा। ये पदोन्नतियाँ स्थायी/स्टेमा 700-900 के ऐसे पदों को अस्थायी रूप में वेतन मान 550-750 में डाउन ग्रेड करके की गयी है एवं वेतन मान 700-900 के नियमित कर्मचारियों के उपलब्ध होने पर इनको पदावनत किया जा सकता है।

प्रमाण: 2/-

Parashu Ram

True Copy
Attested
Atul Kanti

श्रीमान

श्रीमान मंडल रेल प्रबंधक (कार्मिक)

A-46

पूर्वोत्तर रेलवे इज्जतनगर

विषय - पदोन्नति रिस्ट्रिक्चरिंग

संदर्भ : कार्यालय के पत्र संख्या ई. पी. सी. परशुराम/स्टेम।
दिनांक 21.7.87 के संबंध में

महोदय,

विनम निवेदन है कि प्रार्थी के द्वारा की गयी अपील में उपरोक्त पत्र प्राप्त हुआ है जिसमें आप के द्वारा सूचित किया गया है कि मेरे द्वारा की गयी अपील का उत्तर पत्र संख्या 12/12/86 द्वारा दिया गया है। लेकिन दिनांक 12/12/86 का पत्र प्रार्थी के प्राप्त नहीं हुआ है।

अतः आप से विनम निवेदन है कि उपरोक्त पत्र की प्रतिलिपि शीघ्र भेजें की हुमा करें।

गहम दया होगी

प्रार्थी -

परशुराम

वि. व. स्टेशन

उत्तरीपुरा

12.11.87

Parashuram

True Copy
Attested
Atul Bhatt
Adv.

35

15/5

N. E.-G. 40
RB-GL. 19

दिनांक (Dated) 21/7/87
 सेवा में To श्री परशुराम
 श्री जीसी परशुराम रेमा
 मंडल एल एंड कंपनी (का.)
 इ. ए. ए. ए.
 पदोन्नति रिट्ट मनीग
 उत्तरी पुत

2021/07/18
15 (31)
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Passerby

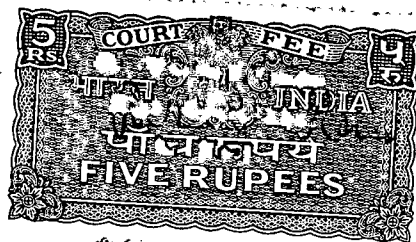
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Attested
Atul Kanti
Adv.

36

In the Court of Central Administrative
व्यवधानत श्रीमान Tribunal Circuit महोदय

वादी (मुद्दे) का वकालतनामा
प्रतिवादी (मुद्दे)

Parashuram
W
Union of India



A 48

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वादी (मुद्दे)

वनाम

प्रतिवादी (मुद्दे)

नं० मुकदमा सन १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अर्पण ओर से श्री

ATUL KEEERTI (Advocate) एडवोकेट

Zishan Ahmad Advocate

वकील

426 Rajendra Nagar
Lucknow
220007

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

हस्ताक्षर.....

साक्षी (नवाह)..... साक्षी नवाह.....

दिनांक ३.1.....

सदीना 11..... 1988

Accepted
Atul K. Keerti
Zishan Ahmad
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi

Additional Bench - Allahabad

Circuit Bench - Lucknow.

C.M. Am. No 55/09(1)

SA 206/0101(1)

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.

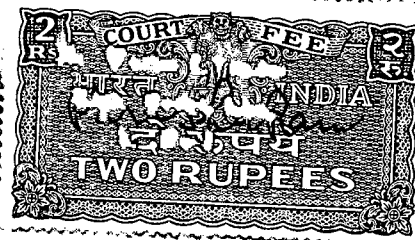
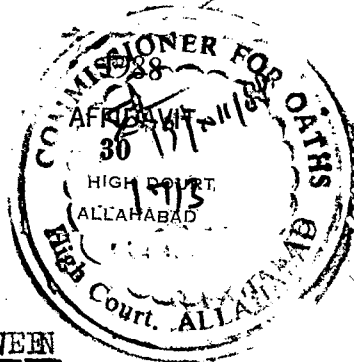
Lucknow:

Dated: 30/3/89

Parashu 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

A F F I D A V I T

I, Parashu Ram, aged about 47 years, son of Sri Kalyan Prasad, resident of 76 Bheem Nagar, Janta Girls

Inter College, Alambagan, 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~~^{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~~^{reasons} 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

Parashu Ram
Deponent

V e r i f i c a t i o n

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 Kcorti
Jdy

Parashu Ram
Deponent



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

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

Parshu RamApplicant.

Versus

Union of India and othersRespondents

Fixed For : 9.1.90

*Recd Copy
of objection
mtd. - 31/10/89
Blk Kent*

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

I, S. D. Ray *Asst. Personnel Officer in the office of*
working as Divisional

Railway Manager, North Eastern Railway, Izatnagar,
Bareilly, do hereby affirm and state as under-

*f.T.
Shub
30/5/90*

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. Ray
9.11.89
Assistant Personnel Officer
N. E. Railway, Izatnagar

by the respondents to file this objection
on their behalf.

4/5
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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 applicants 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^{tion} 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

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Skw
9.11.89.
Assistant Personnel Officer
N, E. Railway, Azathagar

circumstances has been explained to justify ^{it} the delay.

6. That the contents of para 3 of this affidavit are not admitted as stated. The applicant has failed to give complete detail ⁱⁿ respect of this case. He has not stated since when he ^{is} 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~~ed~~, though he had galified 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

Skand
9.11.89
Assistant Personnel Officer,
S. E. Railway, Bangalore

A/6

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 paras 7 and 8 of this affidavit are not admitted as stated.

Lucknow : Bly

Dated : 9/11/88

SKAD
9.11.88

VERIFICATION

=====

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

Dated :

SKAD
Assistant Pers. 9.11.88
J. E. P.

Filed To
E
4/7/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1112 OF 95

Inre;

O.A.NO. 206 OF 88.

Parashu Ram ---

APPLICANT.

VS.

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

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(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.

AS
(Anil Srivastava)
Advocate.

Counsel for the respondents.

A/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

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

Inre;

O.A. NO. 206 OF 1989.

A 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.

#2
(Anil Srivastava)
Advocate.

Counsel for the respondents.

om
Sr. Divisional Personnel Officer
N. E. Railway, Lucknow

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, ~~xxxx~~ 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
applidation are as under:-

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A/182

(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 payscale of Rs. 110.-200. Accordingly the applicant was

Sd/-
N. E. Railway, Manager

17/11

(4)

appointed as A-2 Signallar vide COPS letter no.

E/T/227/1 Pt.III dated 7.3.63, which was communicated to the applicant vide DTS/FGK letter no. E/Parashuran/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.

8/75

(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

1



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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

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(8)

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.

dm
Sr. District Personnel Officer
Railway, Lucknow.

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

(9)

to any relief as claimed in the original application rather the original application itself is devoid of merit and deserves to be~~d~~ 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;

9/7 /1995.

Sgt. J. H. [illegible] and Officer
[illegible]

Sd/- Divisional Personnel Officer
N. E. Railway, Itanagar

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; 4/7/1995.

¹⁸
(Anil Srivastava)
Advocate.

Counsel for the respondents.

2064
Central Administrative Tribunal
Lucknow Bench, Lucknow
Date of Filing 14.11.95
Date of Receipt by Post



1994
AFFIDAVIT
HIGH COURT
ALLAHABAD

parashu Ram.

.... Applicant.

Versus

Union of India & others.

... Opposite Parties.

F. F. - 28-11-95
- 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) Ambagh, 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 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 para wise 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

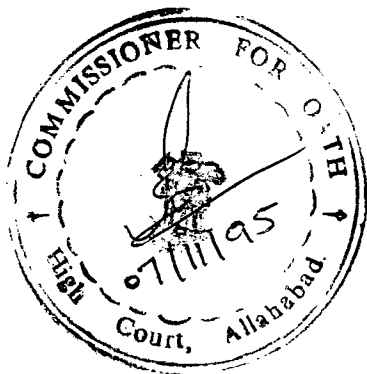


Parashu Ram

Central Administrative Tribunal

a representation continually ^{known} ~~known~~ ^{by} ~~by~~ the concerned railway department always ^{assisted} ~~assisted~~ ⁱⁿ ~~in~~ ^{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 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 E.P.O's / Additional C.P.O's specific sanction. (R.B's No. E (NG) 1-72-PMT/227 of 31.10.72) (N.R.S. No. 5775) and (E(NG) 1-72-PMT/227 of 31.10.72) (N.R.S. No. 6328). 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 (SC)-68 OM 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



Parashu Ram

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 Tribunal's 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.



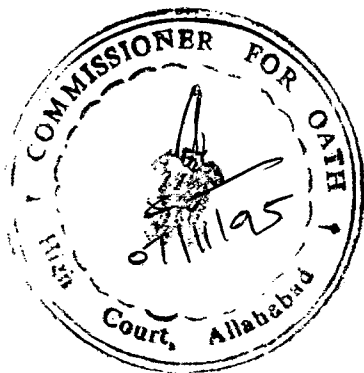
Gorakshu Ram

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 notional 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 :-

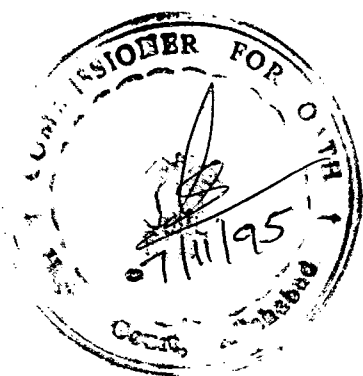
(1) That the contents of para 1 of counter affidavit mentioned in the column of reply to the fact are denied. In fact the applicant was selected by the Railway Commission Allahabad vide letter no. 49-E (R/S) 1 dated 1.1.63 for the post of A-2 Signaller and got 1st merit position on 7.2.63. The applicant 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,



Parashu Ram

whether the applicant would like to work as Station Master or A.S.M. The applicant gave his consent in the year 1979 and since 1979 the applicant working as Station Master on adhoc basis. The applicant already filed the photostat copy of order dt. ~~28/2~~ 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 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



Sarvashu Ram

17.3.81 directed the applicant to appear in the 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 A2 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. Thereafter 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

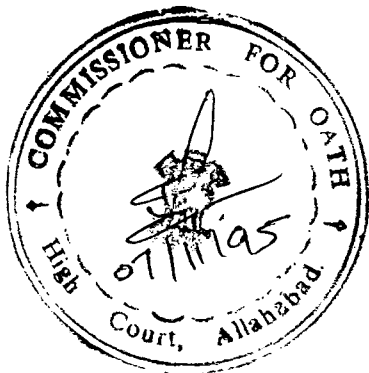


Rajeshu Ram

the applicant appeared. It is pertinent to mention here that it was declared in (R.B.'s No. 169 of 1969 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



Jayashree 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.



Dasrath Ram

(10) That in reply to the contents of para 10 of heading ² ~~reply~~ ^{in the} 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 ² ~~reply~~ ^{in 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 notional benefits alongwith benefit of promotion since the date of promotion on the post of Assistant Station Master as per rule provided in ² ~~of 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 ² ~~reply~~ ^{in the} 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



Jasbir Ram

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service record of Sri Pyarelal, Sri Shankhwar 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 senior most 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 serials the applicant is entitled to get all notional benefits including the benefits of



Harshu Ram

promotions since the date of selection on the post of Assistant Station Master. The contents of para 14 of leading 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 *in pay scale of Rs. 700-900 on 1-8-83 as he passed the test in 1981* 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-Clause (i) in the original application. The contents of para 15 of heading reply *to facts of* to the 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

Barinder Ram
Deponent.

XXXXXXXXXXXXXXXXXXXX

V e r i f i c a t i o n .

Dy. 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.

Parashu Ram
Deponent.

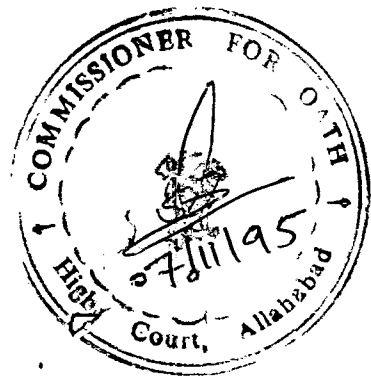
I, identify the deponent who has signed before me. Personally known to me

Atul Keerti

(Atul Keerti)
Advocate.

Solemnly affirmed before me on 07th day of November 1995, at 11⁰⁰ A.M. ^{At home} by Sri Parashu 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.



E.K. Nigam
Advocate Oath Commissioner
Allahabad High Court
Lucknow Bench Lucknow.
No. 9/16-26 Dated 07-11-95

1912
Central Administrative Tribunal
Lucknow Bench
Date of Filing... 21.8.97
Date of Receipt by P.C.N. ...

P.F. - 21/8/97

1 st. Np.

8/3

[Signature]
For C.A.T. Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.A.T. NO. 1033 OF 1997.

Inre;

O.A. NO. 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 ~~liable~~ liable to be condoned.
4. That it is expedient in the interest of
justice that this Hon'ble Tribunal may

Az

Uttarakhand Administrative Tribunal
Dehradun Bench
Date of Filing
Date of Receipt
X/94

Dr. Rajendra Prasad

(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.
Date of Filing
Date of Receipt

for
C.A. No. 206 of 1988

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.A.P.NO. 1831 OF 1997.

Inre;

C.A.NO. 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.

(ANIL SRIVASTAVA)
ADVOCATE.

Counsel for the respondents.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BRANCH LUCKNOW

C....NO. 206 OF 1988

Parashu Ram ---

APPLICANT.

Vs.

Union of India & others---

RESPONDENTS.


SUPPLEMENTARY COUNTER REPLY TO REJOINDER

I, R.K. Patashas, 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 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, Izzatnagar

(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 payscale of Rs. 110-200 on 16.8.63. He was promoted on the post of Assistant ^{Station} Master in the payscale of Rs. 130-225 vide order dt. 18.9.63 subsequently he was further promoted on the post of Assistant Station Master

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(4)

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. ~~xx~~ 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.

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

A/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 ~~X~~ as a result of restructuring he was regularly promoted on the post of Station Master in payscale of Rs. 455-700. The 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 in the payscale of Rs. 700-

Om
Sr Divisional Personnel Officer
N. E. Railway, Izatnagar

900 revised payscale Rs. 2000-3200 on which the

General Administrative Department
Docket No. 101
Date of Filing
Date of Receipt by Post

Dr. B. B. B. B.

(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.

per /
Sr. Divisional Personnel Officer
N. E. Railway, Izatnagar

General Administrative Order
Arbitration Bench
Date of Filing
Date of Receipt by
A/102

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(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 pay scale 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 counter reply are reiterated. The applicant

Sy Divisional Personnel Officer
N. E. Railway, Izatnagar

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(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.

DM
Sr. Divisional Personnel Officer
N. E. Railway, Izatnagar

Central Administrative Tribunal
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Date of Filing
Date of Receipt by

Dr. Bhatnagar

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(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 ~~re~~ 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.

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.

Divisional Personnel Officer
N. E. Railway, Izatnagar

LUCKNOW: DATED:

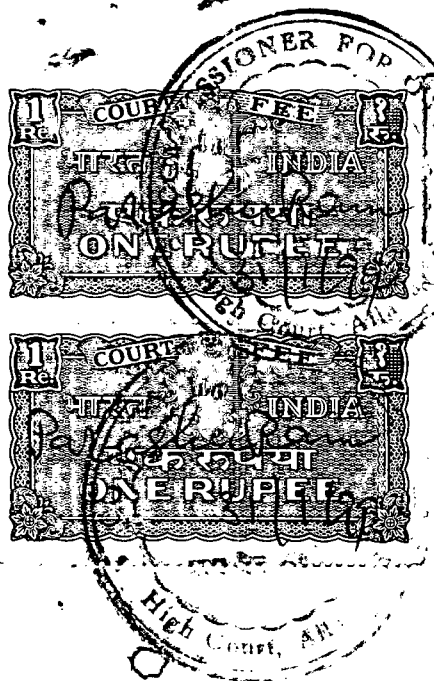
8/12/1996.

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

Case No. 206/88

Lucknow Bench

Date of Filing 16/3/88

Date of Receipt by Court

658

Parasu 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

Kept for file
2/1/99

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 ~~and~~ 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 ~~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~~ 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



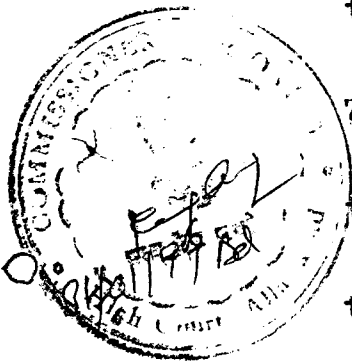
Parashuram Ramesh

counter reply are wrong and incorrect and are denied.

6. That in reply to the contents of para 7 of the counter reply 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, in correct 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. 41-132 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



Parashu Ram

X/108

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-~~A~~ 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 decision 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-



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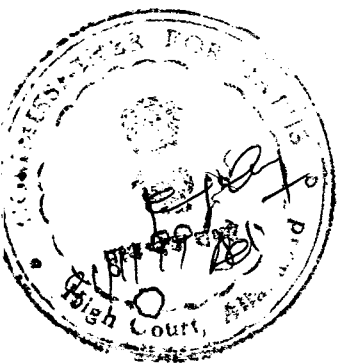
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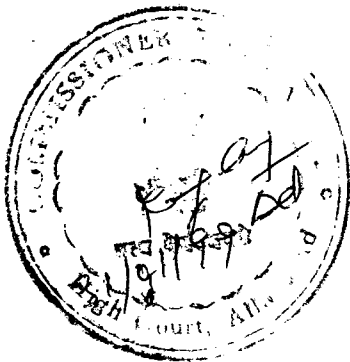
cant is a Scheduled Caste candidate and was appointed as Assistant Station Master on 10-10-76 in pay scale of Rs. 455-700, thereafter he was promoted as Station Master in 1979 on adhoc basis but in clear vacancy but he is not given seniority of 1976 in pay scale of Rs. 455-700 where as the other Juniors 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 Commission. The applicant is at the top of the list of Scheduled 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.

Parashu Ramu



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 empodied as annexure no.5. The contents of para 12 of the Supplementary Counter ^{affidavit} which are contrary to the contents of para 14 of Rejoinder ^{affidavit} are denied while the contents of para 14 of the Rejoinder ^{affidavit} are correct and are reiterated.



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

13. That the contents of para 14 and 15 of Supplementary Counter ^{affidavit} 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 Ram

~~17/1~~

STATE GOVERNMENT OF UTTAR
PRadesh Bench
Date of Filing
Date of Receipt by Deptt.

Verification

I, the above named deponent do hereby ~~ver~~ 1080
that the contents of para 1, 2, 4, 5, 6, 8, 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.

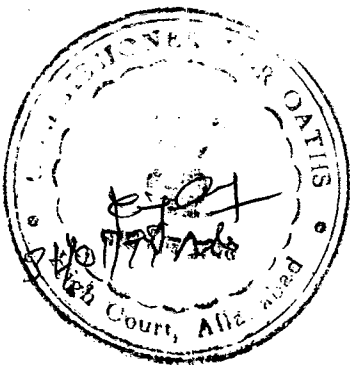
Lucknow

Dated 31-1-99

Parashu Ram
Deponent

I identify the deponent who has
signed before me.

Atul Kanti
Advocate.



Rajesh Nigam
~~Advocate~~
JUDGE
OATH COMMISSIONER
Allahabad High Court,
Lucknow Bench, Lucknow.
to-68/373 Date: 31/1/99

Parashu Ram

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE OF
Review A No 829/91 in OA 206/88

NAME OF THE PARTIES.....
Parashu Ram Applicant

Versus

.....
Union of India. Vers Respondent

Part A, B & C


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3	Index sheet	A13
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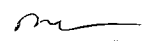
CERTIFICATE

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

Handled out
Dated... 23-5-12-

Counter Signed.....


Section Officer / In charge


Signature of the
Dealing Assistant

(M)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Review Application No. 829 of 1991

IN

Registration U.A. No. 206 of 1988

Parashu Ram Applicant.

Versus

Union of India
and Others Respondents.

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

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

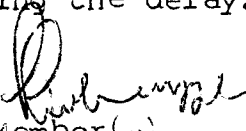
This review application is directed against the order and judgment dated 5.2.1991 passed by a Bench (Hon. Mr. K. Obayya, A.M.) of this Tribunal in which one of us was a Member dismissing the application summarily on the ground that it was barred by time. As the applicant was not called for selection, 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 *occurred more about the Tribunal was advised of hearing arguments* of the lawyer should not prevail and on the mistake


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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 (a)


Vice-Chairman

Dated: 25.6.1992

(n.u.)

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Before the Central Administrative Tribunal
Lucknow Bench, Lucknow.

Review 829/91C4

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 30/12/91
Date of Receipt

AKS
Deputy Registrar (A)
syf

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 Northh
Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railways
Izzat Nagar.
3. Divisional Railway Manager North Eastern Railway
Hazrat ganj, Lucknow.

..... Respondents.

Review Ap-plication 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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Filed today

syf

30/12/91

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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. J. K. 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

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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 opportunity to the applicant to put his facts and grounds before the Hon'ble Court and ^{pass} order for the setting aside of the order dated 5-2-91 and restore the case to its original number.

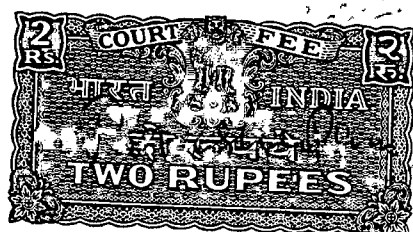
Lucknow

Dated : 20-12-91

Parashu Ram
Applicant.

(4) 2/6

Before the Central Administrative Tribunal
Lucknow Bench, Lucknow.



1991
AFFIDAVIT
20/12/91 69
HIGH COURT
ALLAHABAD

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~~ ^{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).

11/12/91
20/12/91
Parashu Ram

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3. That the said case was fixed for 5-2-1991 before J.K. Hon'ble Mr. Justice W. 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 ~~applicant~~ 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.

For ahu Ram

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Lucknow
Dated - 20-12-91

Parashu Ram
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 20th day of December, 1991 in court compound at Lucknow.

Lucknow

Dated : 20-12-91

Parashu Ram
Deponent.

I identify the deponent who has signed before me.

Shri Keerti

Advocate.

Shri Keerti

Solemnly affirmed before me on 20-12-91 at 11:00 A.M./P.M. by Sri Parashu Ram who is identified by Shri Shri Keerti

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.

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