

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A - 280 OF 89

NAME OF THE PARTIES D. C. Tiwari Applicant

Versus

Union of India Respondent

Part A.

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CERTIFICATE

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

Dated 24/6/11

Counter Signed.....

Rajeev

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

Checked on
03-07-12

(3)

8/93

5-7-90

teny Adf. to 10/10/90

18

10-8-90 No reply: Adf. to 14-9-90

18

14-9-90

Hin. Litia to Neth, v. c
Hm. M. M. Singh. A.M.

See original order on main Petition

Adm.
CA may be filed
within 4 weeks
L.A. before D.R. (7)
5/11-90

Sn. A. Blargawa files
Power on behalf of
septs.

No. reply filed

S. F. A-

13/9/90

18

5-11-90

D. R.

Both the parties
are absent today.
O. P. has also not
filed counter.

Due to dissolution
of Bar Association
case is adjourned
to 22.11.90
for filing counter.
for.

5/11/90

O.A. No. 280/89

8/94

28-6-95

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

on the request of
Counsel to apply. A.M.

10-6-95

J.N.

V.K.
A.M.

Amendment is
allowed on 6.10.94
But same has not
been incorporated
till today
12/10/95

6/7/95

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

Sri A.K. Shukla, Counsel for
applicant states that he is
wrongly listed for hearing
as the amendment application
is still pending for disposal.
List on 13/7/95.

J.M.

V.K.
A.M.

Amendment not incorporated
Pleadings are
complete
26/10/95

13.7.95

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

For the applicant - Sri A.K.
Shukla, Learned Counsel.
For respondent - None.

Wrongly listed for hearing.
List for order on 7-8-1995.

J.M.

V.K.
A.M.

K.N.

7-8-95 - Case not reached. adj. to

28-9-95

11

A/95

OR
Pleadings have
already been
submitted.
Submitted for
hearing
11/7/94

18.7.94

No entry at D.M. office
on 4.8.94
Mue

4.8.94

Dear Sadendra of Hombi M.
Subin Yogeshwar Dargal & n
J.M. Sarda Adv. Colg 12.6.94
Mue

OR
M.P.-674/94
moved
S.P.O
The
22/9/94.

26/9/94 Hon.Mr. Justice B.C.Saksena, V.C.
Hon.Mr. V.K. Seth, A.M.

Misc. application No.674/94 does not
bear the signature of the applicant.
The learned counsel for the applicant
states that since the applicant is
not present to-day, the case be
adjourned. List on 6-10-94 for
hearing.

u k
A.M.

Boh
V.C.

6-10-94 Hon Mr V-K Seth, A.M.
Hon Mr DC Sharma, J.M

Heard the learned counsel
for applicant on MP 674/94,
which is an Amendment
Application. MP 674/94 is allowed.
Amendment may be
incorporated within a week.
Copy of which amended CA be
filed and served on the
respondents who will file CA
within 3 weeks from the date
of its receipt. CA may be filed
within one week thereafter.

but for hearing on 28-11-94
before OR for completion of pleadings.

OR
Amendment has not
been incorporated by
the counsel of applicant
22/9/94

Q

Jm

ante

(9)

A/ab

20.4.93

Case not reached adj to
11.5.93

proe

No coming of D.B. adj
to 2.7.93

f

2/7/93

Hon. Mr. B.K. Singh. A.M.

Parties were called out.
None responds. Pleadings are
complete in this case. Put up
this case on 25/8/93 for
Final hearing & disposal.


A.M.

OL

28.8.93

No coming of D.B. adj to
8.10.93

proe

8/X/93

C.N. Baran

d
CASHIER

OK
CASHIER
SFY
2/14/93
6.12.93

Hon. Mr. [unclear]
Hon. Mr. V.K. Sethi, Airm

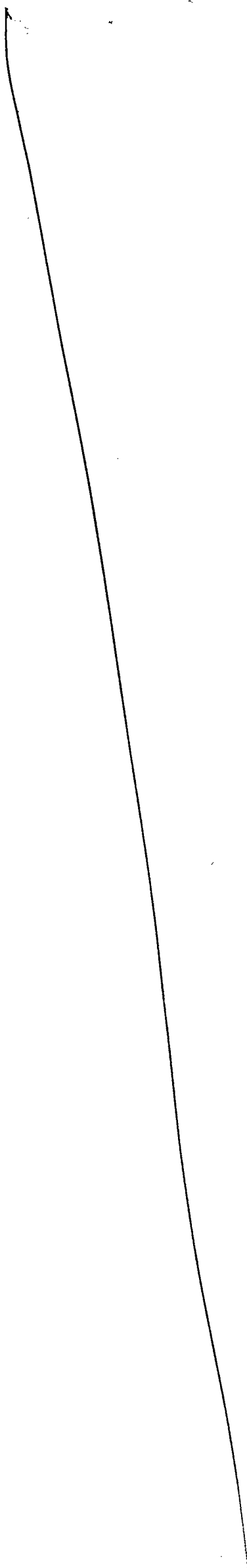
The applicant is
present in person. Will
this case on 6/12/93
for hearing.

W.S.
A.M.
No salary of 12.13 salary 201.53
mu

J.M.

7

A
at



Q.A. 280/89

24-5-96

Hon. Mr. Justice B. C. Saxena, V.C.
Hon. Mr. V. K. Seth, A.M.

MP 2021/96 filed
for recall of order
dt- 18 July 1996
✓

None for the parties.
Since this is 1989 petition.
Order reserved.
No request for adjourn-
ment has been received on
behalf of the applicant.

✓

LK
J.H.

Boh
V.C.

18-7-96

Hon. Mr. Justice B. C. Saxena, V.C.
Hon. Mr. V. K. Seth, A.M.

Judgment pronounced in open
court today.

LK
A.M.

Boh
V.C.

(5)

A/99



14.8.91

case not reached yet to 4.11.91

13.00.

No CA filed
S.F. DR

30/2

4.11.91

counsel for the appli-
cant is present.
Respondent to file
counter by 20/12/91.
AKD

20.12.91
D.R.

Both the parties are
absent. Respondent
to file counter by
10/3/92.

10.3.92
D.R.

Both the parties are
absent. Respondent
to file counter by
21/5/92.

MP NO - 2021/96

CA. NO - 280/29

It was decided on
7.9.96 by Hon Justice
B.C. Saxena-Vc and
J.K. Sethi-AM. MP. 2021/96
Filed on 23.9.96 for
Recall of the order dt.
8.9.96

Submitted for orders
on MP NO - 2021/96

2/9/99

O.A. No. 280 / 89

15-10-96

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

Hon. Mr. D.C. Verma, D.M.

List before appropriate bench (Honble Mr. Justice B.C. Saxena, J.C. & Honble Mr. V.K. Seth, A.M.) on 22-11-96 for hearing.

AK

J.M.

LF
A.M.

22-11-96

No sitting of appropriate bench
Case is adj. to 09-1-97.

BOC

09-1-97

DL

Appropriate bench is not available
None for applicant. Dr. V.K. Srivastava, for respondent.
Leave before Honble bench (reserved) on 20-2-97 for hearing.

MP-2001/96
Recalling of party
order dt. 18.1.96
19/1/97

AK

20-2-97 Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, D.M.

Shri A.K. Shukla learned counsel for applicant has prayed for adjournment for personal reasons. On 27.3.97.

J.M.

LF
A.M.

CA 280/89

MP 2021/96 is
pending for disposal
MP 2021/96

27/1/88

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

Wrongly listed for hearing.
List for orders on MP 2021/96
on 23/2/88.

J.M.

AM.

23-2-88

No sitting of D.B. Adj.
to 3-4-88

Sg.
B.C.

30.4.88 No sitting of D.B. Adj.
to 02.7.88

B.C.

02.7.88

No sitting of D.B. Case is
adj. to 11.8.98 for orders.
on M.P. No. 2021/96.

11-8-98

No sitting of D.B. adj. to
28-10-98.

Valu
B.C.

Valu
B.C.

25-5-99

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

For applicant Smt AK Shukla.
For respondents none.
List for orders on 27-7-99.

AM

J.M.

Mr. 20/4/96 is
pending
disposed
25/7/99

27/7/99

Hon' Mr. D.C. Verma, J.M.
Hon' Mr. AK. Mishra, AM.

The applicant in person requests
for adjournment as his counsel has gone
out of station.

List for orders on 21/9/99.

AM

J.M.

21-09-99

Hon'ble Mr D.C. Verma, JM
Hon'ble Mr AK. Mishra AM

None for the parties.
List for order on 14.10.99.

AM

J.M.

14-10-99

Hon'ble Mr D.C. Verma - JM
Hon'ble Mr AK Mishra - AM

Sr T.N. Gupta counsel for applicant
None for respondents.

List for order on 14/12/99

AM

JM

27.6.2000

MP 2021/96
in
ON 280/89

Hon. Mr. Justice N. Sanjiva Reddy, VC
Hon. Mr. A. K. Mishra, AM

Perused the records.
MP 2021/96 is not a restoration
application as submitted by
the learned counsel for the applicant.
It is an application for recalling
of the order dated 18-7-96.
Hence post the case for
hearing on 10-7-2000
before the Bench.

AM

VC

10-7-2000

Hon. Mr. D.C. Verma JM
Hon. Mr. A.K. Mishra, AM

Note for applicant
learned counsel for respondent
has not application for a judgment.
None is present to press MP
No. 2021/96. The same is dismissed.

AM

JM

OR
copy of order prepared
on 14/5/2000. SA returned
to dealing hand On 14/5

31/11/2000

Hon. Mr. D.C. Verma, JM.
Hon. Mr. A.K. Mehta, AM.

Applicant present in person
requests for adjournment.
Per respondents Shri K.K. Srivastava.

List for orders on 16.11.2000.

AM.

JM.

18

16/11/2000

No sitting of D.B. Adon to 30/11/2000
for orders.

30/11/2000

Hon. Mr. A.K. Mehta, AM.
Hon. Mr. Rafiquddin J.M.

Sh. A.C. Shukla for applicant.

Sh. V.C. Srivastava for respondents.

The learned counsel for applicant
states that he does not wish to press
MP No 2021/16, which is an application
for recalling Ex-Parte order dt
18/7/16. MP is accordingly dismissed
as not pressed.

Respected
11/12/00

J.M.

AM.

2

MP 11/2007 cit out no 1/6
280/89

8/8/2007

Ha. Mr. D. C. Verma, Jt.
Ha. Mr. A. K. Mishra, Jt.

Learned Counsel for the
applicant Mr. A. K. Shukla
has sub application for
adjournment on the ground of
illness. Pro respondents Mr.
A. K. Gokhale

List for order on
11/10/2007.

AM
Am

AM
on

11/10/01.

Lawyers Strike.
Adjourn to 3/12/01.

A
BOC

03-12-01

Ha. Mr. A. C. Verma, Jt.
Ha. Mr. A. K. Mishra, Jt.

Applicant's person.
Application for adjournment
has been received on behalf of
Mr. A. K. Shukla, etc for applicant.
List on 29-1-2002 for

order..

AM
AM

AM
Jt.

MP 11/2007 in CA no 280/89

8/9

29/1/2002

Ha. Mr. D. K. Mishra, MCA
Ha. Smt. Shanti Ray, MCA

Counsel for both the parties have sent an application for adjournment.

list for orders -

11/3/2002

MCA

Alh
MCA

2

11/3/02

No DB. Adind to 10/4/02.

BOC

10/4/02

Ha. Mr. D. K. Mishra
Ha. Mr. Rafiquddin MCA

pro applicant Sh. Putanir
B.H. to Sh. A. K. Shukla.

pro respondent here.
MP no 11/2007 is an application
of recall of the order dated
24/5/06 & 18/7/06 passed
by JMS. In the order dated
24/5/06, the absence of parties the
judgment was reversed. On 18th July 2006,
the order was passed on merits and
promoted in the open court. Thereafter
the applicant made MP no 2021/06 for
recall of the order dated 18th July 06
which had been passed on merits. An
order dated 30th November 2006
MP no 2021/06 was dismissed as the
same was not passed on behalf
of the applicant. In view of this, there is no justification
for entertaining the post MP 11/2007
which is also for recall of the order
dated 18/7/06. MP no 11/2007 is
accordingly rejected. No order as to
costs.

MCA

Alh
MCA

2

Q.
Copy of order prepared
@ 12/02
@ 14/02

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. no. 280/89

Lucknow this the 1st day of July 1996.

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

D.C. Tiwari son of Sri R.N. Tiwari, basic
Boiler Maker, Loco Shed, N.E. Railway Loco Shed,
Charbagh, Lucknow.

Applicant.

By Advocate None.

versus

1. Union of India through Ministry of Railways, new Delhi.
2. D.R.M.(P), N.E.R. Lucknow.
3. Assistant Mechanical Engineer(L) NER Loco Shed, Gonda.
4. Senior Divisional Mechanical Engineer (L), N.E. Railway, Lucknow.

Respondents.

By Advocate None.

O R D E R

HON. MR. V.K. SETH MEMBER(A)

By means of this O.A., the applicant has prayed for directions to the respondents to treat him senior to Bhagwati Prasad Chaubey, B.M. and also to treat him as promoted with effect from 17.2.1993 with arrears of pay and allowances etc. He has also sought directions for immediate decision on his appeal/representation pending with the respondents.

2. Pleadings have been exchanged between the two sides. On 24.5.1996, when the case was called out, nobody responded for the parties.

V. K.

There was also no request for adjournment. In view of this position as also the fact that this is an old case, we are deciding it on the basis of records. Record shows that the applicant had filed Misc. petition seeking amendment of the O.A. The said M.P. was allowed but the amendments were not incorporated with the result that no Supplementary pleadings were filed. The O.A. is therefore, being considered without amendments.

3. The applicant was initially appointed as B.M. Khalasi on 8.1.1965 in the Loco Shed Charbagh Lucknow and was transferred to Loco Shed Gonda. He is claiming seniority over S/Sri Bhagwati Prasad Chaubey, Jangi Teli, Nunna, R.K. Misra and Shiv Prasad as M.M. Khalasi. In the O.A., he has referred to his various representations on the subject commencing from 30th March, 1982 and upto 4.6.1986 and also reminders of 9.2.88 and 17.10.88. It is also stated that he has personally met respondents several times but with no results and hence the present O.A.

4. At the outset, it may be mentioned that the applicant has not impleaded Shri Bhagwati Prasad Chaubey and others over whom he is claiming seniority as B.M. Khalasi. No orders to their prejudice can, therefore, be passed. The O.A. therefore, deserves to be dismissed on this ground alone. Nonetheless, we may briefly discuss the merits of the case.

5. The main grounds advanced by the applicant is that he was appointed to a substantive post on 8.1.1965 whereas some others, named above joined subsequently.

6. In their counter affidavit the respondents have inter alia stated that Shri Bhagwati Prasad was promoted at District Gonda

~k

on 27.2.1967 as Basic Boiler Maker after passing the trade test. It is further stated that the seniority of B.M./Khalasi is not carried over to the post of Basic Boiler Maker. It is also stated in para 6 of the counter affidavit that the applicant was promoted as Basic Boiler Maker vide office order of 12.10.1982. A further averment has been made that Shri Bhagwati Prasad Chaubey was promoted as 27.6.92 as Basic Boiler Maker, thereby ceasing to have lien in the seniority list of B.M. Khalasi when the applicant was still B.M. Khalasi. The respondents have also taken ^{the} stand that the claim of the applicant is highly barred by time as he should have agitated the matter in 1973 from which date he is claiming parity with Shri Chaubey while ^{he is} ~~he is~~ raising the issue for the first time in 1989.

7. We find force in the stand of the respondents. We also notice that an appeal dated 8.9.82 of the applicant on the subject was decided by the D.R.M. vide detailed and reasoned order dated 24.1.1983. On the above grounds and also for the reason that the necessary parties have not been impleaded, we reject this O.A.

L K
MEMBER(A)

B. Chakraborty
VICE CHAIRMAN

Lucknow; Dated: 18.7.92.

Shakeel/

Center
C
De
Date

12/10/89

IN THE COURT OF THE DISTRICT OF COLUMBIA

IN RE: V. Borch

X/3

O.A. No. 280/89(2)

Between

D.C. T.W.R.

...

... Appellant

Under the provisions of ...

Respondent.

Under Rule 9

The Documents are Paper Book

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St. No. Particulars

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1. Appellant's ... 1-14
2. Annexure no.1 Photostatic copy of the ... 15-16
appeal/representation regarding fixation
of sensitivity dated 20.3.1982.
3. Annexure no.2 Photostatic copy of D.R.'s ... 17
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4. Annexure no.3 Photostatic copy of appellant's ... 18-20
appeal/representation dated 16.8.1982.
5. Annexure no.4, Photostatic copy of the ... 21-24
Representation dated 2.9.1982.
6. Annexure no.5 Photostatic copy of letter ... 25-29
No.3/PC/EC/82 dated 24.1.1983.
from D.R.M.(P) Lucknow.
7. Annexure no.6. Photostatic copy of the ... 30-31
applicant's reminder dated 1.7.1983.
8. Annexure no.7 Photostatic copy of appellant's ... 32-33
representation dated 4.6.1986.

Filed today
noted for 23/10/89
B.N. Mishra
Adv.

2.

9. Annexure no. 8 Copy of letter No. Ss.E.B.C./DCT 36

/BEM dated 10.12.1987 from D.R.M. Lucknow.

10. Annexure no. 9. Copy of applicant's

37


reminder dated 17.10.1988.

15. Power (Vakalatnama).

38

Lucknow dated:

31/8, 1989
12/10


(T. N. Gupta)
Advocate

Counsel for the Applicant

16

In the Central Administrative Tribunal

Lucknow Bench

Between

D.C. Tiwari son of Sri R.M. Tiwari, Basic Boiler
Maker, Loco Shed, N.E. Railway, Loco shed
Charbagh, Lucknow.

... Applicant

And

Union of India through Ministry of
Railways, New Delhi and others.

... Respondents.

DETAILS OF APPLICATION

1. Particulars of Applicant:-

- | | |
|--|---|
| (i) Name of Applicant | D.C. Tiwari |
| (ii) Name of father | Sri R.M. Tiwari |
| (iii) Age of applicant
(as on 31/3/89) | 44 years 44 Years
7 Months & 30 days (Date
of birth is 1-1-1945) |
| (iv) Designation and office
in which employed | Basic Boiler Maker N.E.
Railway Loco Shed Charbagh
Lucknow. |
| (v) Office address | As above. |
| (vi) address for service
of notices | As above. |

2. PARTICULARS OF RESPONDENTS.

- (i) Name of the respondents. 1. Union of India
through Ministry of
Railways, New Delhi.

2. Divisional Railway
Manager (P) N.E.R. Lucknow

सुभा नरसिंह दास

2.

3. Assistant Mechanical Engineer
(L) W.E.R. Loco Shed Gondal.

4. Senior Divisional Mechanical
Engineer (L) W.E.Railway
Lucknow.

2. (ii) Name of father Not know.

(iii) Age of Respondent Not known

(iv) Designation and
particulars (Name and

station in which employed). 1. Union of India through
secretary Ministry of
Railways New-Delhi.

2. Divisional Railway
Manager (P) W.E.Railway
Lucknow.

3. Assistant Mechanical
Engineer (L) W.E.Railway
Loco Shed, Gondal.

4. Senior Divisional
Mechanical Engineer (L)
W.E.Railway, Lucknow.

(v) Office address (As above)

(vi) Address of Service (As above)

3. Particulars of the
order against which the
application is made.

The application is
against the following
orders:-

1. Order No.E/PC/DDT/83
dated 24.1.83 from D.v.
Railway Manager (P)
Lucknow W.E./Gondal.

सुभा-उ-31/2/83

3.

by which ~~xxxxxxxxxx~~ applicant's representation has been wrongly rejected in the cadre of Boiler Maker in as much as he ought to have been given the pay scale of Boiler Maker w.e.f. from 17.2.1973 the date on which Sri Bhagwati Chaubey B. M. who is junior to the applicant was given the grade and pay scale of Boiler Maker while the applicant was given the pay scale of Boiler Maker w.e.f. 1.8.1978. The applicant is senior to Bhagwati Chaubey hence he ought to have given the pay scale of Boiler Maker w.e.f. 17.2.1973.

(ii) Date

24.1.1983.

(iii) Passed by

Divisional Railway Manager (P)
N.E. Railway Lucknow.

(iv) ~~Rx~~ Subject in brief. The applicant is senior

to S/S Bhagwati Prasad Chaubey
B.M. Gorakhpur., Sheo Prasad
B.M. Grade, Ram Naresn, Lal
B.M. Gorakhpur Munna Lal,
B.M. Grade, Chandrika Prasad
B.M. Grade Ram Swaroop, B.M.

Charbagh, Shed, Lucknow and
Jangi Teli B.M. Gorakhpur. These
persons have been promoted
earlier to the applicant while
the applicant being senior ought

अज्ञात-5 लाख

4.

to have been promoted earlier before them. Hence he has submitted his representation before the respondents but he has not been given justice hence the present application is being filed before this Hon'ble Tribunal on valid grounds. Details given against para-6.

4. Jurisdiction of the Tribunal.

The applicants declares that the subject matter of the order against which he wants redressed is within the jurisdiction of the Tribunal.

5. Limitation.

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the Case.

The facts of the case are given below:-

(a) That the applicant was initially appointed as B.M.Khalasi on 8.1.1965 in the loco shed charbagh, Lucknow and subsequently he was transferred to Locoshed Gonda.

(b) That Sri Bhagwati Prasad Chaubey, Boiler Maker Gorakhpur shed went on transfer to Loco shed Gonda on his own request accepting bottom seniority and

21/2/85
90
Incl

5.

and joined at Gonda on 10.9.1965 and a remark to this effect has been recorded against his seniority less No.48 of Boiler Maker Khalasi. Since the petitioner was appointed on 8.1.1965 hence he is senior to Sr Bhagwati Prasad Chaubey.

(c) That Sri Sneh Prasad Boiler Maker loco shed Gonda also joined at loco shed Gonda on 28.4.66 accepting his transfer on his own request with bottom seniority.

(d) That Sri Ram Kumar Misra Boiler Maker loco shed Gonda also came on transfer on his own request and reported on 7.6.65 at loco shed Gonda accepting bottom seniority.

(E) That Sri Chandrika Prasad Boiler Maker loco shed Gorakhpur was also transferred to loco shed Gonda on his own requests accepting bottom seniority. He joined at Gonda in 1966.

(F) That similarly son of Sri Ram Narresh Lal Khatkhat Munni, Ram Swaroop and Jangi Teli Boiler Maker are juniors to the applicant and they have been illegally promoted on the posts of Shifted Boiler Maker prior to the petitioner who is senior to them.

(G) That the applicant have preferred a representation to respondent no.2 on 30.3.82 interalia stating the facts and requests that S/Sri Bhagwati Prasad Chaubey Boiler Maker Gorakhpur etc. were junior to him hence the petitioner being senior to them

अग्रिम
ग
द्वारा

6.

should also be given seniority and promotion w.e.f. 17.2.73 the date on which S/Sri Bhagwati Prasad Chaubey B.M.etc. were promoted and his pay may also be fixed accordingly. The elector state copy of representation dated 30.3.82 is filed herewith as Annexure no.1 to this application.

Annexure-1

(H) That the applicant was informed by opposite party no.2 through his letter No.E.PC./DCT-1/BM/Kh. dated 15.5.82 that the applicant should furnish the documentary evidence in support of his claim since the old record was not available in his office which was functioning after 1.5.1959., the true copy of letter dated 15.5.82 is filed herewith as Annexure no.2 to this application.

Annexure-2

(I) That the applicant submitted the seniority lists as on 1.4.1967 of the Gonda and Lucknow district and further requested that petitioner's seniority and may kindly be fixed immediately.

(J) That the applicant further submitted his appeal before opposite party no.2 on 16.8.82 and 3.3.83 interalia stating the entire facts in ~~xxxxx~~ detail and requested that justice be done to him and his seniority and pay be fixed in accordance with law. The true copy of appeal dated 16.8.82 and 3.3.83 is filed herewith as Annexure-3 & 4 to this application

Annexure-3 & 4

(K) That the applicant was informed by opposite

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party no.2 through his letter dated 24.1.83 through J.M.E.Gonda (respondent no.3) vide his letter No.M/GD /Estt. dated 27.1.83 that the matter was examined by the opposite party no.2 and it was found that except Ram Kumar M'sra other persons refused in the representation/appeal were found senior to him. The true copy of the letter dated 24.1.1983 is filed herewith as annexure no.5 to this application.

annexure-5.

(L) That the applicant further clarified and examined to opposite party no.2 through his application dated 17.8.83 that the findings recorded regarding his seniority was not correct and the application was senior to Sri Bhagwati Prasad Chaubey since he was transferred to Gonda on 4.9.65 on his own request accepting bottom seniority hence the applicant's pay as fitter should not be less than Sri Bhagwati Prasad Chaubey hence it was requested that his pay and seniority may be fixed accordingly. The true copy of application dated 1.7.1983 is filed herewith as annexure no.6 to this application.

annexure-6

(M) That the applicant further submitted his representation to respondent no.4 on 4.6.86 stating the entire facts in detail and requested that his ~~seniority~~ seniority and pay may be fixed immediately since he was senior to Sri Bhagwati Prasad Chaubey etc. The true copy of

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ANNEXURE 7

the representation dated 4.6.86 is filed herewith as Annexure no.7 to this application.

Annexure 8

(N) That the applicant was informed by opposite party no.2 through his letter dated 10.12.1987 that applicant's representation regarding fixation of his seniority was under consideration and the applicant will be informed as soon the same will be decided. The copy of letter dated 10.12.1987 is filed herewith as annexure no.8 to this application.

(O) That the petitioner further send a reminder to respondent no.2 on 17.10.88 that the applicant was senior to S/Sri Bhagwati Prasad Chaubey & Jang Tihi, Munna, R.K. Misra, and Sheo Kumar Prasad as B.M. Khajasi xxx and they were promoted ignoring the applicant illegally hence it was requested that his pay and seniority be fixed accordingly the true copy of the reminder dated 17.10.88 is filed herewith as annexure-9 to this application.

(P) That the applicant also met respondents nos. 2 to 4 several times and apprised him the entire facts and requests that his pay and seniority be fixed w.e.f. 17.2.73 the date on which Sri Bhagwati Prasad Chaubey, B.M. Khajasi who is junior to the applicant was promoted but nothing has been done till date hence the applicant has no alternative remedy except filing the present

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application.

7. Details of the remedies exhausted.

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

<u>Representations</u>	<u>Outcome of such representation.</u>
1. Submitted to D.R.M.(P) Lucknow on 30.3.82, 15.5.82, 30.6.82 18 16.8.82, 3.3.83, 1.7.83, 30.1.85, 4.6.86.	Informed through letter dated 10.12. 87 that the matter was pending for decision.

2. Reminder dated
9.2.88 and 17.10.88

8. Matter not previously filed or pending
with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority ~~xxxxxxx~~ in any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Relief sought.

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

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(i) That since the applicants' date of appointment is 8.1.1965 he is senior to Sri Bhagwati Prasad Chaubey who came on transfer to & took over the post on 10.9.65 accepting bottom seniority as such he should be declared senior to Sri Bhagwati Prasad Chaubey and S/Sri Sheo Prasad Ram Kuresh L 1, Munna, Chandrika Prasad, Ram Swaroop, and Jangi Teli Boiler Maker.

(ii) That the applicant being senior to these Boiler Makers be promoted on the post of Boiler Maker w.e.f. 17.2.1973 the date on which junior i.e. Bhagwati Prasad Chaubey was promoted.

(iii) That the applicant's pay on the post of Boiler Maker in the pay scale of Rs.950-1600 be fixed w.e.f. 17.2.73 and the entire arrears of pay and allowances be also paid to him.

(iv) That a writ order or direction in the nature of Mandamus commanding the respondents to act in accordance with law and to dispose off the applicant's appeal/representation contained in annexure nos. 1,2,3,4,5,7 and 9 to the application soon with the direction that applicants be treated senior to Sri Bhagwati Prasad Chaubey and he be also treated promoted on the post of Boiler Maker w.e.f. 17.2.73 with all benefits.

(v) That the costs of the present application be awarded to the applicant.

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10. Interim Order if any prayed for

No.

11. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed post card (inland letter) on which information regarding the date of hearing could be sent to him.

No

12. Particulars of Bank Draft/Postal Order in respect of the application fee.

(i) Name of the Bank on which drawn.

(ii) Demand Draft No.

or

(iii) Number of Indian Postal order. DD 029078
5

(iv) Name of Issuing post office. High Court Bench, Lucknow

(v) Date of issue of Postal order. 31/3/89

(vi) Post office to which payable. Allahabad.

13. Lists of Enclosures:-

1. Photostatic copy of appeal/ representation regarding fixation of seniority dated 30.3.82.

2. Photostatic copy of D.R.M's letter no.E/PC/BM-Kh. dated 15.5.82.

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3. Photostate copy of applicant's appeal/representation dated 16.8.82.

4. Photostate copy of representation dated 3.3.83.

5. Photostate copy of the letter No.E/PC/DCI/83 dated 24.1.83 from D.R.M.(P) Lucknow.

6. Photostate copy of applicant reminder dated 1.7.83.

7. Photostate copy of applicant's representation dated 4.6.86-

8. Copy of letter No.S.E.B.C./DCT/EBM dated 10.12.87 from D.R.M. Lucknow.

9. Copy of applicant's reminder dated 17.10.88.

Verification

I, D.C.Tewari, son of Sri R.N.Tiwari, aged about 45 years Basic Boiler Maker Loco Shed F.E.R. Charbagh, Lucknow do hereby verify that the ~~xxxxxxx~~ contents of paras 1 to 8 and 10 to 13

are true to my personal knowledge and paras 9 is believed to be true on legal advice and that I have not suppressed any material facts.

Date: 31/8/89
Place Lucknow 12/10

Signature of the applicant

13.

To

The Registrar,

Grounds

(1) Because the ~~xxxxxxx~~ applicants date of appointment on his substantive post of Khalasi's 8.1.65 and S/Sri Bhagwati Prasad Chaubey Boiler Maker, Sheo Prasad B.M. Ram Kumar Mishra Chandrika Prasad, B.M. Munna B.M. Jangi Teli, P.M. Ram Waresh Lal B.M. and Ram Swaroop B.M. are juniors to him since they have joined subsequently after 8.1.1965 accepting the bottom seniority.

(2) Because the applicant being senior ought to have been promoted on the post of Basic Boiler Maker w.e.f. 17.2.1973 the date on which he's junior to. Bhagwati Prasad Chaubey was promoted.

(3) Because the applicant have been ignored in the promotion due to administrative fault.

(4) Because the applicant is senior to S/Sri Bhagwati Prasad Chaubey etc. in the graduation list of B.M.Khalasi since they have joined on transfer after 8.1.1965 accepting the bottom seniority.

(5) Because the applicant's appeal/representation is pending since 30.3.1982 and the same xxx has not been disposed off inspite of the reported

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request and there is no hope that the same
will be disposed off soon.

Prayer

It is, therefore, most respectfully prayed for
the following reliefs:-

(1) That a writ order or direction in the nature of
Mandamus commanding the respondents to act in
accordance with law and to treat the applicant
senior xx with Bhagwati Prasad Choubey B.M. etc.
and also be treated as promoted w.e.f. 17.2.1973
with all arrears of pay, allowances and other
benefits and his appeal/representation which
pending be decided at once.

(2) That any other suitable order or direction which
this Hon'ble Tribunal may deem fit and proper in
the circumstances of the case in favour of the
applicant be passed.

(3) That the cost of the present application be
awarded to the applicant.

ucknow dated:

31/8, 1989

12/10

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In the Central Administrative Tribunal Lucknow
Bench Lucknow.

Between

D.C. Tewari ... Petitioner
Versus

Union of India and others ... Opp-Parties.

Annexure no.1

To

The Divisional Railway Manager
N.E. Railway Lucknow.

Through Proper Channel.

S'r,

Sub:- Appeal against wrong fixation of my
seniority and supersession by juniors
in the matter of promotion.

Ref:- Seniority of Boiler Makers (260-400) as on 1.5.
81 published under your No. P/255/I. (Shanu)
81 dated 31.12.81/3.1982.

Respectfully I beg to submit that the following
employees are junior to me as Boiler Maker Khajis but
have superseded me and got undue promotion as Boiler
Maker ignoring my claim:-

1. Shri Bhagwat Prasad Chaubey, Boiler Maker/GKP
shed (Sr.No.22) of the above seniority list. He came
on transfer on his own request accepting bottom
seniority and reported to Ex-Gd.District on 10.9.65
vide remarks against his name at Sr. No.48 of
seniority list of Boiler Maker Khajis as on 1.4.66
of Ex.DME/GD my date of appointment being 8.1.65 and
am senior to him.

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2. Shri Sheo Prasad, Boiler Maker/GD (Sl.No.41) He came on transfer on 28.4.66 on his own request accepting bottom seniority and should be assigned seniority from 28.4.66 i.e. the date of his reporting for duty on transfer at GD. In this connection seniority reporting for duty on transfer at GD. ~~xx~~ ~~xxxxxxxxxxxxxx~~ list of Boiler Maker Khalasis (50-85) of LHM Division as on 1.5.1969 may please be seen (Slr. no.5).

3. Shri Ram Kumar Mishra Boiler Maker /GD (Sl.No.67) He came on transfer on his own request and reported on 7.6.65 vide Sl.No.107 of Seniority list of Boiler Maker Khalasis as on 1.4.1966 of Ex.LME/GD.

4. Shri Chandrika Prasad Boiler Maker /GK (Sl.No.65) He was transferred on his own request on 1966 and ~~xxxx~~ should get seniority as Boiler Maker Khalasis from ~~1966~~ 1966.

In view of the above, kind arrange to recast my seniority accordingly assigning me correct position over my juniors i.e. above, Shri Bhagwati Prasad Choubey Boiler Maker /GKP shed and giving me due promotion as Boiler Maker from 17.2.73 i.e. the date of his such promotion alongwith commensurate fixation of my pay as Boiler Maker (260-400) from 17.2.73 and arrears if on this account as admissible under Railway Board's orders.

An early favourable reply is earnestly requested.

Thanking you
Dt.30.3.82

Yours faithfully
Sd.D.C.Tewari
Boiler Maker Khalasis GD.Shed

True copy

Attached
B.N. Moha, Hdv
31/8/89

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19/12/1

संस्था केन्द्रीय एडमिनिस्ट्रेटिव ट्रीबुनल लखनऊ बैंक लखनऊ
बिटवीन

डी०सी०तिवारी

अप्लीकान्ट

बनाम

यूनियन आफ इंडिया तथा अन्य ----

अपोजीट

अने गज र सं०- 2

पूर्वोत्तर रेलवे

संख्या 3 /पीसी/एच०च०ति० /बीएम/ए०

दिनांक 15-5-82

प्रेषक

मंडल रेलवे प्रबन्धक का
लखनऊ

सेवा में

श्री ध्रुव चन्द्रतिवारी

बी०एम०ए० द्वारा लोकोपोरमैनगमेंडा

विषय:- आपका प्रार्थना पत्र 30-3-82 वरियता के संबंध में

आपने 1966 की वरियता सूची का हवाला देते हुए श्री भागवती प्रसाद चौबे व अन्य को कनिष्ठ लिखा है। यह कार्यालय 1-5-69 के पश्चात पंखान कर रहा है इससे पूर्व की पुराना अभिलेख इस कार्यालय में उपलब्ध नहीं है। आप अपने क्लेम के संबंध में आवश्यक अभिलेख इस कार्यालय को भेजे जो कि मूल अभिलेख की प्रमाणात प्रति है। आपने इतनी लम्बी अवधि तक केस के बारे में क्यों नहीं सूचित किया स्पष्ट करे।

ह० अस्प०ट

कृते मंडल रेल प्रबन्धक का

ध्रुव चन्द्र
तिवारी

सत्य प्रतिलिपि

Attested

B. N. Mishra, Adv.
31/8/82

In the Central Administrative Tribunal

Lucknow Bench Lucknow.

Between

D.C.Tewari

...

... Petitioner

Versus

Union of India and others

...

Opp-Parties.

Annexure no.3

To

The Divisional Railway Manager (P),

N.E.Railway, Lucknow

Through Proper Channel

Sir,

Sub:- Appeal against wrong fixation of seniority and supersession by juniors in the matter of promotion.

Ref:- My appeal dated 30.3.1982

Your letter No.E/PG/Thru.Ch.II/BM/Kh.dt.

15.5.82 My reply dated 30.6.82.

Kindly refer to the above to which nothing further has been heard from your end.

The plea taken in your letter dated ~~15.5.1982~~ 15.5.1982 that your office started functioning after 1.5.1969 and as such old records prior to this date are not available is mala fide and false. Combined seniority lists of Ex-Gonda and Ex-Lucknow Districts were prepared by your office as on 1.5.1969 on the basis of old records of Ex-Gonda and Lucknow, Districts. However, as desired by your above letter

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dated 15.5.82 , I have already furnished photocostate copies of Boiler Maker Khaliasis of Ex-Gonda District as on 1.4.1966 and 1.4.1967 by my letter dated 30.6.1982.

You have also asked me to clarify why I did inform about for a long time, rather than rectifying the gross and grave errors in the seniority list which give undue favour and advantage to a few juniors superseding the senior ones I made several representations in the past against incorrect seniority of ~~Ex~~ B.M.Khaliasis.

However, your attention is invited to the fact that seniority of Boiler Makers (260-400) as on 1.5.1981 was published under your No.Ka/225/1 (~~Xxxx~~ (Shed & Anu)/81 dated 31.12.81/16.2.82 and I submitted my appeal against the same on 30.3.1982.

Earlier also I made appeal against assigning incorrect seniority to me in the seniority lists of Boiler Maker Khaliasis published by your office as on 1.5.69 , 1.5.78 and 1.5.81 as were received by me.

Since more than half of dozen Boiler maker Khaliasis junior to me have already superseded me

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and promoted as Boiler maker, I request your honour to xxx look into the matter urgently and fix my seniority correctly and promote me with retrospective effect and pay arrears on this account very early date.

Thanking youx

Yours faithfully

Sd.D.C.Tewari

BM Khattas / M.E.Rty
/Gondr Shed T.No.360

Received.

Sd. Ineligible

Incknow 16.8.82.

dated 16.8.1982.

True copy

Attested

B. N. Mishra, Adm.
31/8/82

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निकर

In the Central Administrative Tribunal Lucknow

Bench

Between

D.C.Tewari ... Petitioner

Versus

Union of India and others ... Opp-Parties.

Annexure no.4

TO

The Divisional Railways Manager (P)
W.E.Railway, Lucknow.

Through : Proper Channel.

Sir,

Sub- My appeal dated 8.9.82 against wrong
fixation of seniority and supercession by juniors
in respect of promotion.

Ref:- Your letter No.E/PC/DCT/83 dt.24.1.83
received through JME/L/GD's No.M/GD/Estt.
dt.27.1.83.

Respectfully I beg to submit the following
against the reply given by you upon my appeal dt.8.9.82.

1. Reg. Shri Bhagwat Pd. Chaudhary BM/GKP. It has been
admitted that he was transferred to Ex.Gonda dt.on 4.9.
65 on his own request on bottom seniority. The seniority
in that unit counted from 4.9.65. That being so, how he
was promoted as BM/(210-290) on 27.2.67 i.e. only after
over one year's of service and under what rules. If he
was erroneously promoted by the administration, it
should make amends by giving me the benefit of

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proforma promotion fixation of pay and seniority over him, as per Railways Board's extent rules.

2. Reg. Shri Sheo Prasad BM/GD. The position stated in your above is not understood. As stated in your letter he was appointed as peon in Ex. IZN. Distt. If he ~~was~~ rendered ~~surplus~~ as Peon in IZN district. he could have been absorbed as Peon in other district and not as BM Khalasi which has a different medical category as well as different seniority group. Therefore, his absorption as BM Khalasi on being rendered surplus as peon is not in administrative interest and he should be given seniority as BM Khalasi only from 23.4.66. i.e. the date of his assuming the duty of BM Khalasi.

3. Reg. Shri Ram Naresh Lall. BM/GKP.

It is not understood if Shri Ram Naresh Lall was appointed as BM Khalasi on 29.10.60 and transferred to ex GD dt. on bottom seniority on his own request on 4.6.63 how he has been assigned seniority as BM Khalasi w.e.f. 29.10.59 i.e. even before his initial appointment in ~~all~~ all seniority lists published by your office. In fact he came on transfer to GD dt. on 15.9.65 and should have assumed from 15.9.65 and is junior to me.

4. Shri Munna BM/GD. In the seniority list of BM Khalasi on 1.4.66 published by DME/GD Shri Munna has been assigned seniority position below Shri Ram Naresh Lall. Had he retained original seniority on mutual exchanges stated in your above letter, he would

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have been assigned seniority above Shri Ram Naresh Lall. Therefore, your contention does not seem to be correct. In fact he joined on bottom seniority in GD District on 19.3.65 and is junior to me.

5. Shri Chandrika Prasad BM/GD. In the seniority list of BM/Kh. as on 1.4.69 published by DME/GD it has been indicated that Shri Chandrika Prasad came on transfer to GD dt. on bottom seniority.

Whereas in your above letter you have stated that he came by mutual exchange. In fact he should be assigned seniority as BM Kh. from 19.4.66 i.e. the date he came on transfer to GD. dt. on bottom seniority and is junior to me.

6. Shri Ram Swaroop BM/CB shed. It is not correct that Shri Ram Swaroop was appointed as BM Kh. on 15.1.60 and senior to me. Please refer to seniority list of BM.Kh. as on 1.4.67 published by DME/ILQ in which it has been clearly indicated that he became as a BM.Kh. from 15.2.66 and was correctly assigned seniority below me. But, afterwards he was assigned seniority over me without assigning any reason and now he has superseded me in matter of promotion erroneously.

7. Shri Jangli Teli BM/GKP. Although it has been admitted in your above letter that Shri Jangli Teli came from WR Railway to this Rly. on 9.3.65 a peculiar plea has been taken of ranking him senior to me on the ground of this confirmation which is contrary to Railway Boards

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Instructions .Railway Board's letter No.E/55/SR6/5/3 of 19.5.1955 as also para 312 of Establishment Manual clearly lays down that a staff transferred at their own request from one Railway to another, one cadre/division to another confirmed and officiating staff irrespective of the date of confirmation., But in utter violation of the standing instructions of the the Railway Board, Shri Jangal Tej has been given favoured treatment throughout. so far and although he is junior to me in terms of Railways

Board's above orders and Estt. Manual he has been promoted as Boiler Maker from 4 14.9.76 and I have been superseded not only by him but many others as above including Shri Ram Kumar Mishra.

That I request your honour to show me the relevant P/Cases and orders of all the above persons to enable me to examine their relative position thoroughly .I also request your honour to immediately recast the seniority list correctly and assign me correct seniority and also promote me with retrospective effect from the date the first man junior to me was erroneously promoted along with arrears of back wages.

Hoping for a very early action and waiting an early reply.

dt.3.3.83

Thanking your

Yours faithfully

Sd.D.C.Tewari

BBM(GD)Loco Shed

True copy

Attended
B. N. Mishra
Relv
31/3/83

अज्ञात-युक्त
निवेदन

In the Central Administrative Tribunal

Lucknow Bench

Between

D.C. Tewari

...

... Petitioner

Versus

Union of India and others

...

Opp-Parties.

Annexure no.5.

copy of letter No.E/PG/DCT/83 dt.24.1.1983 from
DRM(P) IJM to AME/Gonda.

Subj-Appeal dated 8.9.82 of Sri D.C.Tewari
BEM/GD against fixation of seniority.

Sri Tiwari has stated in his above appeal that
following persons junior to him have been promoted as
B.M. (260-400) ignoring him:-

1. Shri Bhagwati Prasad Chaube, B?"/GKP
2. Sri Sheo Pd. BM/Gonda.
3. Sri Ram Kumar Misra BM/Gonda.
4. Sri Ram Nareish Lal B.M./GKP
5. Sri Munna B.M./Gonda.
6. Sri Chandrika Pd. BM/CB
7. Sri Ram Swaroop BM/CB
8. Sri Jangal Teli BM/GKP.

The above cases have been examined in detail
and it has been noticed that except Sri Ram Kumar
Misra, all are senior to him as may be seen from the
following facts.

1. Sri Bhagwati Pd. Chaube BM/GKP

He was appointed BM/Kh.in Ex.IJM Distt.

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on 15.1.60 and was transferred ~~Ex/xxxxxxExxJN~~ to Ex.Gonda Distt. where he joined on 4.9.65 .He was promoted as BBM (210-290) on 27.2.67 before formation of this division. Sri Tiwari was appointed as BM/Kh. on 8.1.65 in Ex.IJN Distt. and remained in Ex. IJN. Distt.

At the time of formation of Lucknow division on 1.5.69 the seniority of Ex.IJ" and G.D. Distt. was combined and length of service in the grade is the criteria for combining the seniority .Since Sri Bhagwati Pd.Chaube was BBM/(210-290) on 1.5.69 , he stands senior to Sri Tewari who was BM/Kh. in lower grade.

2, Sri Seho Pd.BM/Gonda.

He was appointed as Peon in Ex.IZN Distt. on 5.6.60 and on being rendered surplus he was absorbed as BM/Kh. in ex.GD. distt. on 23.4.66 in same grade.

Since this was a case of absorption of surplus staff on administrative ground full seniority was allowed. He was appointed much earlier than Sri Tewari hence he stands senior to Sri Tewari.

3. Sri Ram Naresh Lal BM/GKP

He was appointed as BM/Kh. in ex.IZN Distt. on 29.10.60 and transferred to Ex.GD. Distt. as per his own request and joined in Ex.Gonda distt. on 4.6.63

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much before the appointment of Sri Tiwari,
Therefore, he stands senior to Sri Tiwari.

4. Sri Munna BM/Gonda

He was appointed as BM/Kh. in Ex.LJN Distt.
on 15.1.60 .He was transferred to Ex.GD. distt. in
mutual exchange with Sri Sheo Mangal whose date of
appointment was 3.4.58, .Under extent rules Sri
Munna retained his original seniority and stands
senior to Sri Tiwari.

5. Sri Chandrika Prasad & BM/Gonda.

He was appointed as BM/Kh. in Ex.LJN Distt.
on 15.1.60 and was transferred to Ex.Gonda Distt.
in mutual exchange and joined in Gonda Distt. on
1.3.61 much before the appointment of Sri Tewari
Therefore, he stands senior to Sri Tiwari.

6. Sri Ram Swaroop BM/CB.

He was appointed in Ex.LJN Distt on 15.1.60
much before Sri Tiwari and all along remained in
Ex.LJN Distt. Therefore he stands senior to Sri
& Tiwari.

7. Sri Jangi Teli BM/GKR

He was appointed as BM/Kh. on 6.10.65 in
N.F.Railway and came to this Railway in Ex.Gonda
Distt. on 9.3.65 accepting bottom seniority. Since

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4.

he was permanent staff and was allowed seniority below the confirmed staff on 9.3.65. Sri Tiwari was appointed on 8.1.65 and was temporary on 9.3.65 hence Sri Jangal Teli stands senior to Sri Tiwari.

In the circumstances there is seniority dispute of Sri D.C. Tewari with Sri Ram Kumar Mishra only. Since Sri Mishra has been promoted as B.M. (260-400) a show cause notice being issued to him. On receipt of his reply the case will be further examined before taking final decision.

Please inform Sri D.C. Tewari suitably. Sri Tiwari also met the Sr.D.P.O. on 22.1.83 and position was explained to him. A copy of show cause notice issued to Sri Ram Kumar Mishra is also enclosed, service of which may kindly be ensured.

This has the approval of Sr.DPO/LJN.

Sd.

Divisional Railway Manager (P) LJN

No.M/GD /Estt.

C/- Sri D.C. Tiwari BEM/Gonda shed through LF/GD for information.

Asstt. Mech. Engineer / L
Gonda.

True copy

Attested

B. N. Mishra
Asstt.
31/8/89

30-4-5
A
12/9/81

Copy of letter No.No.E/PC/DCT/83 dt.24.1.83
from DRM(P)²⁵/LJN to Sri Ram Kumar Misra B.M.
*Gonda through LF/Gonda.

sub:- Fixation of seniority.

Sri D.C.Tiwari BEM/*Gonda has represented that he
stands senior to you. Your case was examined and
it has been found that you were appointed as B.M.
Khalasi in Ex.IAN Distt. on 12.1.1961 .You were
trasnferred to Ex.Gonda district on your own
request on 7.6.1965.

Under rule you are entitled for seniority
w.e.f. 7.6.65 as B.M.Khalasi below Sri D.C.Tiwari
whose date of appointment is 3.1.1965.

You are given clear 10 days time to submit your
representation along with the documentry proof if
you have any for your seniority ~~xxxxx~~ above Sri
Tiwari your represntation will be considered
before decising your sen'riyy in comparison
to Sri D.C.Tiwari . If you fail to submit your
representat'on wit in 10 days, it will be

presumed that you have nothing to say in this
correct'on and Sri Tiwari will be ~~xxxxx~~ declared
senior to you.

Sd. For Divl.Manager/P NER Lucknow.

True copy

Attached
B.N. Misra
Hdv.
31/8/89

21-4-5
3
Hdv.

On the Central Administrative Tribunal

Lucknow Bench Lucknow.

Between

D.C. Tewari

...

... Petitioner

Versus

Union of India and others

...

Opp-Parties.

Annexure no.6

To

The Divisional Railway Manager (D)

N.E. Railway, Lucknow.

Through: Proper Channel

Sir,

Sub:- Wrong fixation of my seniority and
suppression by juniors.

Ref:- Your letter No.E/PC/DCT/83 dated 24.1.83

2. My rejoinder dated 3.3.83.

Respectfully I beg to submit as under:-

1. That it has been admitted vide your letter No.E/PC/DCT/83 dated 24.1.1983 that Sri Ram Kumar Misra is junior to me.
2. By my rejoinder dated 3.3.83 I have promoted out that Sri Bhagwati Prasad Chaubey, Junior to even Sri Ram Kumar Misra and therefore, invariably junior to me as he was transferred to Gonda on 4.9.65 on own request.

That in view of the above my pay as Pitter (260-400) should not be less than Sri Bhagwati Prasad Chaubey who was promoted earlier than me due to administrative error.

कुल चर्चा
निर्वाह

2.

I, therefore, request your honour to
fix my pay and date of promotion accordingly in
relation to my x junior Sri Bhagwati Prasad Chaubey
and arrange for payment of promotion benefits
accordingly.

Thanking your

Yours faithfully

Sd.D.C.Tewari

Basic Boiler Maker

Loco Shed/NER/Gonda

True copy

Attached

B-N-Mony
Achr

31/8/29

अनुपम चौरा

In the Central Administrative Tribunal

Lucknow Bench

Between

D.C. Tewari

...

Applicant

Versus

Union of India and others

...

Opp-Parties.

annexure no.7

To

The Senior Divisional Mechanical Engineer (I),
North Eastern Railway, Lucknow.

Through: Proper Channel

Subj:- My appeal dated 8.9.1982 against wrong fixation
of seniority and supersession by juniors in
respect of promotion.

Ref:- Your letter No.E/PC/DCT/83 dt.24.1.1983
received through JME(L)GD's No.M/CD/Estt.
dated 27.1.1983.

Most respectfully I beg to submit the following
against the reply given by you upon my appeal dated
8.9.1982:-

1. Reg.Suit Bhagwat Pd. Chauhan BM/GKP It has been
admitted that he was transferred to Ex-Gonda on
4.9.1965 on his own request accepting his bottom
seniority. The seniority in that unit counted
from 4.9.65. That being so, how he was promoted
as BBM(Rs.210-290) on 27.2.67 i.e. only after over one
year's service and under what rules. If he was
erroneously promoted by the Administration, it should
make amends by giving me the benefit of proforma,
promotion fixation of pay and seniority over

गुजराय दास

2.

him as per Railway Board's extant rules.

2. Reg. ~~Sri~~ Sri Sheo Prasad BM/GD. The position stated in your above is not understood. As stated in your letter he was appointed as peon in Ex-IZN District. If he was rendered surplus as peon in IZN District, he could have been ~~as~~ absorbed as Peon in other District and not as BM Khalasi which has ~~as~~ a different medical category as well as different seniority group. Therefore, his absorption as BM Khalasi on being rendered surplus as Peon is not in administrative interest and he should ~~be~~ be given seniority as BM Khalasi only from 23.4.66 i.e. the date of his assuming the duty of BM Khalasi.

3. Reg. Ram Naresh Iall BM/GKP. It is not understood if Shri Ram Naresh Iall was appointed as BM Khalasi on 22 29.10.60 and transferred to Ex.GD. on bottom seniority on his own request on 4.6.63 how he has been assigned seniority as BM/Khalasi w.e.f. 29.10.59 i.e. even before his initial appointment in all seniority lists published by your office. In fact he came on transfer to GD dt. on 15.9.65 and should have assumed from 15.9.65 and is junior to me.

4. Sh. Munna BM/GD. In the seniority list of BM/Khalasi as on 1.4.66 published by DME/GD Sri Munna has been assigned seniority position below Shri Ram Naresh Iall. Had he retained original seniority on mutual exchange as stated in your above letter, he would have been assigned seniority above Shri Ram Naresh Iall. Therefore, your contention does not seem

श्री
नाresh

3.

to be correct. In fact he joined on bottom seniority in GD district on 19.3.65 and is junior to me.

5. Shri Chandrika Prasad BM/GD. In the seniority list of BM Khalasi as on 1.4.68 published by DME/GD it has been indicated that Shri Chandrika Prasad came on transfer to GD district on bottom seniority whereas in your above letter you have stated that he came by mutual exchange. In fact he should be assigned seniority as BM Khalasi from 19.4.66 i.e. the date he came on transfer to GD district. on bottom seniority and is junior to me.

6. Shri Ram Swaroop BM/CE Shed. It is not correct that Shri Ram Swaroop was appointed as BM Khalasi on 15.1.60 and senior to me. Please refer to seniority list of BM Khalasi as on 1.4.67 published by DME/LJN in which it has been clearly indicated that he became as a BM/Khalasi from 15.2.65 and was correctly assigned seniority below me. But, afterwards he was assigned seniority over me without assigning any reason and now he has superseded me in matter or promotion erroneously.

7. Shri Jangal Teli BM/GKP. Although it has been admitted in your above letter that Shri Jangal Teli came from M.R. Railway to this Railway on 9.3.65 a peculiar plea has been taken of ranking him senior to me on the ground of this confirmation which is contrary to Railway Board's instructions. Railways

2/12-4-68
D. Singh

4.

Board's letter No.E/55/SR6/5/3 of 19.5.1955 as also para 312 of the Establishment Manual clearly lays down that staff transferred at their own request from one Railway to another, one cadre/division to another and one category to another should be placed below xx all existing confirmed and officiating staff irrespective of the date of confirmation. But in utter violation of the standing instructions of the Railway Board, Shri Jangi Teli has been given favoured treatment through out so far and although he is junior to me in terms of Railway Board's above orders and establishment Manual he has been promoted as Boiler Maker from 14.9.76 and I have been superseded not only by him but many others as above including Shri Ram Kumar Mishra.

That I request your honour to show me the relevant personnel cases and orders of all the above persons to enable me to examine their relative position thoroughly. I also request your honour to immediately recast the seniority list correctly and assign me correct seniority and also promote me with retrospective effect from the date the first man junior to me with erroneously promoted alongwith arrears of back wages.

Hoping for a very early action and awaiting an early reply.

Thanking you

Yours faithfully

Dated 04.06.1986

D.C.Tewari
BBM(GD) Loco Shed

True copy

Attached
B-N
Mishra
Adv. 31/8/89

गुप्त चर्चा
12/12/86

संस्था केन्द्रीय एडमिनिस्ट्रेटिव ट्रीबुनल लखनऊ बिब लखनऊ

बिटवीन

डी०सी०तिवारी ----

पी टी शानर

बनाम

यूनियन आफ इंडिया तथा अन्य--- अपो०पार्टीज

अनेज्जर सं०-8

कार्यालय मंडल रेल प्रबन्धक का
लखनऊ

स०-ई/बी सी/डीसीटी/ बी०बी एम
दिनांक 12-12-87

लोको पोर मैन
कारबाग

विषय:- श्री डी सी तिवारी बेसिक बीएम १९५०-१५००१

का बीएम छालासी के पद पर बरि वरीयता निर्धारण हेतु
अभिप्रेदन दिनांक 3-12-87

उपरोक्त कर्मचारी का इससे पूर्व दिनांक 4-6-87 का

बी०एम छालासी के पद पर वरीयता निर्धारण का

अभिप्रेदन प्रमाकामिया प्रमयाई के विचाराधीन है। आदेश

होते ही आदेश की एक प्रतिलिपि कर्मचारी को प्राप्त करा दी
जायेगी।

कृपया संबंधित कर्मचारी को इसकी सूचना तुरंत दे।

ह०अस्पष्ट 10-12-87

कृते मंडल रेल प्रबन्धक का लखनऊ

True copy
Attested
B.N. Mishra
31/12/89

In the Hon'ble Central Administrative Tribunal Lucknow
Bench,

Between

D.C. Tewari Applicant

Versus

Union of India and others Opp-Parties.

Annexure no.9

To

The Div. Railway Manager (1000)
North Eastern Railway,
Lucknow.

Sub:- Refixation of pay and seniority w.e.f. 17.8.1978

Sir,

Respectfully I beg to state as under:-

1. That Shri Smt. Bhagwati Chaube, Jangti Teji, Munna, R.K. Misra and Shree Prasad were junior to me as a ~~XXXXXX~~ Boiler Maker Khajasi.
2. That due to administrative default and error they were promoted earlier to me and the applicant was ignored for trade test and promotion.
3. That after repeated appeals, the applicant has also been promoted as Boiler Maker with effect from 1.8.1978.
4. That as stated earlier my juniors were wrongly promoted earlier to me and therefore they have been ranked senior to me.

It is therefore, requested that I may be allowed proforma fixation of pay and seniority with reference to my junior Smt. Bhagwati Chaube.

In early action is requested.

Yours faithfully
D.C. Tewari
Boiler Maker (C.B.)
Lucknow 17.10.88.

True copy
Attached
B-N. Mung
Relv.
31/8/89

21-5
12/11/81

In The Central Administrative

पञ्चायत अधिनियम

[वादी] वकीलान्त

प्रतिवादी [रजिस्ट्रार]

Tribunal Lucknow Bench, Lucknow

D. C. Tewari

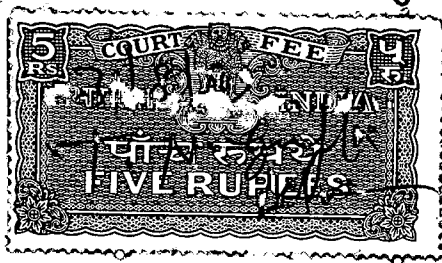
वकीलतनामा

O. A. No. --- of 1989(L)

D. C. Tewari

VS

Union of India
& others



(अपीलान्त)

प्रतिवादी (रजिस्ट्रार)

सं० मुफद्दा

सम्

पेजी जी सा०

१२ ई०

उपर लिखे मुफद्दा में अपनी ओर से श्री

T. N. Gupta, Advocate

B. N. Mishra, Adv.

वकील

महोदय
एडवोकेट

नाम अदापत्र
मुफद्दा नं०
नाम करेण्ड

जो अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूँ और लिखे देता हूँ इस मुफद्दा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी या जवाब देही या प्रश्नोंत्तर करें या कोई कामकाज पाबिल करें या लीटावे या हमारी ओर से टिगरी चारी करावे और खपया पसूल करें या खुलहनामा या इफ्ताल दावा तथा अपील निमरानी हमारी ओर से हमारे या अपने हस्ताक्षर से पाबिल करें और तसवीज करें मुफद्दा उठावें या कोई खपया जमा करें या हमारी विपक्षी (फरीफसाजी) का दाखिल किया हुआ खपया अपने या हमारे हस्ताक्षर युक्त (एस्तखती) रसीद से लोपे या पंच नियुक्त करें—वकील महोदय द्वारा जो गई वसू सप जायंवाही हमको सघंवा स्वीकार है और होना मैं यह जो स्वीकार करता हूँ कि मैं हर पेजी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुफद्दा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको छिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पञ्चायतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

हस्ताक्षर

धुवचन्द निवासी

साजो (जवाह)

साजो (जवाह)

दिनांक

31

पहीना

8

सं० 1989 ई०

Accepted
T. N. Gupta

Accepted
B. N. Mishra Adv.

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

4/52

O.A. No.280 of 1989

D.C. Tewari

..... Applicant

Versue

Union of India

..... Respondent.

Reply on behalf of the Union of India and others:

Para 1 : Needs no reply.

Para 2 : Needs no reply.

Para 3 : Only the issue of office order No.E/PC/DCT/83 dated 24.1.83 by D.R.M.(P) as contained in Annexure No.5 to the application is not denied. Rest of the contents are denied. For proper reply kindly peruse the detailed reply given in the facts of the case.

Para 4: Needs no reply.

Para 5: Denied. The applicant is highly barred by limitation prescribed in section 21 of the Act.

Para 6:

a: Not admitted the plaintiff was appointed as F/Kh inscale 70-85(A.S.) at C.B. Shed in LJN Distt. Later on he was designated as B.M.Kh. in the same scale and pay.

b: In reply it is stated that Shri Bhagwati Prasad Choubey was appointed on 15.1.60 as F.Kh. at CB Shed & later on his category was changed to B.M.Kh.(30-35) on 5/7-11-60 and posted at MLN Shed under DME/LJN which comes at Distt. Lucknow Jn. & there after he was transferred at his own request to Distt. Gonda on 4.9.65. The said Shri Bhagwati Prasad was promoted at Distt. Gonda on 27.2.67 as Basic Boiler Maker in scale (75-110) (AS) after passing the trade test. Rest of the allegations are denied. It is specifically denied that the applicant was senior to Shri Bhagwati Prasad Chowbey.

Filed today

cyu

21/5/92

Under DME/LJN which comes at Distt. Lucknow Jn.

Shri 2/1/92

.

1

Snowden

appointed on 29.10.59 as B.M.Kh. in Ex District IZN and transferred to Gonda district on 27.5.63 on his own request. As such he was assigned seniority from 27.5.63 on the post of B.M. Kh. at Gonda district.

With reference to ShriMunna, it is stated that he was appointed as B.M.Kh. on 15.1.60 at lucknow district Jn. and transferred to Gonda District on mutual transfer with Sheo Mangal whose date of appointment was 3.4.58. As such he was assigned seniority w.e.f. 15.1.60 in the post of B.M. Kh. at Gonda district.

With reference to Shri Jangi Teli it is stated that he was appointed on 6.10.55 in N.F. Railway and come on transfer on his own request on 9.3.65. As such he was assigned seniority w.e.f. 9.3.65 as B.M.Kh. at Gonda district. It is worth while to mention that prior to 1.5.69, the seniority of the employees was being maintained district wise and after 1.5.69 when the divisions were formed, the seniority of district of Gonda and lucknow were merged and a joint seniority was published by the division. The seniority position of B.M.Khallasi in relation to the above persons existed prior to 1.5.69 ^{was} as under:-

1.	Shri Sheo Prasad	-	5-6-50
2.	" Munna		15-1-60
3.	" Chandrika Prasad		1-3-61
4.	" Ram Naresh Lal		27-5-63
5.	" <u>D.C.Tewari</u> (Applicant)		8-1-65
6.	" Jangi Teli		9.3.65
7.	" Ram Kumar Mishra		7-6-65
8.	" Bhagwati Pd.Chobey		4-9-65

(Shri Choubey was promoted on 27.2.67 as Basic Boiler Maker in scale 75-110(AS) before merger of the two Ex. District.)

15

On the merger of the two Ex. district into a Division the combined seniority list ^{ob B.M.K.L.} prepared would work out as on 1.5.69 as follows: -

1. Shri Sheo Prasad	5.6.50
2. " Munna	15.1.60
3. " Chandrika Pd.	1.3.61
4. " Ram Naresh Lal	27.5.63
5. " D.C. Tewari (Applicant)	8.1.65
6. " Jangi Teli	9.3.65
7. " Ram Kumar Mishra	7.6.65

The above seniority list in the Division was given effect to after correcting the same on the representation dated 4-5-86 of the applicant giving him seniority above Jangi Teli under office corrigendum no. E/PC/DCT/B.M.Kh. dated 14-1-1988 as per extent rules, a true copy of which is Annexed to this reply as Annexure No. CA-1.

Shri Chowbey who had been promoted after trade test as Basic Boiler Maker and would have nothing to do with the seniority list of B.M. Khallasi.

- (g) Only the receipt of representation as contained in Annexure No.1 is not denied. For contents the said Annexure be referred to. As already stated above, Shri Bhagwati Prasad Chowbey was promoted on 27.2.67 as Basic Boiler Maker is scale Rs.75-110(AS), as such he siezed to have his name in the seniority list of B.M.Khallasi, where as the applicant remained as BM Khallasi and having a seniority in the B. M. Khallasi.
- (h) Issue of letter dated 15.5.82 as contained in Annexure No.2 to the application is not denied.
- (i) Submission of the copy of seniority list as on 1.4.'67 by the applicant is not denied.
- (j) Submission of appeal as contained in Annexure No.4 is not denied.

Shri Ulu

प्रमाणित किया जाता है कि
इसका रजिस्ट्रार

(k) Issue of letter dated 24.1.'83 as contained in Annexure No.5 to the application is not denied. Vide this letter his earlier representations/stood disposed of.

(i) Submission of Annexure No. 6 is not denied.

(m) Submission of annexure No.7 is not denied. Which was disposed of vide letter dated 14.1.'88 (Annexure No.CA-1 to the reply)

(n) Issue of letter dated 10.12.'87 as contained in Annexure No. 8 to the application is not denied. It is stated that the matter was finally decided vide letter dated 14.1.'88 (Annexure No. CA-1 to the reply)

(o) Denied. It is stated that even if he submitted the alleged representation, it was a futile ^{effort} ~~exercise~~ not ^{covered} ~~provided~~ under rules and the respondent having decided the seniority finally vide their letter dated 14.1.'83.

(p) In reply, it is stated that the applicant's representation was disposed of vide respondent's ^{letter no E/Pc/DCT/BMKh dt 14.1.88} a true copy of which has been annexed to this reply as Annexure No. CA-1. As already stated above, the seniority of the applicants was revised after disposing of his representation dated 4.6.'86 vide office order dated 14.1.'88 (Annexure No. CA-1 to this reply) and the applicant was placed above Shri Jaugi Teli as per extent rules.

It is stated that the applicant was promoted as Basic Boiler Maker in scale Rs.210-290 vide office order No.E/M/281/BM/IV dated 12.10.1982, Subsequently as per Railway Board letter dated 13.11.'82 the scale of Basic B.M. was allotted the skilled grade of Rs.260-400 but the status of Basic B.M. remained the same i.e. semi skilled and accordingly the applicant was given the benefit of fixation of pay in scale Rs.260-400 w.e.f. 1.8.78. As per AVC the applicant was called to appear in the trade test examination for the post of

skilled BM in scale 260-400/950-1500 vide this office letter No. E/230/Reclassification/84 dated 12.1.85, E/230/Reclassification/Artisan staff /LJN dt.6.8.85 & even No. dated 23.8.85 & letter No. E/210/SM/II/TT/85 dated 10.12.87 and E/PC/DCT/BM KH. dated 12.5.88 and even No. dated 7.11.88 true copies of which are annexed to this reply as Annexure No. 2 to 8 but the applicant did not appear in the trade test examination for the post of skilled BM in scale 260-400/950-1500 and as such ~~he~~ cannot equate to the employees who passed trade test and were promoted ^{earlier}. It is stated that Shri Bhagwati Prasad Chowbey was promoted on 27.2.67 as Basic Boiler Maker thereby siezing to have any lien in the seniority list of BM Khallasi, when the applicant was still a BM Khallasi as on 27.2.67 and maintained seniority in the post of BM Khallasi. There after Shri Chowbey was promoted to Boiler Maker in Grade Rs. 260-400, a skilled post and further promoted to Grade II in Grade Rs. 330-480/ Rs.1200/1800(RPS), which position he now occupies, after passing trade test in accordance to extent rules.

It is further stated that if any grievance the applicant had, he should have agitated in the year 1973 from which date he claims parity with Shri Chowbey. Even if he alleges to give any claim that is highly barred by time, it being raised for the first time in the year 1989. Even the question of seniority was decided by the administration in the year 1988, january. The correspondence etc. alleged to having been made unprovided in the rules will not extend limitation. The claim if any, is highly barred by time and as such on this account alone is liable to be rejected.

Para 7: In reply it is submitted that the remedies sought for after january 1988 are not provided for in the rules and as such they cannot be termed as remedy. The applicant has not sought any remedy against the decision communicated

Shri Ula
Refer to the file

vide office order dated 14.1.88 and as such the application is barred by time.

Para 8: Needs no reply.

Para 9: Denied, The applicant is not entitled to any relief. None of the grounds advanced are tenable under law and the application is liable to be dismissed with costs.

Para 10: Needs no reply.

Para 11: Needs no reply.

Para 12: Needs no reply.

Para 13: Needs no reply.

Lucknow

Dated: 6-8-91

Sm N Islam
जगर अप्पल कार्यालय अधिकारी
पूर्वतः रेकर्ड - नसबत
Respondent

Verification.

I, *SM N Islam* working as *Sr DPO*
in the office of Divisional Railway Manager N.E. Railway,
Lucknow duly au-thorised and competent to sign and verify
this reply, do hereby verify that the contents of paragraph
1 to 13 of this reply are true to my own knowledge based on
information derived from record and on legal advice.

Sm N Islam
जगर अप्पल कार्यालय अधिकारी
पूर्वतः रेकर्ड - नसबत

पूर्वोत्तर रेलवे,

शुद्धि पत्र

श्री धनंजय चन्द्र तिवारी, बी०एम० खालासी/चारबाग की वरीयता इस कार्यालय से 6/14.12.81 को जारी की गयी वरीयता सूची सं० ई/255/1/चार/श्री०मे० में क्र०सं० 64/ए पर निम्नान्वित की जाती है। क्रम सं० 65 श्री जंगी तेली के ऊपर क्रम सं० 64 श्री टी०जी० कोलेट के नीचे निम्नान्वित की जाती है।

यह प्रमोक्ता के अनुमोदन से जारी किया जाता है।

कृते मण्डल रेल प्रबन्धक(कार्मिक)
लखनऊ।

सं० ई/पी०सी०/डी०सी०टी०/बी०एम०खा० दिनांक - 14.1.88

प्रतिलिपि सूचनाार्थ एवं आवश्यक कार्यवाही हेतु अग्रसारित :-

1. स्याई/गोरखापुर/गोण्डा/लखनऊ।
2. लोको फ्लेरमैन/गोरखापुर/गोण्डा/चारबाग/मैलानी/सी०पी०ए०।
3. सम्बन्धित कर्मचारी।
4. मण्डल मंत्री/नसी/पी०आर०के०एस०।
5. अतिरिक्त प्रति।

सत्यप्रति

कृते मण्डल रेल प्रबन्धक(कार्मिक)
लखनऊ।

सहायक कार्मिक अधिकारी

पूर्वोत्तर रेलवे, लखनऊ

10/1/88
5-9-91

पूर्वोत्तर रेलवे,

सं०- ई/230/रिक्लासीफिकेशन/84

लोको फोरमैन,

पूर्वोत्तर रेलवे,

गोखापुर, गोण्डा, मैलानी, कानपुर अ०, चारबाग

कार्यालय,

मण्डल रेल प्रबन्धक (कार्मिक)

लखनऊ : दि० 12-1-1985

विषय :- 20: 25: 55 की अपग्रेडिंग के अन्तर्गत पदों की
देड परीक्षा हेतु तैयार रहने की सूचना ।

उपरोक्त के सम्बन्ध में निम्नलिखित अपने अधीनस्थ कार्यरत कर्मचारियों को सूचित करें कि वह नीचे दिये गये पदों की देड टेस्ट परीक्षा हेतु तैयार रहे । यह परीक्षा 15 दिन बाद होगी :-

क्र०सं०	नाम	पद	कार्यरत शोध	परीक्षा जिसके लिए होनी है
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सर्वश्री

1.	गोवरी (अ०जा०)	बी०डी क्रेन डाइवर/II (330-480)	गोखापुर	कोल क्रेन चालक, ग्रेड-1 (380-560)
2.	हरी मिस्त्री	"	"	-वही-
3.	याद मोहम्मद	"	गोण्डा	-वही-
4.	मो० अरवी	"	चारबाग	-वही-
5.	बंशी लाल	कोल क्रेन डाइवर (260-400)	चारबाग	कोल क्रेन चालक ग्रेड-II (330-480)
6.	मो० गनी	"	गोण्डा	-वही-
7.	आर०पी०वर्मा	"	गोण्डा	-वही-
8.	रमजान अली-पुत्र सुमराती	"	गोखापुर	-वही-
9.	सिद्धानाथ शूक्ला	"	चारबाग	-वही-
10.	मुन्नी लाल (अ०जा)	"	चारबाग	-वही-
11.	तपेश्वर	"	चारबाग	-वही-
12.	राजाराम	"	गोण्डा	-वही-
13.	शोभााराम (अ०जा)	"	मैलानी	-वही-

14.	रामलाल	लोहार ग्रेड-II चारबाग (330-480)	लोहार ग्रेड-I (380-560)
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कम्पट:

सहायक कार्मिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ
24/1-9-85

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सर्वश्री

15.	ताहिर अली	लोहार ग्रेड-11 (330-480)	गोरखापुर	लोहार ग्रेड-1 (380-560)
16.	राम दुलारे	लोहार (260-400)	गोण्डा	लोहार ग्रेड-11 (330-480)
17.	गोमती प्रसाद	"	चारबाग	-वही-
18.	विमान देव	"	मैलानी	-वही-
19.	मुस्ली धार	हेमरमैन (260-400)	गोरखापुर	-वही-
20.	राम केवल	"	गोण्डा	लोहार (260-400)
21.	कोमल	"	गोण्डा	-वही-
22.	मुन्नी लाल	"	गोरखापुर	-वही-
23.	जय लाल शर्मा	"	चारबाग	-वही-
24.	मो० कासिम	मशीनिस्ट (260-400)	गोण्डा	मशीनिस्ट ग्रेड-11 (330-480)
25.	सिकन्दर	ब्वायलर मेकर/11 (330-480)	गोरखापुर	ब्वायलर मेकर ग्रेड-1 (380-560)
26.	महावीर प्रसाद	"	गोण्डा	-वही-
27.	मटर	"	गोण्डा	-वही-
28.	भावानी प्रसाद	"	गोण्डा	-वही-
29.	त्रिगुन	क्रोफ	गोरखापुर	-वही-
30.	भागवान दास	"	गोरखापुर	-वही-
31.	राम शरन	"	चारबाग	-वही-
32.	राम नारायण	"	गोण्डा	-वही-
33.	मो० सईद	ब्वायलर मेकर (260-400)	गोण्डा	ब्वायलर मेकर ग्रेड-11 (330-480)
34.	जब्बार अहमद	"	गोरखापुर	-वही-
35.	विन्दवासिनी प्रसाद	"	चारबाग	-वही-
36.	श्रीराम	"	गोरखापुर	-वही-
37.	सरदार नारायण	"	चारबाग	-वही-

कर्मचारी:

सत्यपति

सहायक कामिक अधिकारी

पूर्वोत्तर रेलवे, लखनऊ

1	2	3	4	5
सर्वश्री				ब्यायलर मेकर/11
38.	रंजीत	ब्यायलर मेकर (260-400)	चारबाग	-वही- (330-480)
39.	भागवती प्रसाद चौबे	"	गोरखापुर	-वही-
40.	छाी लाल (अ0जा0)	"	गोरखापुर	-वही-
41.	बलदेव कुमार	"	चारबाग	-वही-
42.	रमाकान्त	बेसिक ब्यायलर मेकर (260-400)	कानपुर अन0	ब्यायलर मेकर (260-400)
43.	जिन्नाथा सिंह	"	गोरखापुर	-वही-
44.	हरबंश यादव	"	गोरखापुर	-वही-
45.	छेदी लाल (अ0जा0)	"	चारबाग	-वही-
46.	के0के0 त्रिपाठी	"	मैलानी	-वही-
47.	ओम प्रकाश	"	मैलानी	-वही-
48.	राधेश्याम	"	चारबाग	-वही-
49.	नियाज अहमद	"	चारबाग	-वही-
50.	इन्द्रजीत तिवारी	"	गोण्डा	-वही-
51.	दया	"	गोरखापुर	-वही-
52.	राम लाल तिवारी	"	गोरखापुर	-वही-
53.	शिवपूजन	"	गोरखापुर	-वही-
54.	राजमनी	"	गोरखापुर	-वही-
55.	जी0एस0अमिहोत्री	"	गोरखापुर	-वही-
56.	ध्रुव चन्द्र तिवारी	"	गोण्डा	-वही-
57.	बाबू राम 11	"	मैलानी	-वही-
58.	शिव बालक यादव	छालासी हेल्पर (210-290)	चारबाग	-वही-
59.	दयाराम (अ0जा0)	"	चारबाग	-वही-
60.	संवलिया शर्मा	बेसिक बी0एम0 (260-400)	गोरखापुर	-वही-
61.	कृष्ण नारायण	"	कानपुर अन0	-वही-
62.	राधेश्याम	"	गोरखापुर	-वही-

सत्यजी

सहायक कार्मिक अधिकारी

पुनर्निर्देशक, लखनऊ

कृपया:

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1	2	3	4	5
	सर्वश्री			
63	लाखान (अ०जा०)	बेसिक बी०एम० (260-400)	चीरबाग	ब्वायलर मेकर (260-400)
64	टी०जी० कालेट	बेसिक ब्वायलर मेकर (260-400)	चारबाग	ब्वायलर मेकर (260-400)
65	निरंजन लाल (अ०जा०)	"	गोरखापुर	-वही-
66	धामी लाल (अ०जा०)	"	मैलानी	-वही-
67	राम अवध	"	गोरखापुर	-वही-
68	ककील छाँ	"	मैलानी	-वही-
69	बाँके लाल	"	मैलानी	-वही-
70	चन्द्रिका प्रसाद	"	गोण्डा	-वही-
71	जाहिद अली	"	मैलानी	-वही-
72	अब्दुल खालिक	"	गोण्डा	-वही-
73	राम अवल	"	मैलानी	-वही-
74	मुन्ना लाल	"	गोण्डा	-वही-
75	राम औतार	खालासी हेल्पर (210-290)	गोरखापुर	-वही-
76	कल्लू प्रसाद	बे० ब्वायलर मेकर (210-290)	चारबाग	-वही-
77	मो० जमील छाँ	खालासी हेल्पर (210-290)	गोरखापुर	-वही-
78	देवी सरन	"	गोरखापुर	-वही-
79	शिवनाथ सिंह	बेसिक ब्वायलर (210-290)	चारबाग	-वही-
80	दूधाराम (अ०जा०)	"	गोरखापुर	-वही-
81	बालकराम (अ०जा०)	"	गोण्डा	-वही-
82	लल्लन (अ०जा०)	"	सीपीए	-वही-
83	सिद्धामाज सिंह	फिटर ग्रेड- II (330-480)	गोण्डा	फिटर ग्रेड- I (380-560)
84	पूल चन्द	"	गोरखापुर	-वही-
85	सहदेव (अ०जा०)	"	गोरखापुर	-वही-

सत्यपति

सहायक कामिक अधिकारी
पूनीतर रउवे, लखनऊ
20/1/91

कर्म

1	2	3	4	5
	सर्वश्री			
86.	बादल (1)	फिटर (260-400)	गोण्डा	उ०क०फिटर/11 (330-480)
87.	राम दुलारे	"	गोण्डा	-वही-
88.	लालजी सहाय	"	गोरखापुर	-वही-
89.	अम्मर	ग्रीजर (210-290)	गोरखापुर	फिटर (260-400)
90.	रामलक्ष्म पुत्र जक्क कुमार	खालासी हेल्पर (210-290)	गोरखापुर	-वही-
91.	चन्द्रिका मुसाद पुत्र मेरई	"	गोरखापुर	-वही-
92.	पिपरसन जानसन	"	गोरखापुर	-वही-
93.	छादूरे	"	गोरखापुर	-वही-
94.	बाबू लाल पुत्र (अ०जा) श्री राम सुभाष	"	सी पी ए	-वही-

कृपया उपरोक्त कर्मचारियों को नोट करा दें। उसको नोट करवाकर इस कार्यालय को सूचित करें कि उपरोक्त कर्मचारियों को सूचित कर दिया गया है।

कृते मण्डल रेल प्रबन्धक (कार्मिक)
लखनऊ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सहायक यंत्रिक इंजीनियर/कारबाग, सीपीए, गोरखापुर, गोण्डा, कृपया अपने अधीनस्था कर्मचारियों का डेड टेस्ट लेकर परीक्षा परिणाम शीघ्र भेजें।
डेड टेस्ट पेपर अलग से भेजे जा रहे हैं।

सत्यप्रति

सहायक कार्मिक अधिकारी
पूर्वोत्तर रेल, लखनऊ
25/10/91

कृते मण्डल रेल प्रबन्धक (कार्मिक)
लखनऊ।

पूर्वोत्तर रेलवे

कार्यालय

मण्डल रेल प्रबन्धक(कार्मिक)

लखनऊ : दि० : ३४ : ८५

सं०-ई/२३८/रिक्वासीफिकेशन/आर्गेनोस्टाफ/लख

सहायक यांत्रिक इंजिनियर,
गोष्ठा ।

विषय :- श्री जी०सी०तिवारी, बेसिक बी०एम०/गोष्ठा (२६०-४००) का बी०एम०
कुशल (२६०-४००) के ट्रेड टेस्ट में न बैठने का अभिवेदन दिनांक ३०.१.८५

उपरोक्त अभिवेदन पर विचार करने के उपरान्त प्रमंयाई ने निम्न आदेश पारित किये हैं ।

“रेल परिषद् के पत्रांक ई/(पी०एच०एच०)-I-८२/जे०सी०/१ दिनांक ४.४.८४ के
अनुसार ब्यापलर मेकर सिलेबस का ट्रेड टेस्ट देकर ही बेसिक स्किड ब्यापलर मेकर जो
रिक्वासीफिकेशन के कारण २६०-४०० ग्रेड पा गये हैं की एस०के०ब्यापलर मेकर (२६०-४००)
में पदोन्नति होंगे । यह निर्देश ४.४.८४ के है अतः १३.११.८२ का रेलवे बोर्ड के पत्र
में दिये गये निर्देशों के आधार पर इससे छूट पाना सही नहीं है । अतः ट्रेड टेस्ट देना ही
होगा ।”

कृपया सम्बन्धित कर्मचारी को इससे अवगत करा दें ।

ह०
कृते मण्डल रेल प्रबन्धक(का)
लखनऊ

प्रतिलिपि लोको फोरमैन/गोष्ठा को इससे निर्देश के साथ अग्रसारित की जाती है कि वह संबंधित
कर्मचारी के अभिवेदन के निपटारे की सूचना दें ।

सत्यप्रति

ह०
कृते मण्डल रेल प्रबन्धक(कार्मिक)
लखनऊ

सहायक कार्मिक अधिकारी १०/१/८५

पूर्वोत्तर रेलवे, लखनऊ

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पूर्वोत्तर रेलवे,

शिवावमूर्ति

सकाष्टि/प्रथम/

अ०स०प०स० ई/230/रिक्लासीफिकेशन/

आर्टीजन् स्टाम्प/लखनऊ/

प्रिय श्रीवास्तवा,

कार्यालय,

मण्डल रेल प्रबन्धक(कार्मिक)

लखनऊ : दि०: 23-8-85

विषय :- श्री डी०सी०तिवारी, बेसिक बी०एम० गोण्डा
(260-400) ।

कृपया इस कार्यालय के सम संख्यक पत्र दिनांक 6.8.85 का अवलोकन करें तथा उपरोक्त कर्मचारी से बी०एम० (260-400) के पद की डेड टेस्ट परीक्षा में नहीं सम्मिलित होने का पत्र लिखित रूप से ले लें क्योंकि बेसिक बी०एम० (260-400) का अब कोई पद स्वीकृत नहीं है, तदनुसार उस पत्र को रिपूजल मानकर अग्रिम कार्यवाही की जा सके ।

इसके बी०एम० (260-400) की डेड टेस्ट परीक्षा में न बैठने के अन्तिम दिनांक 30.1.85 का निपटारा किया जा चुका है जिसकी सूचना इस कार्यालय के सम संख्यक पत्र दिनांक 6.8.85 द्वारा दी जा चुकी है ।

यह अति आवश्यक है ।

आपका,

हस्ता०

श्री सत्यदेव प्रसाद श्रीवास्तवा,
सहायक यांत्रिक इंजी०/गोण्डा

(शिवावमूर्ति)

सत्यप्रति

सहायक कार्मिक अधिकारी

पूर्वोत्तर रेलवे, लखनऊ

16/9-85 5-4-91

A-6

N.E.Rly.

No.E/210/SM/III/TT/85

Office of the
Divl. Rly. Manager/P,
Lucknow Dated 10/12/87

Loco Foreman,
Charbagh Shed.

Sub : Trade Test Examination.

The undernoted Basic BM (950-1500) may be asked to keep themselves in readiness to appear in the trade test examination for the post of skilled Boiler Maker in scale 950-1500 which will be held at any day after (15) days from issue of this letter : -

1. Sri D.C.Tewari, Basic BM/CB
(950-1500)
2. " Shyam Sunder Lal, -do-

sd/-
for Divl.Rly.Manager/P,
Lucknow.

सत्यप्रति
प्रमुख कार्यालय अधिकारी
पूर्वोत्तर रेलवे/लखनऊ

A-7

8/8

पूर्वोत्तर रेलवे,

सं० ई/पी०सी०/डी०सी०टी०/बी०एम०खा०

लोको फोरमै/
 चारबाग ।

कार्यालय,

मण्डल रेल प्रबन्धक(कार्मिक),

लखनऊ : दि०: 12.5.88

विषय :- श्री ध्रुव चन्द्र तिवारी बेसिक बी०एम० (950-1500) /
 चारबाग का वरीयता पत्र वेतन निर्धारण हेतु अभिवेदन
 दिनांक 8.2.88 ।

उपरोक्त अभिवेदन पर क्रमवार विवरण निम्न प्रकार है :-

1. उपरोक्त कर्मचारी ने बी०एम० खालासी की यूनिट में सही वरीयता निर्धारण हेतु दि० 8.6.86 को अभिवेदन किया था । तदनुसार स्थाय अधिकारी के अनुमोदन से उपरोक्त कर्मचारी की वरीयता इस कार्यालय के सम संख्यक शुद्धि-पत्र दि० 14.1.88 द्वारा बी०एम० खालासी की कोटि में सही निर्धारित कर दी गयी थी । नियमानुसार उन्हें श्री बी०पी०चौबे के ऊपर वरीयता देय नहीं है ।
2. चूंकि श्री बी०पी० चौबे उपरोक्त कर्मचारियों से बहुत वरिष्ठ थे अतः पहले वरीयतानुसार श्री चौबे की कुशल बी०एम० (260-400) के पद हेतु डेड टेस्ट परीक्षा ली गयी जिसमें कर्मचारी उत्तीर्ण घोषित हुआ तथा उसे दि० 17.2.73 से कुशल बी०एम० (260-400) के पद पर पदोन्नति कर दिया था । उस अवधि में श्री तिवारी केवल बी०एम० खालासी थे ।

- (3) उपरोक्त क्रम (1) के अनुसार बी०एम० खालासी की यूनिट में सही वरीयता निर्धारण के उपरान्त श्री तिवारी बेसिक बी०एम० (950-1500) की कुशल बी०एम० (950-1500) के पद पर पदोन्नति हेतु डेड टेस्ट परीक्षा सम्पन्न कराने हेतु डेड टेस्ट कागजात बी०एम०-ए०एम०ई०/सं० को दिये गये थे, परन्तु कर्मचारी ने अभी तक कुशल बी०एम० (950-1500) के पद की डेड टेस्ट परीक्षा नहीं दी है, जिसके फलस्वरूप उन्हें दि० 14.9.76 से प्रोफार्मि वेतन निर्धारण देने पर विचार नहीं किया जा सका है ।

सत्यप्रति

सहायक कार्मिक अधिकारी 10/9

पूर्वोत्तर रेलवे, लखनऊ

10.1.91 5-9-91

क्रमशः

श्री तिवारी को यह स्पष्ट कर दें कि उन्हें श्री बी०पी०वौडे के उमर वरीयता देना नियमानुकूल नहीं है । अतः श्री तिवारी को यह भी स्पष्ट कर दें कि वे कुशल बी०एम० (१५०-१५००) के पद की डेड टेस्ट परीक्षा में सम्मिलित होकर डेड टेस्ट परीक्षा दें, अन्यथा डेड टेस्ट में न बैठने हेतु रिफ्यूज लेकर इस कार्यालय विशेष वाहक द्वारा शीघ्र तुरन्त भोजे, तदनुसार अग्रिम कार्यवाही की जा सके ।

इसे अति आवश्यक समझें तथा कमीवारी को उक्त आशय की सूचना लिखित रूप में दे दें ।

सत्यप्रति

कृते मण्डल रेल प्रबन्धक(कामिक)
लखनऊ ।

सहायक कामिक अधिकारी १०/१/११

पूर्वोत्तर रेलवे, लखनऊ

१०.१.११ २१७
५१-११

A-8

8/30

पूर्वोत्तर रेलवे

कायालय

मंडल रेल प्रबंधक (का 0)

लखनऊ

सं० ई/पी सी/डी सी टी/बी 0एम0 ला सी दिनांक 7-11-88

लोको पदरमै

चारलाग

विषय:- श्री डी 0सी 0तिवारी बेसिक बी 0एम0 (950-1500)

का वरीयता निर्धारण हेतु आवेदन।

श्री तिवारी की बी 0एम0 ला सी की यूनिट में वरीयता इस कायालय के समसूचक शुद्धिपत्र दिनांक 14-1-88 द्वारा निर्धारित की जा चुकी है। श्री तिवारी वर्तमान में (सेमी स्क्रिड) बेसिक बी 0एम0 (950-1500) के पद पर कार्यरत है। अतः जब तक श्री तिवारी (स्क्रिड) कुशल बी 0एम0 (950-1500) के पद की ट्रेड टेस्ट परीक्षा में उत्तीर्ण नहीं होते, उन्हें कुशल बी 0एम0 के पद का प्रोपम पदोन्नति एवं वेतन निर्धारण देय नहीं है।

अतः श्री तिवारी से कुशल बी 0एम0 (950-1500) के पद की ट्रेड टेस्ट परीक्षा में सम्मिलित होने के लिए लिखित रूप में सहमति लेकर इस कायालय विशेषा वादक द्वारा भेजे, ताकि तदनुसार अग्रिम कार्यवाही की जा सके।

यह प्रमर्ग के अनुमोदन से जारी किया जाता है।

सत्यप्रति

कृते मंडल रेल प्रबंधक (का 0)

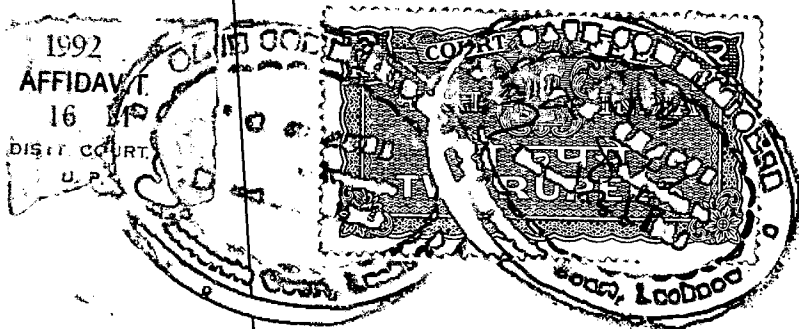
लखनऊ।

सहायक कार्यालय अधिकारी

पूर्वोत्तर रेलवे, लखनऊ

24/11/88

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



O.A. NO. 280 OF 1989

FF 20/11/92

D.C. TEWARI.....APPLICANT.

VERSUS

UNION OF INDIARESPONDENT.

AFFIDAVIT

REJOINDER/ON BEHALF OF APPLICANT.

1. I, the deponent D.C. Tewari aged about 47 yrs. son of Sri R.N. Tewari, ~~is~~ Bailor Maker, Loco Shed N.E Rly. Char-Bagh, Lucknow do hereby solemnly affirm and state on oath under

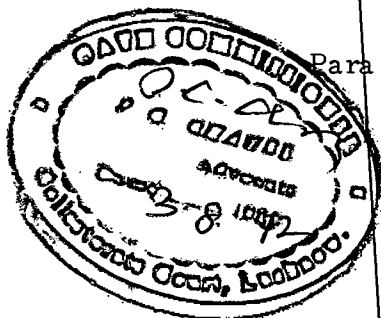
2. Para - 1. Needs no reply.

3. Para - 2. Needs no reply.

4. Para - 3. Contents of this para are reiterated and reaffirmed.

5. Para - 4. Needs no reply.

6. Para - 5. Since the impugned seniority were not fixed on the basis of extant rules or appropriate principles applicable to determination of seniority, but fixed arbitrarily, it has affected the civil rights of the applicant in respect of future promotion and has violated Article 16 of the Constitution. Since Publication of seniority



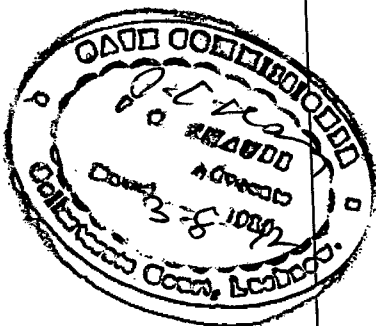
2-11-92

2.

lists periodically is an ongoing process of the Administration, the plea that the application is barred by time is untenable. The applicant also explained the reasons in his representation dated 16.8.82.

Para - 6. (a) The contents of this para is corrected to the extent that the applicant was appointed as fitter khalasi (70-85) on 8.1.65 and was later transferred to the cadre of B.M.Khalasi on same pay and scale on administrative ground.

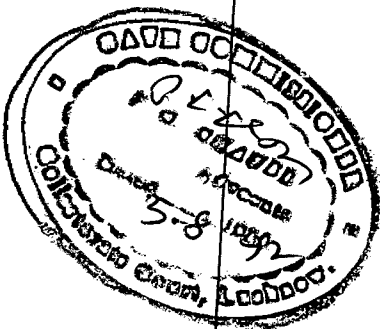
(b) The respondent has admitted that Shri Bhagwati Prasad Chaubey Fitter Khalasi (30-35) was transferred from C.B.Shed and posted in Gonda Shed of Ex Gonda District on his own request on 4.9.65. In accordance with instructions laid down in Railway Board's letter No.E/55/SR6/5/3 dated 19.5.55 and Para 312 of the Indian Railway Establishment Mannual, he should have been assigned seniority as B.M.Khalasi in Gonda Shed only. from 4.9.65 below all confirmed and officiating staff irrespective of his date of confirmation. In the seniority list as on 1.4.66 of Ex Gonda District, his seniority position was erroneously assigned at sl.no. 48 ahead of even those B.M.Khalasis who were appointed as B.M.Khalasis in Gonda District



यु.ए.ग. 16/8/82

in the year 1936, 1945, 1949, 1957, 1958, 1959, 1960, 1961, 1962 etc. Sr.nos. 103, 105, 107, 108, 109, 110 of the seniority list as on 1.4.66 of Ex G.D.District may be seen in this connection. If Sri Bhagwati Prasad Choubey's seniority was correctly fixed from 4.9.65/10.9.65 and not assigned seniority over those appointed prior to 4.9.65/10.9.65 wrongly, he could not have been promoted as Basic Boiler Maker on 27.2.67. His promotion as Basic Boiler Maker on 27.2.67 on the basis of wrong seniority position is also wrong, malafide and illegal. Since the applicants seniority as B.M.Khalasi counts from 8.1.65 and Shri Bhagwati Prasad Choubey's seniority as B.M.Khalasi counts from 4.9.65/10.9.65 the applicant is senior to him. At page 3 of the reply the respondent has conceded that the applicant is senior to Shri Bhagwati Prasad Chaubey. The applicant is, therefore, entitled to all the benefits enjoyed by Shri Bhagwati Prasad Chaubey in the matter of seniority, promotion, fixation of pay, difference of emoluments accruing therefrom etc.

- (c) Absorption of Sheo Prasad from the post of Peon to the post of B.M.Khalasi was erroneous and irregular as the Peon has a lower

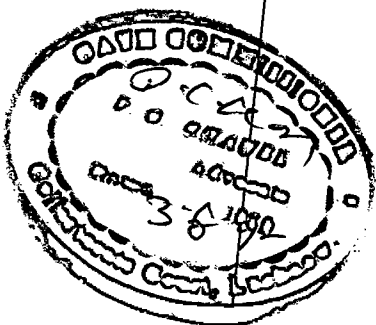


5-8-1967 दिवस

Medical Category C/Two whereas B.M.Khalasi has higher Medical Category of B/One. Therefore, his seniority on being absorbed in a higher Medical category, should have been assigned from 23.4.66 i.e. from the date of his absorption. Moreover, had he been given full original seniority from the date of his appointment from 5.6.50 in Ex Gonda District he would have been senior to Shri Bhagwati Prasad Chaubey. But Bhagwati Prasad Chaubey was assigned higher seniority position and promoted as Basic Boiler Maker and Boiler Maker earlier to Shri Sheo Prasad. As Shri Sheo Prasad was junior to Shri Bhagwati Prasad Chaubey he is junior to applicant also as the applicant is senior to Shri Bhagwati Prasad Chaubey.

(d) Although the respondent has conceded in this para and also in page 3 of his reply that the applicant is senior to Shri Ram Kumar Misra, no remedy and relief has been provided to the applicant.

(e) In the seniority list of B.M.Khalasi as on 1.4.67, it has been remarked that Shri Chandrika Prasad came on transfer from another Unit accepting bottom seniority whereas the respondent states that he came



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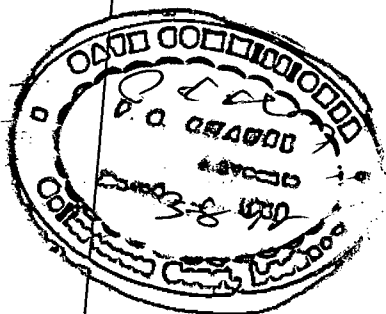
5.

on mutual exchange. Even if it is assumed that he came on mutual exchange, he is junior to the applicant by virtue of Shri Chandrika Prasad being junior to Shri Bhagwati Prasad Chaubey.

- (f) Even if it is assumed that Shri Ram Naresh Lall was transferred to Gonda District on 27.5.63, he ranks junior to the applicant as Shri Ram Naresh Lall is junior to Shri Bhagwati Prasad Chaubey as per seniority list. Shri Bhagwati Prasad Chaubey in para is junior to the applicant as stated above.

With reference to Shri Munna, even if it is assumed that Shri Munna came on mutual transfer with Sheo Mangal he ranks junior to the applicant as he is junior to Shri Bhagwati Prasad Chaubey who in turn is junior to the applicant.

With reference to Shri Jangi Teli, although the respondent has conceded in this para as well as in the para immediately following this para that Shri Jangi Teli was junior to the applicant, no remedy and relief have been provided to the applicant. The seniority position as stated by the respondent in this para has not been



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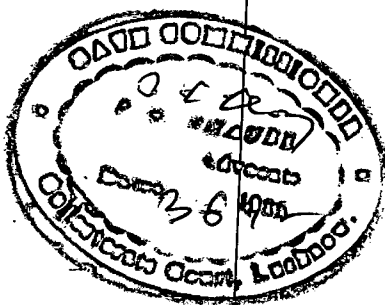
6.

incorporated in any seniority list issued on or after 1.5.69.

The seniority position of B.M.Khalasi as on 1.5.69 as worked out at Page 4 of Respondent's reply is not acceptable. However, although it has been conceded that Jangi Teli and Ram Kumar Misra are juniors to the applicant, no remedy of relief has been given to him.

Since Shri Chaubey came on transfer to G.D.District on his own request accepting bottom seniority on 4.9.65 - 10.9.65, he was not eligible to be trade tested for the post of Basic Boiler Maker and promoted as Basic Boiler Maker w.e.f. 27.2.67 within less than one and half years of his posting at GD ignoring the staff senior to him.

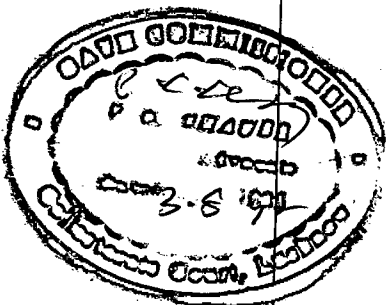
- (g) In plea of the respondent regarding Bhagwati Prasad Chaubey is erroneous and contrary to rules.
- (h) Needs no reply.



ए. व. अ. त. दि. २७/६/६९

7.

- (i) Needs no reply.
- (j) Needs no reply.
- (k) Needs no reply.
- (l) Needs no reply.
- (m) Needs no reply.
- (n) Respondent's letter dated 14.1.88 is only in respect of Shri Jangi Teli. Even so the respondent has not given any relief to the applicant on this basis of his letter.
- (o) This para betrays the attitude and approach of the respondent towards railway servants seeking justice and remedy against wrong done to them. The respondent thinks that whatever seniority they fix or order they pass are final. Such lukeworm attitude has compelled the applicant to come before the Hon'ble Tribunal.
- (p) The respondent appears to state that the applicant made representation against wrong fixation of his seniority and for promotion



21/5/88

In fact, the applicant had been representing
in the matter for a long time.

“(viii) The initial allotment of semi skilled grade to the unskilled staff and skilled grade to semi skilled staff in terms of these orders will be on the basis of seniority-cum-suitability without the eligible staff being subject to any further trade-test.”

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

9.

The respondents plea is contradictory. Here the respondent states that the applicant raised his claim for the first time in the year 1989, whereas in (b) of the preceding paragraph the respondent has not denied issue of letter dated 15.5.82 as contained in Annexure No. 2 of the application in response to the applicant's representation dated 30.3.82 and at other places also.

Para - 7. The respondent's plea is not correct. In this connection para 7 of the application at page 9 enumerates the details of remedies exhausted by the applicant before coming to the Hon'ble Tribunal.

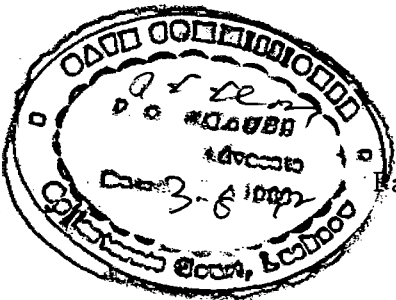
Para - 8. Needs no reply.

Para - 9. Denied and the contents of para 9 of the application are reiterated. The application bears merits and is liable to be allowed with costs.

Para-10. Needs no reply.

Para-11. Needs no reply.

Para-12. Needs no reply.



Handwritten signature and date: 24-5-1989

Para-13. Needs no reply.

Lucknow, dated:

August
July 3rd, 1992

दुव चरु तिवारी

APPLICANT

Verification

I, D.C.Tewari, son of Sri R.N.Tiwari,

Boiler Maker, Loco Shed, N.E.Railway, Charbagh, Lucknow,

the applicant do hereby verify that the contents of paragraphs 1 to 13 of this Rejoinder are true to my own knowledge based on information derived from record and on legal advice.

Lucknow, dated:

August
July 3rd, 1992.

दुव चरु तिवारी

D.C.TEWARI

APPLICANT

I know the deponent who has signed before me

B.N. Mishra
Adv.
3/8/92

C-140/16a
I am identified by the *D. C. Tewari*
to the *B.N. Mishra*
I am signing the
deponent's statement
in the office of the
Advocate.

B.N. Mishra
Advocate
3-8-92

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

M. P. NO. 674 OF 1994

IN RE

O. A. NO. 280 OF 1989

D.C. Tiwari

... Applicant

Versus

Union of India and others

... Respondents

APPLICATION FOR AMENDMENT OF THE ORIGINAL PETITION

The applicant in the above noted case

respectfully begs to state as under :-

1. That owing to subsequent developments it becomes necessary on the part of the applicant to bring all those facts by amending the petition in the manner as indicated herein below :

2. That the facts which were to be brought by amendment comes to the knowledge of the applicant only when he received the counter affidavit by oversight he could not immediately move the same for which the applicant is not guilty as it is neither intentional nor deliberate.

3. That in para- 6 after existing facts mentioned in para-6-p following paras be added as

6-q. That by virtue of order dated

Place before the

for orders on

Dy. Registrar

File today
25/4/94

Signature

14.1.1988 annexed with the counter affidavit the applicant has been informed regarding the fixation of his seniority which is being annexed as Annexure No. A-10 to this amendment application.

6-m. That after the aforesaid order another order was passed on 7.11.1988 in which it has been pointed out by the respondent No. 2 that till the applicant does not get success in the trade test he would not be given promotion and the pay scale of Rs. 1200 - 1800. A copy of the same is being filed as Annexure NoA-11 to this amendment application.

6-n. That the applicant appeared in the said trade test and has been declared successfully A copy thereof showing that he was declared successful in trade test is being annexed as Annexure No. A-12 to this application.

That
6-o./It may be mentioned here that inspite of the clear orders as stated in the preceeding paragraph supported with Annexure the applicant is still being paid the old pay scale of Rs.950-1500.

6-p. That after the declaration of the result on 26.2.1993 the applicant filed a representation/appeal before the respondent No. 2 on 2.4.1993 personally which is still being not paid any attention and the copy of the representation/appeal is being fil ed as Annexure NoA-13 to this amendment application.

21/12/93
9/12/93

6-r. That Sri Bhagwati Prasad Chaube who is admittedly junior to the applicant is enjoying the status of grade-I while the applicant even has not been given grade-II on account of the fact that applicant holds a responsible position in the Union and he always fought for doing justice for the so many employees that is why his candidature has been ignored on arbitrary and malafide ground.

6-s. That it is worthwhile to mention here that respondents have themselves admitted that applicant is senior which is apparent from the promotion order of one Sri Ram Kumar Misra who is not dead. Copy of which is being filed as Annexure No. A-14 to this application.

4. That after existing grounds the following grounds be added :

(vi) Because the order contained in Annexure No. A-10 is illegal and the same is contrary to the facts mentioned in the petition and as well as rejoinder affidavit and same is non-appealing.

(vii) Because the order contained in Annexure No. A-10 has been passed by ignoring admitted position regarding seniority of the applicant which has been admitted by the respondents themselves in their counter affidavit.

(viii) Because inspite of the fact that it was very categorically provided by the

8/8

सुभा-राज 14/11/21

by the respondents that his matter regarding promotion and pay scale would be considered only when he gets success in the trade test but inspite of the fact he has been declared successful he is neither being promoted nor he is being given the pay scale of Rs. 1200 - 1800.

(ix) Because in the pay slip the applicant is being shown as boiler maker- III but still he is not being paid monetary relief and other benefits of the status i.e. post.

(x) Because the order contained in Annexure No. A-10 is against the concept of article 14, 51(A)(h) and Article 300-A to the Constitution of India.

(xi) Because the respondents in the matter of the applicant regarding his fixation of salary and promotion avenues are functioning decoranum manner.

5. That after existing relief the following relief be added :

(vi) That Hon'ble Tribunal be pleased to quash the order contained in Annexure No. A-10 with all consequential benefits.

(vii) That the Hon'ble Tribunal be pleased to direct the respondents to treat the applicant to have been given all the benefits with effect from 1.9.1973 when juniors to the applicant

सुप्रीम कोर्ट
दिल्ली

were given higher scale.

(viii) To direct the respondents to decide the pending appeal contained in Annexure No.A-13 in accordance with law and keeping in mind their earlier stand th at unless the applicant possesses out the trade test she would not be given the benefits of salary and promotion rather hurdle the applicant has crossed and has been declared successful.

(ix) That the Hon'ble Tribunal be pleased to direct the respondents to treat the applicant to have been promoted with retrospective effect as non-conducting & of trade test the applicant can not be made to suffer as the applicant has no control over the performance of the public duties.

PRAYER

Wherefore the applicant respectfully prays that the aforesaid amendment be ordered to incorporate in the ends of justice for eleciding the matter.

Lucknow

Signature of the applicant.

Dated 5/5, 1994.

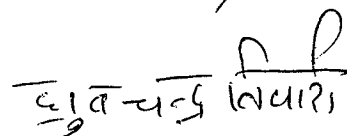
VERIFICATION.

I, Dhurav Chandra Tiwari aged about 49 years son of Late Sri Raghu Nath Tiwari resident

सुद-मह 12/12/94

of Quarter No. L/20-B, N.E. Railway Loco Colony,
Charbagh, Lucknow do hereby verify that the contents
of para 1 to 5 except legal averments are true to
my personal knowledge and no part of its have been
concealed nor I have suppressed any material facts.

Verified on this day 5th March of 1994 at
the Chamber of the Counsel.



Signature of the applicant.

Lucknow

Dated 5th March, 1994.

Annex 10

A-1

पुर्वोत्तर रेलवे,

गुड्डा बंग

श्री धनुष बन्द त्रिवारी, बी०एम० कालासी/बारवाग की धरियता का कार्यलय से १/१५ १२८१ को जारी की गयी धरियता सूची सं० ६/२३५/१/बार/बी०एम० में क्र०सं० ६४/५ पर निम्नांकित की जाती है। इस सं० ६५ की जंगी तेली के उपर क्र० सं० ६४ श्री टी०जी० कोलेट के नीचे निम्नांकित की जाती है।

यह प्रमेकादि के अनुमोदन से जारी किया जाता है।

श्री मण्डल रेल प्रबन्धक(कार्मिक)
लखनऊ।

सं० ६/बी०जी०/डी०जी०टी०/बी०एम०बी० डिप्टि - १५-१-८८

प्रतिनिधि सुवर्णाथ पद आवश्यक कार्यवाही हेतु अज्ञातित :-

- १ सवाई/गोरखापुर/गोण्डा/लखनऊ।
- २ लोको फोरम/गोरखापुर/गोण्डा/बारवाग/मेलानी/बी०एम०बी०।
- ३ सम्बन्धित कर्मचारी।
- ४ मण्डल मंत्री/मन्त्री/बी०एम०बी०बी०।
- ५ अतिरिक्त प्रति।

साथपति

श्री मण्डल रेल प्रबन्धक(कार्मिक)
लखनऊ।

पुर्वोत्तर रेलवे, लखनऊ
१०/१/८८
१०/१/८८

ATC
Subman
ATC

पुर्वोत्तर रेलवे, लखनऊ

Annexure II

A-87

8/8

पूर्वोत्तर रेलवे

कायालय
महानगर रेल प्रशासन (का०)
लखनऊ

सं० ए/पा.सं/वी.सी.टी./वी.सी.टी.का.सी. दिनांक 7-11-83

लोदी जीरम
चारदाग

वि० ५- वे वी.सी.टी.का.सी. रेलवे वी.सी.टी. (१९०-१९००)
का वी.सी.टी. निर्माण के लिये।

वे वी.सी.टी. का.सी. रेलवे वी.सी.टी. में वी.सी.टी. इस
कायालय के सम्बन्ध में १५/११/८६ द्वारा निर्माण
के जा चुके हैं। वे वी.सी.टी. वर्कमेंट में (वी.सी.टी. रेलवे) रेलवे वी.सी.टी.
(१९०-१९००) के एक पर कार्यरत हैं। अब जब तक वे वी.सी.टी. (रेलवे)
द्वारा वी.सी.टी. (१९०-१९००) के एक के एक रेलवे वी.सी.टी. में जल्दी
नहीं होंगे, उन्हें द्वारा वी.सी.टी. के एक का वी.सी.टी. वर्कमेंट में वी.सी.टी.
निर्माण के नहीं हैं।

अब वे वी.सी.टी. से द्वारा वी.सी.टी. (१९०-१९००) के एक
के एक रेलवे वी.सी.टी. में सम्बन्धित होने के लिए निर्माण एवं में सम्बन्धित
लेकिन इस कायालय निर्माण का एक द्वारा वी.सी.टी. रेलवे वी.सी.टी.
कार्यवाही के जा सके।

यह प्रमाणों के अनुमति के जारी किया जाता है।

सत्यप्रति

वी.सी.टी. रेल प्रशासन (का०)
लखनऊ।

महानगर रेलवे अधिकारी
पूर्वोत्तर रेलवे, लखनऊ
१९८३
२५-११

ATE
Ammu

निर्माण विभाग

Annex 12

प्रस्तावित रीस
कार्यालय अधिसूचना

निम्नलिखित कर्मचारी जिन्होंने डी०एम०ग्रेड-11 (950-1500) के ग्रेड में आयोजित सुयोग्यता परीक्षा उत्तीर्ण की है, को पदोन्नति तत्काल प्रभाव से करके हुए उनके सम्मुख दर्शाये गये श्रेष्ठ व वेतन पर पद स्थापित किया जाता है।

क्र०	कर्मचारी का नाम	वर्तमान पद वेतनमान / श्रेष्ठ	पदोन्नति पद वेतनमान	पदोन्नति पर वेतन	श्रेष्ठ
सर्व श्री डी०सी०तिवारी	देसिक डी०एम० (950-1500) डी०एम०ग्रेड (800-1150) गोरखपुर श्रेष्ठ	डी०एम०ग्रेड-11 (950-1500)	समान वेतन कानपुर अनवरगंज दर		
2-	आष्या प्रसाद			1090/-	गोरखपुर श्रेष्ठ
3-	राम नौमी			1070/-	गोष्ठा श्रेष्ठ
4-	राम पलट प्रसाद			1070/-	गोष्ठा श्रेष्ठ
5-	भल्लू			1070/-	गोष्ठा श्रेष्ठ
6-	शिव पूजन			1070/-	गोष्ठा श्रेष्ठ
7-	नीरा			1070/-	गोष्ठा श्रेष्ठ
8-	राम आसो			1070/-	गोष्ठा श्रेष्ठ
9-	दिसमिल्लाह			1070/-	गोष्ठा श्रेष्ठ

उपरोक्त कर्मचारियों को स्थानान्तरण सम्बन्धी सभी सुविधाएँ देय है। पदोन्नति पाये जाने वाले कर्मचारी नियम 1316/अर।11 (2018 अर।11) के अन्तर्गत अपने निचले पद की वेतन वृद्धि तिथि वेतन निर्धारण हेतु विद्यमान पदोन्नति अधिसूचना जारी होने की तिथि से एक माह के अन्दर दे सकते हैं। एक माह के पश्चात पद विस्तार की स्वीकार नहीं किया जायेगा। डी०एम० 3 पर श्री राम नौमी जो दण्ड में चल रहे हैं दि० 12-3-93 से पदोन्नति का लाभ पायेंगे। यदि कर्मचारियों के पास रेलवे आवास हो तो 15 दिन के अन्दर अवश्य आले का दे अन्यथा अनुशासनिक कार्यवाही की जायेगी।

इस पर प्रमर्श का अधिसूचना प्राप्त है।

कृते मन्त्रालय प्रमुख (का०)

लक्ष्मण

26-2-93

स० ई/281/ससएम/111/टेकटेस्ट/89

प्रतिलिपि निम्न की आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- प्रमोधि/लक्ष्मण ! (2) प्रमर्श/1, सचिव/लक्ष्मण, गोरखपुर
- 3- लोडो प्रेम/चारुधाम, गोष्ठा, गोरखपुर, सीएम, विली
- 4- सम्बन्धित कर्मचारी ! (5) कार्यक्षि/विल, पास, गोरखपुर
- 6- मन्त्रालय मन्त्री/नर्म/डी०आर०डी०एस०/लक्ष्मण

कृते मन्त्रालय प्रमुख (का०)

लक्ष्मण

श्री वृत्त चन्द तिवारी

Annexure MB

K/90

To.

The Divl. Rly. Manager(P),
N.E. Railway/Lucknow.

THROUGH PROPER CHANNEL.

Sub:- Fixation of my pay as B.M.Gr.III (950-1500).

Ref:- (1) Your office order No.E/281/SM/III/Trade Test/89
dt. 26.2.93 delivered to me on 22.3.93.

(2) Your letter No.E/PC/DCT/IM/Khalasi dt. 7.11.88.

Sir,

Respectfully I beg to state that as insisted by the Railway Administration, I appeared in the Trade Test for the post of Skilled Boiler Maker Gr.III (950-1500) and qualified the same, result of which was published vide your No.E/281/S.M/III/Trade Test/89 dt. 9.2.93. I have also been promoted to the post of B.M.Gr.III (950-1500) vide your office order No.E/281/SM/III/Trade Test/89 dt. 26.2.93. But instead of giving me promotion with retrospective effect from the date my juniors were promoted to the post of B.M.Gr.III (Skilled) the promotion has been ordered to take immediate effect.

In this connection, I beg to invite your kind attention to your letter No.E/P.C/D.C.I/B.M.Khalasi dated 7.11.88 in which it was stated until ~~that~~ I pass the Trade Test for the post of skilled Boiler Maker, I would not be allowed the benefit of proforma promotion and fixation of pay. Now that the conditions imposed on me have been satisfied, I request your honour to give retrospective effect to my promotion as skilled Boiler Maker and fix my pay accordingly in relation to my juniors. I also request your honour to arrange payment of arrears admissible to me on this account and assign me correct seniority position.

Hoping for an early action in the matter with an advice to me.

Thanking you,

Yours faithfully,

(D. C. TEWARI)

Boiler Maker/CPA
Under Loco Foreman/CPA.

Kampur Anwarganj.

Dated: 20.4.93

2-4-93

ATC
Anwarganj

20-4-93

Recd
20/4/93
10/4/93

Annexure No 14

8/91

Ram Kumar Misra

Copy of letter No. F/PC/DOF/83 dt. 24.1.83 from
DRM(P)/LJN to Sri Ram Kumar Misra, B.M./Gonda through
LF/Gonda.

Sub: - Fixation of seniority.

Sri D. C. Tewari, BRM/Gonda, has represented that he stands senior to you. Your case was examined and it has been found that you were appointed as B.M. Khaliassi in ex. IZN Distt. on 12.1.1961. You were transferred to Ex. Gonda district on your own request on 7.6.1965.

Under rule you are entitled for seniority w.e.f. 7.6.65 as B.M. Khaliassi below Sri D. C. Tewari whose date of appointment is 8.1.1965.

You are given clear 10 days time to submit your representation alongwith documentary proof if you have any for your seniority above Sri Tiwari, your representation will be considered before deciding your seniority in comparison to Sri D. C. Tewari's. If you fail to submit your representation within 10 days, it will be presumed that you have nothing to say in this connection and Sri Tiwari will be declared senior to you.

Sd/-
for Div. 1, Riv. Manager/P
NER/Ludhnow.

27/11
Asst. Engineer
N. E. Ry. Gonda

27/11/83

ATC

[Signature]

वकालतनामा

..... Central Administrative Tribunal Bench के समक्ष
..... Lunknow के न्यायालय में
O A 280/89 (L)

वादी
प्रतिवादी

D. C. Tiwari

दावेदार
अपीलार्थी

प्रतिवादी
वादी

बनाम
Union of India and others

अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री
..... Arjun Bhargava Railway Advocate Lunknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, खर्चा वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनित्व करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिपक्षन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

Arjun Bhargava Rly. Advocate
..... Lunknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख को सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

NER-84850400-8000-4 7 84

(G. C. Budhlokoti)
निष्पादन करने वाले अधिकारी का पदनाम

षवर मण्डल यांत्रिक इंजीनियर
पूर्वोत्तर रेलवे, छखनठ

Accepted
12

ब अदालत श्रीमान

Honble Central Administrative Tribunal 1/4/94

महोदय

[वाद अपीलान्त]

Archer Burch Arch

प्रतिवादी [रेस्पाडेन्ट]

श्री

वकालतनामा

टिकट

गदी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकदमा 280 सन 1989 पेशी की ता० A K. 99 ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

SHUKLA, S Rani Laxmi Pri Ma
Widow - 1

वकील
महोदय
एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकें

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पेंच नियुक्त करें — वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वाकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर = [Signature]

साक्षी (गवाह)

साक्षी गवाह)

दिनांक

महीना

सन 99

ई०

स्वीकृत

Central Administrative Tribunal
Lucknow Bench

Date of Filing 23-9-96

Date of Receipt 23-9-96

2121

In the Hon'ble Central Administrative Tribunal, Lucknow
Bench, Lucknow.

M.P.No. 2021 of 1996

In: re:

O.A.No. 280 of 1989

... Applicant

Versus

Union of India and others.

..... Respondents.

Application for recalling of the exparte order
dated 18th July, 1996

The applicant in the above noted case
respectfully begs to state as under:-

1. That the applicant for the first time came to know
on 2.9.96 that the above matter was decided by the
Hon'ble Tribunal on 18.7.96 in absence of the Counsels.
2. That on unfateful day the name of the Counsel
sri A.K. Shukla, Advocate, was not shown in the cause list
hence he could not plead the case.
3. That the applicant's counsel had submitted the
typed copies of the ^{amended} ~~amended~~ portion (Typed with red
ribbon) in the registry on 12.10.95 but for the order

Place before the
Hon'ble Bench
for orders on 15.10.96

Dr.
D.C. Tewari
Registrar

Dr. A.K. Shukla

Ex. 100-100

of the Hon'ble Tribunal it transpires that the applicant

did not incorporate.

4. That as a matter of fact one Shri Arjun Bhargava,

Advocate has been conducting the above noted case and
Amended
the copy of the application for ~~amended~~ was not given

to him as whenever the matter came up neither before the

bench nor before the Deputy Registrar, he appeared.

5. That had the name of the counsel appeared in the

cause list he would have informed ~~the~~ before the Hon'ble

Tribunal and ~~in absence of the same~~ he would have prayed

for compliance.

6. That in the circumstances and in order to

advance social justice it is desirable that the Hon'ble

Tribunal be pleased to recall its order dated 18.7.96 in

the interest of justice.

Lucknow Dated: (9.10.96)

, 1996

Applicant.

Verification

I, the abovesigned Applicant do hereby verify that

the contents of paras 1 to 6 of this application are true

to my personal knowledge. Signed and verified this day

of 1996 in the Court Compound at Lucknow.

Applicant.

Signature
10/10/96

29-5-1981

adjudgment on 10-7-2000.

respondent that he had not seen ap. location for
counsel for respondents informed to counsel for the
not the applicant and his counsel. Moreover, the
neither the counsel for respondents were aware of
same was already dismissed on 10-7-2000 at which
Registry and became very surprised to note that the
4- That the applicant, thereafter made enquiries in the
the cause list.

3- That when the applicant and his counsel came to attend
and counsel has also informed counsel for respondents.
order and further order for its hearing on 31-7-2000
Hon'ble Mr. A.K. Misra, were pleased to call the
and the then Hon'ble Mr. Sanjeev Pandey (VO) and
2- That counsel for the respondents were not present
June 2000 for disposal of M.P. No. 2021 of 96.
1- That the above matter was listed on 27th
The applicant & above named begs to state as under:-

**APPLICATION FOR RESTORATION OF THE CASE
DISMISSED IN DEFAULT.**

D.C. Twarit
Applicant
Versus
Union of India and others.
Respondents.

2882

Dy. Registrar

22/8/12

O.A. No. 280 of 1989.

In re

M.P. No. 2203/12

Lucknow Bench, Lucknow.

In the Hon'ble Central Administrative Tribunal

Deputy Registrar

Date of filing - 24/8/12

Place before the
Hon'ble
for order on 13.8.12

24/8

/ 2 /

Central Administrative Tribunal
Lucknow Bench, Lucknow.
Date of filing - - - - -
Date of receipt by post - - - - -

A
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5- That the date of the above case was noted by the ^{Bench} ~~Deputy Registrar~~ Secretary which enters 31-7-2000.

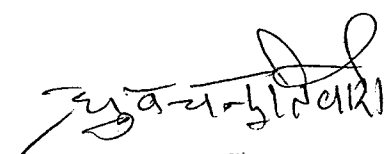
A photocopy of the same is being filed as Annexure no. A.

6- That the above case was also not shown in the main cause list of 10-7-2000.

Wherefore the applicant prays that the case be restored on its original number as no fault lies on the applicant.

Lucknow

Dated; 3-8-2000


Applicant.

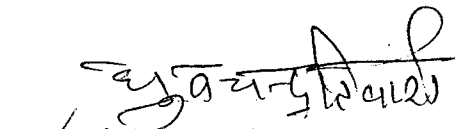
Verification

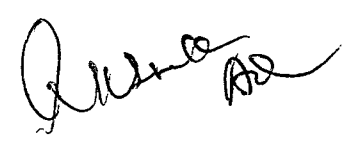
I, the applicant do hereby verify that the contents of para 1 to 6 of the application are true to my own knowledge.

Signed and verified at Lucknow on 3 day of Aug. 2000.

Lucknow;

Dated; 3-8-2000


Applicant



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

M.P. No. 11/2001 of 2000

In Re:

O.A. No. 280 of 1989

Central Administrative Tribunal
Lucknow Bench
Date of filing 11/2001
Date of receipt by post -----

Deputy Registrar

(24.200) D.C. Tewari

.. . . .

Applicant

Versus

Union of India and Others

Respondents

APPLICATION FOR RECALL OF THE ORDER
DATED 24.5.96 AND 18.7.96

The applicant in the above noted Case respectfully
begs to state :

1. That prior to moving the instant application, the applicant had filed a M.P. bearing M.P.No.2021 of 1996 for recall of the Order dated 18.7.96 which the applicant did not press on 30.11.2000.
2. That the applicant was remained under bonafide belief that by moving an application for recall of the order dated 18.7.96, when the order was pronounced, would be sufficient hence the earlier application remained confined to that extent only.
3. That the respondents did not file objection to the aforesaid application which ultimately came up for disposal on 30.11.2000 and on that day from the order sheet dated 24.5.96 for the first time

Contd...p/2.

-: 2 :-

Central Administrative Tribunal
Lucknow Bench
Date of filing
Receipt by post

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revealed that the Hon'ble Tribunal had already passed an Order :-
Deputy Registrar

"None for the parties. Since this is 1989 petition. Order is reserved."

4. That on that day despite of the fact the applicant had engaged Sri A.K. Shukla, Advocate to conduct his case in the year 1994 and an application for amendment was moved bearing M.P. No.674 of 1994 by Sri A.K. Shukla, Advocate but on the unfateful day i.e. on 24.5.96 name of Sri A.K. Shukla was not shown in the cause list, hence the Hon'ble Tribunal in absence of the counsel had reserved the judgement. The applicant had also no knowledge of the date so he was not in a position to attend the Hon'ble Tribunal on 24.5.96.
5. That by bringing the amendment the applicant sought certain reliefs as well of deletion of prayers, but since it was not incorporated as required so it was not considered, although the applicant had supplied the typed red-ribbon copies in the registry to which no objection was taken by the registry.
6. That had the name of the applicant shown on 24.5.96 he would have made a request for compliance of the order in other words by seeking further time, he would have amended it from his own hand by red ink.

7. That a great injury has already caused and the applicant is being put to great loss and in case

-: 3 :-

Central Administrative Tribunal
Lucknow Bench, Lucknow.
Date of filing
Date of receipt by post

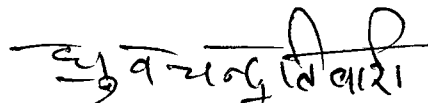
the orders dated 24.5.96 and 18.7.96 are not restored
to original number.
Deputy Registrar

8. That there is delay in moving the instant application which is liable to be condoned ~~and~~ as the applicant remained under bonafide belief that his purpose will be fulfilled in case he prays for recall of the order dated 18.7.96 and unnecessarily much time was wasted in M.P. No. 2021 of 1996.

Wherefore, the applicant respectfully prays that the Hon'ble Tribunal be pleased to recall its orders dated 24.5.96 and 18.7.96 and both orders be set-aside, the petition be decided afresh after hearing on merits.

Lucknow

Dated : 26/12/2000


Applicant

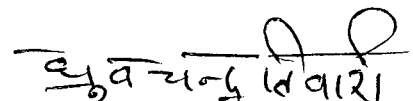
Verification

I, D.C. Tiwari, who has been described morefully in decided O.A. do hereby verify that the contents of paras 1 to 5 are true to my knowledge, based on information derived from records and paras 6 and 8 are believed by me to be true on the advise of the counsel.

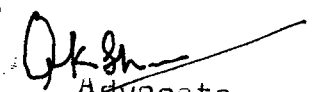
Signed and verified on this 26th day of Dec. 2000 at Lawyer's chamber, Lucknow.

Lucknow

Dated : 26/12/2000


Applicant

I identify the applicant who has signed before me.


Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW
2, RANA PRATAP MARG, MOTI MAHAL, LUCKNOW
LIST OF BUSINESS FOR THE TUESDAY, THE 27th, JUNE, 2000
COURT NO. (I)
AT. 10.30.A.M.

HON'BLE Mr. JUSTICE NEELAM SANJIVA REDDY, VICE CHAIRMAN.
HON'BLE Mr. A.K. MISRA, MEMBER (A)

FOR ADMISSION

- R**
- | | | |
|----------------------------------|-----------------|----------------------|
| 1. O.A. No. 253/2000 13/07 | R.M. Singh | Shri R.S. Gupta |
| 2. <u>FOR ORDERS/ DIRECTION</u> | U.O.I. & Others | " D.R. Sinha |
| M.P. 2021/96 21/07 | D.C. Tiwari | Sri A.K. Shukla |
| In.O.A. 280/98 | Vs. | T.N. Gupta |
| | U.O.I. & Others | Sri V.K. Srivastava |
| 2. M.P. 1199.1200/2000 21/08 | S.A.H. Hijjazi | Sri A. Ali |
| In.O.A. 305/98 | Vs. | Sri A.K. Chaturvedi |
| | U.O.I. & Others | |
| 3. M.P. 1206/2000 22/06 | N.C. Pandey | Sri R.C. Singh |
| In.O.A. 318/98 | Vs. | |
| C.W. | U.O.I. & Others | Sri G.S. Sikarwar |
| O.A. 260/98 | S.C. Shukla | Sri R.C. Singh |
| | Vs. | |
| | U.O.I. & Others | Km. K. Kapoor |
| M.P. 1249, 1254, 1256/2000 06/07 | D.P. Rastogi | Sri Nakul Dubey |
| In.O.A. 334/98 | Vs. | Alok Singh/C.K. Seth |
| | U.O.I. & Others | Sri A.K. Chaturvedi |
| P 1. M.P. No. 1357/2000 | K.P. Singh | " J.J.R. Seth |
| 2. O.A. No. 493/98 | U.O.I. | Km. A. Chaudhary |
| 5. O.A. 256/2000 05/07 | Arvind Mishra | Sri I.B. Singh |
| | Vs. | |
| | U.O.I. & Others | |
| 8. O.A. No. 250/2000 10/07 | J.L. Upadhyay | |
| | Vs. | |
| | U.O.I. & Others | |
| S.C. 15 | Y.S. Mishra | |
| O.A. 241/2000 27/07 | | |
| C.A.T. LUCKNOW | | |
| DATED: 1.6.2000 | | |

ADVOCATES WHO HAVE SOUGHT EXEMPTION/ LEAVE

1. Dr. D. Chandra 15.5.2000 To. 30.6.2000
2. Sri K.P. Srivastava 26.6.2000 to 29.06.2000

ag. my hand

(SECTION OFFICER)