

OK

As directed by the
Court's order dt. 29-1-90
no reply has been
filed.

Submitted for order

w
9/3/90

12390

From DK Aggarwal Jm.
Hon K Obayya AM.

Shri D. Bhatt for Applicant.

Shri Sanjiv Kumar for Brief
holder of Shri D. N. Verma,
counsel for respondent.

In this case counter affidavit
has not been filed in spite of several
opportunities. The petitioner is retiring
in Feb, 1990, therefore, his anxiety
is that the case be decided at
an early date. There is no
justification for the respondent not
to have filed counter so far.

However, in the interest of justice
one last opportunity is being given
to the respondent to file counter
affidavit. Let the counter be
filed within 4 weeks, failing
which the respondent will forfeit
the right of the same. Rejoinder
be filed within 2 weeks. List
for hearing / ex-parte hearing
on 1-6-90. Copy of the
order be provided to the
counsel for the respondent, as
desired.

AM

Jm.

OK

No reply file
Case is submit
for ex-parte hearing
by the Court's order

123-90

1

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A. No. 275/2011 of 199

Name of the parties _____

Applicant.

Versus.

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
1	Check book	2
2	...	2
3	...	6
4	...	2
5	...	2
6	...	2
7	...	2
8	...	2
9	...	2
10	...	2
11	...	2
12	...	2
13	...	2
14	...	2
15	...	2
16	...	2
17	...	2
18	...	2
19	...	2
20	...	2
21	...	2
22	...	2
23	...	2
24	...	2
25	...	2
26	...	2
27	...	2
28	...	2
29	...	2
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31	...	2
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95	...	2
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97	...	2
98	...	2
99	...	2
100	...	2

9. Power

no further action is required to be taken and that
compliance to the said order (2)

Check

24/6/2011

90(J)

GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

4/10/87

Registration No. 275 of 1989(i)

APPLICANT(S) Ram Kumar Singh & Others

RESPONDENT(S) Union of India & Others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?
b) Is the application in paper book form?
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?
b) If not, by how many days it is beyond time?
c) Has sufficient cause for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs. 50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/referred upon by the applicants and mentioned in the application, been filed?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Two sets filed

Yes

-

Yes

Yes

Yes

Yes

-

Yes

Yes

Yes

-

Particulars to be Examined

Endorsement as to result of examination

- | | |
|---|-----|
| 1. Application/duplicate copy/separate copies signed? | Yes |
| 2. Are extra copies of the application with Annexures filed? | Yes |
| a) Identical with the Original? | Yes |
| b) Defective? | |
| c) Wanting in Annexures | |
| 3. Have the file size envelopes bearing full addresses of the respondents been filed? | |
| 4. Are the given address the registered address? | Yes |
| 5. Do the names of the parties stated in the copies tally with those indicated in the application? | Yes |
| 6. Are the translations certified to be true or supported by an Affidavit affirming that they are true? | |
| 7. Are the facts of the case mentioned in item no. 6 of the application? | Yes |
| a) Concise? | Yes |
| b) Under distinct heads? | Yes |
| c) Numbered consecutively? | Yes |
| d) Typed in double space on one side of the paper? | Yes |
| 8. Have the particulars for interim order prayed for indicated with reasons? | Yes |
| 9. Whether all the remedies have been exhausted? | Yes |

gindshy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 0ANo. 275/89(4) of 198 .

(A/1)

APPELLANT
APPLICANT

Ram Anwar Singh 2 or

VERSUS

DEFENDANT
RESPONDENT

G.M., NE Rly. 2 or

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

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

5/10/89

Shri Deefankar Bhatta, Counsel for the applicant heard at length. At the end the learned counsel for the applicant desired time to place certain more facts.

Put up this case on 11-10-89 as prayed for.

The application No. 267/89(4) to join together all the applicants in one application, is allowed.

D.K.
J.M.

Submitted for
admission
L
9/11

(SNS)

No Selling Adj. to 16 x 80
Counsel for applicant is present

L

Hon. D.K. Agrawal, J.M.
Hon. K. Chatterjee, A.M.

Admit.

11-10-89

16 x 89

See
original order on
motion
petition

an
notice given

10/10/89

62
On 10/10/89

Notice re
any concerned
has been taken
submitted

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Lucknow Circuit Bench

D.A. No.
J.A. No.

275

1989 (L)

DATE OF DECISION _____

Ram Anwar Singh Petitioner

Shri D. Bhatta
M. K. Bhargava Advocate for the Petitioner(s)
" Rakesh Asthana versus

C. M. NER Respondent
Gorakhpur Division

Shri Arjun Bhargava Advocate for the Respondent(s)
" A. V. Verma

CORAM :

The Hon'ble Mr. Justice K. Nath, Jc.

The Hon'ble Mr. K. Obayya, Jm.

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

.....

Ghanshyam/

10/12/90

A3
1

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Lucknow Circuit Bench
Registration O.A. No.275 of 1989(L)

Ram Autar Singh Applicant

Versus

General Manager, North Eastern Railway,
Gorakhpur & Others Respondents

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

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

(By Hon.Mr.K.Obayya, AM)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the respondents to quash the order of promotion of respondent No.5 dated 24.10.1989 and to promote the applicant in accordance with the old channel of promotion by extending the benefit of the order of this Tribunal dated 21.1.88 in O.A. No.129 of 1986 with all consequential benefits.

2. The applicant's initial appointment was to the post of Ticket Collector (TC) in the North Eastern Railway in the grade of Rs.260-400. The channel of promotion from the post of Ticket Collector is to the post of Senior Ticket Collector (Rs.330-560) and thereafter to the post of Head Ticket Collector (Rs.425-640). Further promotion was to the post of Chief Ticket Collector (Rs.550-750). This is a regular channel of promotion. There is also another channel of promotion whereby exercising option a Ticket Collector could be promoted to the post of TTE (Rs.330-560) and further promoted to the post of Travelling Ticket Inspector(TTI) (Rs.425-640) and from there to the post of Chief Ticket Collector. The promotion in both the channels was on the

b

- 2 -

basis of seniority-cum-fitness. In this system there was common grade at the level of initial recruitment as Ticket Collector and also at the level of Chief Ticket Collector where the post in the Ticket Collector and the TTE line came to be merged. Beyond this, the promotion was on the basis of selection. The feeder post for the promotion of Chief Ticket Collector was the grade of Rs.425-640 where persons in the same grade working as Platform Inspector, Conductors etc. were also eligible for promotion to the post of Chief Ticket Collector. While this was so by an order dated 20.11.84, General Manager, North Eastern Railway, Gorakhpur passed the orders acting on the instructions of the Railway Board for merging of all channels and constituting one cadre right from the post of Ticket Collector to the post of Chief Ticket Collector. In other words, the optional line of TTE, TTI etc. was done away with.

3. Aggrieved by the above said order some of the employees who were already working in the grade of Rs.425-640 moved this Tribunal in O.A. No.129 of 1986. Their contention was that they are already working in higher post duly selected under the old channel of promotion and as such they should not be made to look back to their old seniority but they should be allowed to take seniority from the promotion post. The Tribunal considered their contentions and upheld that their seniority should not be disturbed. The applicant in the instant case claims that he is similarly placed and as such the benefit of that decision should also be extended to him but his representation to the authorities in this regard have been of no avail.

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12/3

- 3 -

4. The respondents have not chosen to contest the case. We have heard the learned counsel for the applicant and also perused the record. The basis of the claim of the applicant is the order of this Tribunal in O.A. No.129 of 1986. We have carefully gone through this order. The Tribunal upheld the order of General Manager dated 24.10.85 so far as it related to abolition of multi channels of promotion and making it a common cadre for the Ticket Collectors irrespective of the post they held subsequently. The Tribunal's view was that the cut off date which was subsequently fixed as 31.12.83 was not sustainable on the ground that the new cadres came into existence on 1.12.84 and that the applicants had already been promoted under the old system. They observed that "there was no necessity of making this adjustments and therefore the applicants should be allowed to continue on the post to which they had been promoted in the grade of Rs. 550-750 in the combined cadre on the basis of the old avenue of promotion chart".

5. We do not wish to comment on the order of the Tribunal so far as the necessity or otherwise ^{of fixing a cut off date} ~~perhaps~~ one view could be that the Tribunal could not go into the aspects of necessity or otherwise but we could only look into whether the orders were just and proper.

6. A careful scrutiny of the order dated 21.11.84 indicates that the principle of combined cadre scheme would be brought into effect from 1.12.1984. The

[Signature]

A-3
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- 4 -

reasoning given in para 3 is as follows :-

"At the present moment upto scale of Rs.425-640 TTEs cadre and the TCs cadre are separate. The merger is taking place at Rs.550-750 grade and, thereafter Rs.700-900 grade is a Selection post for the combined cadre.

For the Commercial purposes, the work of the Ticket Collector and TTE are same in content. So both the cadre will henceforth be a combined cadre. All the new entrants and those who are now working in the initial grade of Rs.260-400 on the T.C. side and LR TC side, will be utilised henceforth to TTEs side, ^{and} the seniors will work on the line and juniors at stationary posts. The options so far taken from people to work as TTEs and not yet promoted, should also be cancelled and they will all be put on a common pool.

In order to protect the interest of people who have already been promoted from the initial grade to the higher grades on the basis of separate avenue of promotions, the avenues of the TCs cadre and TTE cadre from grades Rs.330-560 right upto 700-900 will be independent for promotion and there will be no merger of the two cadres at any intermediate point i.e. Rs.550-750 or Rs.700-900 over a period of time, the existing incumbents of a separate cadre will run out the system and the combined cadre will get established at each level of promotion."

A-3
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- 4 -

reasoning given in para 3 is as follows :-

"At the present moment upto scale of Rs.425-640 TTEs cadre and the TCs cadre are separate. The merger is taking place at Rs.550-750 grade and, thereafter Rs.700-900 grade is a Selection post for the combined cadre.

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In order to protect the interest of people who have already been promoted from the initial grade to the higher grades on the basis of separate avenue of promotions, the avenues of the TCs cadre and TTE cadre from grades Rs.330-560 right upto 700-900 will be independent for promotion and there will be no merger of the two cadres at any intermediate point i.e. Rs.550-750 or Rs.700-900 over a period of time, the existing incumbents of a separate cadre will run out the system and the combined cadre will get established at each level of promotion."

From the above it would appear that the Railway Administration has been fair and they have protected the interest of those who were already promoted according to the old channel. They were not to be reverted even if they become junior in the revised common cadre seniority but their promotion would be reckoned against future vacancies as per their turn. One view could be that the revised channel of promotion brings in a larger measure of equality & that the seniority at the initial stage is given due weightage for further promotions. since such

(43/5)

promotions being solely on the basis of seniority and also the administrative point of view appears to be that a larger cadre will enable them flexibility to pick right and proper people for right jobs based on performance; their placements would be on either line jobs or stationary jobs. It is also indicated that the seniors should be preferred for line job and juniors would remain in stationary jobs. As these orders were issued to subserve larger interests of the employees and provide a unified channel of promotion right from the entry point as T.C. (Rs 260-400) upto C.T.C. (Rs 550-750) giving leverage to the administration to post employees to line jobs and stationary jobs based on their performance and suitability, eliminating draw backs inherent in the multi-channel system of juniors marching ahead of their seniors by taking ~~optional~~ optional TTE channel, we are of the view that the contention of the applicant that introduction of single system has caused hardship is misplaced. We consider that these orders are in the right direction to ensure promotions on principle of seniority-cum-fitness; promotions upto 550-750 grade being on the basis of seniority.

7. The orders dated 20.11.84 are to be effective from 1.12.84, according to the Railway Board circular. But this date has been pushed back to 31.12.83 by order dated 16.5.85 ^{of} the General Manager, Northern Railway. The latter order by the G.M. modifying Board's orders are liable to be quashed, as G.M. cannot negate a benefit contained in what is a policy decision of the Railway Board. Accordingly, we quash the order dated 16.5.1985 issued by the General Manager (Annexure 5).

A/6

8. The applicant was in the grade of Rs 550-750 on 20.11.84. In terms of the order dated 20.11.84, his position in this grade has to be maintained. From Annexures 3, it is noticed that he was transferred from the post of C.T.C. Sitapur to that of D.T.T. Gonda and on 28.11.84 he was posted as Conductor Lucknow and subsequently by an order dated 5.8.85 he was posted as C.T.C. Sitapur, all in the same grade (Rs 550-750). The contention of the applicant that he was reverted is factually incorrect.

9. As on 1.12.84, the applicant was holding the post of a Conductor at Lucknow (Rs 550-750). Presumably this post has better perquisites. Taking the facts and circumstances of the case, we direct the respondents that:

i) the applicant should not be reverted to a lower post. He should be continued in the grade (Rs 550-750).

ii) If the post of Conductor has better perquisites, that post may be offered to the applicant giving weightage to his seniority in terms of order dated 20.11.84.

10. The application is disposed of as above with no order as to costs.


Member (A)


Vice Chairman.

Dated the 10th Dec., 1990

IN THE CENTRAL ADMINISTRATIVE Tribunal

CIRCUIT BENCH AT LUCKNOW

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 4/10/89

Date of Receipt by Post.....

CM An No 267/89(1)

1. Ram Autar Singh aged about 56 yers, son of Late Darshan singh, resident of 67A Rly Loco Colony
Deputy Registrar(J)
 2. Virendra Trigunayat, aged about 56 years, son of late N. Trigunayat, resident of T.55A Simra Rly Colony Gonda
-Applicants

Versus

1. General Manager(P), NER Gorakhpur
2. D.R.M.(P) N.E.R. Lucknow
3. Union of India through Ministry of Railways Respondents.

APPLICATION FOR FILING JOINT PETITION BY APPLICANTS

The applicants above named begs to state as

under:-

That the application under section 19 of the

Central Administrative Tribunal being filed by the applicants are similars in facts and circumstances, also the petitioners seek the same reliefs.

Where fore it is respectfully prayed that the Hon'ble Tribunal may graciously be pleased to allow the petitioners to file the said application jointly.

Lucknow dated

4th Oct 1989

Applicants.

Counsel for the Applicants

Matter is urgent
Noted for 5/10/89
DBhatta

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

Original Appn. No. 275 of 1989(L)

Ram Autar Singh & Another Applicants

Vs

General Manager(P) N.E.R.
and another

..... Respondents

APPLICATION UNDER SEC.19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

For use in Tribunal Office:

Date of filing 4.10.89.

or

Date of receipt —

by post —

Registration No. 275/89(L)

Signature of the
Registrar

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

Deputy Registrar(J)

Original Appln.No. 275 of 1989(L)

AM
13

Ram Autar Singh and Another Applicants

Versus

G.M.(P), N.E.Railway & another Respondents

I N D E X

1. Memo of Application	Page 1 to 10
2. Order dt.20.11.84 (Ann.2)	P 11 - 13
3. Order dt.16/17.5.85 (Ann.5)	14 - 15
4. Order dt.5/6.8.85 (Ann.6)	16 - 20
5. Order dt.14.12.85 (Ann.7)	21
6. Postal Order No.777156 dt. 25.9.89 for Rs.50/- only.	22
7. Postal Order No.777157 dt. 25.9.89 for Rs.50/- only.	23
7. Vakalatnama	23

Place : Lucknow

Dated: ^{October} September 4, 1989

DBhatta

(D. BHATTA)
ADVOCATE

Counsel for the Applicants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

Gandhi Bhavan , Lucknow.

OTA 278 of 1984 (1)

1. Ram Autar Singh, aged about 56 years, son of Late Darshan Singh, resident of 67A Rly Loco Colony, Mawaiya, Lucknow. Chief Ticket Collector, N.E.RLY, Lko.
2. Virendra Trigunayat, aged about 56 years, son of Late N. Trigunayat, resident of T.55.A Simra Rly Colony, Gond.

APPLICANTS

VERSUS

1. General Manager, (Personel), North Eastern Railway Gorakhpur.
2. Divisional Railway Manager (personel) North Eastern Railway, Ashok Marg, Lucknow.
3. D.O. Singh Ministry of Railway, New Delhi

RESPONDENTS

Dehata

DETAILS OF THE APPLICATION

1. That the petitioner by this application challenges the following orders:-

- (a) No. E/210/15/0/p.t.III/T,T,E./6, dated 20.11.84 passed by General Manager (P) Gorakhpur
- (b) No. E/310/15/0/pt III/TTE/6 dated 16/17.5.85 passed by General Manager (P) Gorakhpur
- (c) No. E/210/15/0/part-III/TTE/6 dated 5/6.8.85 passed by D.R.M (P) N.E.Rly Lucknow
- (d) No. E/III/205/upgrading/TC/84 dated 4.12.85 Passed by D.R.M(P) Lko.

2. Jurisdiction of the Tribunal:

The applicant declares that subject matter of the orders against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:.

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3. Limitation:-

The applicants further declares that the application ^{period} is within the limitation prescribed in section 21 of the Administrative Tribunals Act.

4. Facts of the case:-

(a) That the applicants were appointed as Ticket Collectors in the N.E.Rly and thereafter were promoted as Senior Ticket Collectors.

(b) That it is relevant to mention here that by Corrigendum No 19 circulated by Chief Commercial Supdt. Gorakhpur Avenue Cannel for Promotion (A.V.C.) was issued. This AVC provided for the channel of promotion of the applicants. A true Copy of the A.V.C. Dated 23.5.74 is being annexed herewith as ANNEXURE NO 1.

(c) That a perusal of the ~~affix~~ A.V.C. would show that after the initial recruitment to the post of T.C. there were two branches of promotion one being the channel in the senior T.C. and Head T.C. line in short referred to as T.C. Group and the other Channel was the T.T.E. group in which the subsequent promotions were to the post of Conductor/ Travelling Ticket Inspector. A perusal of the AVC would also show that once the person from the TC Group had reached to the grade of Head TC viz. 425-640 and a person from the TTE Group had reached to the post of conductor/ TTI (now designated as TTE grade A) also in the grade of Rs. 425- 640, There was a merger of both the groups into a combined cadre In this cadre were also included platform inspector in the grade of 425-640. For subsequent promotion to the post of Chief Ticket Collector, senior TTI (Now designated as DTII) in the grade of 550-750, the source of recruitment was from the aforesaid combined group in the grade of Rs. 425-640 viz. Head T.C, Platform Inspectors and conductors/ TTI (Designated as TTE Grade A).

Bill

श्री-प्रमोद



(d) That thus at the stage of Head TC, Platform Inspector and Conductor, all in the grade of 425-640 there was equal opportunity to all the groups for further promotion to the post of CTC/ Senior TTI (Now DTTI) in the grade of 550-750 and to the post of Chief TTI in the grade of 700-900.

(E) That the aforesaid continued to hold the field undisturbed till 1984. On 20.11.84 a letter was issued by the general Manager (P) Gorakhpur communicating the decision of the General Manager Purporting to follow the instruction of the Railway Board. This letter shows that the Railway Board had taken a policy decision that a separate seniority may not be maintained for two groups hereinbefore referred to as TCT group and TTE Group and that there should be a common cadre of TCs & TTEs. A True Copy of the order dated 20.11.84 of the General Manager (P)P is annexed herewith as ANNEXURE NO 2 to this application.

(F) That the policy set out in the afore said letter dated 20.11.84 in respect of further promotions of persons who had been already promoted from the initial grade to the higher grade on the post of separate avenue of promotion was a complete departure from the policy laid down by the Railway Board, in that the Railway Board had consistently emphasised on maintaining a combined cadre whereas this principle was violated in respect of persons who had been promoted from the initial either in the TC group or in the TTE group, In this respect the decision of the G.M. Was not only inconsistent with the instructions of the Railway Board but also hit by rule 157 and 158 of the Railway establishment Code.

Obis
चिरे-युक्तिगुणयत

A-3/A

(g) That a joint representation of the incumbents of the TC group was made against the order dated 20.11.84 but the opposite parties failed to take any action but in the meanwhile on 1.1.84 the said incumbents were promoted as Chief Ticket Collector and subsequently were also promoted as DTTI in July 1984 the said promotion dated 5.7.84 order is being filed as ANNEXURE NO 3 to this application

(h) That the principle of promoting the incumbents in the group of TTE was followed by the EDM(P) who promoted the incumbents to the post of conductor by a letter dated 27.11.84, which is being filed herewith as ANNEXURE NO.4 to this application.

(1i) That on 16/17.5.85 the General Manager (P) Gorakhpur suddenly issued a letter by which it was directed " Groups in which the Tcs and the TTEs were working on 31.12 .83 would be the deciding factor in regard to their future advancement they would continue in their cadre in which they were working but would be adjusted in their own cadres in future vacancies". A true copy of the letter dated 16/17.5.85 is being Annexed as ANNEXURE 5 to this application.

(j) That by giving wrong interpretation and by misreading Annexure no 5 letter dated 16/17.5.85 and also letters dated 20.11.84, 5/6.8.85 , an order dated 5.8.85 was issued by which the applicants were reverted from the post of conductor to the post of CTC by the opposite parties. A true copy of the letter dated 5.8.85 is being annexed as Annexure no 6 to this application

Original
वीरभद्र मिश्र

A-2/6

- 2 -

(k) That no opportunity before reverting the applicants nor any opportunity of option was afforded whether they would like to continue in the cadre of TTE or in the cadre of TO. It may here be pointed out that there are better chances of promotion and better prospects in the TTE group, though the applicants were working as DTTI which is in the TTE group.

(l) That against the order under challenge a Writ petition was filed and on 14.8.85 a Division bench of the Hon'ble High Court stayed the operation of Annexure 1.

(m) That during the pendency of the writ petition a Telegram was issued by the O.P.no 1 dated 4.12.85 which is being filed as ANNEXURE NO 7

(n) That after the constitution of this Hon'ble Tribunal an application under Section 19 of the Administrative Act was moved by some of the aggrieved persons other than the petitioners. And on 27.1.88 the Hon'ble tribunal was pleased to decide the case in favour of the petitioners. A True Copy of the Judgement and order dated 27.1.88 is being annexed as ANNEXURE NO 8 to this application.

(o) That a perusal of the said order will show that reversion order was upheld and order dated 20.11.84 was modified.

(p) That the applicants did not join the petition but the Hon'ble Courts order is applicable on the applicants also but till today the opposite party have not passed orders of promotion for the applicants.

Disb
A-2/6

5/4

Q) That it is apprent from the order of the Hon'ble Tribunal that the Hon'ble Tribunal was pleased to modify the principle of promotion by upholding that the old avenue of promotion Chart (annexure No1) should be the basis for promotion for the applicant who fall into the same catagory. It is pertinent to mention here that the number of the aforesaid cased is 129 of 1986 Rasidul Hague Vs. Union of India.

r) That the applicants have made several representation dated 9.5.88, 2.3.89, 3.4.89, 17.5.89 and finally 8.6.89 wherein the applicants pleaded that the order of this Hon'ble Tribunal be implemented with regard to the applicants also as the Tribunal had declared that :-

" . . . Any subsequent orders on this subject in violation of the above principles will be nonest "

True copies of the representation dated 2.3.89 and 8.6.89 are being annexed as ANNEXURE NOS 9 & 10 to this application

s) That despite the said representations and reminders the opposite parties have failed to take any action in this matter. It may here be pointed out that even with regard to the aforesaid case, the opposite parties took so long to implement the order of this Tribunal that two of the applicant were retired and no benefits could accrue to the said applicants, in as much as the order of this Tribunal was passed on 21.1.88 and the implementation took place only on 10.2.89 after a gap of more than a year. Consequently out of the 3 applicnat s in case no 129/86 viz Rashidul Haq, S.R. Sagar, Q.A.K. Hashmi only Mr Sagar could ^{get} benefit as the other two had retired and thus were denied from the benevolence of the order.

OS 13
अतिरिक्त

5/10

- 4 -

t) That as per Office Memorandum no. A-11019/69/87-AT dated 14. August 1987 of this Hon'ble Tribunal it was laid down as follows

" The orders of the Tribunal shall be final and binding on both the parties. The order of the should be complied with within the time limit prescribed in the order, within six months of the receipt of the order where no such time limit is indicated in the order"

Aperusal of the afore O.M. would show that the Opp Parties by hook or by crook delay the matter ~~xxx~~ to deny the litigant of their just rights even after they have obtained the indulgence of this Hon'ble Tribunal.

u) That the applicants would retire from their services in 1½ and 2 years respectively and if expeditious decision is not given in this case the petitioners shall suffer an irreparable loss in as much as this application shall become infunctious and petitioners shall be denied their just rights .

v) That on 10.2.89 the opposite parties passed an order promoting Mr. S.R.sagar to CTTI and a perusal of Annexure 6 would show that the applicants were also affected. Thus by this arbitrary action the opposite parties have deprived the applicants of their valuable right.

v)(i) - Amendment as per Hon'ble Tribunal's order dt 29.1.90 on facing page

w) That the process of selection of CTTIs taking place as written examinations have already been held and viva voce will take place and hence it is necessary in the interest of justice that two post of CTTIs may be reserved for the applicants during the pendency of this case.

x) That in the circumstances stated above the applicant has no other alternative, efficacious and speedy remedy except to prefer this application on the following amongst other grounds.

. Contd page 8/-

11/11/89

5. G R O U N D S

- i) Because the opposite parties have failed to comply with the orders of this Hon'ble Court which is violative of principle of justice natural justice.
- ii) Because by not considering the representation of applicants in light of the judgement of this Tribunal the opposite parties have committed a gross illegality which is untenable in law and facts.
- iii) Because the orders of this Hon'ble Tribunal is applicable in the applicants case and is also binding on the opposite parties.
- iv) Because the opposite parties have not applied their minds though the order was to the effect "that those who had been selected and appointed in the combined group according to the previous avenue of promotion chart should not have been disturbed".
- v) Because the opposite parties have failed to appreciate the order of this Hon'ble Tribunal modifying the order dated 20-11-84 and holding it to be violative of the principles and non est.

6. Details of Remedies exhausted

The applicants declares that he has availed of all the remedies available to him under the relevant service rules etc.,.

That the applicants have made representations dated 2-3-89, 3-4-89 & 17-5-89 and 8-6-89 with the regard to the promotion of the applicants which are Annexure No. 9 & 10 and same has not been considered and disposed yet as yet.

Contd.....9/-

2-3-89, 3-4-89 & 17-5-89
8-6-89
Ogish

7. Matters no previously filed or pending with any other Court.

The applicant declares that the matters regarding the relief sought in this application in ~~not~~ pending or before any other court of law, has been rejected by any court of law.

8. RELIEFS BEING SOUGHT

That in view of the facts mentioned as above paras of the application, the humble applicants pray for the following reliefs :-

- a) That this Hon'ble Tribunal may be pleased to direct the opposite parties to implement the orders of this Tribunal dated 21-1-88 in the case No. C.A. 129 of 86 (Annexure No. 8) to the case of the applicants.
- b) That to direct the opposite parties to pass orders of promotion ~~chart~~ on the basis of the old Avenue of promotion chart in the combined cadre as held by this Hon'ble Tribunal.
- c) That to direct the opposite parties to pay a consolidated Travelling Allowance from the date of the order of this Tribunal viz 21-1-88.

Amendment incorporated as per order dated 29/1/90 of Hon'ble Tribunal DB Singh 29/1/90

d) That the order dated of opposite party No. 1, 24-10-89, having No. E/D/R.A. Singh / R-5, be quashed.

INTERIM RELIEF IS PRAYED FOR

Pending final decisions on the application the seeks the following interim relief:-

To direct the opposite parties to reserve two posts of DTTIs for the applicants.

10. Not applicable.

11. Particulars of postal order

Postal order No. 1. No. DD777156 dt. 25-9-89 amount Rs. 50/-

Contd 10/-



List of enclosures

Memo of application along with 10 annexures
vide index as enclosed

VERIFICATION

Rsh
राम अतर सिंह

I, Ram Autar Singh aged about 56 years, son of
late Darshan Singh, resident of 67 A Rly. Loco. Colony
Mawaiya, Lucknow do hereby verify that the contents of
paras(a) to (x) and 1 to 11 of this application are true
to my personal knowledge and belief and that I have not
suppressed any material facts,

Rsh
राम अतर सिंह

Place Lucknow

4th Oct 1989

Signature of the applicant

D. Bhatta
Advocate

Rsh
राम अतर सिंह

Identified that Sri. Ram Autar Singh and
Sri. Verendra Trigunayat has signed
before me

m D Bhatta
Advocate 4/10/89

Counsel for the petitioner.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

Gandhi Bhawan, Lucknow.

11
5
1

Ram Autar Singh & others Applicant.

Versus

General Manager (P) NER & others Opp. Parties.

.....

ANNEXURE No.2.

N.E. RAILWAY.

office of the

General Manager (P)

Gorakhpur.

Dated : 20.11.1984

No.E/210/15/0/pt.III/T.T.E/VI.

The Divisional Rail Manager (P)

North Eastern Railway.

DJN/BSB/IZN/SPJ/SEE

Sub: Avenue of promotion of Ticket
Checking Staff.

The Railway Board vide their letter No.E(NG)I-84/PM3-15, dated 25.8.84, intimated that a suggestion has been made to the Ministry that the cadres of the Ticket Collector and Travelling Ticket Examiners and their avenues of advancement should be common and the separate seniority list may not be maintained for these 2 categories. In other words, the suggestion is to have a common cadre of Ticket Collectors and Travelling Ticket Examiners. In support of the suggestion, it has been stated that a combined cadre gives greater flex

Contd.....2/

ability to the administration in the posting and deployment of staff in Ticket checking categories, keeping in view their performance and having due regard at the same time, the exigencies of administrative requirements. Further, a combined cadre can help in equalising the chances of promotion.

The Railway Board wanted to have their remarks of this Railway Administrations on the above proposal. The Railway Board also wanted to know the manner of filling in the posts of Conductor at present and how these posts should be manned, if the categories of Ticket Collectors and T.T.E. are combined into a single cadre.

For considering the avenue of promotion of Ticket checking staff, recognised Unions were requested to give their suggestion. On receipt of the same, G.M. has considered all the aspects and have decided as under:-

" At the present moment upto scale of Rs 425-640 T.T.E.s cadre and the T.C.s cadre are separate. The merger is taking place at Rs 550-750/- grade and, thereafter Rs. 700-900 grade as a Selection post for the combined cadre.

For the Commercial purposes, the work of the Ticket Collector and T.T.E. are same in content. So both the cadre will henceforth be a combined cadre. All the new entrants and those who are now working the initial grade of Rs. 260-400/- on the T.C. side and LR T.C. side, will be utilised henceforth on the T.T.E.s side. The seniors will work on the T.T.E.s side and juniors at stationary posts. The options for taken from people to work as T.T.E.s and yet promoted, should also be canceled and they all be put on a common pool.

Dr. B. S. Jaiswal



In the order to protect the interest of people who have already been promoted from the initial grade to the higher grades on the basis of separate avenue ^{of promotions, the} ~~cadre from grades~~ ~~evenues~~ of the T.C.s cadre and T.T.E.s cadre from grades Rs-330-560/-right upto 700-900 will be independent for promotion and there will be no merger of the two cadres at any intermediate point i.e. Rs.550-750 or Rs.700-900/-over a period of time, the existing incumbents of a separate cadre will run out the system and the combined cadre will get established at each level of promotion. //

In principle the combined cadre scheme as described above will be brought into effect from 1.12.1984.

Board can also be informed that on this railway we have decided on a combined cadre and we are implementing it from 1.12.1984.

In view of the afore said G.M.'s decision we have informed the Railway Board that we will act as per G.M.'s decision from 1.12.1984.

As regards filling up the post of conductor (425-610) at present it is filled on seniority and suitability basis from T.T.E.s group working in grade Rs.330-560. There will be no change in filling up these posts in future also.

You are, therefore, requested to kindly take action accordingly.

Sd/-

For General Manager (D)

Copy forwarded information and Necessary action:-

1. The General Secretary/Norms, in reference to his letter no NERMU/AVC/2 dated 19.10.84.
2. President /P.R.K.S. Union in reference to his letter no PRKS/c/AVC/84, dated 10.10.84, etc.

Sd/-

For General Manager (D)

Diip
चिन्मय शर्मा



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH LUCKNOW.

Claim Petition No. of 1989.

Ram Autar Singh & others Appellant.

Versus

General Manager (P) N.E.R. & others Opp. Parties.

ANNEXURE No. 5

N.E. Railway

office of the Gen. Manager
(P) Gorakhpur.

No. E/310/15/0/Pt./III/TTE/VI dated May 16, 1985.

To

Divisional Railway Manager (P)
North Eastern Railway,
IZN, DJN, BSB, SPJ, SEB

Sub: AVENUE OF PROMOTION OF TICKET CHECKING

STAFF

In continuation of this office letter of even No. dated 20/21.11.84 following supplementary orders are passed regarding AVC of Ticket Checking Staff-

"The groups in which TC's and TTE's were working on 31/12/83 would be the deciding factor in regard to their further advancement. They would continue in the category in which they are working but would be adjusted in their own category in future vacancies."

You are, therefore, requested to kindly take action accordingly.

Sd/ Illegible

For General Manager (P)

17/5/85

Contd..... 2/-

Disps
वर्क



Copy forwarded for information
to:-

1. General Secretary, NERMU in reference
to his letter No. NERMU /AVC-2 dated 18.2.85.
2. General Secretary, PRKS IN reference
to his letter No. PRKS/C/AVC/85 Dated 27.2.85

Sd/- Illegible

For General Manager(P)

(True Copy)

Pris
प्रिसिपल



इन दि सेंट्रल रेडमिनिस्ट्रेशन ट्रिबुनल लखनऊ, बैच लखनऊ ।

प्ले प्ले नं०

आप 1389

राम औतार सिंह आदि

मीलान्ट

ब न म

जनरल मैनेजर (पर्सनल)

अपॉ० पार्टीज

एन ई आर आदि

अ नै ज र नं० 6

पुनर्निर्देश

कार्यालय आदेश

महा प्रबंधक (का०) / गोरखपुर के पत्र सं० ई/210/
15/0 पाट-111/टी टी ई/ क दिनांक 17-5-85 के निर्देशानुसार
स कार्यालय के सम संबन्धक आदेश दिनांक 5-7-84 एवं 27-11-84
में आंशिक संशोधन करते हुए निम्न पॉस्टिंग एवं स्थानान्तरण
आदेश उनके कैब लिंक ग्रुपों हेतु जारी किये जाते हैं जो तत्काल
से प्रभावी होंगे ।

1:- निम्नलिखित कर्मचारियों की पॉस्टिंग जे टी आई
(550-750) वेतन मान में उनके सम्बुद्ध दर्शाये गये स्टेशन पर
की जाती है :-

नीरञ्जना गुप्तायत



(2)

कृम सं० नाम वतमान पद/स्थान ग्रुप जे टी आई में स्टेशन जहाँ पोस्टिंग करी गई । रिमाक

सर्व श्री

- 1- बन्धन कन्वटर/लहानऊ टी टी ई लहानऊ जं
- 2- एच एस श्रीवास्तव डीटीआई लहानऊ जं
जो गोरखपुर के लिये
आदेशित थी ,, ,,
- 3- बी जे शर्मा डी टी टी आई गान्डा
आदेशित गोरखपुर ,, गान्डा
- 4- एस पी श्रीवास्तव सी टी सी/गान्डा ,, गान्डा
जे टी टी आई ग्रुप ए गान्डा
- 5- यू एन पाण्डे सी टी सी गान्डा सी डी टी आ
के लिये आदेशित थी ,, गान्डा 70-90
गान्डा
सित ५
को 550
750 में पारि
करके उसकी
पोस्ट किया
है
- 6- आर एल श्रीवास्तव सी टी सी/लहानऊ जं ,, गोरखपुर
डी टी ग्रेड है गोरखपुर जं
जो आर आसवन्त सी टी सी/गोरखपुर के
लिये आदेशित थी ,, गोरखपुर
डी टी ई ग्रेड है लहानऊ

Original
वीरेंद्र प्रियदास



(3)

8- आर ए ससैना सी टीसी/लखिमपुर कानपुर मन्तरगंज
के आदेशित है । लखनऊ जं पद के समान

2- निम्नलिखित कर्मचारियों की पोस्टिंग कन्डक्टर (550-750) वेतनमान में
उनके सम्मूह दर्शाये स्टेशनों पर की जाती है :-

क म सी०	नाम	वर्तमान पद/ स्टेशन	ग्रुप	कन्डक्टर में स्टे जहाँ पोस्टिंग की गई ।	स्थान
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सर्वश्री

- 1- एम एल धीगडा वर्तमान डी टी आई/लखनऊ जं टी टी ई लखनऊ 1(1) के स्थान पर श्री आर ए सिंह के रिक्त स्थान पर
- 2- एम पी ककरैले ,, ,, ,,
- 3- राम प्रसाद कार्यरत कन्डक्टर/लखनऊ सी तापर डी टी आई/मन्तरगंज के आदेशित थे । टी टी ई लखनऊ 3(4) के स्थान पर
- 4- मुन्शीलाल डी टी आई/गान्डा ,, गान्डा 3(1) के स्थान पर
- 5- आर के मिश्र ,, ,, ,, 3(2) के स्थान पर
- 6- आर के ससैना सी टीसी/मैलानी ,, गोरखपुर श्री के पी रत स्थाना के स्थान पर
- 7- आर डी जैन सी टीसी/गान्डा ,, गान्डा 3(5) के स्थान पर

3- निम्नलिखित कर्मचारियों की पोस्टिंग सी टीसी (550-750) वेतनमान में उनके सम्मूह दर्शाये गये स्टेशनों पर की जाती है ।

Handwritten signature and text:
वीरेंद्र प्रियंका



(4)

कम सं० नाम वर्तमान स्थान ग्रुप सी टी सी में रिमाफ
स्थान जहाँ
पॉस्टिंग की गयी है।

सर्वश्री

- 1- सविंदु ल हक कन्ज टर/गोन्डा टी सी गोन्डा कम सं० 1 (4) के
स्थान पर कम-सं०-1
(5) के-स्थान-पर
- 2- श्री विष्णुनाथन ,, ,, कम सं० 1 (5) के
स्थान पर
- 3- आर ए सिंह कन्ज टर/लखनऊ ,,
कैलिफ आदेशित थे
परन्तु सी टी सी/सी तापुर
में कार्यरत थे सीतापुर ✓
- 4- एस आर सागर कन्ज टर/लखनऊ ,, लखनऊ जं० कम सं० 1 (6) के
स्थान पर
- 5- नयू ऐ के हाथी कन्ज टर/गोन्डा ,, गोन्डा कम सं० 2 (7) के
स्थान पर

6-

उपरोक्त स्थानान्तरण एवं पॉस्टिंग आदेश प्रशासनिक
आधार पर आदेशित है अतः कम सं० 1 (6) एवं 2 (6) की
स्थानान्तरण भात्ता एवं अन्य स्थानान्तरण लाभ दीय है।

यदि कोई कर्मचारी रेल आवास का निवासी हो तो कार्य शुरू
होने से 15 दिन के अंदर उसे खाली कर दे, अन्यथा उन्हें विरुद्ध
प्रशासनिक कार्यवाही की जायेगी।

स पर प्रमाणिका का अनुमति प्राप्त है।

ह०/- अपठनीय
कृते मन्डल रेल प्रबन्धक (कार्मिक)
लखनऊ।

Orish
रि-ट्रिगुणयत

सं० ई/११/२०५/अमरेडिंग/टी सी/८४

दिनांक ५-८-८५

प्रतिलिपि सूचनायाँ एवं आवश्यक कार्यवाही हेतु निम्न
की प्रेषित :-

- १- सी टी टी ई आई (स्लीपर एवं रेल) गोरखपुर, गान्ध, लखनऊ, जं० एवं कानपुर अन्तर्गत रंग ।
- २- सी टी सी/गोरखपुर, गान्ध, लखनऊ, मैलानी, सीतापुर एवं लखिमपुर ।
- ४- प्रेमलेशि/लखनऊ एवं सकाधि, सलेशि/ गान्ध ।
- ५- प्रवर क्षेत्रीय अधीक्षक, गोरखपुर एवं क्षेत्रीय प्रबंधक गान्ध ।
- ६- महा प्रबंधक कार्मिक, गोरखपुर की उन्नत पत्र के संदर्भ में
- ७- कार्याधि/बिल, फीलड पास एवं भान्सार
- ८- कार्याधि/(वाणिज्य) कार्यालय में
- ९- सम्बन्धित कर्मचारी गण
- १०- मन्त्रालय मंत्री/मजदूर यूनियन एवं पूर्वाञ्चल रेलवे कर्मचारी संघ ।

६०/- अपठनीय ६/८
कृते मन्त्रालय रेल प्रबंधक (कार्मिक)

लखनऊ ।

६०/- अपठनीय ६/८

सत्य प्रतिलिपि
=====

Pras
वीरेंद्र मिश्रा

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench at Lucknow

(21)

15/11

Original Appln. No. of 1989

Ram Autar Siingh & Another Applicants

Vs

C.M.(P), W.F.Rly. & another Respondents

ANNEXURE-7



क्या यह तार आवश्यक है? यदि हां, तो इसे छोटा बनाइये

पू.उ०-पार० टी० १
N.E.-R.T. 1

की Class	कोड Code	व० H20पि० M. 00	दिनांक Date 04-12-85
XR	से From LJN	जांचा गया Checked by	(आवासीय मूहर Office Stamp)

दिनांक To CT TI/LJN, GKP, GD, CPA, SS/LJN GKP, GD, CPA

No. E/11/2051 Upgrading/TC/84

FENIAN of even No. dated 16/8/85 stay order of High Court LKO stands vacated. Implement office order of even No. of 5/6-8-85 and report Compliance on 6/12/85.

BRMCPY/SCACS

से भेजा गया/RECD. FROM	को भेजा गया/SENT TO	को भेजा गया/SENT TO	को भेजा गया/SENT TO	को भेजा गया/SENT TO	भेजने वाले का हस्ताक्षर/Signature of Sender
वर्क/AT	वर्क/AT	वर्क/AT	वर्क/AT	वर्क/AT	
द्वारा/BY	द्वारा/BY	द्वारा/BY	द्वारा/BY	द्वारा/BY	

Is this telegram necessary? If so, make it short.

इस संदेश को अपने पृष्ठ पार्श्व पर लिखें
Carry forward this message on reverse

NORTH EASTERN RAILWAY

0845
नॉर्थ ईस्टर्न रेलवे

ब अदालत श्रीमान IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

वादी (मुद्दै) ✓ RAM AUTAR SINGH & Others **वकालतनामा**

प्रतिवादी (मुद्दाअलेह) G.M.(P), N.E. RAILWAY & Others



Ram Autar Singh & Others

वादी (मुद्दै)

G.M.(P) N.E. Railway & Others

बनाम

प्रतिवादी (मुद्दाअलेह)

नं० मुकदमा

सन् १६

पेशी की ता०

१६-८-८० ई०

ऊपर लिखे अभियोग में अपनी ओर से

श्री दीपक श्रीवास्तव

DEEPAANKAR BHATTI, MEHER KHARAS
RAKESH ASTHANA

एडवोकेट

BHARGAW

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
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
लौटावें हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलह-
नामा 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 (फरीकसानों) का दाखिल किया रुपया अपने
या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे-वकील
महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह
भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या अपने किसी पैरोकार को
भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो
जाता है तो उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिये यह वकालत-
नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
Me
D. Bhatti
Dipak Bhatti
Rakesh Asthana

साक्षी (गवाह)

हस्ताक्षर

(2) तीन्द्र गोगुणपत

साक्षी (गवाह)

Accepted

(Signature)

LKO. Dated

COUNSEL FOR... Applicants

(d) D.P. means departmental. All Traffic Divisions will form one unit for promotion.

(e) Sr. T.Cs /T.T.Es in scale Rs. 330-560 (RS) will be promoted as Platform Inspector in scale Rs. 205-280 (AS) on option and then as Head T.C. Rs. 425-640 (RS).

NOTE :- On receipt of the Regised Scale of Platform Inspector further amendment in the A.V.C. will be made, if necessary.

(f) Passenger Guide in scale Rs. 110-200 (AS) should take their place in the seniority list of Ticket Collectors in scale Rs. 110-180 (AS) Rs. 260-400 (RS).

(g) Head T.Cs /Conductors/T.T.Is scale Rs. 425-640 (RS) will be first promoted as C.T.C. Rs. 550-750 (RS) and then as Sr. T.T.I. Rs. 550-750 (RS).

Sd/- H.N. KIDWAI,
CCS/Gorakhpur.

No: E/210/1-4 (IV)

Gorakhpur: 23rd. May, 1974.

Copy forwarded to:-

1. Divl. Supdts., N.E. Railway, LZN./LJN./BSB./SPJ;
 2. All Personnel Officers, N.E. Railway;
 3. Addl. CCS/G & Addl. CCS (CP) / Gorakhpur;
 4. General Secretary, NERMU/ NEREU (PRKS)/Gorakhpur.
- Orf*

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW



Original Appln. No. of 1989

Ram Autar Singh & Another Applicants

Vs

G.M.(P), N.E.Rly. & another Respondents

I N D E X

-
- | | |
|--------------------|--|
| 1. Annexure No. 1 | Copy of A.V.C. dated 23.5.74 |
| 2. Annexure No. 3 | Order dated 5.7.84 (Promotion) |
| 3. Annexure No. 4 | Copy of letter dt.27.11.84 (Promotion) |
| 4. Annexure No. 8 | Photocopy of the judgement and order dt.27.1.88 of the Tribunal. |
| 5. Annexure No. 9 | Copy of Representation Dt. 23.2.89 |
| 6. Annexure No. 10 | Representation dt. 8.6.89 |
-

Place : Lucknow

Dated: September , 1989

D. Bhatta

(D. BHATTA)
Advocate

Counsel for the Applicants

(2)

(1/3)

सन दि सेंट्रल रेल मिनिस्ट्रेशन टिबेनल लहानऊ बैन्च लहानऊ ।

अ ले म मि 0 नं

आफ 1389

राम अतार सिंह आदि

प्रिीलान्ट

ब न ा म

जनरल मैनेजर (परसानल)

अपी 0 पाटीज

एन ई आर आदि

अ नै ज ज र नं 0 :- 63

पूवोत्तर सेवे, लहानऊ, ।

कार्यालय आदेश

निम्नलिखित फरमानि स्थानान्तरण एवं पोस्टिंग
आदेश तत्काल प्रभाव हेतु जारी किये जाते हैं । रिलीव होने तक
अपने मूल पद पर कार्य करते रहेंगे ।

यदि कोई भी सम्बन्धित कर्मचारी रेल आवास का
निवासी है तो वह उसे कार्य मुक्त होने के पन्द्रह दिन के अन्दर
जाली कर्खे अथवा उनके विरुद्ध अनुशासनिक कार्यवाही की जावेगी

1- निम्नलिखित सी टी सी (550-750) को उनके वर्तमान
वेतन एवं वेतनमान में डी टी टी आई (550-750) के फ़ पर पोस्ट
क र्खे प्रत्येक के सम्मूहा अंकि तस्टेशनो पर यह स्थापित किया
जाता है ।

Drish
वीरु मिश्रा



कम नाम वर्तमान फं. एवं स्टेशन जहाँ डी टी टी आई
सं० स्टेशन के फं स्थापित किया गया ।

सर्व श्री

1-	ए० ए० कुंई	सी टी सी/लखनऊ जं०	लखनऊ जं०
2-	दया राम	, / गीन्डा	गीन्डा
3-	रशिदुल हक	,, / गीन्डा	गीन्डा
4-	गनेश प्रसाद	,, / गोरखापुर	गोरखापुर
5-	बी त्रिगुणायित	,, / बस्ती	गीन्डा
✓ 6-	आर ए सिंह	,, / सीतापुर	गीन्डा
7-	एस आर सागर	,, / लखीमपुर जी.टी.	कानपुर अन्तरगंज
8-	बपू ऐ के हाशमी	,, / मैलानी	गीन्डा
9-	जाधर	गोरखपुर	गोरखपुर /
10-	के के एल अस्थाना	,, / गोरखापुर	गोरखापुर
11-	जे एन दीक्षित	,, / लखनऊ जं०	लखनऊ जं०
12-	जी सी श्रीवास्तव	,, / गोरखपुर	गोरखपुर

2- 2- निम्नलिखित कर्मचारियों को डी टी टी आई (वैतन 750) के फं पर
फं न्ति करके नाम के सम्मंज अंकित स्टेशनों पर फं स्थापित किया
जाता है ।

क० सं०	नाम	425-640 का वर्तमान फं	वर्तमान कार्यरत स्टेशन	स्टेशन जहाँ डी टी टी आई के फं पर पोस्ट किया गया	1-1-84 के वैतन
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सर्व श्री

1-	सुभाष चन्द	कन्डक्टर	लखनऊ जं०	लखनऊ जं०	675/-
2-	के एन अस्थाना	कन्डक्टर	गोरखपुर	गोरखपुर	650/-
3-	बन्धान	डी टी ई ग्रेड	लखनऊ जं०	लखनऊ जं०	550/-

(२)

Diya
वीरगढ़ गणपत



(3)

4-	एम एल डीगरा	कन्जटर	लखनऊ जं०	लखनऊ जं०	650/-
5-	एम पी ककरैल	कन्जटर	लखनऊ, जं०	लखनऊ जं०	550/-
6-	जगजीत सिंह	टी टी ई ग्रेड (ए)	लखनऊ जं०	लखनऊ, जं०	11-4-84 से देय वेतन 630/-

3- 425-640 वेतनमान में कार्यरत निम्न कर्मचारियों की सी टी सी (550-750) के फ़ पर फ़ॉर्निति कलै प्रत्येक के सम्मुख लिखी स्टेशनों पर पोस्ट किया जाता है ।

क्र०सं०	नाम	वर्तमान फ़ पर वेतनमान	वर्तमान कार्यरत स्टेशन जहाँ सी टी सी के फ़ पर पोस्ट किया गया ।	1-1-84 से देय वेतन
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सर्वश्री

1-	एच एस श्रीवास्तव	टी टी ई ग्रेड (ए)	लखनऊ जं०	लखनऊ जं०	630/-
2-	राम प्रसाद	कन्जटर	लखनऊ जं०	लखनऊ जं०	550/-
3-	मुशफ़ी लाल	कन्जटर	गोन्डा	गोन्डा 55	550/-
4-	आर के मिश्रा	कन्जटर	गोन्डा	गोन्डा	610/-
5-	बशीर अहमद	टी टी ई (ग्रेड (ए))	कार्यालय	गोरखपुर स्ट०	

नोट :- श्री बशीर अहमद दस्ता/गोपुर कं० 3 (5) की फ़ॉर्निति कलै प्रभावी होगी यदि उन्हें विरुद्ध कोई भी एस पी ई बिज/डी ऐ आर का केस न हो और ऐसे दण्ड से भी मुक्त हों जहाँ उनकी फ़ॉर्निति में बाधक न हों ।

6-	बी जे शूत	टी टी ई ग्रेड(ए)	गोन्डा	गोन्डा	610/-
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Handwritten signature and text:
वीरेंद्र मिश्रा



(4)

7-	शाखा प्राद श्रीवास्तव टी टी ई ग्रेड (ऐ)	गोन्डा	बस्ती	610/-
8-	यू एन पाठक ,,	गोन्डा	कराइच	610/-
9-	आर एल श्रीवास्तव ,,	लखनऊ जं०	सीतापुर	610/-
10-	जी एस श्रीवास्तव ,,	लखनऊ जं०	लखनऊ सिटी	610/-
11-	डी आर जायसवाल ,,	गौरखपुर	गौरखपुर	570/-
12-	आर ऐ सखसैना ,,	लखनऊ जं०	लखिमपुर	610/-
13-	आर के सखसैना ,,	लखनऊ जं०	मैलानी	610/-
14-	आर डी जैन ,,	गोन्डा	मनकापुर	610/-
15-	आर पी शाह कन्क्टर	गौरखपुर	गौरखपुर	550/-

कृमांक 1 (5) (6) (7) एवं (8) 3 (7) (8) (9) (12) (13) एवं (14) को स्थानान्तरण भत्ता देय है । इस पर प्रमाधि का आदेश प्राप्त है ।

कृते मन्डल रेल प्रबन्धक (का०)
लखनऊ

सं० ३/11/205/अफ्रीडिंग/टी सी/84 दिनांक 5-7-84

प्रति लिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- सी टी टी आर्द स्ली पर एवं रेड गौरखपुर, गोन्डा, लखनऊ जं० एवं कानपुर अन्तरगंज ।
- 2- स्टेशन अधीक्षक/लखनऊ जं०, गौरखपुर, गोन्डा, सीतापुर, मैलानी, लखिमपुर, बस्ती, मनकापुर, कराइच लखनऊ सिटी ।
- 3- प्रलेधि/लखनऊ (4) सवाधि/गोन्डा । (5) सलेधि०/गोन्डा

Dr. P. K. Singh
प्रमुख/आयत



(4)

- 6- क्षेत्रीय प्रबन्धक गी ।
- 7- क्षेत्रीय अधीक्षक, गोरखपुर ।
- 8- कार्यालय अधि० बिल, फैल्लर पास भान्जर एवं वाणिज्य कार्यालय में ।
- 9- सम्बन्धित कर्मचारी ।
- 10- एस सी ओ / टी सी गोरखपुर ।
- 11- महा प्रबन्धक (का०) / गोरखपुर ।

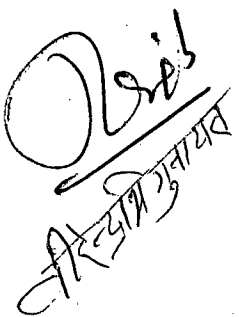
ह०/- अपठनीय

कृते मन्डल रेल प्रबन्धक

(कार्मिक)

ह०/- अपठनीय 5-7-86

सत्य प्रतिलिपि


वीरबहादुर गुप्तायत

१७/१०

जदि सेंट्रल रेजिमेंटल स्टेशन ट्रेनिंग लान्ड बैन्च लान्ड ।

अले० पि० नं०

आफ 1989

राम अतार सिंह आदि

अपी लान्ट

ब न म

जनरल मैनेजर (परसील)

एन ई आर आदि

अपी० पार्टीज

अ नै ज र नं० :- ४

निम्नलिखित फीननति, पोस्टिंग एवं स्थानान्तरण
आदेशा तत्काल प्रभावी हेतु जारी किये जाते है :-

यदि कोई भी प्रभावी कर्मचारी रेल आवास का निवासी हो
ता वह उसे कार्य मुक्त होने की तिथि से 15 दिन के अन्दर खाली
कर दे अन्यथा उनके विरुद्ध अनुशासनिक कार्यवाही की जायेगी ।

1- इस कार्यालय के ज्ञापन संख्या ई/111/59/4/रिस्ट्रिचरिंग
दिनांक 17-10-84 के अन्तर्गत अध्याई फर्ों की रिस्ट्रिचरिंग पर
निम्नलिखित वेतनमाजों में स्वीकृत फर्ों का अकंटन प्रत्येक के सम्मुख
अंकित स्टेशनों पर किया जाता है ।

1- सी टी टी आई (700-900) गोरखपुर ।

2- सी टी जफर सी (700-900) लखिमपुर ।

3- ,, (550-750) लखनऊ ज० ।

2- (वितरण के लिए कप्या जी टी टी के
कम में देखें कृमांक-4)

Obis
नारेन्द्रप्रसाद



(2)

नोट :- ऊच श्रेणी के फर्श के बढने के फलस्वरुप जैसा उपर दिखाया गया है उतने ही फर्श टी सी एवं टी टी ई गुप में नीचे की श्रेणी में उन्ही स्टेशनों पर कम मिले जाते है जहाँ यह आवंटित हुए है ।

2- रेल परिषद के फर्श सं० पी सी -111/80 अपग्रेडिंग/ 19 दिनांक 20-12-83 जो महा प्रबन्धक (कां०) गोरखपुर के फर्श सं० ई /213/ पी सी (73)/6- भाग-111/चार/ दिनांक 25-6-84 के द्वारा प्राप्त हुआ है ।

2- रेल परिषद के फर्श सं० पी सी 111/80 अपग्रेडिंग/ 19 , दिनांक 20-12-83 जो महा प्रबन्धक (कां०) गोरखपुर के फर्श सं० ई /213/ पी सी (73) /6- भाग- 111/चार, दिनांक 25-6-84 के द्वारा प्राप्त हुआ है में दिये गये निम्ने शर्तों का पालन करते हुए डी टी टी आई (550-750) कंडर से 13 फर्श कन्डर (550-750) में कमांक । में दर्शाये गये ज्ञापन के आधार पर स्वीकृत हुए है , उनका वितरण विभिन्न स्टेशनों पर निम्न प्रकार से किया जाता है :-

कैटेगरी	वैतनमान	गोरखपुर	गीता	लखनऊ,	योग
कन्डक्टर	550-750	4	4	5	13
„	425-640	4	4	5	13

कन्डर (550-750) के फर्श को भरने हेतु निम्नलिखित डी टी टी आई (550-750) को उसी वैतन एवं वैतनमान में कन्डर (550-750) के फर्श पर प्रत्येक के सम्मुख अंकित स्टेशनों पर जोस्ट किया जाता है ।

Prin
चौधरी गुणपत



(3)

क्रम सं० नाम वर्तमान स्टेशन स्टेशन जहाँ कन्वर्टर
(550-750) के फ़ पर
पोस्ट किया गया ।

1-	श्री दया राम	गोन्डा	गोन्डा
2-	श्री रशीदुल हक	„	„
3-	श्री वी त्रिनायक	„	„
4-	आर ए सिंह	सीतापुर	लखनऊ ।
		(जी गोन्डा के लिखे आदेशित है)	
5-	एस आर सागर	कानपुर आ गंज	लखनऊ
6-	व्यू ए के हाशमी	गोन्डा	गोन्डा
7-	श्री (अफ़नीय)	गौरापुर	गौरापुर ।
8-	श्री के बी श्रीवास्तव	„	„
9-	श्री जे एन दीक्षित	लखनऊ	लखनऊ ।
10-	श्री जी सी श्रीवास्तव	गौरापुर	गौरापुर ।
11-	श्री सुभाष चन्द्र	लखनऊ	लखनऊ ।
12-	के एन अस्थाना	गौरापुर	गौरापुर
13-	बन्धन	लखनऊ	लखनऊ

3- श्री गोश सिंह प्राद जिन्हें स कार्यालय के आदेश सं० ई/11/205/अपीडि/टी सी/84 दिनांक 5-7-84 के अन्तर्गत जी टी टी आई के रूपमें पोस्ट किया गया था, को अब उनके अतिरिक्त पर सी टी सी (550-750) के रूपमें उसी वेतन एवं वेतन मान में गौरापुर में ही पोस्ट किया जाता है ।

4- जी टी टी आई (550-750) के 7 उपलब्ध स्वीकृत फ़ों का विभिन्न स्टेशनों पर वितरण निम्न प्रकार से किया जाता है ।

गौरापुर-	2	गोन्डा-2
लखनऊ	2	कानपुर आ गंज ।

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(4)

गौरापुर	2	गौन्डा	2
लखनऊ	2	कानपुर 30 गंज	1

डी टी टी आई के ऊत फों की भारने हेतु निम्नलिखित पोस्टिंग एवं स्थानान्तरण आदेश जारी किये जाते हैं :-

क्रम सं० नाम फ वर्तमान स्टेशन स्टेशन जहाँ डी टी टी आई के फ पर (550-750) में पोस्ट किया गया ।

1- श्री एम एल धीगरा	लखनऊ	लखनऊ ।
डी टी टी आई (550-750)		
2- श्री एम पी कर्से	,,	,,
3- श्री हरि शंकर सी टी सी श्रीवास्तव (550-750)	,,	,,
4- श्री राम प्रसाद	,,	,,
5- श्री मुरली लाल	गौन्डा	गौन्डा
6- श्री आर के मिश्रा	,,	,,
7- श्री बी जे शुक्ल	,,	गौरापुर ।

नोट :- क्रमांक 3, 4 एवं 7 अपने वर्तमान स्टेशनों पर त्रितरफ-निम्न-प्रकार-से बिकर-जाल-है-+ वर्तमान स्कूल सेशन समाप्त होने तक बने रहेंगे ।

5- गौरापुर निम्नलिखित डी टी ई ग्रेड -रे (425-640) की सी टी सी (550-750) के फ पर फीनिटिकल प्रत्येक के सम्मुख अंकित स्टेशनों पर पोस्ट किया जाता है ।

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कृम सं०	नाम	फनाम	वर्तमान स्टेशन	पोस्टिंग स्टेशन	1-1-84 से 550-750 में वेतन
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- | | | | | | |
|----|--------------------------------|------------------------|------------------|------------------|------------------------------------|
| 1- | श्री कृष्णा
(अ० जाति०) | टी टी ई-ए
(425-640) | लखनऊ | लखनऊ | रु० 550/- |
| 2- | श्री बी के कुरील
(अ० जाति०) | ,, | ,, | ,, | रु० 550/- |
| 3- | श्री शिशिर कुमार
(अ० जाति०) | ,, | गोरखपुर मन्कापुर | गोरखपुर मन्कापुर | रु० 550/-
(कृमां 6 के स्थान पर) |

नोट :- कृमांक 3 अपने स्टेशन पर वर्तमान स्कूल सेशन तक बने रहेंगे ।

6- निम्नलिखित सी टी सी 550-750 का स्थानान्तरण उनके अनुरोध पर उसी फ एवं वेतनमान पर प्रत्येक के सम्मुख अंकि त स्टेशनों पर किया जाता है । इन्हें कोई भी स्थानान्तरण लाभ अथवा स्थानान्तरण भत्ता देय नहीं है ।

कृम सं०	नाम	वर्तमान फ	स्टेशन जहाँ स्थानान्तरित किया गया ।
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- | | | | |
|----|-----------------------|------------------|------------------------------|
| 1- | श्री आर डी जैन | मन्कापुर | गान्डी |
| 2- | श्री एस पी श्रीवास्तव | कानपुर अनवरगंज | ,, |
| 3- | श्री यू एन पाठक | गान्डी (बहराह्व) | के लिए पोस्टिंग हेतु आदेशित) |

इस पर प्रभर मन्डल वाणिज्य अधीक्षक का आदेश प्राप्त है ।

रु०/- अपरिणीत 28-11-84

कृते मन्डल रेल प्रबन्धक (कार्मिक)

लखनऊ ।

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वीरेंद्र प्रियायत



सं० ई/११/२०५/अपग्रेडिंग/टी सी/८४ दिनांक २७-११-१९८४

प्रतिलिपि सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- १- सी टी टी आई (स्लीपर एवं रेल) गोरखपुर, गीता, लखनऊ, कानपुर अन्नरगंज,।
- २- स्टेशन अधीक्षक/गोरखपुर, मनकापुर, गीता, लखनऊ, कानपुर अन्नरगंज, सीतापुर। लखिमपुर एवं बहराख।
- ३- प्रार मन्त्र लेखाधिकारी, लखनऊ।
- ४- सकधि एवं सलेधि/गीता।
- ५- प्रार क्षेत्रीय अधीक्षक/गोरखपुर।
- ६- कार्यालय अधीक्षक/बिल पौलर, पास भान्डार एवं वाणिज्य (कार्यालय में)
- ८- सम्बन्धित कर्मचारी गण

ह०/- अफुनीय २८-११-८४

कृते मन्त्र रेल प्रबन्धक (कार्मिक)

लखनऊ,।

ह०/- अपठनीय

२७-११-८४

सत्य प्रतिलिपि

Bis
जीएलएल/गुणायक

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Ram Anwar Singh & another

..... Applicant

Vs

U.M.(P) N.E.Rly. & another

..... Respondents

~~ADDRESS-3~~
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
23-A, THORNHILL ROAD, ALLAHABAD.

NO: CAT/Alld./

Dated Allahabad, the 27/1/88.

OFFICE MEMO.

Registration No: O.A./T.A. 129 of 1986.

Rashidul Haq & Others. ... Applicant's

Versus

Union of India. ... Respondent's

A copy of the Tribunal's Judgement dated 21/1/88
in the above noted case is forwarded for necessary action.

Sd/- ILLEGIBLE.

For Deputy Registrar (J).

Enclosures: Copy of the Judgement dated 21/1/88.

To

(1) Shri J. Sahai, Adv.

(2) Sri Lal Ji Sinha, Adv.

* * * * *

Dr. J. Sahai
Adv.

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No: 129 of 1986.

Rashidul Haque and Others.

.... Applicants.

Versus

Union of India & Others.

.... Respondents.

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

(DELIVERED BY HON. AJAY JOHRI, A.M.)

This is an application received under Section 19 of the Administrative Tribunal Acts XIII of 1985. The applicants are challenging the order dated 20/1/1984 issued by the General Manager, North-Eastern Railway, an order dated 16/17.5.1985 issued by the General Manager (P), North Eastern Railway, an order dated 5/6.8.1985 issued by the Divisional Railway Manager, North-Eastern Railway, Lucknow, and the telegram dated 4.12.1985 also issued by the Divisional Railway Manager, Lucknow.

2. The applicants' case is that after having been appointed as Ticket Collectors they were promoted as Senior Ticket Collectors. According to the avenue of chart for promotion after the initial recruitment as a T.C. two channels were available for further promotion to them. One was the channel to the Senior T.Cs. and Head T.Cs. category and the other was channel in the Travelling Ticket Examiners' group and then to the Conductors' posts. Once a person in the Ticket Checking group had reached a grade of Rs. 425-640 and a person from T.T.I. group also reached the same grade as a Conductor there was again a merger of both the groups into a combined cadre. For further promotion to the post of Chief Ticket Collector or Senior T.T.I. in the grade of Rs. 550

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Rs. 550-750 persons from the combined group in the grade of Rs. 425-640 were to be considered. The next promotion after the grade of Rs. 550-750 was as Chief Travelling Ticket Inspector in the grade of Rs. 700-900. This avenue of promotion chart continued to hold the field till the issue of the impugned letter by the General Manager communicating a decision purporting to follow the instructions of the Railway Board. By this letter a policy decision was taken that a separate seniority list need not be prepared for the two groups and there should be a common cadre for the Ticket Collectors and Travelling Ticket Examiners. This letter provided that in the case of new enterants as well as of those working in the initial grade of Rs. 260-400 on the Ticket Checking side they would be utilized on the basis of seniority as T.T.Exs. So far as the persons, who had already been promoted, were concerned separate avenues of promotions were to be maintained right upto the grade of Rs. 700-900 and there will be no merger of the two cadres at any intermediate point for them. According to the applicants the policy set out in this letter of 20.11.1984 in respect of further promotions of persons who had already been promoted from the initial grade to the higher grades was a departure from the policy laid down by the Railway Board because they had been emphasising that combined cadre should be maintained. Thus the decision of the General Manager because inconsistent with the instructions of the Railway Board. The merger was in any case taking place in the 1974 avenue of promotion chart as the incumbent when they reached the grade of Rs. 425-640 were seeking promotions together to the next higher grade. Thus the separation from the combined cadre into individual cadres as enunciated by the policy laid down in the letter of 20.11.1984 has resulted in substantial loss to the incumbents of the Ticket Checking group who

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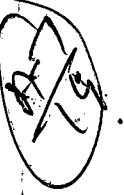
on promotional posts and, therefore, they should not have been affected except for considering their case for promotion from the post of Conductor which they are holding to the post of OTTI and if it was interpreted that they could seek promotion in their own line even then from the post of Conductor they should have been posted to the post of CTC whenever a vacancy arose. They have further alleged that no avenue of promotion charts had been prepared after 1974 and the policy laid down in November, 1984 letter could only be implemented by making a fresh avenue of promotion chart to alley all sphere of confusion but this was not done. The basis on which the date of 31.12.83 has been choosen is also arbitrary. The letter of 20.11.84 had to become effective from 1.12.1984 and, therefore, the revised policy could have been implemented with effect from 1.12.1984 and not before that date. On 31.12.1983 the applicants 1,2, and 3 were working in T.C. group as Head TC and applicant no.4 was working as passenger guide, while on 1.12.84 applicants 1,2, and 3 were working as DTTIs in TTE group. Thus the rights of the applicants 1,2 and 3 would continue to be in TTE group and could not be changed by a letter of May 16, 1985. Due to mis-interpretation of the letter of 16.5.1985 an order dated 6.8.1985 has been issued where the applicants 1,2 and 3 have been reverted from the post of Conductors to the post of CTC and respondents 6,7, and 8 have been directed to be posted in their place as Conductors. No opportunity was given to the applicants for showing cause before reverting them. They were neither given any option to decide whether they will like to go back to the cadre of TCs. According to them there are better chances of promotion and better prospect in TTE group because there are more number of superior posts in this group. This given unintentionally to those juniors who were in TTE group on 31.12.1983.

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vacancies. In the meantime their juniors who had not opted, got promoted further in the TO group and, therefore, ranked senior to those who adopted for TTEs group. According to the respondents there has been no departure from the policy laid down by the Railway Board and a separation from the combined cadre at certain stage and scale of pay hasnot resulted in any injustice or loss to the incumbents of TCs group. The combined cadre has been introduced with effect from 1.12.1984 for those who were in the initial grades and separation has been ordered for the existing incumbents in the scale of Rs.330-560 and above. In May, 1985 after due consultation with the Trade Unions it was decided that the deciding factor in regard to further advancement will be the group in which a person was working on 31-12-83. Thus persons who were in the intermediate grades from Rs.330-560 and above had to seek promotion in their own cadre in which they were working on 31.12.83. On this score the applicants are not entitled for promotion to the grade of Rs.700-900 on combined basis. The applicants were promoted on 27.11.84 as Conductors on the basis of the pre-revised avenue of promotion. Their substantive position as on 31.12.83 was taken into consideration and they were adjusted in their own group in the same grade, i.e. Rs.550-750. Thus they have not been put to any disadvantage. Earlier the post of Conductor was in the grade of Rs.425-640 and it was filled from the group of TTEs. The post of Conductor in the grade of Rs.550-750 was operated only after 12.6.84. Earlier to this on the basis of combined seniority in the grade of Rs.425-640 promotions were made to the post of DTTIs & CTCs. It is incorrect that the post of Conductor in the scale of Rs.550-750 was filled from DTTIs and CTCs in the grade of Rs.550-750. The conductors while working on the trains get only travelling allowance. The post of DTTI in the grade of Rs.550-750 is thus not superior to the post of CTC in the same

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respondents submitted that according to earlier avenue of promotion chart options had to be given and then promotions were to be made. Therefore, the fate of the group had already been decided when they gave their options and they are thus entitled to remain in that group only. To adjust them similar pay scales have been created. The present orders have made the separate channel in their cases because they had earlier opted to remain in TCs. It was ~~at~~ only when they came in the grade of Rs.425-640 that a combined seniority was made. The applicants, therefore, can not complain that their groups have been changed and the date ~~does~~ not help them at all. The learned counsel for the Government respondents repelled the contentions raised by the learned counsel for the applicants on the ground that new enterants and the existing employees are definitely different classes and the Railway Board's instructions had been issued after due consultation with the labour representatives. The General Manager is empowered to frame his own rules. Rule 125 of the Indian Railway Establishment Manual is only a guide and no right of promotion has been taken away. Since restructuring of the post was done with effect from 1.1.84 to avoid undue advantage to some and denied to others ~~the~~ the date of 31.12.83 was fixed for fixing the cadres of the existing employees and putting them back in their own channel is not a reversion the pay being the same. It is not putting them from one grade to another. The learned counsel for the applicants made further contentions that the rules once framed become law. It is not a question of policy matters and if there are any guid-lines they should be supported by sufficient reasons otherwise they will be arbitrary and hit Article 14 of the constitution.



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5. On the point whether posting as TTE is a promotion or not, the matter does not need much argument. The respondents have laid down in their letter of 20.11.84 that senior persons will be put to work as TTEs and the juniors as TCs. Earlier they were taking options from amongst the TCs whether they will like to work as TTEs. The applicants have brought out in the application that the TTEs do get a chance to earn Travelling Allowance. Travelling Allowance is not termed as extra wages and it is only supposed to look after the out of pocket expenses incurred due to the recipient having to remain away from his home. It is another matter that it does become additional earnings as persons getting it use the allowance to their best advantage. Thus it becomes an attractive proposition and employees look forward towards working on such posts. But all said and one it is not extra remuneration. It is only in this back-ground that options are taken and those who opt are only posted as TTEs. The TTEs post does not lie in the channel of promotion of TC's. It is, therefore, not a promotional post. The contentions raised by the learned counsel for the applicants that it is promotion to get posted as TTEs is, therefore, not tenable.

6. On the issue of the cut off date, i.e. whether it should be 31.12.83 or 1.12.84 the only justification put forward by the respondents is that restructuring of cadres came on 1.1.84. To give equitable advantages to TCs & TTEs, the position as obtaining on 31.12.83 should be the guiding date. The applicants are objecting to it on the grounds that by this time they had already come to occupy a certain position on the basis of then existing AVC and rules. Thus they cannot be sent back to the position as it existed on 31.12.83. Ignoring the ~~xxx~~ claim that they had become used to the extra earnings of travelling allowance which will be denied to them on their going back to the position of 31.12.83, we do not see much force in the justification and arguments that this action ensures equitable treatment

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to both the TCs and TTEs, and therefore, they should be put in positions which they occupied on 31.12.1983.

7. In their rejoinder the position after restructuring has been indicated by the applicants. They have indicated the position as follows :-

On 1.1.1984.

Grade in Rupees.	T.C. GROUP.		T.T.E. GROUP.	
	Posts.	Chances of promotion from lower post.	Posts.	Chances of promotions from lower post.
330-560	28		126	
425-640	51	182%	71	56%
550-750	17	33%	20	28%
700-900	11	58%	11	55%
Total.	107		228	

On 30.6.1986.

330-560	28		142	
425-640	51	182%	73	51.4%
550-750	17	33%	20	27.4%
700-900	11	58%	11	55%
Total.	107		246	

Their plea is that there are more number of higher grade posts on TTE's side while there is no increase on TC's side. Also a new entrant is likely to advance more quickly than the applicants because he will have an opportunity to move from one post to the other either as a TC or TTE on the basis of the combined cadre. A calculation of the percentages indicating the opportunities available to a person in the lower grade for consideration against a higher grade post on the present distribution of posts in the TC group and TTE group as given by the applicants will indicate that for a TC in the grade of Rs. 330-560, 182% chances are available for promotion to the next grade of Rs. 425-640. While in TTE group these chances are limited to 56% only. There is not much variation in promotional chances from the grade of Rs. 425-640 to Rs. 550-750 and then to

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Rs. 700-900 where the percentages are 30% and nearly 55% respectively. The contentions, therefore, of the applicants that if they are sent back to the parent cadre they will have lesser opportunity for promotion are not borne out by the facts as available. It will make absolutely no difference if the applicants who are working in the grade of Rs. 550-750 on TTBs side go back to TC group in the same grade because their chances of promotion to the next grade are, as a matter of fact, better than the chances that they had on TTBs side. It is another matter ^{that} by this process they will be losing the joy and pleasure of travelling on the trains and thereby earning extra travelling allowance. As we have already said travelling allowance cannot be considered as a remuneration. It is paid for the specific purpose to meet the ^{out} cost of pocket expenses which one has to incur when one leaves his home station and goes to an out station. Thus there is no strength in the arguments put forward by the applicants that they are being put to disadvantage in matters of promotion by being sent back to their original cadre in which they had progressed upto the grade of Rs. 425-640.

8. The contentions realised by the applicants that the fresh entrants are likely to advance more quickly than the applicants because they will have an opportunity to move in the combined cadre is only a conjecture and it is not likely that such a situation will arise. The chances of promotion even in TCs group are in no way worse than those in TTBs group and there is no such rapid promotion possible in TTBs group that can result in accelerated promotion to the new entrants to enable them to catch the petitioners who have already come to the grade of Rs. 550-750. This fear is purely hypothetical and cannot be a ground for quashing of the impugned orders.

9. The learned counsel for the respondents has relied on a judgement of the Hon'ble Supreme Court in the case of the

18/11/2012



State of Mysore and another V. G.N. Purohit and others (1967 S.L.R.753) wherein the Hon'ble Supreme Court had rejected the arguments advanced by the respondents in that case by observing that the conditions of service applicable immediately before the appointed day to the case of any person allotted to the new State shall not be varied to his disadvantage except with the previous approval of the Central Government because chances of promotion were not conditions of service. In the present case it is not the chances of promotion that are under dispute as the observations made in para above show, but it is the financial loss due to the applicants not being able to earn travelling allowance which has become a cause of the application.

10. In the case of S.K. Karkhanis & Others V. Union of India & Others (A.I.R.1974 S.C.2302) which has been relied upon by the learned counsel for the applicants the Central Excise Service, Class I and the Indian Customs Service, Class I, were constituted into a single service with effect from 15.8.1959. The resolution constituting them into a single service said that the service will initially be formed from amongst all the existing Class I officers of the two services, who would henceforth be borne on a single combined cadre for all purposes. This decision was challenged by the members of the respective services on the grounds that the petitioners were appointed on 13.7.1959 and the Government Order had merged them on 1.4.1959 for purposes of determining inter se seniority. The Hon'ble Supreme Court in this case had held that the subsequent decision of the Government had no legal validity as it was not purported to have been made in the name or with the authority of the President of India and it did not in any way seek to amend the Presidential Resolution of August, 1959 and, therefore, the Government had no authority to override the Presidential Resolution by a subsequent decision which lacked legal authority. The learned counsel for the applicants was of the view that since the earlier order had been made

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by the General Manager and the subsequent order was made by the Chief Personnel Officer in the ratio of the judgement of the Hon'ble Supreme Court the subsequent order was bad in law. The present case is easily distinguished. We do think the ratio is same. The original order that had been issued on 20.11.1984 did not lay down any cut off date. It was the order of May, 1985 which brought in the position as existed on 31.12.1983. The applicants' plea is that the position as on 1.12.1984 should have been taken into consideration. Once it is agreed that a date should be ^{these} that adjustments made to suit a post cannot be termed as over stepping one's powers. The order of 20.11.1984, according to the respondents, protected the interest of the people who had already been promoted from the ~~initial~~ initial grade to the higher grade on the basis of separate avenue of promotions by saying that the avenue of TCs group and TTEs group from the grade of Rs.330-560 right upto the grade of Rs. 700-900 will be independent for promotion and there will be no merger of the two groups at any intermediate point. Thus the existing incumbents will run out of the system and the combined cadre will get established at each level of promotion. It also said that the combined cadre scheme, as described above, will be brought into effect from 1.12.1984. We are not able to appreciate as to how if a person who was in the grade of Rs.425-640 and had got promoted to the combined grade of Rs.550-750 would have affected the combined cadre in the grades of Rs.550-750 and Rs. 700-900. We do not think that this exercise was at all necessary and to this extent the grievance of the applicants that since they had already come to occupy a position in the combined grade of Rs.550-750 after due selection as Conductors, they should not have been sent back to the TC group in the same grade has substance. This has unnecessarily created a heart burn and resulted in some of those who were junior and who were

12/24

on the TTEs cadre in the grade of Rs. 425-640 and who could not get promoted to the grade of Rs. 550-750, which is a selection grade, got an unintended benefit. Not only from the aspect that the continuance of the applicants would not have meant serious dislocation to the combined cadre but also on account of the fact that an unintended benefit has accrued to those who would have not got it had those who had already been selected been kept where they were, this portion of the order has to be struck down. We feel that those who had been selected and appointed in the combined group, according to the previous avenue of promotion chart, to the grade of Rs. 550-750 and above should not have been disturbed. The order should have applied to all those who had not yet crossed the grade of Rs. 425-640.

11. Thus though it is not a case of reversion if the applicants have been sent back to the post in TC group in the grade of Rs. 550-750 we feel that there was no necessity of making these adjustments and, therefore, the applicants should be allowed to continue on the post to which they had been promoted in the grade of Rs. 550-750 in the combined cadre, on the basis of the old avenue of promotion chart. On this short point we, therefore, allow the application and modify the order dated 30.11.1984 in respect of those, who had already been selected and who have now been ordered to go back to TC group. Any subsequent orders on this subject in violation of the above principles will be ~~non est.~~ Parties will bear their own costs.

Sd/-
Member (A)

Sd/-
Vice - Chairman.

Dated: January 21st, 1986.

TRUE COPY.
Sd/- D.S. DUBEY,
Section Officer,
Central Administrative Tribunal,
Allahabad.

18/1/86
A-3
Bhargava

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(8/2/86)

Ram Autar Singh and another Applicant
Vs
G.M.(P) NE Rly. and another Respondents

ANNEXURE-9

To

The General Manager (P),
N.E. Railway,
Gorakhpur

THROUGH PROPER CHANNEL

Sub:- Posting of CTTI/Lucknow Division as
per court order

Ref. Your Order No. E/210/15/0/Part III/TTE/VI/
Loose dated 10.2.89

Honourable Sirs,

With reference to my previous application in the
above context, I have to request your honour as under :-

I was promoted from CTC/STP to DTTI/GD vide
DRM(P)LJN order No. E/II/205/Updraging/TC/84 dated 5.7.1984
with following CTCs.

1. Shri Rasidul Haque CTC/GD 550-750 to DTTI 550-750
2. Mr. V.Trigunait CTC/GD 550-750 to DTTI 550-750
3. Mr. R.A.Singh CTC/STP 550-750 to DTTI/GD 550-750
4. Mr. S.R.Sagar CTC/LMP 550-750 to DTTI/CPA 550-750
5. Mr.Q.A.K. Hasmi CTC/GD 550-750 to DTTI 550-750

After sometimes the above all persons were promoted
to the posts of Captain Conductos in scale of 550-750 vide
DRM(P) LJN order No. E/EE/205/Upgrading/TC/84, dated
27.11.84 on 20.11.84 GM(P)GKP revised AVC of ticket
chacaking under the pressor of NERMU and as such we all
the above (5) Five Captain Conductors were ordered back
to CTCs 550-750 at staions to the position of 1.1.84 which
was irregular and unreanable.

The case of revising AVC from retrospective date
1.1.84 was challenged in the Tribunal for protection vide
Court case Rasidul Haque & Others V/S Union of India
case No. 129 of 1986.

Original
27-11-84



The decision is given in our favour quacing the ~~revised A.C policy.~~ The honourable court held that the persons already promoted prior to 20.11.84 would have not been disturbed and this policy can be operative after 20.11.84. This policy was not for 3 individuals but it was for all those who were promoted and ordered to go back to TC group. The concluding para-(II) of the Tribunal Judgement dated 28.1.88 is as under.

The honourable court says:- "We, therefore allow the application and modify the order dated 20.11.84 is perfect of those who had already been selected and who have now been ordered to go back to TC group."

Here I want to draw your honour's attention myself (R.A.Singh) and Sri V.Trigunait have also been selected and promoted and again we are ordered to go back to TC group vide DRM(P) LJN order alongwith Sri Rasidul Haque and Sri S.R.Sagar. The case was not for individuals but it was for policy matter. Hence it is undoubtedly operative to all the above (5) persons.

G.M.(P)GKP vide letter No. dated ordered posting of Sri R.Haque No.(1) Shri S.R.Sagar(4) and Shri Q.A.K.Hasmi No.(5) and made a mistake by omitting our names on serial No.2 and 3 of the above list which voilated the court order in the following manner.

One thing more to add here that there is ^{standing} ~~nothing~~ GO that any judgement must be implemented within six months (Maximum six months) vide letter No. 11019/69/87-AT dated 14, Aug, 87 copy enclosed herewith.

(1) The order passed on 28.11.88 needed implementation with six months that the maximum upto 28.7.88, which is not done voilating the same G.O?

(2) The case was challenged for getting opportunity of Travelling Allowance, but we are still deprived of the same.

Rep!
नरिन्द्रकिशोरायत

7/29

- (3) The constitution of India Article 311 provides equality of chance as fundamental right of every citizen. We are deprived of by promoting serial No.1, 4 and 5 and omitting serial No.2 & 3.
- (4) The junior should work at stations and seniors on line the formula is not adopted as so many juniors are working as CTTI's.

The above irregularities clearly indicate the partiality, delay and violation of Court Order.

I therefore request the administration to rectify the mistake without prejudice within (15) days to avoid contempt of court and order :-

- (1) Posting of myself (R.A.Singh) CTC/LJN 2000-3200 and Shri V.Trigunait (CTC/GD 2000-3200) as CTTI/LJN Div.
- (2) Sanction of consolidated T.A. from the crucial date of operation of Tribunal order from 29.7.88 as we are forcibly deprived of the same on administrative account.
- (3) If there is no vacancy in the Lucknow Division the juniors should be posted as CTC for accommodating our selves as per joint cadre or the juniors should be shifted to others divisions.
- (4) The persons responsible for such negligent work and disobeying court order should be suitably punished to save constitutional right and to save the prestige of the court.

I shall be highly obliged for emergent redressal in this case other wise I shall be pressed to knock the door of the court.

Thanking you,

Yours faithfully,

Sd/- R. A. Singh
CTC/LJN

CTC/RS/2/89

Dated 2.3.1989

1. Advance Copy of GM(P)/GKP to rectify the mistake without loss of time.
2. Advance copy to DRM/LJN in person for immediate action.

Yours faithfully,

Sd/- (R. A. SINGH)

Dip
AR-5102000000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Ran Autar Singh & another Applicant

VS

G.M.(P) N.E.Rly. & another Respondents

Annexure-

A 90

To

The General Manager,
N.E. Railway,
Gorakhpur.

Sub: Regarding my posting as CTTI/Lucknow
Division

Ref. My application to GM(P)/GKP No.
CTC/RS/2/89 dated 2.3.89 and reminder
No. CTC/RS/3/89 dated 3.4.89 and also
a XR dated 17.5.89.

Hon'ble Sir,

Most respectfully I beg to say that I was promoted
as BTTI 550-750 along with following CTCs vide BRM(P)LJM
order No. E/II/205 upgrading/TC/84 dated 5.7.84 as per
joint seniority.

1. Sri Rasidul Haque CTC/GD
2. " V. Trigunait CTC/GD
3. " ~~S.R. Sagar~~ R.A. Singh (Myself) CTC/STP
4. " S.R. Sagar CTC/CMP
5. " G.A.K. Hashmi CTC/GD

Then again we all the five BTTIs were again
promoted to work as captain conductors in 550-750 as
per joint seniority vide BRM(P)LJM order No. E/II/205/
Upgrading/TC/84 dated 27.11.84. Mean while GM(P)/GKP
has issued a revised AVC of ticket checking on 20-11-84
with the result we all the above (5) conductors were
sent back to CTCs as on 1.1.84 with retrospective effect,
which was irregular and unreasonable. The whole policy
is changed.

The case of revising AVC of ticket checking from

24/11/84
RE-319/20728

1/20

retrospective date was challenged in CAT case No. 129 of 1986 Rasidul Haque and others V/s union of India.

The decision is given in our favour quacing the revised AVC policy. The court held that the persons already promoted prior to 20.11.84 would have not been disturbed the concluding para (ii) of the CAT judgement dated 21.1.88 is as under :-

" We therefore allow the application and modify the order dated 20.11.84 in respect of those who had already been selected and who have now been ordered to go TC group."

Here I want to draw your kind attention that myself (R.A.Singh) and Shri V. Trigunait have also been selected promoted and sent back to TC group.

GM (P) GKP vide order No. E/210/15/0/Part III/TTE/VI/Loose, dated 10.2.89 posted Shri Rasidul Haque No (1) Shri S.R. Sagar No (4) and Shri G.A.K. Hashmi No (5) as OTTIs and left myself and Shri V. Trigunait on S.No. 2 & 3 pleading that these 3 persons were planiffis. While it is policy matter and operative to all.

Here I can boldly say that either the law section personnal deptt. has no knowledge of English or they have got some malafied intension to herras us. The court has clearly indicated that all those who have been selected and ordered back to g TC group are protected, so the question of discrimination of three does not arise. It is operative to all.

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GO No. 1/019/69/87 AT dated 14.Aug 87, "The order of the Tribunal shall be final and binding on both the parties. The order of the Tribunal should be complied with within the time limit prescribed in the order, within six months of the receipt of the order where no such time limit is indicated in the order."

The harrassing intension can clearly be seen again that this order is received on Jan 88 and the part implementation is done in Feb. 89 ignoring the above GO. The full implementation is still awaited. The above irregularities clearly indicate partiality, delay, violation of court order which needs your honours interference.

Therefore I request you to please look into the matter and order in the name of justice :-

1. Posting of myself (R.A.Singh) CTC/LJN 2000-3200 and Sri V. Trigunait CTC/GD 200-3200 as CTTI/LJN Div.
2. Consolidated TA from crucial date of operation (July 88) should be sanctioned as we are forcibly deprived of the same.
3. Posting should be made in LJN Division being Senior to most of CTTIs working in the division.
4. Remedical steps in the division taken against personnel to save thousands of railwaymen from haressment.

Thanking you in anticipation,

Yours faithfully,

(R. A. SINGH)

Copy to : Shri M.K. Varun Dy. CVO/GKP, CTC/LJN
for N/A.

19/8
17/8

(8/1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH LUCKNOW.

Misc. Application No. 376 of 1989
in

^{al}
Original Application No. 275 of 1989.

1. Ram Autar Singh, aged about 56 years, son of Late Darashan Singh, resident of 67 A Rly Loco Colony, Mawaiya, Lucknow, Chief Ticket Collector, N.E.RLY, Lko.
2. Virendra Trigunayat, aged about 56 years, son of Late N. Trigunayat, resident of T-55.A Simra Rly Colony, Gonda.

..... Applicant.
(Applicant)

Versus

1. General Manager (Personal) North Eastern Railway Gorakhpur.
2. Divisional Railway Manager (Personal) North Eastern Railway, Ashok Marg, Lucknow.
3. Union of India through Secretary Ministry Rly.

..... Respondent.
(Respondent)

APPLICATION FOR AMENDMENT

- 1) That the applicant had filed above case on 4-10-89 and was ordered to be fixed hearing on 7-12-89.
- 2) That subsequent to the filing of the petition 27-10-89 the petition was served with a letter No F/II/R.A.Singh /R-5/89 dated 14-10-89, wherein it is stated as follows:
"As per....."
- 3) That said order also rejected the representation of the petition.
- 4) That it is necessary in the interest of justice and proper adjudication of the case that the said order may be allowed to be impugned as ANNEXURE NO.7-A to the original Application.

Contd.....2/

Over

(10/11)

5) That is also necessary in the interest of justice that the following amendment may be allowed to be made in the application after para 4 sub (v) and marked as the parav(1)

"(v(i)) That the petitioner No.1 on 27.10.89 recieved an order dated 24.10.89 from the o.p.No.1 stating there is that as the petitioner had not joined as party to the case of Rashidul Haq Vs. Union of India & others his representation ^{for} CTTI cannot be considered. The above action of the OP. opposite party No.1 is arbitrary and illegal. A true copy of the order is being annexed as ANNEXURE 27-A to this Application.

6) That the following Relief may be allowed to be added in para 8 of the application.

"That the order dated of opposite party No.1 ,24-10-89 having No E/II/R.A.Singh/R-5/'(be quashed"

PRAYER

WHEREFORE it is prayed that this Hon'ble tribunal may graciously be pleased to allow the applicant to amend the original Application as per averments made in para 5 & 6 above.

Verification

I Ram Autar Singh, son of Late Darshan Singh, age 56 years, working as Chief Ticket Collector North eastern Railway, Lucknow Junction, resident of 67 A Rly Loco Colony, Mawayia Lucknow, do hereby verify that the contents of paras 1 to 5 6 are true on legal adv-iaad that I have not suppressed any material facts.

Lucknow
7.12.89

(R.A. Singh)

D. Bhatta
(D, Bhatta)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIB

ALLAHABAD BENCH LUCKNO

Ram Autar Singh & Ors - - - - - Applic

G. M. (P) ^{Vs} NER
ANNEXURE No 7

खतरा खतरा

Resp
(10/11)

(10/11)

कानून

प्र. ई. प्र (क)

लखनऊ

सं- ई/प/आ.प. सिंह/आ-5/89

दिनांक 24-10-89

रेशन कार्ड/आ
लखनऊ जं

विषय:- सी. टी. टी. आई (2000-3200)
में पोस्टिंग के संबंध में

संदर्भ:- महाप्रबंधक (आ) / गोरखपुर
सं- E/210/15/0/प्र III / TTE / 1
दिनांक 4-7-89

श्री आर. ए. सिंह, सी. टी. टी.
लखनऊ जं ने कैट, इलाहाबाद के गवर्नर
के आधार पर अपनी पोस्टिंग सी. टी. टी.
(210/3200) में आने हेतु प्रार्थना पत्र
जिसपर महाप्रबंधक (आ) / गोरखपुर ने (आ)
कोदेश पारित किए हैं - "As per Law officer's
opinion and decision of the competent
authority, the judgement of CAT in the
Case of Reshidul Haque Vs Union of India
has to be implemented only for those who
had gone to CAT/Allahabad. As such
representation of Shri R. A. Singh, CTC/CIT,
Lucknow for his posting as CTC/CIT
cannot be considered. He may be informed
accordingly."

CTC

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आचार्य

अतः तदनुसार श्री आर. ए. सिंह,
सी. टी. टी. आई सी. टी. टी. को सूचित कर दिया जाय

(10/11/89)
प्र. ई. प्र (क)
लखनऊ

र. प्र. प्र.

.....

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 क्षय किं नृप सती कान्ति का अस्मिन्मर्त्य करी की सराय २५ ।

AN Verma Rly Adorate delinquent

[illegible]

A N Kumaon Railway Station

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अथर्वश्रुति
अथर्वश्रुति
अथर्वश्रुति

Minister of India & others


Ram Kumar Singh

वादी	प्रतिवादी	वादी
प्रतिवादी	वादी	प्रतिवादी

The Central Administrative Tribunal
Bench Lucknow

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NS/CSS



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