

OR

As directed by the
Court's order dt. 29-1-89
no reply has been
filed.

Submitted for order

L
9/3/90

12390 from DR Agarwal J.M.
Hon K Obayya A.M.

Shri D. Bhatt for Applicant
Shri Savjiv Kumar for Brief
holder of Shri D. Norma
Counsel for respondent.

In this case Counter affidavit
has not been filed inspite 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. In order
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.

A.M.

J.M.

OR

No reply filed
Case is submitted
for ex parte hearing
by the Court's order
of 12-3-90 L

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE CHICAGO 2750 of 199

Name of the parties _____

1866-1871

Applicant.

Versus.

Respondents.

Part A.B.C.

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Check

24/6/2011

g. (J)

GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

4/10/1989

Registration No. 275 of 1989(1)

APPLICANT(S) Kam Pitam Singh Dohar

REPRESENTANT(S) Union of India & Others

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 ?	Two sets filed.
3. a) Is the appeal in time ?	Yes
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/ Vakaiatnama been filed ?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
6. 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 ?	—
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paginated properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation 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 ?	—

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are application/duplicate copy/spare copies signed ?	Yes
12. Are extra copies of the application with Annexures filed ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	Yes
c) Wanting in Annexures	Yes
d) Non-existent ?	Yes
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	Yes
14. Are the given address the registered address ?	Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	Yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	Yes
b) Under distinct Heads ?	Yes
c) Numbered consecutively ?	Yes
d) Typed in double space on one side of the paper ?	Yes
18. Have the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	Yes

Gindashy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

OA No. 275/89(4)
REGISTRATION NO. _____ of 198.

AR
X

APPELLANT
APPLICANT

Ram Autar Singh 204

DEFENDANT
RESPONDENT

G.M. NE Rly 204

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

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

5/10/89

Shri Deepakar Bhatia, 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.P.
J.M.

Submitted for
admision

96

(SNS)

No. 267/89(4)
Adj. to 16 X 89
Counsel for applicant is present.

Hon. D.K. Agarwal, J.M.
Hn. D. C. Chatterjee, P.M.

Admit.

Ar
Note cc. Jaffer

DP

11/10/89

62
Notices were
on 10 X 89.

Neither any
obj. concerned
nor return
submitted

See
final order on
main
stitution

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD
Lucknow Circuit Bench

D.A. No. 275
T.A. No.

1989 (L)

DATE OF DECISION

Ram Duttar Singh Petitioner

Sri D. Bhatia
Mr. K. Bharpurav
Mr. Rakesh Asthana Advocate for the Petitioner(s)
Versus

C. M. NER, Girakchand & Others
Respondent

Sri Arjun Bharpurav Advocate for the Respondent(s)
A. V. Verma

CORAM :

The Hon'ble Mr. Justice K. Nath, M.C.

The Hon'ble Mr. K. Obayya, A.M.

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 ?

.....

Rebhuji
10/12/90

Ghanshyam

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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

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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 representations to the authorities in this regard have been of no avail.

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/perhaps one view could 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

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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."

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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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 ~~one~~ equality & that the seniority at the initial stage is given due weightage for further promotions since such

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 ~~approx~~ 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./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).

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 facets 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.

R.P. Singh
Member (A)

Q
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 267/84(1)

1. Ram Autar Singh aged about 56 years, son of Late Darshan Singh, resident of 67A Rly Loco Colony
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:-

*Matter is urgent
 noted for 5/10/89 1;
 Bhatta* That the application under section 19 of the Central Administrative Tribunal being filed by the applicants are similar 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

*CR-14/10/89
R.S.* Applicants.

Bhatta Counsel for the Applicants

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. 275789(L)

Signature of the
Registrar

Central Administrative Tribunal

Circuit Bench Lucknow

Date of Filing 4/10/89

Date of Receipt by Post

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

Deputy Registrar(J)

Original Appln. No. 275 of 1989(L) *RU B*

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. 777156 dt. 25.9.89 for Rs.50/- only.		23
8. Vakalatnama		23

Place : Lucknow

Dated: ^{October} September 4, 1989

D Bhatta

(D. BHATTA)

ADVOCATE

Counsel for the Applicants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

RAJ
Y

ADDITIONAL BENCH

Gandhi Bhawan, Lucknow

OTA 275 of 85 (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. ~~Do. & Ministry of Railway, New Delhi~~

RESPONDENTS

D. Bhatia

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 5/6.8885 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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AK

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 Correspondence 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 ~~xxxx~~ 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 DTTI) 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).

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AK-27/10/74

(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&TTTE. A True Copy of the order dated 20.11.84 of the General Manager (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.

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(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 ~~wereals~~.

~~H.XXX~~ 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 IDRM(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 a ANNEXURE 5 to this application.

(j) That by giving wrong interpretation and by mis-reading Annexure no 5 letter dated 16/17.5.85 and also letters dated ~~2x~~ 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

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21/11/2011

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(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 TC. 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.

Oris
A. K. M. J. M. D.

Q) That it is apparent 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 honest "

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.

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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"

A perusal 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 $1\frac{1}{2}$ 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 ~~infu~~ctious 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) - Amendment as per Hon'ble Tribunals order of 29.1.90 on facing page

D.Bhatta
29/1/90

w) That the process of selection of CTTIs is 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.

Opps
CTTIs
29/1/90
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.

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 honest.

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 yes as yet.

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

The applicant declares that the matters regarding the relief sought in this application is 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 para's 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 -s of promotion chart in 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 d)
D.Blog. 29/1/90*

*That the order dated of opposite party No 1, 24-10-89, having
No. E/D/RA.Singh/R-57 be quashed.*

INTERIM RELIEF IF 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/-

5
12/10/89

List of enclosures

Memo of application along with 10 annexures
vide index as enclosed.

VERIFICATION

R Singh
4/10/89

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
supressed any material facts,

R Singh
4/10/89

Place Lucknow

4th Oct 1989

Signature of the applicant

D. Bhatia

Advocate

R Singh
4/10/89

Identified that So. Ram Autar Singh and
Sri Venendra Tengunayat has signed
before me

on D Bhatia
Advocate 4/10/89

Counsel for the petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

Gandhi Bhawan, Lucknow.



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)

Gorakh pur.

Dated : 20.11.1984

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

The Divisional Rail Manager (P)

North Eastern Railway.

DJN/ESB/IzN/SPJ/SEE

Sub: Avenue of promotion of Ticket

Checking Staff.

Q/S/5
AK/24/1984

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 this 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 the ~~the~~ remarks of this Railway Administration 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 is 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 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 to T.T.E.s side. The seniors will work on the and juniors at stationary posts. The options for taken from people to work as T.T.E.s and yet promoted, should also be cancelled and they all be put on a common pool.

OSB
1/2/1977
JL

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 evenues of the T.C.s cadre and T.T.E. 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 stabilized 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(425-600)(425-610) at present it is filled on seniority and suitability basis from T.T.Es group working in grade Rs.330-560. There will no change in filling up these posts in future also.

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

Sd/-

For General Manager (P)

Copy forwarded information and Necessary action:-

1. The General Secretary/Norme, 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, //

Sd/-

For General Manager (P)

14

P.C.
14

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

A/S
A/S

-2-

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)

OSB
2/3/1985

इन द्वि सेन्टूल रेजिस्ट्रेशन ट्रिब्युनल लान्ड, बैच लान्ड ।

क्रमांक नं० ५० अप्र० १९८९

राम औतार सिंह आदि

भीलान्ट

बना०

जनरल मैनेजर (परसैल्स)

अप०० पार्टीज

एन ई आर आदि

अनेकजर नं० ६

फूट्स्टर रेलवे

कार्यालय आदेश

महा प्रबन्धक (का०) / गोरखपूर के पन्न सं० ई/२१०/१५० पार्ट-१।।/ठी टी ई/ रु दिनांक १७-५-८५ के निवेशानुसार इस कार्यालय के सम संबद्धक आदेश दिनांक ५-७-८४ एवं २७-११-८४ में जारीकरण करते हुए निम्न प्रैस्टिंग एवं स्थानान्तरण आदेश उन्हीं के लिक्क ग्रूपों हेतु जारी किये जाते हैं जो तत्काल से प्रभावी होंगे ।

१- निम्नलिखित कर्मचारियों की प्रैस्टिंग जो ठी आई (550-750) वेतन मान में उन्हीं समुद्दादर्शीय गये स्टेशन पर की जाती है :-

Om
वीरलक्ष्मणपाठी



(2)

कृम सं० नाम वर्तमान पक्ष/ गृह पंडी दी आई में स्टॉरान जहाँ रिमांक
स्टॉरान पांडिंगकी गई ।

सर्व श्री

1- बन्धन कन्डाटर/लडान्ड ठी ठी ई लडान्ड ज०

2- एवं इस श्रीवास्तव ठीटीआई लडान्ड ज०
जी गोरखपुर के लिए जादेशित थी „ „

3- बी जे शैवला ठी ठी आई गन्डा अदेशित गोरखपु „ „ गन्डा

4- इस पी श्रीवास्तव सी सी/गन्डा „ „ गन्डा
जी ठी ठी आई गृह परे गोरख

5- ५८न पाँड़ सी सी ठी सी गोरख के लिए जादेशित थी „ „ सी छी ठी आ
गन्डा ७०-९० गन्डा

6- आर रल श्रीवास्तव सी ठी सी/लडान्ड ज० „ „ गोरखपुर

जी ठी ठी गोरखपुर ज०

जी आर आसवन सी ठी सी/गोरखपुर के लिए जादेशित थी „ „ गोरखपुर

जी ठी ई गोरखपुर लडान्ड

Obit
वीरेन्द्रनाथ

(3)

8- आर रे सर्वैना सीटीसी/लड़ीमपुर कुनूर अन्नरांज
की जादेशित है । लडानऊ ज० फ० कैसमना

२- निम्नलिखित कमीवारियों की परीस्टिंग कन्डक्टर (550-750) वैत्तमान में
उनके सम्बूद्ध दर्शाये स्टेशनों पर की जाती है :-

क्रम नाम	वैत्तमान फ०/ स्टेशन	ग्रुप कन्डक्टर में स्टैंड बॉर्ड परीस्टिंग की गई ।	स्थान
स०			

सर्वश्री

1- एम एल धीगडा वर्तमान डी टी आई/लडानऊ ज०

टी टी ई लडानऊ १(१) के
ज० स्थान पर
श्री आर रे
सिंह के रिक्त
स्थान पर

2- एम पी क्करैले "

"

3- राम प्राद कार्यरत कन्डक्टर/लडानऊ
सी तापर
जो डी टी आई/नैनौर
की जादेशित थी ।

ट्रैटीई लडानऊ,
३(४) के स्था-
ज० पर

4- मुन्हिलाल डी टी आई/गोडा

,, गोडा ३(१) के स्था-
पर

5- आर के मिश्र ,, ,

,, , ३(२) के स्था-
पर

6- आर के सर्वैना सी टीसी/मैलानी

,, गोरखापूर
श्री के पी एल
स्थाना के
स्थान पर

7- आर डी जैन सी टीसी/गोडा

,, गोडा ३(५) के स्था-
पर

३- निम्नलिखित कमीवारियों की परीस्टिंग सो डी सी (550-750) वैत्तमान
में उनके सम्बूद्ध दर्शाये गये स्टेशनों पर की जाती है ।

१८०/८०
प्रायर

(4)

कम सं० नाम वर्तमान स्थान गृप सी टी सी मे रिमाइंग
फैस्टर स्थान जहाँ पीस्टिंग की जाती है ।

सवाली

1- सदूल हक कन्डटर/गोन्डा टी सी गोन्डा कम सं० । (4) के स्थान पर कृत-हथा०-
(5) के स्थान पर

2- बी निम्ननायन , , कम सं० । (5) के स्थान पर

3- आर ऐ सिंह कन्डटर/ल्हानऊ , , सीतापुर ✓
कैलिं आदेशित थे
परन्तु सी टी सी/सी ता० पुर
मे कार्यरत थे

4- एस बार सागर कन्डटर/ल्हानऊ , , ल्हानऊ ज० कृम सं० । (6) के स्थान पर

5- न्यू ऐ के हाथी कन्डटर/गोन्डा , , गोन्डा कृम सं० 2 (7) के स्थान पर

उपरोक्त स्थानान्तरण इन पीस्टिंग आदेश प्रशासनिक आधार पर आदेशित है अतः कृम सं० । (6) इवं २ (6) के स्थानान्तरण भात्ता इवं अन्य स्थानान्तरण लाभ देय है ।

यहि कोई कर्मचारी रेल आवास का नियासी ही तो कार्य मूल त हनी से 15 दिन के अंदर उसी आली कर्द्दे, अन्यथा उन्हे विरुद्ध अनुशासनिक कार्यवाही की जायेगी ।

से पर भ्रवांथ का अनुमदिन प्राप्त है ।

ह०/- अपठनीय
कृते मन्डल रेल प्रबन्धाक (कार्मिक)
ल्हानऊ ।

१२-८ अग्रणीयता

(५)

सं० ६०/ ११/२०५/ जमगेडिंग/ दी सी/ ८४ दिनांक ५-८-८५

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्न
की प्रेषित :-

- १- सी टी टी ई आई (स्लीफर एवं रेज) गोरखपुर, गोर्खा,
ल्हानऊ, ज० एवं कानपुर अन्वरांज ।
- २- सी दी सी/ गोरखपुर, गोर्खा, ल्हानऊ, मैतानी, सीतापुर
एवं ल्हीम्पुर ।
- ३- प्रेमलेधि/ ल्हानऊ, एवं सकाधि, सलेधि/ गोर्खा ।
- ५- प्रकर दीनीय अधिकारी, गोरखपुर एवं दीनीय प्रबन्धाक
गोर्खा
- ६- महा प्रबन्धाक कार्मिक, गोरखपुर की उत्त पन के संदर्भ में
- ७- कार्याधि/ बिल, पीलहर पास एवं भान्धार
- ८- कार्याधि/ (वारिग्य) कार्यालय में
- ९- सम्बन्धित कर्मचारी गण
- १०- मन्डल मंत्री/ मजदूर पूनियन एवं फूर्त्तर रेलवे कर्मचारी संघ ।

६०/- अपठनीय ६/८
कृते मन्डल रेल प्रबन्धाक (कार्मिक)

ल्हानऊ ।

६०/- अपठनीय ६/८

सत्य प्रतिलिपि

Oris
वीरेन्द्रलालगुणाधर

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

(21)

Original Appln. No. of 1989

Ram Autar Siingh & Another Applicants

Vs

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

ANNEXURE-7

मथा यहु सार आवश्यक है ? यदि हाँ, तो इसे छोटा बनाइये। N.E.R.T. 1

किनी Class	कोड Code	W. H20ft. M. 0Q	Telex Date 04-12-85
XR	From L JN	इस बाबा गता Checked by	(कार्यालय मुहर Office Stamp)

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

No. E/III/205) Upgrading ITCI/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.

DRM(CP)
/S. DCS

से रिक्विएट/RECD. ट्रैक/AT ट्रैक/BY	को भेजा गया/SENT ट्रैक/AT ट्रैक/BY	को भेजा गया/SENT ट्रैक/AT ट्रैक/BY	को भेजा गया/SENT ट्रैक/AT ट्रैक/BY	को भेजा गया/SENT ट्रैक/AT ट्रैक/BY	संदर्भ दाता/ खाता of सेंडर

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

इस टेलिग्राफ को बाबे १०३ बाबे पर लिखे
Copy/forward this message on reverse

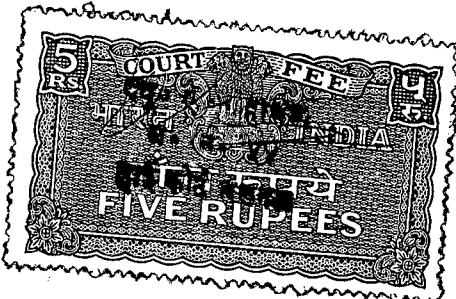
NORTH EASTERN RAILWAY

925
RECEIVED
NORTH EASTERN RAILWAY

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

वादी (मुद्रित) RAM AUTAR SINGH & Others
प्रतिवादी (मुद्रित) G.M.C.P. N.E. RAILWAY & Others

वकालतनामा



Ram Autar Singh & Others

वादी (मुद्रित)

G.M.C.P. N.E. Railway & Others

बनाम

प्रतिवादी (मुद्रित)

नं० मुकदमा

सन् १९

पेशी की ता०

१९-८८ ई०

ऊपर लिखे अभियोग में अपनी ओर से

श्री दीपक श्रीवास्तव

एडवोकेट

DEEPAANKAR BHATTACHARYA, MEHER KHANAKA BHARGAWA
RAKESH ASTHANA

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 रूपया बसूल 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 रूपया
जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने
या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें ज्ञा पंच नियुक्त करे-वकील
महोदय द्वारा को गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह
मैं स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या अपने किसी परोक्तार 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
R. Bhattacharya

D. Bhattacharya
Rakesh Asthana

साक्षी (गवाह)

हस्ताक्षर
(1) Dipak
(2) T. Bhattacharya प्राप्ति प्राप्त

साक्षी (गवाह)

Accepted

Dipak Bhattacharya
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, IZN./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.

O.R.

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)

बून दि सैन्टूलरेड मिनिस्ट्रेशन ट्रिब्यूनल लडानउ बैन्च लडानउ

ब लै म नि० नं

अप्र० १९६९

राम गौतार सिंह आदि

मिलानउ

ब न ा म

जनरल मैनेजर (परसानल)

अप०० पाटीजि

इन ई आर आदि

अ नै ब ज र नं० :- ३

पूर्वोत्तर लेवे, लडानउ, ।

कार्यालय आदेश

निम्नलिखित प्रक्रिया स्थानान्तरण रुक्ष पासिंग
आदेश तर्जा लक्ष्याव हैतु जारी किये जाते हैं। यहाँ वार्षिक होने तक
अपने मूल पद पर कार्य करते रहेंगे।

यदि कई भी सम्बन्धित कर्मवारी रेल आवास का
नियासी है तो वह उसे कार्य मुक्त होने के पन्द्रह दिन के बन्दर
आली कर्दे अन्यथा उन्हें विरुद्ध अनुशासनिक कार्यवाही की जावेगी

। - निम्नलिखित सी टी सी (550-750) को उन्हें वर्तमान
वेतन रुक्ष वेतनमान में डी टी आई (550-750) के प्रक्रिया पर पास
कर्म प्रत्येक के सम्बूद्ध अंकि तस्तेशानों पर यह स्थापित किया
जाता है।

----- 2
राम गौतार सिंह आदि

कूम नाम वर्तमान फ़ एवं स्टेशन जहाँ डी टी टी आर्स स० स्टेशन के फ़ स्थापित किया गया ।

सर्वी प्री

1-	४० ४० कुरैशी	सी टी सी/ लघानड ज०	लघानड, ज०
2-	दया राम	, / गन्डा	गन्डा
3-	रशीदुल हक	, / गन्डा	गन्डा
4-	गनेश प्रसाद	, / गौरखापुर	गौरखापुर
5-	वी त्रिगुणायिता	, / बस्ती	गन्डा
6-	आर र सेंह	, / सीतापुर	गन्डा
7-	एस आर सागर	, / लघानपुर जीरी	कानपुर अन्वरगंज
8-	वयू रे के हाथी	, / मैलानी	गन्डा
9-	जाथर	गौरखापुरे	गौरखापुर
10-	के के इल अस्थाना	, / गौरखापुर	गौरखापुर
11-	जे एन दी क्षिति	, / लघानड ज०	लघानड, ज०
12-	जी सी श्रीवास्तव	, / गौरखापुर	गौरखापुर
13-	निम्नलिखित कम्बारियों को जी टी आई (वैत्त 750) के फ़ पर फ़ैन्नति करके नाम के सम्बूद्ध अंकित स्टेशनों पर फ़ स्थापित किया जाता है।		

क० स० नाम	425-64० का	वर्तमान कार्यरत	स्टेशन झाँ	1-1-४४ के देय
वर्तमान फ	स्टेशन	झाँ टी टी	वेतन	

सर्व श्री

1- सुभाष चन्द्र	कन्डिटर	लडान्ड, ज०	लडान्ड, ज०	675/-
2- के एन अस्थाना	कन्डिटर	गौरखपुर	गौरखपुर	650/-
3- बन्धन	टी टी ई ग्रेड	लडान्ड ज०	लडान्ड ज०	550/-

4-	एम इल डीगरा	कन्जटर	ल्हानऊ ज़०	ल्हानऊ ज़०	650/-
5-	एम पी क्लैरेल	कन्जटर	ल्हानऊ, ज़०	ल्हानऊ ज़०	550/-
6-	जाजीत सिंह	टी टी ई ग्रैड (ए)	ल्हानऊ ज़०	ल्हानऊ, ज़०	11-4-84 से

देय वैल

630/-

3- 425-640 वैतनमान में कार्यरत निम्न कर्मचारियों की सी वी सी (550-750) के फ्लॉपर फ्लॉन्नति कर्सी प्रत्येक के सम्मेलित लिंगी स्टैशनों पर पर्स्ट किया जाता है ।

कू०सं० नाम	वैतनमान फ्लॉपर वैतनमान कार्यरत वैतनमान 425-640 का फ्लॉपर	स्टैशन जहाँ सी टी सी के सी टी सी के फ्लॉपर पर पर्स्ट	1-1-84 से देय वैतन किया गया ।
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सर्वश्री

1-	सच स्स श्रीवास्तव	टी टी ई ग्रैड (ए)	ल्हानऊ ज़०	ल्हानऊ ज़०	630/-
2-	राम प्राद	कन्जटर	ल्हानऊ ज़०	ल्हानऊ ज़०	550/-
3-	मुश्ती लाल	कन्जटर	गोन्डा	गोन्डा	55 550/-
4-	आर के मिश्र	कन्जटर	गोन्डा	गोन्डा	610/-
5-	बशीर अहमद	टी टी ई (ग्रैड) (ए)	कार्यालय	गोरखपुर स्टै	
			नैट :- श्री बशीर अहमद द स्ता/गोपुर कं० ३ (५)		
			की फ्लॉन्नति ब्लॉन्नी प्रभावी होगी यदि उन्हीं		
			विराघ कोई भी एस पी ई बिज/डी ऐ आर का		
			कैस न हो और ऐसे दन्त से भी मूँ त हो जो उन्हीं		
			फ्लॉन्नति में बाधक न हो ।		
6-	बी जे शूल	टी टी ई ग्रैड(ए)	गोन्डा	गोन्डा	6 10/-

7-	शारदा प्राद श्रीवास्तव टी टी ई रेड (८)	गोन्डा बस्ती	बस्ती	610/-
8-	यू.एन.पाठ्क	गोन्डा	ब्लॉक	610/-
9-	आर.एल.श्रीवास्तव	ल्हानऊ ज०	सीतापुर	610/-
10-	जी.एस.श्रीवास्तव	ल्हानऊ ज०	ल्हानऊ.सिटी	610/-
11-	डी.जार.जायसवाल	गोरखपुर	गोरखपुर	570/-
12-	आर.ई.सरसेना	ल्हानऊ ज०	ल्हानीमपुर	610/-
13-	आर.कै.सरसेना	ल्हानऊ ज०	मैलानी	610/-
14-	आर.डी.जैन	गोन्डा	मन्दापुर	610/-
15-	आर.पी.शाह कॉर्पोरेशन	गोरखपुर	गोरखपुर	550/-

कूमांक । (5) (6) (7) एवं (8) 3 (7) (8) (9) (12) (13) एवं (14) को
स्थानान्तरण भात्ता देय है । इस पर प्रमाणिका आदेश प्राप्त
है ।

कृति मन्डल रेल प्रबन्धिक (का०)
ल्हानऊ,

सं० अ०/११/२०५/अप्रौद्योगिक/टी सी/८४ दिनांक ५-७-८४

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही है त्रै प्रेषित :-

- सी.टी.टी.आई स्ली फर एवं रेड गोरखपुर, गोन्डा, ल्हानऊ ज० एवं
कानपुर अन्वरगंज ।
- स्टेशन अधीक्षक/ल्हानऊ ज०, गोरखपुर, गोन्डा, सीतापुर, मैलानी,
ल्हानीमपुर, बस्ती, मन्दापुर, ब्लॉक ल्हानऊ सिटी ।
- प्रैलेडिंग/ल्हानऊ (4) सवाधि/गोन्डा । (5) सलेधि०/गोन्डा

प्रैरुद्धारा गुणाग्रता
प्रैरुद्धारा गुणाग्रता



(4)

- 6- क्षीनीय प्रबन्धाक गोई ।
- 7- क्षीनीय अपीलक, गोरखपुर ।
- 8- कार्यालय अपीलो बित, फैल्लरपास भान्डार रव वाहिन्य कार्यालय में ।
- 9- सम्बन्धित कम्बारी ।
- 10- इस सी अपीली/टी सी गोरखपुर ।
- 11- महा प्रबन्धाक (का०) /गोरखपुर।

₹०/- अपठनीय

कृते मन्डल रेल प्रबन्धाक
(का०मिक)

₹०/- अपठनीय ५-७-८६

सत्य प्रतिलिपि

Oris
सत्य प्रतिलिपि

अ दि सैन्टूलैडमि निस्टैशन ट्रिब्युनल लूटान्ज बैन्च लूटान्ज ।

ब्रैक्स ० १५० नं

अप्रैल १९८९

१००
१०१

राम अदीतार सिंह आदि

अमीलान्ट

बना म

जनरल मैनेजर (परसील)

एन ई आर आदि

अप्रैल पार्टीज

अनेक्षर नं० :- ५

निम्नलिखित फॉर्मन्टि, पीस्टिंग एवं स्थानान्तरण
आदेश तत्काल प्रभावी हैतू जारी किये जाते हैं :-

यदि कोई भी प्रभावी कर्मवाही रेत आवास का निवासी हो
तो वह उसे कार्य मुक्त होने की तिथि से १५ दिन के अन्दर आली
कर दे अन्यथा उसे विस्थ अनुशासनिक कार्यवाही की जायेगी ।

१- इस कार्यात्म के जपन संख्या ई/ १११/५९/४/ रिस्ट्रिच्यरिंग
दिनांक १७-१०-८४ के अन्तर्गत अस्थाई फर्म की रिस्ट्रिच्यरिंग पर
निम्नलिखित वेतनमाजार्म में स्वीकृत फर्म का आकंतन प्रत्येक के समुद्भ
अंकित स्टैशनर्म पर किया जाता है ।

१- सी टी टी आई (७००-९००) गोरखापुर ।

२- सी टी बार सी (७००-९००) लड्डीमपुर ।

३- , , (५५०-७५०) लड्डानड ज० ।

२- (वितरण के लिए कप्या जी टी टी के
कृम में देखें कृमार्क्क-४)

अधिकारी
अधिकारी

80

(2)

नोट :- ऊच ऐटी के फ्लैट के बढ़ने के फलस्वरूप ज्ञाता उपर दिखाया गया है उतनी ही फ्लैटी सी एवं टीटी ईग्रुपमें नीचे की ऐटी में उन्हीं स्टेशनों पर कम सिये जाते हैं जाहं वह आवंटत हुए हैं ।

2- रे परिषाद के पत्र सं० पी सी - 111/80 अप्रैलिंग / 19, दिनांक 20-12-83 जो महा प्रबन्धक (कांगो) गौरखोपुर के पत्र सं० ई / 213/ पी सी (73)/6- भाग- 11/चार/ दिनांक 25-6-84 के द्वारा प्राप्त हुआ है ।

2- रैल परिषाद के पत्र सं० पी सी 111/80 अप्रैलिंग / 19, दिनांक 20-12-83 जो महा प्रबन्धक (कांगो) गौरखोपुर के पत्र सं० ई / 213/ पी सी (73)/6- भाग- 11/चार, दिनांक 25-6-84 के द्वारा प्राप्त हुआ है में दिये गये क्लिंशां का पालन करते हुए भी टीटी आई (550-750) केंडर से 13 फ्लैट कन्डिटर (550-750) में कूमांक । में दर्शाये गये ज्ञापन के आधार पर स्वीकृत हुए हैं, उनका वितरण विभिन्न स्टेशनों पर निम्न प्रकार से किया जाता है :-

कैटिगरी वैतनमान गौरखोपुर गोर्जा लजनउ, पीग

कन्डिटर	550-750	4	4	5	13
"	425-640	4	4	5	13

कन्डिटर (550-750) के फ्लैट को भारने हेतु निम्नलिखित भी टीटी आई (550-750) को उसी वैतन एवं वैतनमान में कन्डिटर (550-750) के फ्लैट पर प्रत्येक के सम्मुख अंकि तस्टेशनों पर पीस्ट किया जाता है ।

१०५/१०५/१०५/१०५

(3)

कूम सं० नाम-

वर्तमान स्टेशन

स्टेशन जहाँ कन्हूतर

(550-750) के फ्ल पर

पौस्ट किया गया ।

1-	श्री दया राम	गोन्डा	गोन्डा
2-	श्री रशीदूल हक	„	„
3-	श्री वी क्रिन्नायत	„	„
4-	आर ऐ सिंह	सीतापुर	लखनऊ ।
		(जो गोन्डा के लिये आदेशित है)	
5-	एस आर सागर	कानपुर 30 गंज	लखनऊ
6-	वंयू ऐ के हाशमी	गोन्डा	गोन्डा
7-	श्री (अफनीय)	गोरखपुर	गोरखपुर ।
8-	श्री के बी श्रीवास्तव	„	„
9-	श्री जे एन दी क्षिति	लखनऊ,	लखनऊ ।
10-	श्री जी सी श्रीवास्तव	गोरखपुर	गोरखपुर ।
11-	श्री सुभाष चन्द्र	लखनऊ,	लखनऊ ।
12-	के एन अस्थाना	गोरखपुर	गोरखपुर
13-	बन्धन	लखनऊ	लखनऊ

3- श्री गणेश सिंह प्राद जिन्हे इस कार्यालय के बादेश सं० ई/11/
205/अप्रीजिं/टी सी/84 दिनांक 5-7-84 के अन्तर्गत जी टी आ०६
के रूपमें पौस्ट किया गया था, को अब उनके अनुरूपीय पर सी टी
सी (550-750) के रूपमें उसी वैतन एवं वैतन मान में गोरखपुर में ही
पौस्ट किया जाता है ।

4- जी टी आ०६ (550-750) के 7 उपलब्ध स्थीकृत फ्लों का
विभिन्न स्टेशनों पर वितरण निम्न प्रकार से किया जाता है ।

गोरखपुर- २ गोन्डा-२

लखनऊ- २ कानपुर- 30 गंज ।

A-7
11

(4)

गरिबपुर	2	गोंडा	2
लभानऊ	2	कानपुर 30 गंज	1

जी टी टी आई के उक्त फ्लॉ की भारते हैं तु निम्नलिखित पोस्टिंग रवं स्थानान्तरण आदेश जारी किये जाते हैं :-

कूम सं० नाम फ्लॉ वर्तमान स्टेशन स्टेशन जहाँ जी टी टी आई के फ्लॉ पर (550-750) मैं पोस्ट किया गया ।

1- श्री एम एल धीगरा लभानऊ लभानऊ ।

जी टी टी आई

(550-750)

2- श्री एम फो ब्लॉकलैल „ „ „

3- श्री हरि रामकर सी टी सी श्रीवास्तव (550-750) „ „ „

4- श्री राम प्रसाद „ „ „

5- श्री मुरारी लाल „ गोंडा गोंडा

6- श्री आर की मिशन „ „ „

7- श्री बी जे शुभल „ गोंडा

नोट :- कूमांक 3,4 रवं 7 अने वर्तमान स्टेशनों पर नेत्ररघु-निम्न-त्रिवेदी-किंव-जहाँ-है-+ वर्तमान स्कूल सेशन समाप्त होने तक बोरडेंगे ।

5- नेत्ररघु निम्नलिखित टी टी ई ग्रेड -ए (425-640) की सी टी सी (550-750) के फ्लॉ पर फ्लॉन्टि कस्टी प्रत्येक के सम्बूज अंके त स्टेशनों पर पोस्ट किया जाता है ।

O.P.S.
काल्पनिक गोरु

११/२

(5)

कृम सं० नाम फ़दनाम वर्तमान स्थेशन पार्सिटिंग १-१८४ से
स्टेशन ५५०-७५० मे

वैतन

१- श्री कृष्ण टी. टी. ई-ए (425-640) लालनऊ लालनऊ ₹० ५५०/-

२- श्री बी के कूरील (अ० जाति०) „ „ „ ₹० ५५०/-

३- श्री शिवाशिर कुमार (अ० जाति०) „ ग्रैरभाप्पर मन्ना टप्पर ₹० ५५०/-
(कृमां ६ के स्थान पर)

नोट :- कृमांक ३ अने स्टेशन पर वर्तमान स्कूलसेशन तक बने रहेंगे ।

६- निम्नलिखित सी टी सी ५५०-७५० का स्थानान्तरण उनके
अनुरौप पर उसी फ़द एवं वैक्तमान पर प्रत्येकके सम्मुख अंग्रेजी स्टेशनों
पर किया जाता है । इन्हें कोई भी स्थानान्तरण लाभ अथवा
स्थानान्तरण भात्ता देय नहीं है ।

कृम सं० नाम वर्तमान फ़द स्थेशन जहाँ स्थानान्तरित किया
गया ।

१- श्री आर डी जैन मन्ना पुर गोदा

२- श्री एस पी श्रीवास्तव कानपुर अनवरांज „

३- श्री यू एन पाठक गोदा (ब्लाव
के लिए पार्सिटिंग है तु आदेशित)

इस पर प्रकर मन्डलवाहिक्य अधीक्षक का आदेश प्राप्त है ।

₹०/- अप्रैलीय २८-११-८४

कृते मन्डल रेल प्रबन्धक (कार्मिक)
लालनऊ ।

११/२
मन्डल वाहिक्य
प्रबन्धक

(6)

४/८

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

प्रतिलिपि सूचनाएँ एवं आवश्यक कार्यवाही हैत्र प्रेसिडेंस :-

- १- सी टी टी आई (स्ली पर एवं रेल) गोरखपुर, गोन्डा, ल्हानऊ, कानपुर अन्वरगंज।
- २- स्टैशन अधीक्षक/गोरखपुर, मनकापुर, गोन्डा, ल्हानऊ, कानपुर अन्वरगंज, सी लापुर। लुटीमपुर एवं बहराव्य।
- ३- प्रकर मन्डल लेखाधिकारी, ल्हानऊ।
- ४- सक्षिप्त एवं सक्षिप्त/गोन्डा।
- ५- प्रकर द्वितीय अधीक्षक/गोरखपुर।
- ६- कार्यालय अधीक्षक/बिल पाटील्लर, पास भान्डार एवं बांधिंज्य (कार्यालय में)
- ८- सम्बन्धित कार्यवाही गण।

ह०/- अप्रृतीय २८-११-८४

कृते मन्डल रेल प्रबन्धाक (कार्मिक)

ल्हानऊ।

ह०/- अप्रृतीय

२७-११-८४

सत्य प्रतिलिपि

Orissa
STATE ELECTORAL COMMISSION

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Ram Astor Singh & another Applicant

VS

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

~~RECEIVED~~ 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.

* * * * *

One's
RECORDED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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

1/5
RAT

Rashidul Haque and Others. Applicants.
Versus
Union of India & Others. Respondents.

Hon'ble S. Zaheer Hasan, V.O.
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 Act XIII of 1985. The applicants are challenging the order dated 20/11/1984 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 this post of Chief Ticket Collector or Senior T.T.I. in the grade of Rs. 550.

Open
27/10/1986

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.Es. 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 injustice to the incumbents of the Ticket Checking group who

Obis
Approved

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 OTC 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 alleay all sphere of confusion but this was not done. The basis on which the date of 31.12.83 has been chosen 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 OTC and responder to 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 unite to those juniors who were in TTE group on 31.12.1983.

Oral
22/2/2007

(P-10)

vacancies. In the meantime their juniors who had not opted, got promoted further in the T0 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 has not resulted in any injustice or loss to the incumbents of T0s 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

Oris
27-2-1987

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 ~~in~~ 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 conseil for the Government respondents repelled the contentions raised by the learned coun- sel 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 consulta- tion 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 denial 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 coun- sel 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.

Dgls
25-2-1985

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 done 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 ~~xxxx~~ 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

OB
AKS/10/1984

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. Posts.	GROUP. Chances of promotion from lower post.	T.T.E. GROUP. Chances of promotions 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
550-750	17	33%	20
700-900	11	58%	11
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

OB
RECORDED

2/2/2024

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 TTEs 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 TTEs side. It is another matter ~~but~~ ^{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~~ we have already said travelling allowance cannot be considered as a remuneration. It is paid for the specific purpose to meet the ~~out~~ ^{out} 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 raised 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 TTEs group and there is no such rapid promotion possible in TTEs 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

OSB
2/2/2024



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.N. 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 over ride 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

Oris
21/1/1975

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R/24

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' please is that the position as on 1.12.1984 should have been taken into consideration. Once it is agreed that a date should be ~~that~~ ^{These} 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 grievances 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

O/S
25/9/84

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 20.11.1984 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 ~~honest~~. 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.

000
SAC 19/1/1986

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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 Conductors in scale of 550-750 vide DRM(P) LJN order No. E/RE/205/Upgrading/TC/84, dated 27.11.84 on 20.11.84 GM(P)GKP revised AVC of ticket chacking 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 unreaenable.

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.

The decision is given in our favour quencing the revised AYC 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) L.J.N 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 violated the court order in the following manner.

standing One thing more to add here that there is/~~mething~~- 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.

Op
After 10/10/1987

17/28

(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 fpr 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)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

RA/29

Ram 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 remainder
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 DTTI 550-750 along with following CTCS vide DRM(P)LJM
order No. R/II/205 upgrading/TC/84 dated 5.7.84 as per
joint seniority.

1. Sri Rasidul Haque CTC/69
2. " V. Trigunait CTC/69
3. " CTCS- R.A. Singh (Myself) CTC/SIP
4. " S.R. Sagar CTC/CMP
5. " G.A.K. Hashmi CTC/CD

Then again we all the five DTTIs were again
promoted to work as captain conductors in 550-750 as
per joint seniority vide DRM(P)LJM order No. R/II/205/
Upgrading/TC/84 dated 27.11.84. Mean while GM(P)/GKP
has issued a revised AVC of ticket checking on 20.1.84
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

DRS
DR 5/12/2012



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 quashing 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) GRP vide order No. E/210/15/0/Part III/TIE/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 CTTIs 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 malafid intension to herra 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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-: 3 :-

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.

Dip
20/8/89
A/C/130/1724

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH LUCKNOW.

Misc. Application No. 376 of 1989,
in

^{al} Origin 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. Respondent.
3. Union of India through Secretary Ministry Rly. (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~~
~~".....~~
- 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/

Order

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 para (1) "(v(i)) That the petitioner No. 1 on 27.10.89 received 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 O.P. 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 advice and 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 vs - - - Applic

G. M. (P) NER
VS
ANNEXURE NO. 7
REPLY
REPLY

Ansifor
S. I. S. C.
Loktantrik

क्र० - इ/प/आर.प.सिंह/का-5/89

दिनांक 24-10-89

एवं शास अधिकारीका
लोकतान्त्रिक जू

विषय:- सी.टी.टी.आई (२०००-३२००)
अंतर्गत वाहिनी के संबंध में

संलग्न:- गदाधर देव (क्र०) / गोरखपुर न
क्र० - E/210/15/0/PT 111/TDE/1
दिनांक 4-7-89

क्र० आर.प.सिंह, सी.टी.टी.
लोकतान्त्रिक जू के कद, इलामाबाद के गवाहों
के आधार पर उपनी वाहिनी सी.टी.टी.
(२०००-३२००) के बाने हेतु प्राप्ति पत्र क
जिसपर गदाधर देव (क्र०) / गोरखपुर न (क्र०)
को देश पारित थिए:- "As per law officer's
opinion and decision of the competent
authority, the judgement of CAT in the
Case of Rashidul Haque v/s Union of India
has to be implemented only for those who
had gone to CAT/Allahabad. As such
representation of Sri R.A. Singh, CTC/CIT,
Lucknow for his posting as CTC cannot
be considered. He may be informed
accordingly."

मा: रामनूसर- ए- श्री. प. पिंडे,
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दृष्टि अ. ए. ए. (क्र०)
लोकतान्त्रिक जू

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