

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)

Check on  
03.07.12

Dated 24/6/01.....

Counter Signed.....

*Loged*

Section Officer/In charge

*Dealing Assistant*  
Signature of the  
Dealing Assistant

5-2-90

3

8/93

tiny self. to 10/10/90

10-8-90 No "Sijj" self. to 14-9-90

18  
D/P

14-9-90

Hon. Justice G. N. Nalawar, V.C  
Hon. Mr. M. M. Singh, A.M.

See  
original order  
on main Petition

Adm.

c.P. may be filed  
within 4 weeks  
before D.R.(?)  
or 5-11-90

Sr. A. B. Bargava files  
Power on behalf of  
septs.

No. reply filed

S. S. A-

13/9/90

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  
affidavit.

5/11/90

28-6-95

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

On the request of  
Counsel for the applicant and before

10-6-7-95

J.M.

✓  
A.M.

Amendment application is  
allowed on 6-10-95  
But same has not yet  
been incorporated  
till today  
12/7/95

### Slips

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.

✓  
A.M.

13-7-95

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

Hon'ble 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.

✓  
A.M.

K.N.

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

28-9-95  
B.R.

11.

A  
93

~~OR~~  
Pleadings have  
already been  
completed.  
Subm. set  
for hearing  
~~OR~~  
11/7/94

13. Day No hearing at D.O.O. adj.  
or 4.0.94  
Date

13. Day Due to Sad demise of Me Md. Md.  
Yaqutur Dajal & in  
J.M. mouth Adv. adj 26.9.94

Date

OR  
M.P. 674/94  
moved  
S.P.O  
T.M.  
27/9/94

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.

W.L.  
A.M.

Bob  
V.C.

6-10 AM to Mr. V.K. Seth, A.M.  
to Mr. DC. Sharma, A.M.

Held the learned counsel  
for applicant on M.P. 674/94,  
which is an Amendment  
Application. M.P. 674/94, is allowed.  
Amendment may be  
incorporated within a week.  
Copy of which amended O.A. be  
filed and served on the  
respondent who will file C.R.A.  
within 3 weeks from the date  
of its receipt. It may be filed  
within one week thereafter.  
List for hearing on 28-11-94  
before OR for completion of pleadings.

T.M.

~~OR~~  
Amendment to be filed  
within 3 weeks from the date  
of receipt of the same  
before OR for completion of pleadings.

91

A  
16

20/4/93

of

C.A.R.D

Exchange

11.5.93

SPN

of

C.A.R.D Exchange

19/4/93

SPN

of

on

C.A.R.D Exchange

SPN

of

30/4/93

Case not received by N.O.  
11.5.93

base

No hearing of D.B. adj  
to 2.7.93

21/7/93

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

Parties were called out.  
None responds. Proceedings are  
complete in this case. Put up  
this case on 25/8/93 for  
final hearing & disposed.

A.M.

25.8.93

of

C.A.R.D

Exchange

No hearing of D.B. adj to  
2.10.93

base

8/10/93

C.N. Basant FM

Hon. Mr.  
Hon. Mr. V.K. Seth Am

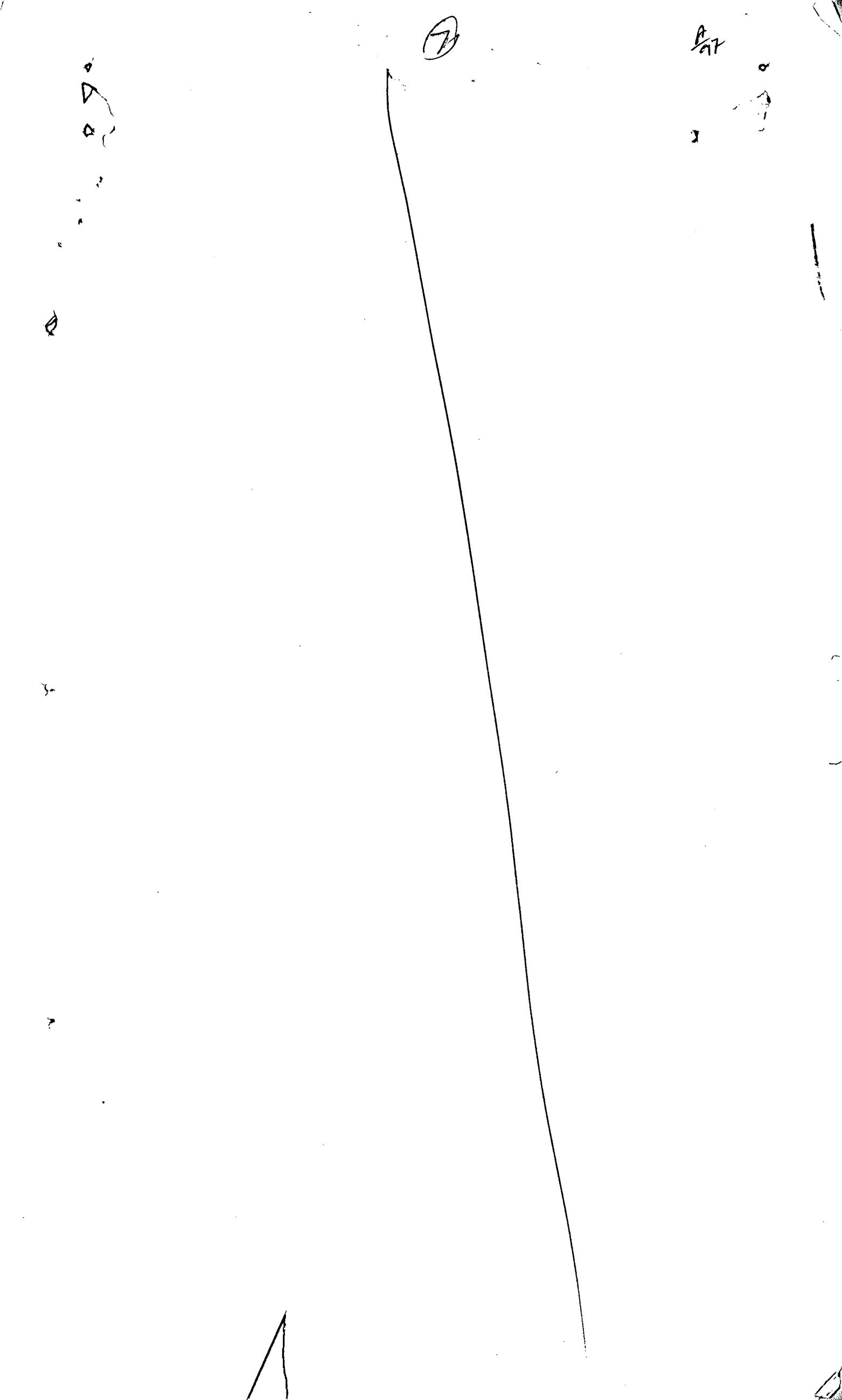
The applicant is  
present in person. His  
for hearing.

M.S.  
A.M.

No. 3000 of D.B. Regd. 204.53  
B.M.

J.M.

21) ~~Mr. S. K. Seth~~  
d ~~Mr. S. K. Seth~~  
~~Mr. S. K. Seth~~  
of ~~Mr. S. K. Seth~~  
~~Mr. S. K. Seth~~  
S.K.  
J.M.  
On ~~Mr. S. K. Seth~~  
23/6/53 6.12 p.m.



Case 280/89

1/28

24-5-96

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

None for the parties.

Since this is 1989 petition.

Order reserved.

No request for adjournment has been received on behalf of the applicant.

B.C.

P.

V.K.  
J.S.

V.K.

18-7-96

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

Judgment pronounced in open

court today.

V.K.  
A.M.

B.C.

V.C.

14.8.91. Case not reached ASI to 4.11.91

5  
A/99  
Map

13.02.

No case filed  
S.F.D.R

4.11.91

30/2.

counsel for the applicant is present.

Respondent to file counter by 20/12/91.

AKB

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  
O.A. NO - 280/259

It was decided on  
14.9.96 by Mr. Justice  
B.C. Saksena - V.C. and  
V.K. Seth - A.M. MP. 2021/96

Filed on 23.9.96 for  
Recall of the order dt.

18.9.96  
Submitted for orders

on MP NO - 2021/96

R  
ST2199

O.A. N. 280 / 89

15-10-96

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

List before appropriate  
bench (Hon'ble Dr. Justice B.C.  
Saxena, V.C. & Hon'ble Dr. V.K.-  
Seth, A.M.) on 22-11-96 for  
hearing.

Ar.

J.M.

✓  
A.G.

22-11-96

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

09-1-97

Ar.  
SOC

Appropriate bench is not available  
None for applicant. Dr. V.K.  
Srinivasan, for respondent.  
Please before Hon'ble bench  
(vacant) on 20-2-97 for  
hearing.

Ar.

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  
personnel reasons but on 27-3-97.

Ar.

J.M.

✓  
D.G.

OA 280/89

27/1/88

MP 2021/96 is  
pending for disposal  
11/12/98

RE

Hon. Mr. V. K. Seth, Am.  
Hon. Mr. D. C. Verma, J.M.  
Properly 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. Ady  
to 3-4-88

RE

30-4-88 - No sitting of D.B. Ady  
to 02-7-98

RE

02-7-98

No sitting of D.B. Court is  
only to 11-8-98 for orders  
on M.P. No. 2021/96.

11-8-98

V.K.  
RE

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

10/10  
RE

25-5-99

OA No. 280/8

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

For applicant Sri AK Shukla.

For respondents none.

list for orders on 27-7-99.

AM.

J.M.

27/7/99

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

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, J.M.

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

None for the parties.

List for order on 14.10.99.

AM.

J.M.

14-10-99

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

Hon'ble Mr. A.K. Misra - A.M.

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

List for order on 14.11.99.

AM.

J.M.

27.6.2000

Y MP 2021/96  
in  
on 280/89

Hon. M. Justice N. Sanjiva Reddy, V.G.  
Hon. Mr. A. K. Misra, A.M.

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 recall of the order dated 18-7-96.

Hence fixt the case for hearing on 10-7-2000 before this Bench.

AM

Y  
VC

D

10.7.2000  
Hon. M. D. C. Verma, J.M.  
Hon. Mr. A. K. Misra, A.M.

None for applicant.  
Learned counsel for respondent.  
Learned application for a government.  
None is present to press MP  
No. 2021/96. The same is dismissed.

D

AM

Y  
JM

OR  
copy of order prepared  
on 14/7/2000 - O/T returned  
& delivery hand (On  
Tul)

31/11/2000

Hon. Mr. D. C. Verma, J.M.  
 Hon. Mr. A. K. Misra, A.M.

Applicant present in person  
 requests for adjournment.  
 Res. respondent Shri P. K. Srivastava

List for orders on 16.11.2000.

Abh  
AM.

J.M.

- 18  
✓

16/11/2000

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

30/11/2000

fb  
B.C.

Hon. Mr. A. K. Misra, A.M.  
 Hon. Mr. Rafiquddin, J.M.

Res. respondent  
1/12/00  
15/11/00

Sh. A. K. Shukla for applicant.  
 Sh. V. C. Srivastava for respondent  
 The learned counsel for applicant  
 states that he does not wish to press  
 MP No 2021/86, which is an application  
 for recalling Ex Parte order dt  
 18/7/86. MP is accordingly dismissed  
 as not pressed.

J. K. M.

Abh  
AM.

MP 11/2007 c/c L. art no. 280/89

8/8/2007

For Mr. D. C. Verma, A.M.  
For Mr. A. K. Misra, A.M.

Learned Counsel for the  
applicant Mr. A. K. Shukla  
has sub an application for  
adjournment on the ground of  
illness. The respondent Mr.  
A. K. Srivastava

list for orders on

11/10/2007.

M. M.  
A.M.

A.  
2m

b.

11/10/01

Lawyers Strike.  
Adjourned to 3/12/01.

A  
B.O.C

03-12-01

Hon. Mr. D. C. Verma, A.M.  
Hon. Mr. A. K. Misra, A.M.

Applicant- Respondent.

Application for adjournment  
has been received on behalf of  
Mr. A. K. Shukla, the applicant.

List on 29-1-2002 for

order..

A.

M. M.  
A.M.

A  
J.H.

mp 11/2007 in case no 280/89

8

29/1/2008

Ha. Mr. D. K. Misra, MCA  
& Ha. Mr. Sharad Ray, MCA

Conc'l for both the  
parties have sent an application  
for adjournment.  
for orders on  
list for orders on

11/3/2002

8  
M(5)

Akh  
m(CA)

8

11/3/02

1  
No DB. Adind to 10/4/02.

BOC

10/4/02

Ha. Mr. D. K. Misra, MCA  
vs. Mr. Sayeeduddin, MCA

pro applica Shri. Palwajir  
B. H. Joshi, A. K. Shukla.  
pro respondent ha.

MP no 11/2007 is an application  
of recall of the order dated

24/5/06 & 18/7/06 passed  
by the Tribunal by order  
dated 24/5/06. In absence of parties the  
judgement has descended. On 18th July 2006.

the order was passed on merits and  
pronounced in the open Court. Thereafter  
the application made no 2021/36 for  
recall of the order dated 18th July 06  
which had been passed on merits by  
order dated 30th November 2006.  
no no 2021/36 was dismissed as the  
same was filed pursuant to  
the application.

In view thereof, there is no justification  
for maintaining the protest no 11/2007  
which is also the second of the order  
dated 18/7/06. MP no 11/2007 is  
accordingly rejected. No order as to  
costs.

8  
M(5)

Akh  
m(CA)

8

8  
10/4/02  
10/4/02  
10/4/02  
10/4/02

A/10

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH  
O.A. no. 280/89

Lucknow this the 1<sup>st</sup> 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.L

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 interalia stated that Shri Bhagwati Prasad was promoted at District Gonda

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 Chaubeyb 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 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 ~~is~~ <sup>is</sup> 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)

VICE CHAIRMAN

Lucknow; Dated: 18-7-92

Shakeel/



Extr  
C  
Date  
Fitter

12/10/89

THE HON. COURT OF APPEAL OF SRI LANKA (B)

IN THE BENCH

X

O.A. NO. 280/89(L)

Between

EL. C. T. W. R. ... Opp. App. to

... C

Under S. 15(1) and 15(2) ... Resp. Reg.

Under Rule 9

The Documents and Paper Back

Index

S. No. of Paragraphs

Page

1. Opp. App. to ... 1- 14
2. Annexure no.1 Photostate copy of the 15-16  
Opp. / Represent. to regarding fixation  
of sentence dated 20.8.1982.
3. Annexure no.2 Photostate copy of O.R.M.'s  
Letter No.2/PU/EM-Kh. dated 15.5.1982. 17
4. Annexure no.3 Photostate copy of documents 18-2  
Opp. / represent. to dated 16.8.1982.
5. Annexure no.4, Photostate copy of the 21-24  
Representation dated 2.9.1982.
6. Annexure no.5- Photostate copy of Letter 25-29  
No.2/PU/1/UT/82 dated 24.1.1983.  
from D.R.M.(?) Under W.
7. Annexure no.6. Photostate copy of the 30-31  
Opp. remitter dated 1.7.1983.
8. Annexure no.7 Photostate copy of Opp. App. 's 32-33  
Opp. remitter dated 4.6.1986.

Filed today  
noted B.N. for 23/10/89  
B.N. written  
polv.

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

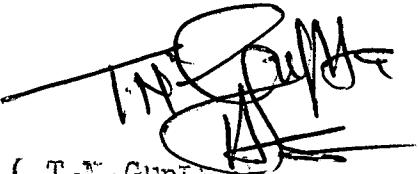
reminder dated 17.10.1988.

15. Power (Vakilatmama).

38

Lucknow dated:

31/8, 1989  
12/10

  
( T.M. Gupta )

Advocate

Counsel for the Appellant

X

In the Central Administrative Tribunal

Lucknow Bench

Between

D.C.Tiwari son of Sri R.N.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.N.Tiwari  
(iii) Age of applicant (as on 31/8/89) ~~4 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 Is above.  
(vi) Address for service of notices Is 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.Judicial  
Court

21-2-89  
1/1/421

2.

3. Assistant Mechanical Engineer  
(L) M.E.R. Loco Shed Gonda.

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

3. Assistant Mechanical  
Engineer (L) M.E.Railway  
Loco Shed, Gonda.

4. Senior Divisional  
Mechanical Engineer (L)  
M.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/PU/DDT/83  
dated 24.1.83 from D<sup>IV</sup>  
Railway Manager (P)  
Lucknow M.E./Gonda.

*Signature*

3.

by which xxxxxxxxx application  
it'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 Bhagauti Chaudhary B.  
M. who is junior to the  
applicant was given the grade x  
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 Bhagauti Chaudhary  
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 Bhagauti Prasad Chaudhary  
B.M.Gorakhpur., Sheo Prasad  
B.M.Grade, Ram Naresh, Lal  
B.Mc- Gorakhpur Munna Lal,  
B.M.Grade, Chandrika Prasad  
B.M.Grade Ram Swaroop, B.M.

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

ayad u-5 Inaki

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 applicant 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.Khajasi on 8.1.1965 in the loco shed Charbagh, Lucknow and subsequently he was transferred to Loco shed Gonda.

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

21-2-90  
Initials

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 Chaudhary.

(c) That Sri Suresh 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 loci shed Gonda accepting bottom seniority.

(E) That Sri Chandrika Prasad Boiler Maker loci 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 Prashad Lal KUMAR KUMAR, 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 in writing stating the facts and requests that S/Sri Bhagwati Prasad Chaudhary Boiler Maker Gorakhpur etc. were junior to him hence the petitioner being senior to them

Chaudhary  
Prasad  
Chaudhary

should also be given seniority and promotion w.e.f. 17.2.73 the date on which S/Sri Bhagwati Prasad Chaubey B.M.ecc. were promoted and his pay may also be fixed accordingly. The electorstate 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 1.4.1968 of the Gonda and Lucknow district and further requested that petitioner's seniority and pay 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

*ayet u-h tauri*

(K) That the applicant was informed by opposite

Annexure 3 &amp; 4

7.

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 27.1.1983 that the matter was examined by the opposite party no.2 and it was found that except Ram Kumar Misra 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.

(I) That the applicant further clarified in 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 is 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.

(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 ~~xxxxxxxxxx~~ seniority and pay may be fixed immediately since he was senior to Sri Bhagwati Prasad Chaubey etc. The true copy of

*Temporary  
Dated*

8.

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

(v) 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 10.12.1982 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 Chaudhary & Jang Bahadur, Munshi, R.K. Misra, and Sheo Kumar Prasad as B.M.Khalasi and they were promoted ignoring the applicant illegally hence it was requested that his pay and seniority be fixed according to 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.17.3.73 the date on which Sri Bhagwati Prasad Chaudhary, B.M. Khalasi 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

21-2-87  
10/12/1

9.

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>	Outcome of such representation.
1. Submitted to D.R.M.(P) Lucknow on 30.3.82, 15.5.82, 30.6.82 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 xxxxxxxxxxxx xx 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:-

Agarwal  
Naik

(i) That since the applicants' date of appointment is 8.1.1965 he is senior to Sri Bhagwati Prasad Chaubey who came ~~as~~ on transfer to & locoshed Gunda 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 Kishore Lal, 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 be paid 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 ~~as~~ on the post of Boiler Maker w.e.f. 17.2.73 with all benefits.

*regarding  
NCLT*

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

11.

~~10. Expressions of~~

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 send 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

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

(v) Date of issue of Postal order. 31/8/89

(vi) Post office to which payable. Allahabad.

13. Issues 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. 2/PC/EM-Kh. dated 15.5.82.

Copy to  
Mr. A. S. G.  
Mr. D. R. M.

12.

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/DCT/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

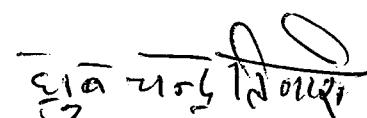
I, D.C.Tewari, son of Sri R.N.Tiwari, aged about 45 years Basic Boiler Maker Loco Shed F.E.R. Cherbagh, Lucknow do hereby verify that the exhaustive contents of paras 1 to 8 and

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

To

The Registrar,

Grounds

(1) Because the ~~xxx~~ applicants date of appointment on his substantive post of Khatasi's is 8.1.65 and s/Sri Bhagwati Prasad Choubey Bofler Maker, Shri Prasad B.M. Ram Kumar Misra Chandrika Prasad, B.M. Kunna B.M. Jangid Teli, P.M. Ram Naresh 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 Bofler Maker w.e.f. 17.2.1973 the date on which his junior to. Bhagwati Prasad Choubey was promoted.

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

(4) Because the applicant's senior to S/Sri Bhagwati Prasad Choubey etc. in the gradation list of B.M.Khatasi 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 repeated

Yashwant  
Mooley

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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  
seniority with Bhagwati Prasad Chubey 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 appeal be  
awarded to the applicant.

Lucknow dated:

31/8, 1989

12/10

Agarwal  
App. Ct. No. 127

T.N. Gupta  
S. B.

Agarwal  
A.C.R.I.

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  
M.E.Railway Lucknow.

Through Proper Channel.

Sir,

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. (Shehu)  
81 dated 31.12.81/3.1982.

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

1. Shri Bhawat Prasad Chaubey, Boiler Maker/GKP  
shed (Sl.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 Khalsa's as on 1.4.66  
of Ex.DME/GD my date of appointment being 8.1.65 am  
senior to him.

Signature  
N. 1121

2.

2. Shri Sheo Prasad, Boiler Maker/DD (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 ~~Ex~~ GD. ~~Exxxxxxx~~ List of Boiler Maker Khalasis (50-85) of LJM Division as on 1.5.1969 may please be seen (Sl. No. 5).

3. Shri Ram Kumar M<sup>2</sup> Shri Boiler Maker / GD (Sl. No. 67) He came on transfer on his own request and reported on 7.6.65 vade Sl. No. 107 of Seniority list of Boiler Maker Khalasis as on 1.4.1966 of Ex. I.M.E./GD.

4. Shri Chandrika Prasad Boiler Maker / GKP (Sl. No. 65) He was transferred on his own request on 1966 and ~~xxxx~~ should get seniority as Boiler Maker Khalasis from ~~1866~~ 1966.

In view of the above, kindly arrange to recast my seniority accordingly assigning me correct post in over my juniors i.e. above, Shri Bhagwan 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 Yours faithfully  
Dt. 30.3.82 Sd. D.C. Tewari  
Boiler Maker Khalasis GD. Shed

True copy

*Atheed*

*B. N. Mora, Hclv  
31/8/89*

समृद्धि केन्द्रीय एडिमिनिस्ट्रैटिव ट्रीबुनल लखनऊ बैच लखनऊ  
बिटवीन

ठी०सी०तिवारी ----- अप्लीकान्ट

बनाम

यूनियन आफ इंडिया तथा अन्य --- अप००पा०टी०ज  
बनेम्भर स०-२

पूर्वोत्तर रेलवे

संघया ३ /पीसी/८००च००५० /बी एम/छा०

दिनांक १५-५-८२

प्रेषाक

मंडल रेलवे प्रबंधाक बूका०५  
लखनऊ

सेवा में

श्री धूब चन्द्रतिवारी  
बी०एम०छा० ढारा जो को फोरमैनगेंडा

विषय:- आपका प्रार्थना पत्र ३०-३-८२ वरियता के संबंधमें

आपने १९६६ की वरियता सूची का हवाला देने हुए  
श्री भागवती प्रसाद चौके व अन्य को कनिष्ठ लिखा है। यह  
कार्यालय १-५-६९ के पश्चात पंक्षरान कर रहा है इससे पूर्व की पुरान  
अभियान इस कार्यालय में उपलब्ध नहीं है। आप अपने को म  
के संबंध में आकर्षक अभियान इस कार्यालय को भेजे जो कि मूल  
अभियान की प्रमाणित प्रति है। आपने इतनों लम्बी अवधि तक  
केस के बारे में कहे नहीं सूचित किया थप्पट करे।

ह० अस्प०८८

कृते मंडल रेल प्रबंधाक बूका०५

धूब चन्द्र  
तिवारी

सत्य प्रतिलिपि

Attestd

T. N. Mura, Adv.  
31/8/89

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/PC/Ihru.Ch.II/EM/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 malafide 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

*Agarwal  
M.R.I.*

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dated 15.5.82, I have already furnished photocopies of Boiler Maker Khattas of Ex-Gondia 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 not inform about for a long time, rather than rectifying the gross and grave errors in the seniority lists which gave 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.Khattas.

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 (Exptk (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 Khattas 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 Khattas junior to me have already superseded me

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A/121

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and promoted as Bo<sup>n</sup>er 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 you

Yours faithfully

Sd. D.C.Tewari

BM Khalid s /N.E.Ry  
/Gondi Shed T.Wo.360

Received.

Sd. Tewari

Lucknow 16.8.82.

Dated 16.8.1982.

True copy

Attested

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

Copy  
Mira

In the Central Administrative Tribunal Lucknow

Bench

Between

D.C.Tewari

...

... Petitioner

Versus

Union of India and others

... Opp-Parties.

Annexure no.4

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

Through : Proper Channel.

Sir,

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

Ref:- Your letter No.E/PC/DCT/83 dt.24.1.83  
received through A.M.E/L/GD's W.O.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 Bhagwati Pd. Chavbe 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 BEM/(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

Signature  
Ranbir

2.

proforma promotion fixation of pay and seniority over him, as per Railways Board's extenc 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/GK.

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 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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A/4/21

3.

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/ILG 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 Jangi Teji BM/GKP. Although it has been admitted in your above letter that Shri Jangi Teji came from "R" Railway to this Rly. on 9.3.65 a peculiarity 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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10/12/1*

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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 Teri 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 respective 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.

Agd-45  
DNOR

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

at.3.3.83      Thanking your      Yours faithfully  
Sd.D.C.Tewari  
BBM(GD)Loco Shed

True copy

*Atharul*  
*B. N. MISHRA*  
Revd  
21/3/83

In the Central Administrative Tribunal

Lucknow Bench

Between

D.C.Tiwari

...

... Petitioner

Versus

Union of India and others

...

Opp-Parties.

Annexure no.5.

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

Sub-Appell dated 8.9.82 of Sri D.C.Tiwari  
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.M./GKP
2. Sri Sheo Pd. BM/Gonda.
3. Sri Ram Kumar Misra BM/Gonda.
4. Sri Ram Narresh Lal B.M./GKP
5. Sri Munna B.M./Gonda.
6. Sri Chandrika Pd. BM/CB
7. Sri Ram Swaroop BM/CB
8. Sri Jagji 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.IJN Distt.

2/2-4-3  
NCLT

2.

on 15.1.60 and was transferred ~~Ex/Kh/xxxxxxExxExx~~ 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 div's n. Sri Tiwari was appointed as BM/Kh. on 8.1.65 in Ex.IZN Distt. and remained in Ex. IZN. Distt.

At the time of formation of Lucknow division on 1.5.69 the seniority of Ex.IJN and G.D. Distt. was combined and length of service in the grade is the critaria 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

Regd-Ary  
1/2/12

3.

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/GB.

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 BN/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

*Index*

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 Jangi 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/LJM.

Sd.

Divisional Railway Manager (P) LJM

No.M/GD /Estt.

c/- Sri D.C.Tiwari BBM/Gonda shed through I.F/GD for information.

Asstt.Mech.Engineer / L  
Gonda.

True copy

Attested

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

109121

Copy of letter No. No.E/PC/DCT/83 dt. 24.1.83  
from DRM(P)as/LJM to Sri Ram Kumar Misra B.M.  
Gonda through LE/Gonda.

sub:- Fixation of seniority.

Sri D.C.Tiwari B.M.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.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.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 documentary proof if you have any for your seniority ~~xxxxxx~~ above Sri Tiwari your representation will be considered before deciding your seniority in comparison to Sri D.C.Tiwari. 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 ~~xxxxxx~~ declared senior to you.

Sd. For Divl Manager/P MER Lucknow.

True copy

Attested

B. N. Misra  
Adiv.

31/8/89

In 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 District Railway Manager (P)  
W.E.Railway, Lucknow.

Through: Proper Channel

Sir,

Sub:- Wrong fixation of my seniority and  
supercession 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 me 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.

*260-400*  
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.

2.

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

Thanking you

Yours faithfully

Sd. D.C. Tewari

Basic Boiler Maker  
Loco Shed/NER/Gonda

True copy

Attested  
B. N. Misra  
Acting  
31/8/89

25/8/89 D.C.T.

In the Central Administrative Tribunal

Lucknow Bench

Between

D.S. Tewari

...

Applicant

versus

Union of India and others

...

Opp. Parties.

Annexure no.7

To

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

Through: Proper Channel

Sub:- 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/Ett.

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. Smt Bhagwat Pd. Chauhan BM/GKR 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

*Signature*

2.

him as per Railway Board's extent rules.

2. Reg. S. S. Sari 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 absorbed as Peon in other District and not as BM Khallasi which has a different medical category as well as different seniority group. Therefore, his absorption as BM Khallasi on being rendered surplus as Peon is not in administrative interest and he should ~~now~~ be given seniority as BM Khallasi only from 23.4.66 i.e. the date of his assuming the duty of BM Khallasi.

3. Reg. Ram Naresh Lall BM/GKP. It is not understood if Shri Ram Naresh Lall was appointed as BM Khallasi on 28.29.10.60 and transferred to Ex.GD. on bottom seniority on his own request on 4.6.63 how he has been assigned seniority as BM/Khallasi 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/ Khallasi as on 1.4.66 published by DME/GD Sri Munna has been assigned seniority position below Shri Ram Naresh Lall. Had he retained original seniority on mutual exchange as stated in your above letter, he would have been assigned seniority above Shri Ram Naresh Lall. Therefore, your contention does not seem

*going  
Now*

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

*copy only*  
*Ans*

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 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 superseeded not only by him but many others as above including Shri Ram Kumar Misra.

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 respective 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

D.C.Tewari

BBM(GD) Loco Shed

Dated 04.06.1986

True copy

Attached

B-N Misra  
A/cv. 31/8/89

सम्झा केन्द्रीय एडिमिनिस्ट्रेटिव ट्री बुनल लहानज बैच लहानज

बिटवीन

ठी०सी०तिवारी ----

पीटीशनर

बनाम

यूनियन आफ इंडिया तथा अन्य--- अप००पार्टीज

अनेजर स०-

कायलिय मंडल रेल प्रबंधक बूकारू  
लहानज

स०-इ/बी ती/भीसीटी/ बी०बी एम

दिनांक 12-12-87

जोको पोर मैन

कारबाग

विषय:- श्री ठी सी तिवारी बेसिक बीएम ९५०-१५००

का बीएम छालासी के पद पर बन्स वरीयता निर्धारण हेतु  
अभिवेदन दिनांक 3-12-87

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

बी०एम छालासी के पद पर वरीयता निर्धारण का

अभिवेदन प्रमाका मिथा प्रमथाँह के विचारादीन है। आदेश

होते ही आदेश की एक प्रतिलिपि कर्मचारी को प्राप्त करा दी

जायेगी।

कृया संबिधात कर्मचारी को इसकी सूचना तुरंत दे।

True copy

Attested  
B. N. Mira  
31/12/87

ह०अस्पष्ट 10-12-87

कृते मंडल रेल प्रबंधक बूकाश्वलहानज

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 Divt. Railway Manager (Loco)

North Eastern Railway,

Lucknow.

Sub:- Refixation of pay and seniority w.e.f. 17.3.1973

Sir,

Respectfully I beg to state as under:-

1. That Shriy Sri Bhagwati Chaube, Jangali Tewari, Munshi, R.K. Misra and Shri Prasad were junior to me as a ~~junior~~ Boiler Maker Khilas.
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 1.8.1973.
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 to perform fixation of pay and seniority with reference to my junior Sri Bhagwati Chaube.

In early action is requested.

Yours faithfully

D.C.Tewari

Boiler Maker (C.B.)

Lucknow 17.10.88.

True copy

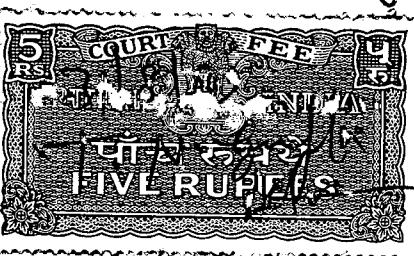
Attested

B.N. Misra

Adv.

31/8/89

In The Central Administrative  
Court of India  
प्रदानकर्ता श्रीमान्  
[ बादी ] दंकेन्द्र  
प्रतिपादी - रेस्ट्रायर  
प्रतिपादी - रेस्ट्रायर  
D. C. Tewari वकीलतनाया



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

D. C. Tewari

VS

Union of India  
& others

(मणिलाल)

प्रतिपादी (एव्याहेण्ट)

म० मुफद्दा

सम्

पेंडी जी सा०

१० रु०

छवर सिखे मुफद्दा में अपनी ओर से श्री T. N. Gupta, Advocate

- T. N. Phirwa, Adv.

वकील

महोदय  
एव्योकेट

प्रतिपादी	मुकद्दमा	प्रतिपादी
म० मुफद्दा	न० मुकद्दमा	म० मुफद्दमा

जो अपना वकील नियुक्त करके प्रतिज्ञा ( इपरार ) दरता हैं और लिखे देता हैं उस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील हारा जो कुछ पैरवी व अदाव देही व श्रेनोंतर करें या फोई फारम पालिप फरें या लीटावें या हमारी ओर से उमरी दारी फरावे और रघवा पसूल परें या शुलहनामा व इफवाल दावा तथा अधील निमरानी हमारी ओर से हमाले या अपने हस्ताक्षर से पालिल करें और तसदीज करें शुफद्दमा उठावें या फोई रघवा दावा करें या हमारी यिक्षी ( फरीदसामी ) पा दालिल किया हुआ रघवा अपने या हमारे हस्ताक्षर युक्त ( एस्टाक्टी ) रसीद से लेपे था पंच नियुक्त करें—वकील प्रदूषय हारा जी गई वह सभ दार्यवाही हमलो सर्वथा स्वीकार है और होगा मैं वह जी एपीजार दरता हैं फि मैं हर पेंडी पर स्वयं या फिसी अपनी पैरोफार जो मेजस्ता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे द्विलाल फैसला हो जाता है उसपी दिल्मेदारी मेरे वकील पर नहीं होगी इसलिए यह उपालसमामा लिख दिया प्रमाण रहे और समय पर दाख आये।

एस्टाक्षर

टुकरान्दु निवारी

साक्षी ( एपाह )

साक्षी ( एपाह )

प्रियोग 31 पर्याप्त 8 रु० 1089 रु०

Accepted  
B. N. Misra  
Adv.

Accepted  
B. N. Misra  
Adv.

In the Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

O.A. No.280 of 1989

D.C. Tewari

..... Applicant

Versus

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 presecribed is 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 L.J.N. 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 in his category was changed to

B.M.Kh. (30-35) on 5/7-11-60 and posted at M.L.N. Shed under D.M.E. L.J.N. ~~which~~ <sup>which</sup> ~~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 Choubey.

S.M. Khan

Central Administrative Tribunal  
Circuit Bench Lucknow

Condt...2

It is worth while to state that seniority of B.M./Khallasi is not carried over to the post of Basic Boiler Maker. The seniority was separately maintained for Basic Boiler Maker the employees entering the post of Boiler Maker are assigned seniority inter se on the date he enters such post. Now at present the post of Basic B.M. has been abolished vide Rly Bd's letter No. E(PaA)T-82/54/1 dated 4.4.34 Shri Tewari is working as Basic B.M. without sanction.

c: In reply it is stated that Sheo Prasad was appointed as Khallasi on 5.5.50 in IZN Distt. in scale 30-35. Later on he was designated as Peon in IZN Distt. on 1.7.55 in the same pay & grade on administrative ground. Later on he was absorbed in Gonda distt. on 23.4.66 as B.M. Kh. in scale 70-85 being declared surplus in IZN Distt. Since he was transferred and absorbed on administrative ground, he was given seniority from 5.6.50 in the post of B.M./Kh. as per extent rules he was promoted as Boiler Maker in scale 260-400. (RS) <sup>vide o.o. No EM/281/SM/c.pdt</sup> on 11.12.74 after passing trade test.

d: In reply, it is stated that Shri Ram Kumar Misra was appointed on 12.1.61 as B.M. Khallasi at Distt. IZN and latter on transferred to Gonda District on 7.6.65 at his own request as such he was assigned seniority in the post of B.M. Kh. at Gonda district from 7.6.65.

e: In reply it is stated that Shri Chandrika Prasad was appointed on 15.1.60 as B.M. Kh. in district Lucknow Junction and was transferred on 19.12.60 and join on 1.3.61 at Gonda district on mutual transferred with Shri Deen Dayal whose date of appointment was 15.1.60. As such he was given seniority from 1.3.61 in the post of B.M. Khallasi at Gonda District.

f: In reply, it is stated that Ram Naresh Lal was

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 Shri Munna, 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 Nangal 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 came 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 <sup>was</sup> 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. " D.C. Tewari (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 Chubey was promoted on 27.2.67 as Basic Boiler Maker in scale 75-110(AS) before merger of the two Ex. District.)

Shriular

प्राप्ति नामिक अधिकारी

पूर्वीतर राज्य - लखनऊ

On the merger of the two Ex. district into a Division  
the combined seniority list 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 Jungi Teli under office corrignendum No. B/PC/DCT/B.M.Kh. dated 14-1-1988 as per extant 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 B.M. 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.

Subh  
कर्मचारी विधायक  
द्वारा दिया गया

(j) Submission of appeal as contained in Annexure No.4 is not denied.

Cond... 5

(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.

(l) 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 ~~exercise~~ <sup>effort</sup> 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 <sup>letter no E/pe/De/1/BMkhd 14.1.88</sup> representation was disposed of vide respondent's 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 Jaugil Teli as per extant 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. 1.8.88 . 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. 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 HM 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 correspondance 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

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

*S. M. Islam*  
जर नियम कानूनी अधिकारी  
एवं विवर देखने वाले  
Respondent/कानूनी

Verification.

I, *S. M. N. Islam* working as Sr.DPO  
in the office of Divisional Railway Manager N.E.Railway,  
Lucknow duly authorised 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.

*S. M. Islam*  
जर नियम कानूनी अधिकारी  
एवं विवर देखने वाले

## पूर्वोत्तर रेलवे,

## शृङ्खला पत्र

श्री धूम चन्द्र तिवारी, बी ०८८० छालासी/चारबाग की वरीयता इस कार्यालय से ६/१४ १२०८। को जारी की गयी वरीयता सूची सं० ६८/२५५/१/वारक्ष०८० में क०सं० ६४/८ पर निर्धारित की जाती है। क्रम सं० ६५ श्री जंगी तेली के ऊपर क्रम सं० ६४ श्री टी प्झी० कोलेट के नीचे निर्धारित की जाती है।

यह पृम्फ़ाटि के अनुमोदन से जारी किया जाता है।

## कृते मण्डल रेल प्रबन्धाक(कार्मिक) लखानऊ ।

ਸੰਪਰੀ ਸੀ. ਭੀ. ਸੀ. ਟੀ. ਬੀ. ਏ. ਮਹਾਂਦਾ ਦਿਨਾਂਕ - 14. 1. 88

प्रतिलिपि सूचनार्थी खं आक्षयक कार्यवाही हेतु बग्सारित :-

१. स्याद्वंग/गोरखपुर/गोण्डा/स्थानक्ष ।
२. लोको फ्वेरमैन/गोरखपुर/गोण्डा/चारखाग/मैलानी/सी०पी०८० ।
३. सम्बन्धित कमीचारी ।
४. मण्डल मुँकी/नमू/पी०आर०के०४० ।
५. अतिरिक्त प्रति ।

## सत्यपूर्ति

## 501 कृते मण्डल रेल प्रबन्धक(कामिक) लक्षानुसू।

—२०११/१२ वर्ष  
सहायक कार्मिक अधिकारा १०/११/११

## पूर्वोत्तर रेलवे, लखनऊ

25/11/1991  
S-9-91

पूर्वोत्तर रेलवे,

A - 2

१०

सं- ६/२३०/रिक्लासीफिकेशन/३४

लोको फोरमैन,  
पूर्वोत्तर रेलवे,  
गोरखापुर, गोण्डा, मैलानी, कानपुर अ०, चारबाग

कायालिय,

मण्डल रेल प्रबन्धाक (कार्मिक)  
लानऊ : दि०: १२-१-१९८५

विषय :- २०: २५: ५५ की अपग्रेडिंग के अन्तर्गत पदों की  
देड परीक्षा हेतु तैयार रहने की सूचना ।

उपरोक्त के सम्बन्ध में निम्नलिखित अपने अधीनस्थ कार्यरत कम्युनिटियों  
को सूचित करें कि वह नीचे दिये गये पदों की देड टेस्ट परीक्षा हेतु तैयार रहे ।  
यह परीक्षा १५ दिन बाद होगी :-

क्र०सं० नाम पद कार्यरत शेड परीक्षा जिसके लिए होनी है

सूची

१.	गोवरी (अ०जा०)	बी०डी क्रेन द्वा इवर/ ११ (३३०-४८०)	गोरखापुर कोल क्रेन चालक ग्रेड- । (३०-५६०)	-वही-
२.	हरी मिस्त्री	" " "		-वही-
३.	यात्र मोहम्मद	"	गोडा	-वही-
४.	मौ० अरवी	"	चारबाग	-वही-
५.	बंकी लाल	कोल क्रेन द्वा इवर (२६०-४००)	चारबाग कोल क्रेन चालक ग्रेड- ।। (३३०-४८०)	-वही-
६.	मौ० गनी	" " "	गोण्डा	-वही-
७.	आ र०पी०वर्मा	"	गोण्डा	-वही-
८.	रमजान अली०फुल जुमराती	"	गोरखापुर	-वही-
९.	सिद्धानाथ शुक्ला	"	चारबाग	-वही-
१०.	मुन्नी लाले(अ०जा)	"	चारबाग	-वही-
११.	तपैश्वर	"	चारबाग	-वही-
१२.	राजाराम	"	गोण्डा	-वही-
१३.	शाम्भाराम(अ०जा)	"	मैलानी	-वही-
१४.	रामकौर	लोहार ग्रेड- ।। चारबाग (३३०-४८०)	लोहार ग्रेड- ।। (३०-५६०)	क्रमातः

सहायक कार्मिक/अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ  
२४.१.११

## स्त्रीशी

15.	ताहिर अली	लोहार ग्रेड- ॥ ( 330- 480)	गोरखापुर	लोहार ग्रेड- ॥ ( 380- 560)
16.	राम दुलारे	लोहार ( 260- 400)	गोण्डा	लोहार ग्रेड- ॥ ( 330- 480)
17.	गोमती प्रसाद	"	चारबाग	- वही-
18.	क्षिणि देव	"	मैलानी	- वही-
19.	मुखली धार	हैमरमैन ( 260- 400)	गोरखापुर	- वही-
20.	राम केवल	"	गोण्डा	लोहार ( 260- 400)
21.	कोमल	"	गोण्डा	- वही-
22.	मुन्नी लाल	"	गोरखापुर	- वही-
23.	जय लाल शामी	"	चारबाग	- वही-
24.	मो० कासिम	म्हारीनिस्ट ( 260- 400)	गोण्डा	म्हारीनिस्ट ग्रेड- ॥ ( 330- 480)
25.	सिकन्दर	ब्वायलर मेकर/ ॥ ( 330- 480)	गोरखापुर	ब्वायलर मेकर ग्रेड- ॥ ( 380- 560)
26.	महावीर प्रसाद	"	गोण्डा	- वही-
27.	मटर	"	गोण्डा	- वही-
28.	भावानी प्रसाद	"	गोण्डा	- वही-
29.	क्रिक्किन	गोरो	गोरखापुर	- वही-
30.	भागवान दास	"	गोरखापुर	- वही-
31.	राम शारन	"	चारबाग	- वही-
32.	राम नारायन	"	गोण्डा	- वही-
33.	मो० सईद	ब्वायलर मेकर ( 260- 400)	गोण्डा	ब्वायलर मेकर ग्रेड- ॥ ( 330- 480)
34.	जब्बार बहमद	"	गोरखापुर	- वही-
35.	विन्दवासिनी प्रसाद	"	चारबाग	- वही-
36.	श्रीराम	"	गोरखापुर	- वही-
37.	सरदार नारायन	"	चारबाग	- वही-

स्त्रीशी

सहायक कार्मिक अधिकारी  
पूर्वोत्तर राज्य, लखनऊ  
क्रमांक १५११

क्रमांक

सत्यकी

सहायक कार्मिक अधिकारी १९११

पूर्वीतर रंगवे, लखनऊ  
२४ (७) १५११

कम्पा:

1	2	3	4	5
	संक्षेपी			1/3
63.	लाठान (अ0जा0)	बेसिक बी0एम0 ( 260-400)	चारबाग	ब्वायलर मेकर ( 260-400)
64.	टी0जी0 कालेट	बेसिक ब्वायलर मेकर ( 260-400)	चारबाग	ब्वायलर मेकर ( 260-400)
65.	निरंजन लाल(अ0जा0)	"	गोरखापुर	-वही-
66.	६१मी लाल (अ0जा0)	"	मैलानी	-वही-
67.	राम अवधा	"	गोरखापुर	-वही-
68.	ककील छाँ	"	मैलानी	-वही-
69.	बाँके लाल	"	मैलानी	-वही-
70.	चन्द्रका प्रसाद	"	गोण्डा	-वही-
71.	जाहिद अली	"	मैलानी	-वही-
72.	अब्दुल रातलिक	"	गोण्डा	-वही-
73.	राम अवल	"	मैलानी	-वही-
74.	मुन्ना लाल	"	गोण्डा	-वही-
75.	राम अौतार	छालासी हेल्पर ( 210-290)	गोरखापुर	-वही-
76.	कल्लू प्रसाद	बै0ब्वायलर मेकर ( 210-290)	चारबाग	-वही-
77.	मौ0 जमील छाँ	छालासी हेल्पर ( 210-290)	गोरखापुर	-वही-
78.	देवी सरन	"	गोरखापुर	-वही-
79.	शिवनाथ सिंह	बेसिक ब्वालयर ( 210-290)	चारबाग	-वही-
80.	दू० राम(अ0जा0)	"	गोरखापुर	-वही-
81.	बालकराम (अ0जा)	"	गोण्डा	-वही-
82.	लल्लन (अ0जा0)	"	सीपीए	-वही-
83.	सिद्धांतमाझ सिंह	फिटर ग्रेड- ॥ ( 330-480)	गोण्डा	फिटर ग्रेड- ॥ ( 380-560)
84.	फूल चन्द	"	गोरखापुर	-वही-
85.	सहदेव (अ0जा0)	"	गोरखापुर	-वही-

सुविश्री

86.	बाढ़ल (1)	फिटर (260-400)	गोण्डा	उ०क००फिटर/11 (330-480)
87.	राम दुलारे	"	गोण्डा	-वही-
88.	लालजी सहाय	"	गोरखापुर	-वही-
89.	अम्मर	ग्रीजर (210-290)	गोरखापुर	फिटर (260-400)
90.	रामलम पुत्र जक्क कुमार	छालासी हेल्पर (210-290)	गोरखापुर	-वही-
91.	दृष्टिकूलसुश्री	"	गोरखापुर	-वही-
92.	चन्द्रिका मुसाद पुत्र मेरई	"	गोरखापुर	-वही-
93.	पिपरसन जानसन	"	गोरखापुर	-वही-
94.	छूरे	"	गोरखापुर	-वही-
95.	बाबू लाल पुत्र (बोजा) श्री राम सुभग	"	सी पी ए	-वही-

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

कृते मण्डल रेल प्रबन्धाक(कार्मिक)  
लालनऊ।

प्रतिलिपि निम्नलिखित को सूचनाधी पर्यावरण कार्यवाही हेतु प्रेषित :-

- सहायक यांत्रिक इंजीनियर/वारंबाग, सीपीए, गोरखापुर, गोण्डा, कृप्या अपने छालाकूल अधीनस्थ कमिकारियों का देड टेस्ट लेकर परीक्षा परिणाम शारीर भेजें।  
देड़ टेस्ट पेपर अलग से भेजे जा रहे हैं।

सत्यश्री

सहायक कार्मिक अधिकारी/919,  
पुर्वोत्तर रेल, लखनऊ  
27/1/919 १०४ इवना

50.

कृते मण्डल रेल प्रबन्धाक(कार्मिक)  
लालनऊ।

## पूर्वोत्तर रेलवे

कार्यालय

मर्टल रेल प्रबन्धक(कार्मिक)

लखनऊ : दि० ५ अ० ८५

सं०-ई/२३६/रिलासीफिकेशन/आर्टीस्टाफ/लखनऊ

सहायक याँत्रिक इन्जीनियर,  
गोदा।

विषय :- श्री दी०सी०तिवारी, बेसिक बौ०८८०/गोदा (260-400) का बौ०८८० कुराल (260-400) के द्रेड ट्रेस्ट में न बैठने का अभिवेदन दिनांक ३०:१:८५

उपरोक्त अभिवेदन पर विचार करने के उपरान्त प्रम्याद्व ने निम्न आदेश पारित किये हैं ।  
 १० रेल परिषद के पत्रांक ई/(पौ०८८०८०)-१-६२/ज०सी०/। दिनांक ४:४:८४ के अनुसार ब्यायलर मेकर सिलेबस का द्रेड ट्रेस्ट देकर ही बेसिक स्किल्ड ब्यायलर मेकर ही रिलासीफिकेशन के कारण २६०-४०० ग्रेज पा जाये हैं की एसपकेब्यायलर मेकर (२६०-४००) में पदोन्नति होंगे । वह निर्देश ४:४:८४ के है अतः १३:११:८२ का रेलवे बोर्ड के पत्र में दिये जाये निर्देशों के आधार पर इससे छुट पाना सही नहीं है । अतः द्रेड ट्रेस्ट देना ही होगा । १०

कृपया संबंधित कर्मचारी को इससे अवगत करादें ।

हृते मर्टल रेल प्रबन्धक(का)  
लखनऊ

प्रतिलिपि लोको फोरमैन/गोदा को इसके निर्देश के साथ अग्रसारित की जाती है कि वह संबंधित कर्मचारी के अभिवेदने के नियारे की सूचना दें ।

सत्यपति

हृते मर्टल रेल प्रबन्धक(कार्मिक)  
लखनऊ

सहायक कार्मिक अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

२०८८  
८१४  
५-१-९१

पूर्वोत्तर रेलवे,

शिवमूर्ति

## संकाठित पृथम ।

अ०स०प०स०- है/230/रिवलासीफिकेशन/  
आटीजुन स्टापल्खाना

प्रिय श्रीवास्तवा,

कायाल्य,

ਮਣਡਲ ਰੇਲ ਪ੍ਰਬਨਘਕ(ਕਾਮਿਕ)  
ਲਖਾਨਊ : ਫਿਲੋ: ੨੩-੦੪੦੪੫

ਕਿਣਾਂ :- ਸ਼੍ਰੀ ਡੀ੦ਸੀ੦ਤਿਵਾਰੀ, ਬੇਸਿਕ ਬੀ੦ਏਮ੦ ਗੈਣਡਾ  
(260-400) ।

कृपया इस कार्यालय के सम संख्यक पत्र दिनांक 6.8.85 का अवलोकन करें तथा उपरोक्त कमिशारी से बी०एम० (260-400) के पद की देड 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, तबनुसार उस पत्र को रिपूर्यजल मानकर अग्रिम कार्यबाही की जा सके ।

इसके बीच ३० (२६०-४०) की देड टेस्ट परीक्षा में न बैठने के अभिवेदन दिनांक ३०.१.८५ का निपटारा किया जा चुका है जिसकी सूचना इस कायलिय के सम संख्यक पत्र दिनांक ६.८.८५ द्वारा दी जा चुकी है।

यह अति आक्षयक है ।

आपका,  
हस्ता ०

## ( शिवमूर्ति )

श्री सत्यदेव पूर्साद श्रीवास्तवा,  
सहायक यांत्रिक इंजीनियर

सत्यपुत्र

२५१८८८ ७१९  
सहायक कार्यक अधिकारी

ਪੁਰਵੀਂ ਰੁਲਵੇ, ਲਖਨਊ  
੧੬/੧-੧। ੧੦/੧-੧।

पूर्वांतर रत्न, ल  
२०/९-१ २१८  
५-९-१

A-6

8/1

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. Ry. Manager/P,  
Lucknow.

प्रायद्वयक लोकिक साधिकार १९१८

ਪ੍ਰਕੰਤ ਰੇਲਵੇ, -

सं०- ई/पी०सी०/डी०सी०टी०/बी०एम०छा०

लोकों फोरमैन/  
चारबाग ।

कायीलिय.

ਮਣਡਲ ਰੇਲ ਪ੍ਰਬਨਧਕ (ਕਾਮਿਕ),  
ਲੁਧਿਆਣਾ : ਦਿਨ : 13.5.88

विषय :- श्री धूब चन्द्र तिवारी बेस्क बी०एम० (९५०-१५०) /  
- चारबाग का वरीयता खं वेत्ता निधारण हेतु अभिवेदन  
दिनांक ८.२.८८ ।

उपरोक्त अभिवेदन पर क्रमवार विवरण निम्न प्रकार है :-

सत्यपूर्ण

## पूर्वोत्तर रेक्टवे, लखनऊ

२६ जून संस्कृत एवं वेदान्त, १०-११-११  
१०-११-११ (११४)

कुमशीः

- 2 -

श्री तिवारी को यह स्पष्ट कर दें कि उन्हें श्री बी०पी०चौधेरी के उम्र वरीयता के नियमानुकूल नहीं है। अतः श्री तिवारी को यह भी स्पष्ट कर दें कि वे कृष्णाल बी०एम० (१५०-१५००) के पद की देड टेस्ट परीक्षा में सम्मिलित होकर देड टेस्ट परीक्षा दै, अन्यथा देड टेस्ट में न बैठने हेतु रिप्लाय लेकर इस कायीलिय क्षितेष वाहक द्वारा भावे तुरन्त भोजे, तदनुसार अग्रिम कायीकाही की जा सके।

इसे अति आवश्यक सम्मेता कर्मिवारी को उक्त आशाय की सूचना लिखित रूप में दे दे।

सत्यपुत्र

कृते मण्डल रेल प्रबन्धक(कार्मिक)  
लानऊ।

सहायक कार्मिक अधिकारी १०/११।

पूर्वोत्तर रेलवे, लखनऊ

२५/१०.१.९१ (१०७) ८१-१।

पूर्वोत्तर रेलवे

का यार्लय

मण्डल रेल प्रबन्धाक(का०)

लखनऊ

स० ५/पी सी/ठी सौटी/बी ०८८०७ ला सी दिनांक ७-१-८८

लौकी परमै

चारबाग

दिवाप- श्री ठी ०सी ०तिवारी बैसिक बी ०८८० (९५०-१५०)  
का वरीयता निधार्णा हेतु आवेदन ।

श्री तिवारी की बी ०८८०७ ला सी की यूनिट मैं वरीयता इस कार्यालय के समस्यायक एट्रिडिंग पब्लिक दिनांक १४-१-८८ द्वारा निधार्णित की जा चुकी है। श्री तिवारी वर्तमान मैं (सेमी स्कॉल्ड) बैसिक बी ०८८० (९५०-१५०) के पद पर कार्यरत है। अतः जब तक श्री तिवारी (स्कॉल्ड) कुशाल बी ०८८० (९५०-१५०) के पद की ट्रेड ट्रेस्ट परीक्षा मैं उत्तीर्ण नहीं होती, उन्हें कुशाल बी ०८८० के पद का प्रोफेसर पदोन्नति एवं वेतन निधार्णा दिय नहीं है।

अतः श्री तिवारी से कुशाल बी ०८८० (९५०-१५०) के पद की ट्रेड ट्रेस्ट परीक्षा मैं सम्मिलित होने के बलए लिखित रूप मैं सहमति लेकर इस जार्लय किशोरी वाहन द्वारा भेजी, ताकि तदनुसार अग्रिम कार्यवाही की जा सके।

यह प्रमाणैर्दण के अनुमोदन से जारी किया जाता है।

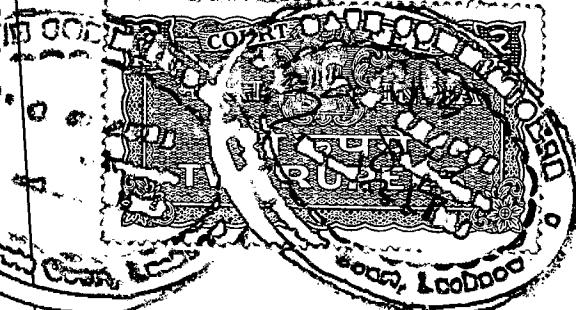
सत्यप्रति

कृते मण्डल रेल प्रबन्धाक(का०)  
लखनऊ।

प्रभायक कार्मिक अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ  
२५.१.१९९१। (रामेश्वर)

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

1992  
AFFIDAVIT  
16  
DISR. COURT  
U.P.



O.A. NO. 280 OF 1989

FF 20/11/92

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

VERSUS

UNION OF INDIA .....RESPONDENT.

AFFIDAVIT

REJOINDER/ON BEHALF OF APPLICANT.

Para - 1. The deponent D.C.Tewari aged about 47 yrs. son of Sri R.N.Tewari, Boiler Maker, Loco Shed N.E Rly. Char-Bagh, Lucknow do hereby solemnly affirm and state on oath under  
Para - 1. Needs no reply.

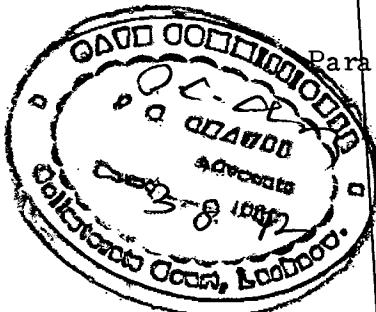
P.T.

Para - 2. Needs no reply.

2-11-92

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

Para - 4. Needs no reply.



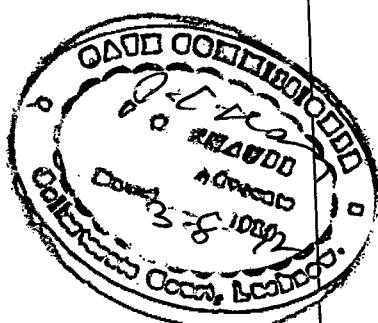
Para - 5. Since the impugned seniority were not fixed on the basis of extant rules or appropriate principles applicable to determination of seniority, but fixed arbitrarily, it has affected the civil rights of the applicant in respect of future promotion and has violated Article 16 of the Constitution.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

16-11-92

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.

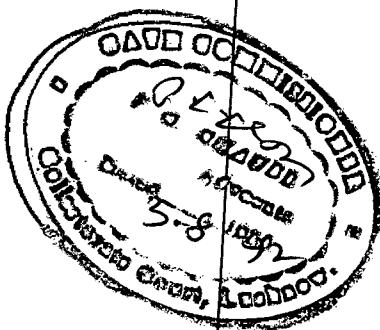
(b) The respondent has admitted that Shri Bhagwati Prasad Chaubey Fitter Khalasi (30-35) was transferred from C.B.Shed and posted in Gonda Shed of Ex Gonda District on his own request on 4.9.65. In accordance with instructions laid down in Railway Board's letter No.E/55/SR6/5/3 dated 19.5.55 and Para 312 of the Indian Railway Establishment Manual, 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



~~44-44710011~~

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 Choubey. The applicant is, therefore, entitled to all the benefits enjoyed by Shri Bhagwati Prasad Choubey 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

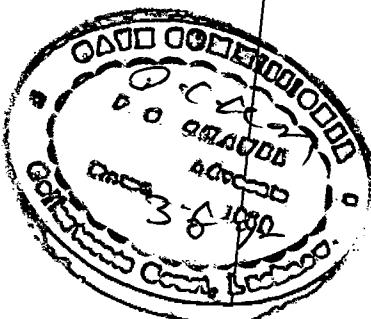


100  
21-5-1971

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



Ex a u.4 Tr c/111

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



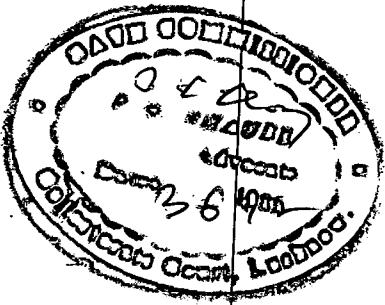
21/12/1971

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.

W.D. - 10/10/86

(i) Needs no reply.

(j) Needs no reply.

(k) Needs no reply.

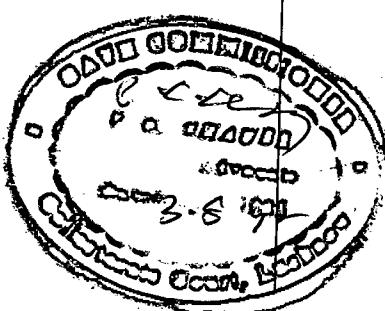
(l) Needs no reply.

(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



*Copy to Mr. T. Nair*

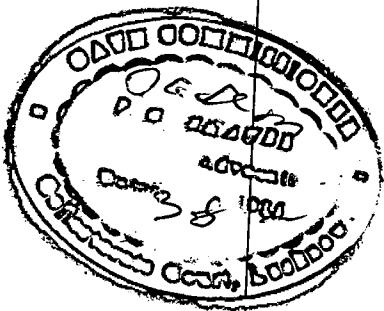
in relation to his juniors only on 4.6.86.

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

Para - 6. At page 2 of his reply in respect of B, the respondent has admitted that the post of Basic B.M. has been abolished vide Railway Board's letter No. \_\_\_\_\_ dated 4.4.84. In fact Railway Board vide their letter no. E(P&A)I-82/Jc/1 dated 13.11.82 reproduced below, barred holding of Trade Tests of Basic Boiler Maker/BTM/S.S.Artisans as a result of Reclassification of artisan staff:-

"(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."

The applicant brought the above instructions to the notice of the Railway Administration. But the Railway Administration are insisting on taking Trade test of the petitioner with malafide intention.



— 212-213 (N 012)

K/R

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.



242-15112

10.

Para-13. Needs no reply.

Lucknow, dated:

August on  
July 31, 1992

D.C. TEWARI  
\_\_\_\_\_  
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 on  
July 31, 1992.

D.C. TEWARI

APPLICANT

I know the  
deponent who  
has signed before me

B.N. Misra  
Adv.  
31/8/92

31/8/92 by D.C. TEWARI  
Identified to  
31/8/92  
Spouse  
Advocate  
31/8/92

C. 170. 16a  
31/8/92 by D.C. TEWARI  
Identified to  
31/8/92  
Spouse  
Advocate  
31/8/92  
D.C. TEWARI  
31/8/92

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW.

M. P. NO. 674 OF 1994

IN RE

O. A. NO. 280 OF 1989

13/8/99  
D.C. Tiwari

... Applicant

Versus

Union of India and others

... Respondents

FF 9-3-94  
21/4/94

APPLICATION FOR AMENDMENT OF THE ORIGINAL PETITION

Placed before the  
Hon'ble Central Adminis-  
trative Tribunal  
for orders on  
25/3/99  
Dy. L. I. S. C. A. respectfully  
begs to state as under :-

The applicant in the above noted case  
1. That owing to subsequent development 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 over-  
sight 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

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 filed as Anmexure NoA-13 to this amendment application.

*2/4-21-51 N.D.1991*

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-speaking.

(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.

*Sub-Regd. 1st 4/12/1*

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

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.

*—S. C. D. —*  
(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

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 that unless the applicant possesses out the trade test he 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 elucidating the matter.

Lucknow

Signature of the applicant.

Dated 6/1/1994.

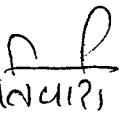
VERIFICATION.

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

*Chandra Tiwari*

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.

— ४४—५ (W412) 

Signature of the applicant.

Lucknow

Dated 5/3/1994.

Amber D

A-1

मुद्रित्वा दैवते,

## ଶ୍ରୀକୃଷ୍ଣ ଦ୍ୱାରା

यह प्रयोगिता के अनुमोदन से जारी किया जाता है।

## କୁଳ ଅଭିନାଶ ରେତ ପ୍ରକାଶକ (କାନ୍ତି) ଲକ୍ଷ୍ମନାୟ ।

સં- શાશ્વતાં/શાશ્વતાં/શાશ્વતાં સ્થાન - ૧૮-૧-૦૦

प्रतितिपद त्रुक्तार्थ यद्य आव्याह कार्यात्मी ईति शुक्तदिति १८

## ६ सांगीतिक विवर/गोणा विवर ।

३ लोको ज्वेरमेला॒ राम॒ पुष्टा॒ गो॒ छा॒ / राम॒ राम॒ / ज्वेलानी॒ / श्री०४१०५० ।

## ३ समन्वयात लमियारी ।

## ૪ સાંદ્રલ મૈની અસ્ત્રીયા બારાંદોણા ।

## ५. भूतिर क्त प्रृष्ठि ।

सावधानी

## कृती श्रावण रेल प्रबन्धाल (कामिक) संग्रह ।

7-2191181 (1970) 9/19/61

२ शुभोत्तर रैलवे, लखनऊ

11.9.91 (8110 S.9.91)

APC  
Anthony K.

— Conductivity Test 1

Answer 11

18

四

पुस्तक देवी

## સંદર્ભાલય

### સંદર્ભ સૈસ પ્રાર્થિકાન્ડ (સારો)

### લાલા સાહેબ

१०० रुपांतर/वार्ताला/वी. वार्ताला लिपि दिनांक २७-१-१९८३

ਲੈਕਾਈ ਸੀਰੀਜ਼

चारहाँ ग

ਕਿਾਨੂੰ ਕੇ ਹੀ ਦੀ ਦੀਨਾਂ ਦੀ ਮੈਲਿਕ ਕੀ ਦੀਨਾਂ (੧੫੦-੧੯੦) ਦੀ ਵੀ ਯਤਾ ਕਿਾਨੂੰ ਕੇ ਮੈਲਿਕ ਕੀ ਦੀਨਾਂ ।

ये तिक्तारी की ली ०३००००० लकड़ी की अनिट में बही बता। इस  
का अर्तियर्थ है लकड़ीयक १५००००० प्रति दिनांक । १५००००० लकड़ी किंवा लकड़ी  
की जा रुही है। ये तिक्तारी छर्स्कन में (हिन्दि विक्रम) तीसवें ली ०३०००  
(९५०-१३००) के एह पर लायी गयी है। अठ लाख लकड़ी की तिक्तारी (विक्रम)  
द्वारा ली ०३००००० (९५०-१३००) के एह ली गई ट्रेट घरी ०। मैलीसी ०९०००  
मही रही है। उन्ही द्वारा ली ०३००००० के एह ला द्वारा लकड़ी विक्रम से एक विक्रम  
निट (१५०००००) दिव नही रही है।

ਦੂਰ ਦੁਲਧਾਂਦੇ ਕੇ ਅਨੁਸ਼ੀਲਨ ਦੇ ਬਾਅਦ ਕਿਵੇਂ ਯਾਤਰਾ ਹੈ ।

सत्यपुरी

## ਕੁੰਝ ਪ੍ਰਕਾਸ਼ (ਕਾ 10)

सहायक कार्यक्रम अधिकारी १०/११,  
पूर्वोत्तर रेलवे, लालितकु  
१.१. (संघ)  
१०/११

Are  
you

निमलिखित कर्मचारी जिन्हें दो०५०००० रुपये ११ (९५०-५००) के ट्रेड में अधिकारी दुखोदता परीक्षा उत्तीर्ण की है, जो पदभेत्ता तकाल प्रभाव से करते हुए उनके सम्बूद्ध दरायि गये १०० व देत्तन पर पद स्थापित किया जाता है।

क्र. सं.	कर्मचारी का नाम	दर्तमान पद टेलनमात्र / स्टेशन	पदोन्नति पद टेलनमात्र	पदोन्नति पार टेलन	शेष
1-	सर्व श्री डी० सी० तिवारी	देसिक बी०एम० (950-1500) बी०टी०शेड	बी०एम०ट्रैन-१।। (950-1500)	समस वेलन कम्पुर अवराम दर	
2-	आश्या प्रसाद	दी०एम०ए० हेत्यार (800-150)गोआजपुर दर	"	1090/-	गोआजपुर शेष
3-	राम नैमी	"	"	1070/-	गोम्डा शेष
4-	राम पलट प्रसाद	"	"	1070/-	गोम्डा शेष
5-	भलू	"	"	1070/-	गोम्डा शेष
6-	शिव पूजन	"	"	1070/-	गोम्डा शेष
7-	नीरा	"	"	1070/-	गोम्डा शेष
8-	राम जाहरे	"	"	1070/-	गोम्डा शेष
9-	दिसमिल्लाह	"	"	1070/-	गोम्डा शेष
	गोम्डा शेष			1070/-	गोम्डा शेष

उपरोक्त कर्मचारियों दो स्थानांतरण सम्भवी संभी सुविधापै देय है। पदोन्तति पाये जाने वलि कर्मचारी नियम 1316/जुआ।। (2018 जा 11) के अन्तर्गत अपने निचले पद की पेतन वृद्धि। तिथि पेतन विधारण ऐसे तिथि पदोन्तति अदेश जारी होने की तिथि से शह माह के अंदर दे सकते हैं। एक माह की पश्चति पर्याप्त उपलब्धी दो स्वीकार नहीं किया जायेगा। २०१०, ३ प्रा

यदि 'वर्म्मिरियो' के पास रैल्डे साक्ष स हो तो 15 दिन के अंदर अवश्य जाली कर दे जन्या अनुशासनिक दर्दिवाही की जाहिर हो।

इस पर उम्मार्ह का अद्वितीय प्रस्तुत है।

दृष्टि प्रकृति लिपि प्रकृति (का० १०)  
लक्षण

सं ६/२८।/संसद/।।।/टेलेस्ट/८९

26-2-63

प्रातिलाप निम्न दो अद्व्युक्त वर्त्यवाली द्वेष्टु प्रेषितः -

- प्रमलेधि/लभ्मज ! (2) प्रक्षतार्द्ध !, ल्लवर्द्ध/लज्जाल, गोरखस्त्रा
- लोको देवमैन/वारदात, गोण्डा, गोरखस्त्रा, हीराकृष्ण, लैलाली
- सम्बन्धित लर्वितरी ! (5) कार्यकृति/दिल,, पाल, देवेन्द्र
- सकल म्हणी/नमृ/पौराणिकौरस्त्रा/हृष्मन्त्र

११२  
देव प्रदेव त्रिप्रदेवाद्य ।

५५० लंगर ।

$$\frac{\overline{a_1 a_2} - \overline{a_3 a_4}}{2} \stackrel{?}{=} 0$$

He  
Believe

Annexe A/3

X/10

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).

Reft:- (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/RM/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 via 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) via your office order No.E/281/S.M/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 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. DEWARI  
( D. C. DEWARI )  
Boiler Maker/CPA  
Under Loco Foreman/CPA.

Kempur Anwarganj.  
Dated: 20.4.93

2-4-93

ATC  
Anwar  
20.4.93

20.4.93  
20.4.93

Arrears M 14

Ram Kumar Misra

Copy of letter No. E/PC/DCR/R3 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. Khali, si in ex. IZN Distt. on 1<sup>st</sup>. 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. Khali, si 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. L. Riv. Manager/P  
NER/Lucknow.

Alka Mehta  
Milk  
27/1  
Ass't. Manager  
Engines  
N. E. R. J. G.  
Gonda

27/1/83  
P.M.

ATC

Alka Mehta  
Milk

## वकालतनामा

Central Administrative Tribunal Bench के समझ  
लिखित के न्यायालय में  
OA 280/09 (L)

वादी	D. C. Tiwari	दावेदार
प्रतिवादी		अधीलार्थी
वादी	Union of India and others	अर्जीदार
प्रतिवादी	Arjun Bhagwara Railway	प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री Advocate Adik  
लिखित

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आपे 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, रूपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आपे कार्यवाही करने की अनुषांशिक सभी बातें करने के लिए नियुक्त और प्राधिकर प्राप्त नहीं हैं। किन्तु यह इस शर्त के अधीन रहते हुए होना 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/प्रत्यार्थी/अधीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अवित्यन्त 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 विवादप्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से वरामर्श 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 से काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुकूल में श्री Arjun Bhagwara Rly. Advocate  
लिखित

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

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

तारीख 19

NER-84850400-8000- 4784

Accepted  
G. C. Budhakoti  
17

(G. C. Budhakoti)  
निपादित करने वाले अधिकारी का पदनाम

षष्ठ अंडल यांत्रिक इन्जीनियर  
पूर्वोत्तर रेलवे, छत्तीसगढ़

ब अदालत श्रीमान—

Bank Central Administration Panel

महोदय

[ वाद अपीलान्ट ]

श्री प्रतिवादी [ रेस्पाडेन्ट ]

book Book book

द्वाक्षालतनामा

टिकट .

वादी (अपीलान्ट)

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकदमा 280 सन १९५१ पेशी की ता० A. K. १९ ई०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री ... ... ... ...

Shukla, 8 Roni Laxmi Bai Haji  
Lokman - 1

वकील  
महोदय  
एडवोकेट

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 फरांवे और रूपया 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 रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पैंच 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 वकलतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

नाम लिखातनामा  
मुकदमा करने के ताम

साक्षी (गवाह)

साक्षी गवाह

हस्ताक्षर—  
द्वाक्षालतनामा

दिनांक — महीना — सन् १९ ई०

स्वीकृत

Lucknow Bench

Date of Filing ... 23-9-96

Date of Receipt by ...

2121

For L

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 Counsel.
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 please the case.
3. That the applicant's counsel had submitted the <sup>Amended</sup> typed copies of the amended portion (Typed with red ribbon) in the registry on 12.10.95 but ~~for~~ the order

caused delay

### • Application

of 1996 in the Court Compound at Lucknow.

I, the above named wife do hereby verify the foregoing  
the contents of paras 1 to 6 of this application are true  
to my personal knowledge. Signed and verified this 15th day

---

### Verificațion

## Applicant.

966T'

Truckee Date ed: (4/6 196

### The Interest of Justice.

adverage score just like it is degisgnable that the hom'ble

• 6 • What is the circumference and in order to

## For Complicated.

tribunal and ~~the evidence of the same~~ he would have paid

cause it is the would have informed the Home, ple

• 5. What had the name of the couple appealed in the

Penach ~~for~~ before the Deputy Registar, he appeared.

to him as whenever the master came up next he before the

the copy of the application for ~~the~~ was not given

Advocate has been conducting the above noted case and  
is unavailable.

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

## • d'april à la coopérative.

of the Hon'ble Tribunal it transpires that the application

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APPLICATIION FOR RESTORATION OF THE CASE  
DISMISSED IN DEFAULT.

Union of India and others. .... Respondents. ....

S 16 18

Applicant ..... D. C. L. TWEET.

In the hon'ble Central Admnistrative Tribunals  
Central Admnistrative Tribunals  
Lucknow Benoch, Lucknow.  
Date of filing - 20/10/1989  
M.P. No. 203140  
Date of receipt by post - 20/10/1989  
Place before the  
High Court  
for orders on 13.10.1989  
Deputy Registrar  
D.V. Registrar

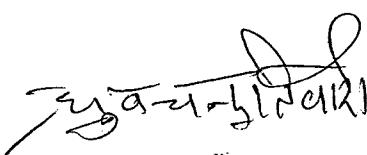
5- That the date of the above case was noted by the Deputy Registrar Bench Secretary which enters 31-7-2000. A photocopy of the same is being filed as Annexure no. A.

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

Therefore 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

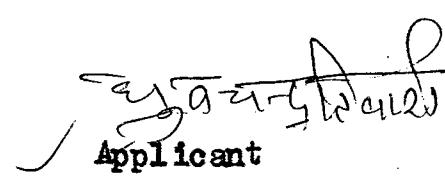
Verification

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

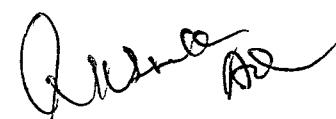
Signed and verified at Lucknow on 3 day of Aug. 2000.

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 11/12/2001

Date of receipt by post

List the matter  
before it on DB  
on 25.1.2001  
for order.

AM  
DR  
RE  
12/11/2001

(2-1-2001) 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 giving 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

*Yogendra*

X 105

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

*aya-ayi-ai21*

Central Administrative Tribunal

1, New Bench, Lucknow.

-: 3 :-

Date of filing - 26/12/2000  
Date of receipt by post - 26/12/2000

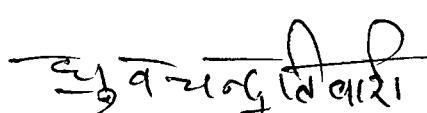
the orders dated 24.5.96 and 18.7.96 are not restored  
to original number. Deputy Registrar

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 petitions be decided afresh after hearing on merits.

Lucknow

Dated : 26/12/2000

  
Applicant

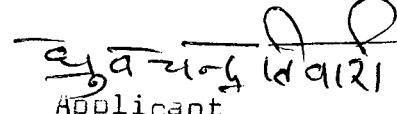
Verification

I, D.C. Tiwari, who has been described more fully 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.

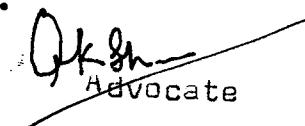
Signed and verified on this 26<sup>th</sup> day of Dec. 2000 at Lawyer's chamber, Lucknow.

Lucknow

Dated : 26/12/2000

  
Applicant

I identify the applicant who has signed before me.

  
Advocate

A

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

D 1. O.A. No. 253/2000 <sup>13/07</sup> R.M. Singh  
2. U.O.I. & Others

FOR ORDERS/ DIRECTION

M.F. 2021/96 <sup>13/07</sup> D.C. Tiwari  
In.O.A. 280/98 Vs. U.O.I. & Others

2. M.P. 1199, 1200/2000 <sup>13/07</sup> S.A.H. Hijjazi  
In.O.A. 305/98 Vs. U.O.I. & Others

3. M.P. 1206/2000 <sup>13/07</sup> N.C. Pandey  
In.O.A. 318/98 Vs. U.O.I. & Others  
C.W. 1. O.A. 260/98 S.C. Shukla  
Vs. U.O.I. & Others

M.P. 1249, 1254, 1256/2000 D.P. Rastogi  
In.O.A. 334/98 <sup>13/07</sup> Vs. U.O.I. & Others

P 4. M.P. No. 493/98 U.O.I. & Others  
I.A. O.A. No. 256/2000 K.P. Singh  
5. O.A. 256/2000 <sup>13/07</sup> Arvind Mishra  
Vs. U.O.I. & Others

6. O.A. No. 250/2000 <sup>13/07</sup> U.O.I. & Others  
J.L. Upadhyay  
Vs. U.O.I. & Others

S.C. 7. O.A. 141/2000 <sup>27/07</sup> Y.S. Ganesan  
C.A.T. LUCKNOW  
DATED: 1.6.2000

Shri R.S. Gupta  
" D.R. Sinha

Sri A.K. Shukla  
T.N. Gupta  
Sri V.K. Srivastava

Sri A. Ali  
Sri A.K. Chaturvedi

Sri R.C. Singh  
Sri G.S. Sikarwar  
Sri R.C. Singh

Km. K. Kapoor  
Sri Nakul Dubey  
Alok Singh/C.K. Seth  
Sri A.K. Chaturvedi  
" J.J.B. Seth  
Km. A. Chaudhary  
Sri I.B. Singh

ADVOCATES WHO HAVE SOUGHT EXEMPTION/ LEAVE

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

*Y.S. Ganesan*  
(SECTION OFFICER)