

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Circuit Bench at Lucknow.

Registration O.A. No.30 of 1989.

Tek Chand Applicant

Versus

Union of India & Others Respondents.

Hon. Justice Kamleshwar Nath, V.C.

Hon. "Ajay Johri, A.M.

(By Hon. Justice Kamleshwar Nath, VC)

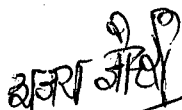
We have heard the learned counsel for the applicant. In this application under Section 19 of the Administrative Tribunals Act, 1985, the relief sought is that the applicant may be given all the benefits of the post of Asstt. Superintendent on a consideration of his representations contained in Annexures 4 & 5 of this application. Annexures 6, 7 & 8 are only reminders ~~of~~ the representations of Annexures 4 & 5.

It is not necessary to go into the merits of this case because we think that the interest^h of justice would be served if the respondents are directed to dispose of the applicant's representations Annexures 4 & 5 and if the applicant is found eligible to certain benefits.

82/2

- 2 -

grant him those benefits as well. The learned counsel for the applicant says that the authority competent to consider and decide ^{the} representations is respondent No.4. We therefore direct that respondent No.4 shall consider and decide the applicant's representations contained in Annexures 4 & 5 within three months from the date of service of the copy of this order upon him alongwith the copy of the Paper Book. In case respondent No.4 finds that the applicant is entitled to certain benefits, ^{he will} ~~please~~ also give the benefits accordingly. With these observations, this application is disposed of. A copy of this order may be delivered to the learned counsel for the applicant within twenty-four hours.



Member (A)



Vice Chairman

Dated the 9th March, 1989.

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Annexure - A
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

B/1

CAUSE TITLE Reg. CA. No 30 OF 1989

Name of the Parties Tek Chand

Versus Union of India & others

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - -	1
A2	Order sheet - - - -	2
A3	Judgement dated 9-3-89	2
A4	Petition alongwith annexures dated 8/2/89 - - - -	32
A5	Application for Amendment 2	
B1	Vakalatnamas - (Lawyer) -	1
B2	Office Memo - - - -	1

Sign 22-6-89

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

SO (T)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 30 of 1989(1)

APPLICANT (s) Tax Chand

RESPONDENT(s) U.O. 2 Gen

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

0.2.09

Hon. A. Zohri, AM

list the case for hearing on admission
on 24.2.09.

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AM

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Hon. D S. Mirra, AM

Hon. G.S. Sharma, J.M.

On the request of the applicant,
the case is adjourned to 8/3/09 for
admission.

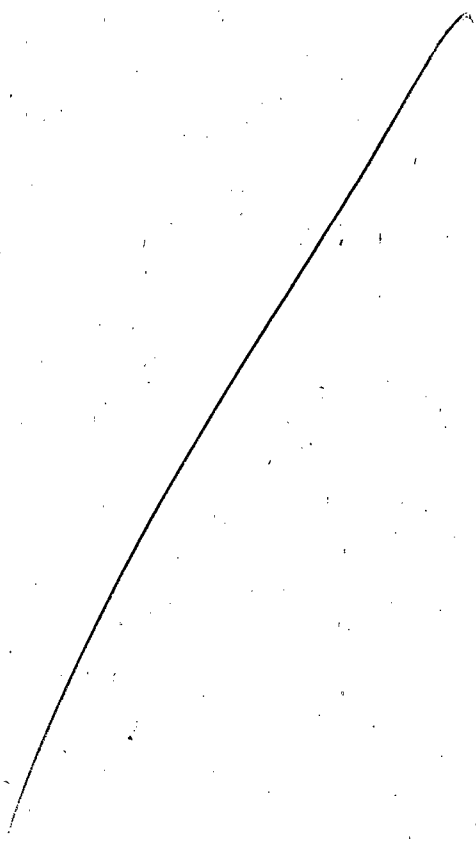
J
J.M

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AM

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No sitting. Adjourned to 9th March, 09.

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3.3.09



Order Sheet
CMA An No 64 of 89(L)
in OA 30/89(L)

A2
2

7-4-89

OR

An appn no CMA An No 64/89(L)
for modification of orders dated
9-3-89 passed by division bench
consisting Hon Justice K Nath -- VC
and Hon Ajay Johni -- AM.

Submitted for orders.

R

7-4-89

Hon. Justice K. Nath -- VC

Hon. D.S. Misra -- AM

CMA An 64/89(L)

By order dated 9.3.89 this Tribunal
had directed respondent no. 4 to consider and decide
the applicant's representations contained in Annexures
4 and 5 within a specified time.

This application has been filed to
modify the direction so as to require respondent
no. 3, rather than respondent no. 4, to decide the
representations. The reason given is that the
post of respondent no. 4, viz. Additional Chief
Mechanical Engineer is no more in existence
and has been upgraded to the post of Chief
Works Manager. The learned counsel for the
applicant points out that the Chief Works
Manager is already respondent no. 3 in the
petition.

We, therefore, direct that instead
of respondent no. 4 the applicant's representations
shall be disposed of by respondent no. 3, who
will also give the necessary benefits to the
applicant, if found entitled thereto.

A copy of this order may be
given to the learned counsel for the
applicant within 24 hours.

AM

A.M.

VC

V. C.

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APPENDIX - A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
L U C K N O W.

(Application U/S 19 of the Administrative Tribunal Act, 1985)

Tek Chand Applicant

Vs.

Union of India & Others..... Respondents.

I N D E X

Sl.No.	Description of documents relied upon	Page No.
1.	Application	1 - 9
2.	Annex No -1: Seniority List dt	10 - 13
3.	Annex No -2: Railway Board's letter dt 16.11.84.	14 - 20
4.	Annex No -3: Addl.Chief Engineer(Mechanical's) Order No S-0.51dt 19.1.85.	21 - 26
5.	Annex No -4: Representation dt 14.1.86	27 -
6.	Annex No -5: Representation dated 9.1.87.	28 - 29
7.	Annex No -6: Representation dated 24.7.87.	30 -
8.	Annex No -7: Representation dated 4.1.1988.	31 -
9.	Annex No -8: Representation dated 19.12.1988.	32 -
10.	ANNEX -9 <i>Indran Bhatnagar</i>	33 - 34
11.	YAKALATNAMA <i>No 10 600933</i>	35 -

Date of Filing

or.

Date of Receipt by post.

Registration No.

Turkman
Signature of the Applicant:

Signature
For Registrar.

Filed
8/2/89
28/1/89

(Ay 2)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL
ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL?
ALLAHABAD BENCH, LUCKNOW.

Between

Tek Chand
566/29 Cha Jai Prakash Nagar,
Behind Alka Paint Factory,
Alambagh, Lucknow.

..... Applicant

A n d

1. Union of India
through Secretary of Railways,
New Delhi.
2. General Manager,
Northern Railways,
Rail Bhawan,
New Delhi.
3. Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.
4. Additional Chief Mechanical Engineer,
Northern Railway, Charbagh,
Lucknow.

..... Respondents.

DETAILS OF APPLICATION

1. Particulars of the Applicant:

- 1) Name of the applicant: .. TEK CHAND.
- 2) Name of father: .. SRI MOTA RAM.
- 3) Age of the applicant: .. 58 Years.
- 4) Designation: .. Head Clerk at LocoShop,
Northern Railway, Charbagh,
Lucknow.

2. Particulars of the Respondents

- 1) Union of India
through Secretary of Railways,
New Delhi.
- 2) General Manager, Northern Railways,
Rail Bhawan, New Delhi.

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(3) Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.

(4) Addl. Chief Mechanical Engineer,
Northern Railway,
Charbagh, Lucknow.

3. Particulars of the Order against which application is made :-

~~(i)~~ The application is made against the following Order:-

- (i) Order No S.O. No 51, Annexure No-2
- (ii) Date 19.1.85
- (iii) Passed by :- Additional Chief Mechanical Engineer,
Loco Shop, Charbagh, Lucknow.
- (iv) Subject in brief :- Promotion to the post of
Asstt. Superintendent by
virtue of re-structuring.

4. Jurisdiction of the Tribunal:

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

5. Limitation:

Reasons for filing the application beyond the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985, are being given as under :-

- (i) That the applicant had been making representations to the respondents, but the respondents did not decide his representations.
- (ii) That the applicant being a scheduled caste candidate was under the impression that Hon'ble Supreme Court has stayed the promotions of Scheduled caste/ Scheduled Tribes by interim Order dated 21.12.1984 in W.Ps Nos 17386 -17393 of 1984 CMP. No 41996 -42003 of 1984 - Girdhari

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(3)

Lal Kohli And Others Vs. Union of India and Others
and thus he has been waiting for the decision of
the Hon'ble Supreme Court.

- (iii) That the applicant is at the verge of retirement
thus there is no question of his superseding a ny
person disturbing his present position, as such
present cause of the applicant will not cause
any prejudice to any one.
- (iv) That the cause of promotion is a recurring
cause and there was no deliberate delay on the
part of the applicant.
- (v) That keeping in view the substantial justice, the
delay may kindly be condoned

6. Facts of the case:

The facts of the case are given below :-

- 1) That the applicant was appointed in the Loco-
motive Works, Charbagh, Lucknow on 16.9. 1954 in
the Clerical cadre.
- 2) That subsequently the applicant was promoted to
the post of Senior Clerk and thereafter as Head
Clerk. True copy of the Seniority List is being
annexed as Annexure No- 1.
- 3) That the entire service career of the applicant
is unblemished and meritorious.
- 4) That the Hailway Board vide their letter No.PC-III/
84/419/9 dated 16.11.84 had sanctioned the cadre
re-structuring of Ministerial staff. In the

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present context Item No 7 of the letter is relevant. True copy of Railway Board's letter is being annexed to this application as Annexure No-2.

5) That in para 6 of the Railway Board's letter there is clear provision for reservation of posts for Scheduled Castes and Scheduled Tribes, which was stayed by the Hon'ble Supreme Court vide its Order dated 21.12.84 in W.P.No. 17386 to 17393 of 1984 and CMP Nos 41996 to 42003 of 1984 - Girdhari Lal Kohli Vs. Union of India & Others. Applicant being senior in category, this does not apply to him.

6) That in pursuance of Railway Board's letter as mentioned above, the Additional Chief Mechanical Engineer (W), Loco Workshop, Northern Railway, Charbagh, Lucknow vide his S.O.-No 51 dated 19.1.85 had re-structured their existing strength of Ministerial staff of non-personnel group of the Workshop according to the revised percentage strength of the cadre. True copy of the S.O. No 51 dated 19.1.85 is annexed to this application as Annexure No -3.

7) That the Additional Chief Mechanical Engineer (W) also gave the benefits of restructuring to the personnels working in the categories of Asstt. Superintendent, Head Clerk and Senior Clerks by placing them in the posts of higher

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grades.

- 8) That the Additional Chief Mechanical Engineer ignored the applicant, who was was entitled to be placed on the post of Asstt. Superintendent by virtue of restructuring as the applicant was the Head Clerk at that time. Persons junior to the applicant who were in the lower category of Senior Clerk were placed in the category of Asstt. Superintendent.
- 9) That the name of the applicant is at Sl No.11 in the seniority list in the category of Head Clerk. Persons whose names appear at the subsequent Serial No. have been promoted to the post of Asstt. Superintendent as given below :-

Sl No in seniority list	Name of the employee	Post held prior to promotion.
13.	K. S. Saxena.	Head Clerk.
16.	O. P. Singhal	" "
17.	J. R. Sahgal	" "
18.	R. S. Shukla	" "
19.	D. L. Srivastava.	" "
<u>SENIOR CLERK</u>		
1.	Abdul Wahid.	Senior Clerk
2.	Babban Pathak	" "

- 10) That the Additional Chief Mechanical Engineer arbitrarily made the restructuring, ignoring the claim of the applicant which is discriminatory and is in Violation of Articles 14 and 16 of the Constitution of India 1950.

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- 11) That the applicant has been illegally and unjustifiably deprived of the benefit of Railway Board's Circular dated 16.11.84.

7. Details of remedies exhausted:

- 1) That the applicant made representations to the Additional Chief Mechanical Engineer, Respondent No 4 on 14th January 1986 and 9.1.87 against not placing him in the restructured grade of Asstt. Superintendent while his juniors have been given the benefits of the scheme. But the Respondent No 4 did not give any reply. True copies of the representations are being annexed as Annexure No A-4 and A-5 respectively.
- 2) That thereafter the applicant made representations to Chief Works Manager and General Manager, respondents Nos 3 and 2 respectively on dated 24.7.87, 1.9.87, 22.9.87, , 4.1.88, 15.4.88, 29.7.88, 25.8.88 and 19.12.88. All the representations are not being annexed to this application as it will only increase the bulk of the application. Only true copies of representations dated 24.7.87, 4.1.88 and dated 19.12.88 are being annexed and are being marked as Annexure No-A-6, A-7 and A-8 respectively. If desired by this Hon'ble Tribunal all the representations mentioned will be produced at the time of hearing.
- 3) That the respondents did not consider the representations of the applicant and he has been waiting for justice since 1985.

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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 against regarding the matter in respect of which this application has been made before any Court of Law, or any other Authority, or any other Bench of this Tribunal, and any such application, writ petition or suit is not pending before any of them.

9. R E L I E F S

In view of the facts mentioned in Para 6 above the applicant prays for the following reliefs :-

- 1) That the Respondents No. 2, 3 and 4 may be directed to decide the representations of the applicant ^{all} and to give him/ ~~the~~ benefits of the post of Asstt. Superintendent (pay scale 550 -750 w.e.f. 1.1.84, *and subsequent benefits*
- 2) Costs of the case may be awarded in favour of the applicant.
- 3) And any other and further relief which may be deemed fit and proper.

GROUND OF RELIEFS.

- (i) Because the application is one of the seniormost Head Clerks who was entitled to be upgraded as Asstt. Supdt. by virtue of restructuring scheme vide Railway Board's letter dated 16.11.84.
- (ii) Because by not upgrading the applicant to the post of Asstt. Supdt., the respondents have made

(8)

discrimination against the applicant, which is bad in law.

(iii) Because the respondents have violated the fundamental rights of the applicant under Articles 14 and 16 of the Constitution of India by not upgrading him on the post of Asstt. Superintendent in accordance with directions contained in Railway Board's letter dated 16.11.84.

(iv) Because the respondents are bound to decide the representations of the applicant and to upgrade him on the post of Asstt. Superintendent.

(v) Because the entire service record of the applicant is unblemished and spotless.

10. (xix) INTERIM ORDER, IF ANY, PRAYED FOR :-

11. Not applicable.

12. Particulars of Bank Draft in respect of the application fee.

1) ~~Name of the Bank on which drawn:~~
Indian Post Office Order No. DD 000933
High Court Bench, P.O. Unknown

2) Demand Draft No.
dated 25.1.85

13. List of Enclosures:

1. Seniority List dated 25.6.83
2. Railway Board's letter dt 16.11.84.
3. Additional Chief Mechanical (Mechanical)s)
Order No S.O.No 51 dated 19.1.85.
4. Representation dated 14.1.86.

Forwarded

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5. Representation dated 9.1.87.
6. Representation dated 24.7.1987.
7. Representation dated 4.1.1988.
8. Representation dated 19.12.1988.

VERIFICATION

I, Tek Chand, S/O Sri Totae Ram, aged about 58 Years, working as Head Clerk in the Office of Locomotive Workshop, Charbagh, Lucknow, resident of 566/29, Gha, Jai Prakash Nagar, Behind Alka Paint Factory, Alambagh, Lucknow do hereby verify that the contents of Paras 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 are true to my personal knowledge, and paras 9 are believed by me to be true on the legal advice and that I have not suppressed any material facts.

Date:

Place:

Tek Chand
Signature of the
Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDN. BENCH AT ALLAHABAD, Lucknow.

10

Tek Chand — Applicant ANNEXURE NO-1

vs
Union of India and others — Respondents

(Am)
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ANNEXURE NO 1

NORTHERN RAILWAY
Locomotive Works, Charbagh, Lucknow.

No. 50L/3/Pt. IV.
Dated 6-9-1983.

All concerned
Loco shop/Charbagh, LKO.

Sub:- Provisional Seniority list of Ministerial
staff. 01.01.25, 6-83

The Seniority list of clerical staff of non
Establishment group of this workshop are sent herewith
which may please be circulated amongst the clerical staff
working under you.

The staff may please be asked to submit their
representation if any regarding assignment of their seniority
position of this office latest within one month from the
date of issue of this letter.

Ammit
Addl. Chief Mech. Engineer (W)
M. RLY. CB/Lucknow.

All free copies
of 11/35

to file in the file

True C/m
attested
AB

Adv.
24/11/83

25/11/83

Tecchand

NORTHERN RAILWAY

LOCOMOTIVE WORKS

CHARGED - LUCKNOW.

Non - Establishment

Sl. No.	Name S/Shri	Designation	Sec- tion	Date of birth	Date of Apptt.	Post	Grade	Date of con- nexion	Office Post	Grade	Date for which offg.
1	2	3	4	5	6	7	8	9	10	11	12

Office Superintendent Gr. Rs. 700-900(RS)

1.	B.L. Saroj(SC)	OS	T.O.	03-7-32	01-2-57	Supdt.	700-900				
2.	M.S. Hussain	OS	Prod	03-1-27	11-10-47	Supdt.	700-900				
3.	Ram Nath	OS	Budget	07-7-25	6-11-46	Supdt.	700-900				
4.	D.O. Saxena	OS	Prod	15-1-28	19-11-46	A.S.	550-750	1-11-80	O.S.	700-900	

Asstt: Superintendent Gr. Rs. 550-750(RS)

1.	Roop Narayan	AS	Prod.	05-7-31	27-1-59	A.S.	425-700	01-3-79	A.S.	550-750	01-4-82
2.	Bhin Sen (SC)	AS	T.O.	10-11-32	17-4-58	H/C	425-700	01-7-78	A.S.	550-750	01-6-79
3.	G.D. Saxena	AS	Prod	11-5-26	29-6-44	H/C	425-700	01-3-79	A.S.	550-750	1-10-80
4.	L.B. Misra	AS	T.O.	25-7-25	18-9-44	H/C	425-700	07-3-79	A.S.	550-750	1-10-80
5.	R.P. Upreti	AS	Con- fdl.	14-1-34	20-2-60	H/C	425-700	07-3-79	A.S.	550-750	1-10-80
6.	Banarasi Ram(SC)	AS	T.O.	01-4-32	08-7-59	H/C	425-700	01-3-79	A.S.	550-750	1-10-80
7.	U.S. Sinha	AS	Prod.	15-7-26	01-2-45	H/C	425-700	3-11-79	A.S.	550-750	1-10-80

(Contd.....2)

True Copy
attested
24/11/89

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1	2	3	4	5	6	7	8	9	10	11	12
8.	S.P. Sharma	AS	Budget	25-1-26	14-12-45	H/C	425-700	01-8-80	A.S.	550-750	1-10-80
9.	Y.P. Yadav	AS	PSIS	07-7-29	22-01-54	H/C	425-700	01-10-80	A.S.	550-750	11-2-82
10.	V.K. Awadhiya (ST)	AS	Genl.	8-11-51	14-11-79	H/C	425-700	Oftg.	A.S.	550-750	2-11-82
	(Oftg. as ad-hoc basis).										
11.	I.A. Ansari	AS	T.O.	09-7-26	20-12-46	H/C	425-700	1-10-80	A.S.	550-750	22-1-83
	Head Clerk Grade Rs. 425-700(R.S.)										
1.	Lallen Prasad	H/C	T.O.	01-2-27	12-9-45	H/C	425-700	01-8-80			
2.	R.K. Tripathi	H/C	Fdy.	01-1-26	24-7-46	H/C	425-700	1-10-80			
3.	Ajit Singh	AS	DSL	15-8-27	21-9-46	H/C	425-700	1-11-80			
4.	S.P. Kohli	H/C	BSS	11-12-26	26-9-46	S/C	330-560	21-8-63	H/C	425-700	09-9-80
5.	V.D. Sharma	H/C	Prod	9-10-27	11-4-47	Sr/C	330-560	28-10-63	H/C	425-700	1-10-80
6.	H.M. Tripathi	AS	LMS	01-9-27	30-4-47	-do-	-do-	19-8-64	-do-	-do-	1-10-80
7.	B.K. Sen Gupta	AS	Prod.	06-9-27	06-8-47	-do-	-do-	28-3-66	-do-	-do-	1-10-80
8.	S.K. Biswas	AS	STS	15-6-20	20-12-46	-do-	-do-	15-6-66	-do-	-do-	1-10-80
9.	S.K. Chaturvedi	AS	Prod.	28-11-28	1-10-47	-do-	-do-	16-6-66	-do-	-do-	1-10-80
10.	Rama Shanker	AS	=Y.S.	30-7-30	10-3-49	-do-	-do-	14-8-68	-do-	-do-	1-10-80
11.	Iek Chand (SC)	H/C	MTS	14-1-31	16-9-45	-do-	-do-	01-3-79	-do-	-do-	1-10-80
12.	P.C. Tewari	AS	Genl.	25-11-25	01-3-49	-do-	-do-	17-12-69	-do-	-do-	1-11-81
13.	K.S. Saxena	AS	T.O.	01-7-30	24-11-54	-do-	-do-	28-1-75	-do-	-do-	09-1-81

Tewari

True copy
attested
Asst. Secy
34/1/89

- 3 -

	2	3	4	5	6	7	8	9	10	11	12
14	Rangan Lal (SC) H/C	B.S.	07-1-39	24-10-64	H/C	330-560	-	H/C	425-700	02-2-81	
15	Arjun Das (SC) H/C	T.O.	10-9-43	28-5-71	H/C	330-560	-	H/C	425-700	01-4-81	
16	Pr Singh H/C	STB	03-7-33	28-6-55	-do-	-do-	1-3-76	-do-	-do-	01-8-81	
17	J.N. Sahgal H/C	T.O.	01-4-28	28-6-46	-do-	-do-	1-3-76	-do-	-do-	11-2-82	
18	R.S. Shukla H/C	T.O.	30-7-33	28-6-55	-do-	-do-	12-7-76	-do-	-do-	11-2-82	
19	D.L. Srivastava H/C	E.S.	05-8-33	05-7-55	-do-	-do-	12-7-76	-do-	-do-	25-3-82	

Senior Clerk Grade Bs. 330-560 (R.S.)

1	Abdul Wahid H/C	Sr/C	T.O.	09-6-35	12-7-55	Sr/C	330-560	12-7-76	
2	Babban Pathak H/C	-do-	-do-	1-12-34	02-3-56	-do-	-do-	12-7-76	
3	Ram Bahadur H/C	-do-	-do-	23-1-33	27-9-55	-do-	-do-	01-9-76	
4	Pr Singh H/C	-do-	-do-	16-12-35	15-4-57	-do-	-do-	01-9-76	
5	Ram Swaroop Srivastava H/C	-do-	-do-	15-1-32	16-5-57	-do-	-do-	02-2-77	
6	K.P. Yadav H/C	-do-	TTS	11-10-32	01-3-57	-do-	-do-	01-3-77	
7	Zahir Ahmad H/C	-do-	T.O.	8-12-32	29-4-57	-do-	-do-	01-3-77	
8	E.S. Yadav H/C	-do-	DSL	01-8-33	29-4-57	-do-	-do-	01-3-77	
9	R.A. Lal H/C	-do-	T.O.	30-7-33	23-12-54	-do-	-do-	01-7-77	
10	S.R. Tewari H/C	-do-	-do-	05-9-35	27-9-57	-do-	-do-	01-8-77	
11	R.K. Misra H/C	-do-	-do-	01-7-34	9-10-57	-do-	-do-	01-1-78	78
12	A.A. Siddiqui H/C	-do-	-do-	05-9-32	8-10-57	-do-	-do-	01-6-77	78
13	R.K. Jha H/C	-do-	-do-	16-9-34	8-10-57	-do-	-do-	01-7-78	

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDN. BENCH, ALLAHABAD, Lucknow

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vs
Union of India and Others
Respondents

ANNEXURE NO. 2

(3)

GOVT. OF INDIA.
MINISTRY OF RAILWAYS
RAILWAY BOARD.

No. PCIII/84/UFG/9

New Delhi Dated 16.11.84.

The General Managers,
All Indian Railways,
CLM, DLN & ICF.

Sub:- Cadre review and restructuring of Group 'C' & 'D'
Staff

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the staff side on the Committee of the Departmental Council of the JCM (Railways) for sometime. The Ministry of Railways have decided with the approval of the President to restructure certain categories of Groups 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the foot note under the different categories should be strictly and carefully adhered to.

✓ 3. For the purpose of restructuring, the cadre strength as on 1.1.1984 will be taken into account and will include Post Given and Leave Reserve Posts.

4. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(1-22C) II w.e.f. 1.1.1984. The benefit of fixation effective from 1.1.1984 will also be applicable to the child/resultant vacancies. In effect, the benefit of fixation from 1.1.1984 should be given against all vacancies which arise from restructuring.

5.1. The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva voce test. Under this procedure, the category "Outstanding" will not exist.

5.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a post in one grade above that of the post held by him at present on a regular basis, the benefit

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of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'selection' or 'non-selection' posts (as the case may be).

5.3. Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence :-

- i. from panels approved on or before 15.11.84 and current on that date; and
- ii) balance in the manner indicated in paras 5.1. & 5.2 above.

5.4. For such of the posts in the annexure to this letter as fall in 'Safety Categories', the instructions contained in this Ministry's letter No.E(CG)I-83-PM2-8 dated 7.10.83 will apply mutatis mutandis for promotions against vacancies covered by these restructuring orders.

Imp 6. The Existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. In Non-functional selection grade posts, if any, created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 1.4.1985.

8. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic function duties and responsibilities, attached to these posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring and posting of staff after the process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include them in the revised Estimates for 1984-85 and Budget Estimates for 1985-86 by telegraphic advice to AGl. Director, Finance (B), Railway Board.

11. Final Version will follow.

12. Kindly acknowledge.

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(M. S. Matham)
AGl. Director, Pay Commission,
Railway Board.

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Statement indicating restructuring of certain Group 'C' posts.

(Annexure to Railway Board's Memo No. R-1/84/UPP/9 dated 16.11.84).

1. LOCO RUNNING & ELECTRIC (Filled up by running staff only)

Designation Existing Scale (S).

Power Controller- 550-750 and
Electric Traction incl. below
Electric Traction incl. 700-900
Electric Traction incl. 840-1040
(CFC/SEPO/PC/ABEC etc.).

1. Existing posts on the railways will be aggregated and placed @ 50% in scale 550-750 below and 80% in scale 700-900.

2) Posts in scale 700-900 will be operated in scale 840-1040 on each for Electric Control, Traction Control and Electric Control. Dealing with moving trains. This should be provided separately for Electric Control Offices wherever such Control Offices exist.

2. LOCO INSPECTOR / FUEL INSPECTOR.

(Steam/Diesel, Electric Traction incl. Driving Inspector Fuel Insp. Safety Councils).

All the posts on the railways will be aggregated and distributed @ 50% in scale 840-1040 and 50% in scale 700-900. On such of the railways where posts are operated in scale 550-750 and below they shall continue against the 50% provision for posts in scale 700-900.

3. Asstt. Loco Foreman (running)/ Crew Controller 700-900** of the Electric Traction incl. Asstt. Loco Foreman (running) of the Electric Traction.

Posts in these categories will be aggregated and restructured. A. un r:- Scale (S). 550-750 & below 63% (C) 700-900 27% 840-1040 10%

Note:- (**). These posts are currently part of the cadre of Loco Foreman which are in the avenue of promotion to be Loco Foreman 'A' and 'B' scale 550-750. When these posts are operated in scale below 550-750 they will continue as part of the present scale 63% provided for posts in scale 550-750 in the restructuring.

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	Scal. (S).	Revised %age.
Signallers.	260-430	35
	330-480	40
	425-640	25
Inspector of Telegraph-Traffic.	550-750	2 posts partially 2 posts per divn.
	700-900	1 post partially. 1 post per divn.

5. COMMERCIAL INSPECTORS.

Designation/Category.	Revised %age.
Commercial/Claims/Notes/ &D/Marketing Inspectors	
425-640	12.5
455-700	22.5
550-750	20.0
700-900	45.0 *

NOTE:- * 10% of the posts in scal. 700-900 are to be operated in scal. 840-1040.

6. DRAWING OFFICE CADRE (incl. Draftsmen, Estimators & Design Assts.)

The above cadre which is currently operated in varying percentages in all the four technical departments viz. Civil, Mechanical, Electrical Engg. and S&M Dpts. & 1.1.79 will be restructured on a common percentage as given below:-

Scal. (S).	Percentage.
330-360	20
425-700	30
550-750	25
700-900	25

- Note:-
- Existing posts in scal. 840-1040 in production units at I, D, & W will continue as part of the percentage provided for posts in scal. 700-900.
 - As a result of restructuring, if in any cadre, the posts exceed the prescribed percentage now laid down they shall be proportionately adjusted.
 - The existing rule for recruitment of Engrs. graduate to scal. 550-750 will stand modified to scal. 700-900. This will be governed by para 5.1. and 5.4 of this Ministry's letter No PC/II/83/UPD/3 dt. 1.5.84.

in terms of the Ministry's Ltr No PC/II/78/UPD/8 dt. 3/11/83.

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7. MINISTERIAL STAFF (Estt. and other than Estt. excluding Accounts Staff).

<u>Scale(Rs).</u>	<u>Revised Percentage.</u>
260-400	20
330-560	35
425-700	30
550-750	10
700-900	5

8. Welfare/Personnel/HR/Publicity/Statistical/Shipping Inspectors.

The above cadres which are structured currently on varying percentages in terms of this Ministry's letter No. PCIII/73/UPG/S dated 1.1.79 and 1.6.79 are now restructured on a common percentage:-

<u>Grade(Rs).</u>	<u>Revised %age.</u>
425-640)	30
425-700)*	
550-750	40
700-900	30

Note:- *Grade Rs. 425-700 is applicable only to the category of Statistical Inspectors.

9. LEGEL STAFF.

550-750	45
700-900	55

10. PARA-MEDICAL CADRES.

1. Health & Malaria Inspectors.

330-560	35
425-640	30
550-750	25
700-900	10

2. LABORATORY STAFF.

330-560	30
425-700	30
550-750	40

3. X-Ray Staff.

260-430	30
330-560	70(+)

NOTE:- (+) 20% of posts in scale Rs. 330-560 will be placed in grade Rs. 425-640.

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4. Nursing Staff.

<u>Designation.</u>	<u>Grade(Rs.)</u>	<u>Percentage.</u>
Staff Nurse	425-640	40
Nursing Sister	455-700	30
Matron Grade III	550-750	20
Matron Grade II	700-900	10

NOTE:- The existing internal ratio of 60:40 between grades Rs.425-640 and Rs.455-700 will cease to exist.

5. PHARMACISTS.

<u>Grade(Rs.)</u>	<u>Percentage.</u>
330-560	40
455-700	40
550-750	20

NOTE: The higher grade posts may be located on the basis of worth of charge.

6. DRESSER.

<u>Grade(Rs.)</u>	<u>Percentage.</u>
210-270	50
225-308	50

11. DATA PROCESSING CENTRE.

<u>Existing Designation.</u>	<u>Grade(Rs.)</u>	<u>Percentage.</u>
Jr. Punch Operator/Verifier.	260-450 + Spl. Pay	20
Sr. Punch Operator/Verifier.	330-560+ Spl. Pay	35
Punch Room Supervisor.	425-700	30+
General Supervisor	550-750	10
Data Processing Superintendent.	700-900	5

NOTE:- + Posts in Rs. 425-700 will be redesignated as Head Punch Operator and shall perform the work of punching/verification.

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2. CONSOLE OPERATORS.

<u>Designation</u>	<u>Scale(Rs.)</u>	<u>Revised Rate.</u>
Junior Console Operator.	550-750	50
Sr.Console Operator	650-960	50

NOTE: One post of Co-ordinating Sr.Console Operator in scale Rs.650-960 on each Zonal Railway and Production Unit will be granted a Special Pay of Rs.100/- P.M. w.e.f. 1.11.1984.

3. ASSTT. PROGRAMMER.

Asstt.Programmers scale Rs.650-960 will be granted a special pay of Rs.125/- P.M. w.e.f. 1.11.1984.

4. GENERAL.

Posts of Jr.Punch Operator/Verifier in scale Rs.260-400 should be progressively worked off and placed in scale Rs.330-560 and filled cent percent by direct recruitment of graduates. Till such time the posts in Rs.260-400 are worked off, following action should be taken:-

1. The restructured vacancies including main vacancies arising from restructuring in scale Rs.330-560 will be filled entirely by promotion from scale Rs.260-400.
2. Future vacancies materialising in scale Rs.260-400 will be upgraded to scale Rs.330-560 and filled to the extent of 33-1/3% by existing incumbents in scale Rs.260-400 and balance in equal share by serving graduates and directly recruited graduates through RSC. Shortfall in serving graduates quota will be filled by direct recruitment through RSC.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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versus

Union of India and others

Annexure No 3

Respondents

S.O. No. 51

Dated 19-1-85

Consequent upon the re-structuring received vide railway letter No. PC-III/84/UPC/V dated 16.11.1984, circulated vide G.P./WR/1000 letter No. 56E/255-98/Genl/PC/WR/V, dt. 20.12.84, the following percentage has been increased in the strength of Clerks in different grades in NON-PERSONNEL group with effect from 1.1.1984 :-

Grade	Category	No. of posts		percentage revised.
		Existing	Revised	
700-900 (Rs)	Office Supdt.	4	8	5 %
550-750 (Rs)	Asstt. Supdt.	11	16	10 %
425-700 (Rs)	Head Clerk	21	49	30 %
330-560 (Rs)	Senior Clerk	93	57	35 %
260-400 (Rs)	Junior Clerks	33	32	20 %

Accordingly the following staff of Non-Personnel Group are promoted and posted from the date shown against each. Their present posting are purely temporary and will be posted in different sections and shops according to Pin pointing of post already done.

S.No.	Name	Design.	Present pay & Grade.	Date	To be pro. Pay & Grade	Date	Remarks
Sri :-							
1.	G.U. Saxena	AS	750/- 550-750	1.1.84	Office 795/- (700-900)	1.1.84	Retd. on 31/5/84
2.	R.P. Uprethi,	AS	630/- " 650/-	" 1.8.84	700/- " 730/-	" 1.1.85	
3.	U.S. Sinha,	AS	700/- " 730/-	1.1.84	730/- " 700-900	1.1.84	Rtd. on 31.7.84
4.	S.P. Sharma	AS	700/- 550-750	"	OS 730/- 700-900	1.1.84	Rtd. on 31.1.84.
5.	Y.P. Yadav	AS	700/- " 725/-	" 1.6.84	OS 730/- " 730/-	1.2.84	vice Sri S.P. Sharma.
6.	I.A. Ansari	AS	700/- " 700/-	1.1.84	OS 730/- 700-900	1.6.84	vice Sri G. U. Saxena.
7.	S.P. Kohli	AS	675/- " 700/-	" 1.9.84	OS 730/- 700-900	1.8.84	vice Sri U.S. Sinha.
		OS	730/- 700-900	1.10.84			retired on 31. 12. 1984.

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8.	Lallan Pd.	AS	700/-	550-750	1.1.84	US	760/-	950/-	700-900	1.8.84	Vice Sri LA	Ansari
9.	V.D. Sharma	AS	660/-	"	1.1.84	US	700/-	"	"	1.1.85	Vice Sri SPKuhli	
10. ASSISTANT SUPDT. :-												
10.	HN Tripathi	HC	640/-	425-700	1.1.84	AS	675/-	550-750	1.1.84	against up		
		AS	660/-	"	1.10.84		700/-	"	1.1.85	gradat		
		AS	675/-	550-750	1.6.84					pos		
11.	BK Sen Gupta	HC	640/-	425-700	1.1.84	AS	675/-	550-750	1.1.84	-do-		
		AS	660/-	"	1.5.84		700/-	"	1.1.85			
		AS	700/-	550-750	1.8.84							
12.	SK Biswas	HC	640/-	425-700	1.1.84	AS	675/-	"	"	-do-		
		AS	675/-	550-750	1.8.84		700/-	"	1.1.85			
13.	Ajit Singh	AS	675/-	"	1.1.84	AS	675/-	"	1.1.84	-do-		
		HC	660/-	425-700	5.12.84		700/-	"	1.1.85			
14.	SK Chaturvedi	HC	640/-	"	1.1.84	AS	675/-	"	1.1.84	-do-		
		AS	675/-	550-750	16.1.84 to		700/-	"	1.1.85			
					26.1.84	AS						
		HC	660/-	425-700	1.X.84							
		AS	700/-	550-750	3.X.84 to 7.12.84							
15.	Rama Shanker	HC	640/-	425-700	1.1.84	AS	675/-	"	1.1.84	-do-		
		AS	660/-	"	1.X.84		700/-	"	1.1.85			
16.	K.S. Saxena	HC	560/-	"	1.1.84	AS	590/-	"	1.1.84	-do-		
		AS	590/-	550-750	5.3.84 to		610/-	"	1.1.85			
		AS	*560/-	425-700	26.3.84	AS						
					*27.3.84							
17.	OP Singhal	HC	580/-	"	1.1.84	AS	610/-	"	1.1.84			
			600/-	"	1.5.84		630/-	"	1.1.85			
18.	JK Sahgal	HC	600/-	"	1.1.84	AS	630/-	"	1.1.84	Vice Sri RP		
			620/-	"	1.2.84		650/-	"	1.1.85	upreti.		
19.	KS Shukla	HC	515/-	"	1.1.84	AS	550/-	"	1.2.84	Vice Sri L. E		
			530/-	"	1.7.84		570/-	"	1.2.85	Sharma ad hoc		
20.	UL Srivastava	HC	530/-	"	1.1.84	AS	550/-	"	1.6.84	Vice Sri GD		
			545/-	"	1.7.84					Sozel on ad hoc		
										basi		
21.	Abdul Wahid	HC	530/-	"	1.1.84	AS	550/-	"	1.7.84	Vice Sri 123 Sri		
			545/-	"	1.9.84					on ad hoc basis.		

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S/No :-	Grade.	Noted as	revised.	
36. TN Gupta	Jr.Clerk	475/- 435/- 330-560	1.1.84 HC 500/- 411/- 425-700	1.1.84 against upgrade post.
		488/- 435/- "	1.5.84 515/- "	1.1.85 -do-
37. RU Advani	"	476/- 435 " "	1.1.84 HC 500/- 411/- "	1.1.84 -do-
		488/- 435/- "	1.5.84 515/- "	1.1.85 -do-
38. ML Sharma	"	476/- 435/- "	1.1.84 HC 500/- "	1.1.84 -do-
		488/- "	1.9.84 515/- "	1.1.85 -do-
39. RP Srivastava	"	476/- "	1.1.84 HC 500/- "	1.1.84 -do-
		488/- "	1.5.84 515/- "	1.1.85 -do-
40. JC Rawat	"	476/- "	1.1.84 HC 500/- "	1.1.84 -do-
		488/- "	1.4.84 515/- "	1.1.85 -do-
41. SS Shukla	"	476/- "	1.1.84 HC 500/- "	1.1.84 -do-
		488/- "	1.5.84 515/- "	1.1.85 -do-
42. R.S. Bajpai	Off. WLI	405/- 425-640	1.1.84 HC 485/- "	1.1.84
		500/- "	1.12.84 500/- "	1.1.85
(Working as SWLI) against upgraded post.				
43. U.S. Shukla	Sr. clerk	464/- 330-560	1.1.84 HC 485/- "	1.1.84
		476/- "	1.9.84 500/- "	1.1.85
against upgraded post.				
44. S.B. Pathak	"	464/- "	1.1.84 HC 485/- "	1.1.84
		476/- "	1.7.84 500/- "	1.1.85
	HC	435/- 425-700	15.1.84 to 15.3.84	against upgraded post.
45. R.S. Nigam	Sr clerk	440/- 330-560	1.1.84 HC 455/- 425-700	1.1.84
	"	452/- "	1.7.84 470/- "	1.1.85
against upgraded post.				
46. Tekchand	H/clerk	No Change.		
47. A.H. Farouki	Sr.	440/- 330-560	1.1.84 HC 455/- 425-700	1.1.84
		452/- "	1.10.84 470/- "	1.1.85
against upgraded post.				
48. A.K. Chatterjee	Sr, clerk	440/- "	1.1.84 HC 455/- 425-700	1.1.84
			470/- "	1.1.85
against upgraded post.				
49. S.N. Shukla	"	440/- "	1.1.84 HC 455/- 425-700	1.1.84
	"	452/- "	1.9.84 470/- -do-	1.1.85
against upgraded post.				
50. R.K. Gosal	"	428/- "	1.1.84 HC 455/- 425-700	1.1.84
		440/- "	1.2.84 470/- -do-	1.1.85
against upgraded post.				

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Srl. No.	Name	Desig.	Present Pay & Gr.	Date To be promoted as	Pay & Gr. revised	
51.	R.S. Sahu	Sr. clerk	415/- 330-560	1.1.84 HC	440/- 425-700	1.1.84
			428/- "	1.2.84 "	455/- -do-	1.1.85
					against an upgraded post.	
52.	K.N. Saxena	"	452/- "	1.1.84 "	470/- 425-700	1.1.84
			464/- "	1.3.84	485/- -do-	1.1.85
		HC	485/- 425-700	1.5.84 to 31.5.84	against an upgraded post.	
53.	Brij Narain	Sr. clerk	392/- 330-560	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.3.84	440/- -do-	1.1.85
					against an upgraded post.	
54.	Hanuman Pd	"	404/- "	1.1.84 HC	425/- -do-	1.1.84
		"	416/- "	1.4.84 "	440/- -do-	1.1.85
		HC	440/- 425-700	1.6.84 to 16.7.84	against an upgraded post.	
55.	K.M. Dixit	Sr. clerk	428/- 330-560	1.1.84 HC	455/- 425-700	1.1.84
			440/- "	1.4.84 "	470/- -do-	1.1.85
					against an upgraded post.	
56.	Wazahul Haq	Sr. clerk	392/- "	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.4.84	440/- -do-	1.1.85
					against an upgraded post.	
57.	B.C. Varma	"	464/- "	1.1.84 HC	485/- 425-700	1.1.84
			476/- "	1.11.84	500/- -do-	1.1.85
					against an upgraded post.	
58.	K.C. Shukla	"	392/- "	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.2.84 "	440/- -do-	1.1.85
					against an upgraded post.	

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59. AK Awasthi Sr. Clerk	380/- 392/-	330-560 "	1.1.84 1.9.84	HC	425/- 440/-	425-700 "	1.1.84 1.1.85	against upgraded post.
60. Thakur Dass "	380/- 392/-	" "	1.1.84 1.X.84	HC	425/-	"	1.2.84	Vice Sri K. Shukla on 1.6.84
61. SK Singh "	392/- 404/-	" "	1.1.84 1.X.84		425/-	"	1.6.84	Vice Sri UL Srivastava.
62. Chandra Prakash "	392/- 404/-	" "	1.1.84 1.X.84	HC	425/-	"	1.8.84	Vice Sri Abdul Wahid.
63. MD Gupta "	392/- 404/-	" "	1.1.84 1.X.84	HC	425/-	"	1.8.84	Vice Sri Babbar Pathak.
64. Uma Balani "	380/- 392/- 425/-	" " 425-700	1.1.84 1.6.84 5.3.84 to 26.3.84	HC	425/-	"	1.1.85	vice Sri VK Awasthiya.
65. Bhagwant Dass			No change.					
66. Satish Kumar			-do-					
67. Jit Bhandari			-do-					
68. Pooran Lal "(S.C.)	380/- 392/-	330-560 "	31.12.83 1.1.84	HC	425/- 440/-	" "	1.1.84 1.1.85	
69. Mahendra Prakash "(S.C.)	360/- 370/-	" "	1.1.84 1.X.84	HC	425/- 440/-	" "	1.1.84 1.1.85	

They may be paid arrears if any. The above mentioned staff must understand that above arrangement are purely provisional and subject to final disposal of writ which is pending in Supreme Court of India, or any instructions is received from Headquarters Office.

This has got the approval of Addl. Secy (W)/CB/LWD & PE/CB/LWD.

For Addl. Chief Mech. Engineer (W),
NR/Loco Shops/CB/LWD.

Copy to:- Sd (W)/CB, PF, Incentive, P&TS/CB, C&M/CB/LWD, OS/TO, PB, Prod., Pass, General, Budget, SS/BS, BSS, FOY, LMS, MTS, DSL, MS, ES, TS, YS, WLD, TR, CI for info. & n/action. please.

For Addl. C.M.E. (W)/CB/LWD.

SN/19.1.85

19.1.85

Enclosed

MTS

True Copy

Attested

Adm

21/1/85

Annexure No 4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD, Lucknow.

22

Tok Chand

Applicant

versus
Union of India and others

Respondent

Am
27

Annexure No 4

A-4

To,

The Addl. Chief Mechl. Engineer (W)
N.Rly., Locomotive Works,
Charnbagh, Lucknow.

Sub:- Suppl. written test for the post of AS (Mechl.) gr. as.
550-750 (RS)

Ref:- Your letter no. 314E/IV/85-86 dt. 2.1.1986.

Respected sir,

With due respect and humble submission we beg to lay the following few lines for your kind consideration and favourable order:

1. That we have been working as a Hd. Clerk in the grade as. 425-700 (RS) w.e.i. 1.1.80 and 1.4.81 respectively.
2. That the undernoted staff have been promoted Hd. Clerk later than us.

1. Sri K.S. Saxena,
2. Sri O.P. Singh.
3. " J.R. Shagari
4. " K.S. Shukla
5. " D.L. Srivastava,
6. " Abdul Wahid,
7. " Baban Patrak
8. " Ram Bahadur.
9. " S.M. Gupta,
10. " Ram Swaroop Srivastava,
11. " M.P. Yadav,
12. " R.S. Yadav,
13. " R.A. Lal.

3. That the above persons have been promoted as AS in the re-structuring vide S.O. no. 51 dt. 19.1.85 w.e.i. 1.1.84 ignoring our real seniority in general order.

4. That Sri K.S. Saxena, O.P. Singh and J.R. Shagari have been promoted against the upgraded vacancies without holding any examination and others were promoted against the resultant vacancies.

5. Hence it is to be pointed out here that when the juniors have already been promoted and adjusted against upgraded post or re-structuring, we should also be exempted from appearing in the ensuing examination virtually and promoted as AS prior to the date our juniors.

It is therefore requested to your honour, look into the matter kindly and exempt us for the above test and pass the necessary order for our promotion.

Thanking you,

Yours faithfully

(Signature)
(Name)
(Designation)

Truly
attest

(Signature)
(Name)

dt 14/11/86

Copy to: SFO/11/10/13

Forward

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDNL BENCH, ALLAHABAD, LUCKNOW

28

Tele chart

Versas — Applicant
Union of India and others — Opp. PartiesANNEXURE No 5

To

The A.C.M.E (W)
N. Rly. Loco, CB/KKOSub. Application regarding promotion for the
post of A.S/O.S.

R/Sir

Respectfully we beg to lay the following few lines
for your kind perusal consideration and favourable ordersThat we have been working as Hd clerk in the
grade Rs-425-700 (Rs) w.e.f 1-10-80 and 1-4-81; That the under noted staff have been promoted
as head clerk ~~later~~ later than us.

- | | |
|------------------------|-------------------------|
| (1) Sh K. S. Saxena | (9) Sh S. M. Gupta |
| (2) " O. P. Singhal | (10) " R. S. Srivastava |
| (3) " J. R. Shahgal | (11) " M. P. Yadav |
| (4) " K. S. Shukla | (12) " Zamir Ahmed |
| (5) " D. L. Srivastava | (13) " R. S. Yadav |
| (6) " Abdul Wahid | (14) " R. A. Lal |
| (7) " Baban Pathak | (15) " S. R. Tewari |
| (8) " Rambhadrur | (16) " R. K. Jha |

That the above person have been promoted as a A.S
in the re-structuring vide S/O no-51 dtd 14-1-85 w.e.f 1-1-84
and also under resultant vacancies, which have fallen in
1985 and 1986 time to time ignoring our actual seniority
in general order

That Sh K. S. Saxena and O. P. Singhal again
promoted as a O.S but we are still working as Hd clerk

That though we are actually seniors to all those
promoted as A.S/O.S (as named in para no 2 vide your
seniority list no-50 E/3/PT II dtd 6-9-83 but unfortunately
our seniority has been totally ignored in respect of promotion
to A.S/O.S. Thus the constitutional right has verbally
been ignored at random

That we have already pointed out about the above
irregularities to the administration, but no action has yet
been taken

We add here that Sh Kodai Ram and Smt P. Banerjee of
esst section have recently been promoted as A.S who were also
previously been ignored, we may also be promoted in the same
above persons have been promoted

(P.T.O.)

Telling

Copy attested
Rd ch
24/11/89

Am
29

29

It is therefore request your honour, look into the matter kindly and pass the necessary orders for our promotion.

Excuse ~~me~~^{us} for the trouble given.

1- Secy URMU/CB

" Secy S.C/ST Rly Employees Union/CB

Yours faithfully

for information & n/action please.

DATED 9/1/87

T. K. D. D.
(1) TERCHAND (S/C)
HEAD CLERK
MILLWRIGHT SHOP
LWS / CB / LKO
Bhawan Dass

(2) BHAWAN DASS (S/C)
HEAD CLERK
TIME OFFICE
LWS / CB / LKO

T. K. D. D.

True Copy attested
ASD
24/1/89

CENTRAL ADMINISTRATIVE, ALLAHABAD BENCH
LUCKNOW

(14/30)

Tak Chand

Applicant

VS

Union of India & others

Respondents

ANNEXURE NO. 6

REMININDER

To

The Chief Workshop Manager,
Locoshop, Charbagh,
Lucknow.

Sir,

Sub:- Promotion for the post of AS/OS (Scheduled Caste)
in the restructuring w.e.f. 1.1.1984 of
non-personnel group.

....

Respectfully we beg to say that we the ~~the~~
undersigned had submitted two applications dt. 14.1.86 and
9.1.87 wherein we had requested for our promotions as
AS/OS but no action has been taken so far.

It is pointed out that 16 persons junior to us
have already been promoted as AS/OS ignoring our seniority
position.

It is once again requested that our cases for
promotion may kindly be consider sympathetically and early
decision may kindly be conveyed to us without further delays
to meet the ends of justice.

Copies of the said applications are attached herewith
for ready reference please.

Thanking you.

Yours faithfully,

Dated: 24/7/1987.

1. Tak Chand/HC/MTS.

2. Bhagwan Das/HC/TO.

Copy for information and necessary action to:-

1. The G.M. (Grievances), N.Rly. Baroda House, New Delhi.
2. The Genl. Secy. SC/ST Rly. Employees Association, N.Rly. Locoshop, Charbagh, Lucknow.

....

True Copy
attached
Rachan
24/7/1987

EX-31
ANNEXURE NO 7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL 34
ADDNL BENCH, ALLAHABAD, LUCKNOW

Tek Chand

Applicant

Union of Indis and others - Respondent

Annexure no 7

FINAL REMINDER

To

The Chief Works Manager,
N.Rly. Locoshop,
Charbagh, Lucknow.

(E) (C) (7)

Sub:- Promotion for the post of Asstt. Supdt. and Office
Supdt. in the restructuring w.e.f. 1.1.1984 of
non-personnel Branch (Scheduled Caste Candidate).

Sir,

Respectfully we beg to remind our applications submitted
on 14.1.86, 9.1.87 and reminder on 24.7.87 wherein we had requested
for our promotion as A.S. and O.S. in the restructuring w.e.f.
1.1.1984 of non-personnel Branch.

That we have been working as Head Clerk in the grades
Rs.425-700 (RS) w.e.f. 1.10.80 and 1.1.81 and the undernoted
staff have been promoted as Head Clerk later than us.

- | | | | |
|----|-------------------|-----|-------------------|
| 1. | Shri K.S. Saxena | 9. | Sh. S. N. Gupta |
| 2. | " O.P. Singhal | 10. | " R.S. Srivastava |
| 3. | " J.R. Sahgal | 11. | " M.P. Yadav |
| 4. | " A.S. Challa | 12. | " Zahir Ahmad |
| 5. | " D.L. Srivastava | 13. | " R.S. Yadav |
| 6. | " A. Waheed | 14. | " R.A. Lal |
| 7. | " B. Pathak | 15. | " S.R. Tigrari |
| 8. | " Ram Bahadur | 16. | " R.K. Jha. |

That the above persons being junior to us have been
promoted as Asstt. Supdt. and Office Supdt. in the re-structuring
vide S.O. No. 51 dt. 19.1.1985 w.e.f. 1.1.84 and also under
resultant vacancies which have been fallen vacant in 1985 and
1986 ignoring our actual seniority in general order.

That we are actually senior to all those promoted as A.S.
& O.S. as shown in Para No. 2 vide seniority list No. 50E/3/Pt. IV
Dt. 3.9.83 but unfortunately our seniority has been totally
ignored in respect of promotion to A.S. and O.S. Thus the
constitutional right has been verbally ignored at random.

That we have already pointed out about the above irregular-
ties to the administration but no action has yet been taken
so far.

It is again requested to your honour that our cases for
promotion may kindly be consider sympathetically and early decision
may kindly be conveyed to us without further delays to meet the
ends of justice.

Thanking you,

Dt 26-12-1987

Yours faithfully,

Copy for information and necessary
action to:-

1. The C.M. (G) N.Rly. Baroda House, New Delhi.
2. The General Secy. SC/ST Rly. Employee Association N.Rly. Loco Shop, 52/Lucknow.
3. The G.M. (CP) N.Rly. Baroda House, New Delhi.
4. The Secretary, Railway Board, New Delhi.

1. (Tek Chand)

Head Clerk

MTN/Loco/CS.

2. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

3. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

4. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

5. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

6. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

7. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

8. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

9. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

10. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

11. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

12. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

13. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

14. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

15. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

16. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

17. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

18. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

19. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

20. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

21. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

22. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

23. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

24. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

25. (B. Chandra Pass)

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26. (B. Chandra Pass)

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27. (B. Chandra Pass)

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28. (B. Chandra Pass)

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29. (B. Chandra Pass)

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MTN/Loco/CS.

30. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

31. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

32. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

33. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

34. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

35. (B. Chandra Pass)

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36. (B. Chandra Pass)

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65. (B. Chandra Pass)

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66. (B. Chandra Pass)

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67. (B. Chandra Pass)

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68. (B. Chandra Pass)

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MTN/Loco/CS.

69. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

70. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

71. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

72. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

73. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

74. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

75. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

76. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

77. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

78. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

79. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

80. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

81. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

82. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

83. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

84. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

85. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

86. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

87. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

88. (B. Chandra Pass)

Head Clerk

MTN/Loco/CS.

89. (B. Chandra Pass)

Head Clerk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDNL BENCH ALLAHABAD, Lucknow
Tekchand

32

VERSUS Applicant
Union of India and Ors. — Respondent

ANNEXURE No 8

TO

REMINDER

The Chief Works Manager
N.Rly. Loco Shop. C/B/XKO
Thro. Proper Channel.

Sub. Representation against injustice in promotion
of SC/employee of ministerial staff (non-personnel
branch) for the post of ASST Supdt and
Office Supdt in loco shop C/B/XKO in restructuring
wct 1-1-84, vide S/O NO 51 dt 19-1-85

R/Sir

Most humbly and respectfully I beg to remind my
representation dt 18-1-86, 9-1-87, 24-7-87, 1-9-87, 22-9-87, 26-12-87
15-4-88, 8-8-88 and 25-8-88 (Joint) wherein I was requested
for my promotion for the post of A.S & O.S in the restructuring
wct 1-1-84 as the same has been implemented ignor-
ing my seniority position vide seniority list no E/B/PT II dt
6-9-83 issued from your office

This irregularities has already been pointed out that
I am working as head clerk wct 1-10-80, and officiated as
ASST Supdt wct 4-5-84 to 4-12-84 vide S/O NO. 467 dt 31-5-84
But 16 person junior to me have already been promoted as
A.S & O.S in restructuring ignoring my actual seniority
position in general order. But I regret to say that no
action has so far taken from your end.

Further more I like to bring your kind notice that
I am going to be retire on 31-1-89 under age from Rly service
therefore one it is once again earnestly requested to consider
my case sympathetically. So that I may get Justice otherwise
I have only alternative to take the shelter of court of law
finally

No early action is solicited in this connection please.

C/- Hon. Minister of Rly. N.D.S.

C/- G.O. N.Rly Hd-Qt office
Baroda house, N.D.S.

C/- Commissioner for SC/ST, West
Block No-1 wing NO-7
First floor, R.K. Puram, N.D.S.

C/- Member of Parliament and Secy SC/ST
all India association N.D.S.

C/- Director for SC/ST Rly. Bd, Rail
Bharan N.D.S.

C/- Secy for all India SC/ST association
N.Rly Loco Shop C/B/XKO

Yours faithfully

Tekchand S/O
(Tekchand) S/O
H/c millwright shop
Loco Shop. C/B/XKO
dt 16/12/88

Tru copy attested
RAB Adv. 26/11/89

Received

(AS)

Filed today
8/4/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

CM An 64/109 (L)

Registration No. C.A. 30 of 1989 (L).

Tek Chand. Applicant

Versus

Union of India & Others. Respondents.

APPLICATION FOR AMENDMENT IN THE ORDER DATED 9.3.1989.

It is most respectfully submitted on behalf of the applicant :-

1. That on 9.3.1989 Bench consisting of Hon'ble Justice Kamaleshwar Nath, V.C. and Hon'ble Ajay Johari, A.M. have been pleased to dispose of the above mentioned application by way of the Order attached herewith.
2. That in the order, Opposite Party / Respondent No. 4 has been directed to decide the representations of the applicant. Now Respondent No. 4, Additional Chief Mechanical Engineer has been upgraded into Chief Works Manager. The Chief Works Manager has already been impleaded in the original application as Opposite Party / Respondent No. 3.
3. That in the interest of justice direction is to be issued to the respondent No. 3. Accordingly Order

Contd.....P 2/

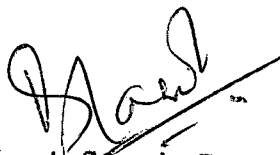
Kept on record
Case
27/4
P.S. Johari V.C.

(2)

dated 9.3.1989 may be amended and respondent No. 3 may be written instead of respondent No. 4. Now the Chief Works Manager, Opposite Party No. 3 is fully competent to decide the representations of the applicant and to do the needful.

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to amend the order dated 9.3.1989 by writing respondent No. 3 instead of respondent No. 4.

Dated: 3-4-89


(Bharat Singh Rawat),
Advocate,
Counsel for the Petitioner.

(B1)



35

In The Central Administrative Tribunal

वकालत भीमान

Adm. Bench at Ahmedabad

महोदय

[वादी] अपीलान्त

Teek Chand

प्रतिवादी [रैस्पॉण्डेंट]

वकालतनामा

Teek Chand
टिकट

वादी (अपीलान्त)

Union of India and others

वनाम

प्रतिवादी (रैस्पॉण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Bharat Singh Raut

वकील

महोदय

एडवोकेट

नाम अदाकत	नाम करीब
मुकद्दमा नं०	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा सठावें या कोई रुपया जमा करें या हमारी बिपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Teek Chand

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १२

ई०

स्वीकृत

(B2/1)

Registered

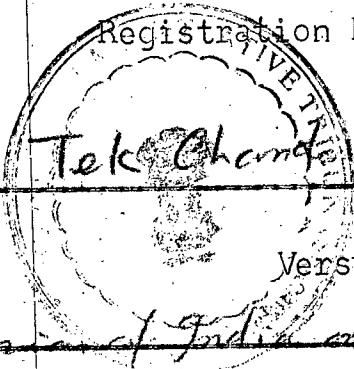
O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 975
974

Dated : 16.3.89

OFFICE - MEMO



Registration No. O.A. 30 of 193 9(2)
T.A.

Applicant's

Versus

Union of India and others Respondent's

A copy of the Tribunal's Order/Judgement
dated 13.3.89 in the abovenoted case is forwarded
for necessary action.

M. K. Mishra
13.3.89

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated Central 13.3.89 Deputy Registrar
Lucknow Bench, Administrative Tribunal
Lucknow

To.

Shri B. Singh Rawat Adv.
C/A - Applicant.

dinesh/

*Recd Copy
17.3.89
Consent of the Applicant
13/3/89*