

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 303 OF 89

NAME OF THE PARTIES Prabhu Dayal Applicant

Versus

Union of India Respondent

Part A.

Sl.No.	Description of documents	Page
1	A Check list	1 to 2
2	A Order sheet	3 to 4 (A3 to A6)
3	A Petition Annexure Power	5 to 30 (A7 to A30)
4	A Annexure	31 to 63 (A31 to A53)
5	A C.A.	64 to 78
6	A R.A.	79 to 108
7	Judgment dated 14-9-92	109 to 113
8	M.P.	114 to 121
9		
10		
11		
12		
13		
14		
15		
16		
17		
18	M.P. No 796/93 in order dt 31-5-93	

CERTIFICATE

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

Dated 10-6-11

Counter Signed.....

Rechecked on
06/02/12
m

Section Officer/In charge

Signature of the
Dealing Assistant

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 31/10/87

Date of Receipt by Past...

In the Central Administrative Tribunal, Allahabad
Circuit Bench at Lucknow.

Deputy Registrar(J)

Registration No.OA

303 of 1989.(4)

Parbhoo Dayal.

A7

-----Applicant

Versus

Union of India and others.

-----Respondents

I N D E X.

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
<u>Compilation No.1:</u>		
1.	Petition/Application	1 - 21
2.	Impugned order	22
<u>Compilation No.2:</u>		
3.	Annexure No.1: List of Enclosures.	23
4.	" No.2: S.O.No.161 dt. 21.2.1983.	23A - 33
5.	" No.3: Category-skilled grade No. of posts 26.	34 - 35
6.	" No.4: GM(P)/NDLS letter dt. 19.7.85 P.S.No.8768.	36 - 39
7.	" No.5: Seniority list Fitter, Mason, Stores Issuer Grade-II.	40 - 41
8.	" No.6: - do - Grade-I.	42 - 43
9.	" No.7: Category Grade-II.	44
10.	" No.8: - do - Grade-I.	45
11.	" No.9: Representation dt. 23.12.88.	46 - 47
12.	" No.10: Reminder dt.23.9.89.	48 - 49
13.	" No.11: Seniority list of Auto Truck Drivers. Grade 260-400.	50 - 51
14.	" No.12: Seniority list of Category skilled grade.	52 - 53.

Lucknow, dated, 21.10.1987

A P P L I C A N T.

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
Application/duplicate copy/spare copies signed ?	yes
12. Are extra copies of the application with Annexures filed ?	yes
a) Identical with the Original ?	yes
b) Defective ?	-
c) Missing in Annexures	-
No. _____ pages Nos. _____ ?	A2
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	-
14. Are the given address the registered address ?	yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	-
17. Are the facts of the case mentioned in item no. 6 of the application ?	yes
a) Concise ?	yes
b) Under distinct heads ?	yes
c) Numbered consecutively ?	yes
d) Typed in double space on one side of the paper ?	yes
18. Have the particulars for interim order prayed for indicated with reasons ?	yes
19. Whether all the remedies have been exhausted.	-

ginesh/

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central

Circuit

Date of

Date of

31/10/87

Registration No. 333 of 1989 (A)

Deputy Registrar

APPLICANT(S) Poo Khan Deyal

RESPONDENT(S) Union of India & others

A1

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent?	Yes
2. a) Is the application in the prescribed form?	Yes
b) Is the application in paper book form?	Yes
c) Have six complete sets of the application been filed?	Four sets filed
3. a) Is the appeal in time?	Yes
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/ Vakalatnama been filed?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	
c) Are the documents referred to in (a) above neatly typed in double space?	Yes
8. Has the index of documents been filed and paging done properly?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	

:: (2) ::

See
order
of
order
and date

Brief Order, Mentioning Reference
if necessary

How Com
with and
date of
compliance

6-11-89

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

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

Heard the counsel for the applicant.

Admit.

Issue notice to respondents to file counter
within 6 weeks to which the applicant may
file rejoinder within 2 weeks thereafter.

List this case for orders / hearing as the
case may be on 31-1-1990.

A.M.

J.M.

rmv

31.1.90

Hon. Justice K. Nall, V.C.
Hon. K. J. Raman, A.M.

In S.P. Sinha for the
applicant and In A. Srinivasa for
the respondents are present.

In Srinivasa prays for and
is allowed four weeks' time to file a
counter affidavit. Rejoinder affidavit,
if any, may be filed within two weeks
hereafter.

List for further orders

29.3.90

km
A.M.

km
V.C.

29-3-90

No sitting day to 24/4/90

29/3

24.10.90

No sitting day to 23.11.90

AL
No CA filed

Notes were
on 11-12-89.
No rejoinder
nor any apl
been filed.

301

(2)

303-092

(11)

15.7.91

D.R.

Both the parties

Ag

are present today.

Sri S. P. Sinha for

the applicant desires

to submit Rejoinder

by 3/9/91.

RAH/14

4/9

(12)

3.9.91

D.R.

counsel for the applicant

is present. In this case

C. A / R. A have been

exchanged. Hence

this case is to be

listed before the

Hon. Bench on 23/10/91

for final hearing.

22-10-91

Mr. S. P. Sinha — Counsel for the Applicant.

Mr. A. Srivastava — Counsel for the respondents.

The learned Counsel for the applicant prays for an adjournment.

May be listed for hearing on

2/11/92

(S. N. Prasad)
Member (Judl.)

(Kamshel Kumar)
Vice Chairman

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

O.A./T.A. No.

303/88

Date / Office Report

Order

23/2/83

Hon. Mr. Justice U.C. Srivastava, v.c.
Hon. Mr. K. Obayya, A.M.

From The affidavit filed by the respondents
it appears ~~with~~ the respondents are
Sincere in implementing the Judge-
ment ^{of} ~~has~~ such this application is allowed
& 3 months further time ~~consequently time~~
up to 30/4/83 is granted to the respondents
for complying with the Judgement. No
further time shall be granted.

List this Case on 3/5/83.

A.M.

V.C.

ON
Compliance report
Submitted
J.S.
23/4/83

04 303/082

2.1.92

No Sing adjn 15.3.92

Q AJ

16.3.92

No Sing adjn 22.5.92

Q

CA, RA have
been exchanged
SFH
8
20/5/92

23.5.92

Encl Mr Justice J.C. Mervin KC
Encl Mr. K. Chayya AM.

On the request of counsel
Counsel for applicant has
advised n S-8-92

Q
AM

✓
K

D-R.

S-8-92 Case not reached adjn

14.9.92

CA/RA have

been exchanged.

S.F.O.

8

4/8/92

more

Q
Cancelled
4/8/92

14/9/92 for extension
of time for compliance
with court order has been
made by respondent of,
It has been confirmed with confidence
J.S.
24/9/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

Registration No. O.A. 303 of 1989 (L)

AS

Parbhoo Dayal, aged about 54 years,
S/O Shri Sarjoo, resident of House No. 211,
Bashiratganj, Naka Hindola, Lucknow
working as Auto Truck Driver in M.T.D. Millright Shop,
Locomotive Workshop, Northern Railway,
Charbagh, Lucknow Applicant/
Petitioner

Versus

1. Union of India,
through the General Manager,
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. The Deputy Chief Mechanical Engineer,
Locomotives Workshops, Northern Railway,
Charbagh, Lucknow. Respondents

DETAIL OF APPLICATION

1. Particulars of the order against which the application is made:

The application is made against the following order:-

- (a) Order No. - 128
- (b) Date - 8.2.1988
- (c) Passed by - The Assistant Personnel Officer,
Loco Shop, Charbagh, Lucknow.
- (d) Subject in brief - The applicant is working as Auto Truck Driver since 1980 and the juniors to the applicant by virtue of appointment, promotion as Khallasi helper and as skilled are being promoted as Highly skilled Grade II and Grade I in scale Rs.1200-1800 and Rs.1320-2040 respectively

4/11/88

contd...2

The applicant was promoted as Khallasi Helper with effect from 1.8.78 and as skilled Auto Truck Driver from 9.4.80 is still working as skilled Auto Truck Driver scale Rs.950-1500.

2. Jurisdiction of the Tribunal: A-9

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal. The cause of action accrues within the jurisdiction of the Central Administrative Tribunal, Allahabad, Circuit Bench at Lucknow when the juniors to the applicant have been promoted as Highly Skilled Grade II and I.

3. Limitation:

The applicant further declares that the application is within the Limitation period prescribed in Section 21 of the Central Administrative Tribunal Act, 1985. The applicant has submitted a representation on 23.12.1988 to the General Manager, Headquarters Office, Baroda House, New Delhi through proper channel but nothing has been heard so far. The applicant has also submitted a reminder in September 1989 but all in vain.

4. Facts of the case :

4.1 That the applicant, having been selected for the post of Khallasi scale Rs.30- $\frac{1}{2}$ -35(CPC), was appointed on 15.12.1955 under the control of Works Manager (Loco), now Deputy Chief Mechanical Engineer, Locomotives Workshop, Northern Railway, Charbagh, Lucknow and posted in M.T.D. Millright Shop.

Similarly, the other staff were also appointed

A-10

in class IV and posted in M.T.D. Millright shop.

- 4.2 That the seniority of class IV staff was/is being maintained according to shop-wise. The applicant was seniormost in the category of Khallasi. Thus he was Trade Tested for promotion as Auto Truck Driver in the month of March/April 1980 and found suitable. Having been declares suitable in the Trade Test, the applicant was promoted as Auto Truck Driver scale Rs.210-290 with effect from 9.4.1980.
- 4.3 That as per avenue of promotion class IV employees were considered for ptomotion in semi-skilled grade after passing the requisite Trade Test. The applicant was promoted as Auto Truck Driver in scale Rs.210-290(RS) with effect from 9.4.1980. Since the date of promotion the applicant is working as Auto Truck Driver efficiently and honestly without any complaint.
- 4.4 That the seniors to the applicant were promoted as Auto Truck Driver in semi-skilled grade Rs.210-290(RS) in different dated and afterwards they were promoted to skilled grade either as akilled Fitter or Fork Lifter Driver or Motor Car Driver or Cole Crane Driver, thus it is evident that the channel of promotion of Auto Truck Driver is in the categories of Fitter, Fork Lifter Driver, Motor Car Driver or Cole Crane Driver. (Annexure No. II)

CH 224

4.5 That the juniors to the applicant have been promoted as Fitter scale Rs.260-400 (RS) prior to receipt of the orders for re-classification of artisan staff but the applicant was not considered for such promotions.

4.6 That the Railway Board's had issued directions vide letter No. E(P&A)I-82/JC/1 dated 13.11.1982 circulated by the General Manager, Northern Railway, Baroda House, New Delhi vide letter No. 561-E/85-32/Vol.6 (EiiW) dated 7.2.1982, that the Joint Committee's proposals to re-classify the existing unskilled and semi-skilled jobs on the railways, have since been accepted by the Government, thus the Trades presently designated as semi-skilled have been re-classified as skilled in scale Rs.260-400 (RS).

4.7 That in view of the instructions communicated by the General Manager, Northern Railway, Baroda House, New Delhi the semi-skilled posts were designated as skilled from 1.8.1978 and the incumbents who were working in semi-skilled grades were allowed fixation of pay in scale Rs.260-400(RS) with effect from 1.8.78 or thereafter from the date of actual promotion in semi-skilled grade. The lump sum

201/22406

A-12

payment of arrear to the staff re-classified as skilled was made from 1.4.80 to 31.12.81 @ Rs.20/- per month subject to a ceiling of Rs.400/- and the actual payment was made from 1.1.82 with arrear.

4.8 That the applicant was promoted as semi-skilled Auto Truck Driver with effect from 9.4.80. Thus in terms of Railway Board's instructions the applicant was re-classified as skilled and was fixed in scale Rs.260-400 (RS) with effect from 9.4.80 vide S.O. order No. 161 dated 21.2.1983. Photostat copy of S.O. order No. 161 dated 21.2.1983 is enclosed and is marked as Annexure No. 2.

4.9 That the other semi-skilled staff were also fixed in scale Rs.260-400 (RS) and their names were incorporated in Staff Order No. 161 dated 21.2.1983 (Annexure 2). The Staff order No. 161 dated 21.2.83 is self-explanatory that the avenue of promotion of Auto Truck Drivers was as Fitter scale Rs.260-400, Cole Crane Driver, Fork Lifter Driver, Motor Mechanic and Motor Driver scale Rs.260-400(RS) etc. but the applicant has not been considered for promotion in any of the Trades.

[Handwritten signature]

A-13

4.10 That the employees who were promoted in semi-skilled grade as Auto Truck Driver after the promotion of the applicant and are junior by virtue of appointment and promotion in semi-skilled grades, have been promoted as Fitter scale Rs.260-400(RS) in the year 1982. The applicant was senior to those employees even then he was not considered for promotion either as Fitter or in other Trades in skilled categories.

4.11 That the Railway Board's had communicated vide letter No. E(P&A)I-82/JC/1 dated 4.4.84 that the percentage of distribution of skilled posts in the Highy skilled grade I, II and skilled grade in the ratio 20:25:55 as provided in Board's letter dated 24.8.78 have been extended to the categories of semi-skilled trades mentioned in List I and II enclosed to Board's letter dated 13.11.1982 and have been re-classified as skilled.

4.12 That in terms of Railway Board's letter mentioned in para 4.11 above the applicant should have been promoted as Highly Skilled grade I

24/11/84

contd...7

scale Rs.380-560(RS) now Rs.1320-2040 but the applicant is still working as skilled scale Rs.260-400 (RS) now Rs.950-1500.

4.13 That the respondent No. 2 had circulated a combined Seniority List of the staff working in the following trades for further promotion as Highly Skilled grade II and thereafter grade I. The sanctioned strength of each trade was also shown. The combined seniority list is enclosed and is marked as Annexure No. 3

<u>Sl. No.</u>	<u>Trades</u>	<u>Sanctioned strength</u>
a)	Mtr Motor Driver	9
b)	Motor Mechanic	1
c)	Auto Electrician	1
d)	Diesel Mechanic	1
e)	Air Compressor Driver	5
f)	Auto Truck Driver	<u>19</u>
	Total	<u>36</u>

4.14 That in the said seniority list the name of the applicant appears at Sl.No. 3 even then the applicant has not been promoted as Highly Skilled grade II and thereafter grade I. The juniors to the applicant have been promoted as Highly Skilled grade I. The names of other Auto Truck Drivers

A-15

-8-

are ~~xxxxxx~~ available from serial number 4 to 21 but none of the Auto Truck Drivers considered for promotion as Highly skilled grade II and I and all the Auto Truck Drivers are working as skilled scale Rs.260-400(RS).

4.15 That the category of Auto Truck Driver has been deprived of promotion as Highly Skilled grade II & I whereas the employees put to work as Khallasi helper are being promoted as skilled, Highly skilled grade II & I in an arbitrary and discriminatory manner though they are junior to the applicant in all respects.

4.16 That the applicant is working as Auto Truck Driver in scale Rs.260-400(RS) with effect from 9.4.80 thus he is entitled for confirmation as skilled Auto Truck Driver in terms of Northern Railway printed serial no. 5586. In spite of this there is a provision of confirmation on completion of 3 years service as per Railway Mechanical Code.

4.17 That in the aforesaid circular it is laid down that the employees, working against the clear

CHS & MCA

contd...9

A-16

vacancy and fulfil the conditions for confirmation should have been confirmed in terms of Railway Board's letter No. E(NG)1/68 CN 5/2 dated 3.8.1968.

4.18 That the applicant is not required to appear in the trade test as skilled Auto Truck Driver in terms of the instructions contained in Railway Board's letter dated 12.4.1983 that one time exemption was allowed to operate the re-structuring of the cadre.

4.19 That the Railway Board have further revised the percentage of distribution of skilled posts into Highly skilled grade I, II and skilled at the ratio of 30:35:35 vide letter No. E(P&A)1-82/AC/1 dated 10.1.1985 and allowed exemption for passing the Trade test in regard to the promotion as Highly skilled grade I and II. A photostate copy of the said letter is enclosed and is marked as Annexure No 4.

4.20 That the benefit of the distribution of skilled posts as mentioned in para 4.19 above, have been given from 1.1.1984 and the employees due to be promoted as Highly skilled grade I & II have not been given benefit from 1.1.1984 but the respondent acted in an arbitrary and discriminatory manner.

A-17

and pick and choose policy was adopted.

4.21 That the respondent no. 2 had issued the staff orders for promotion on the basis of revised percentage. The seniority lists of Highly Skilled grade I & II relating to the categories of Fitter, Mason and Store Issuers have been issued wherein certain junior employees have been designated as Highly Skilled grade II Fitter. The seniority lists are enclosed and are marked as Annexures Nos. 5 and 6.

4.22 That in terms of Railway Board's instructions dated 10.7.85 the respondent no. 2 has issued the other lists of category of grade I and II in respect of staff working as Motor Driver, Mobile Crane Driver, Fork Lifter Driver, Motor Mechanic, Auto Electrician, Diesel Mechanic, Auto Truck Driver and Compressor Driver but not a single Auto Truck Driver has neither been promoted as Highly Skilled

grade II nor grade I whereas the juniors to the applicant have been promoted as Highly Skilled

A-18

grade II nor grade I whereas the juniors to the applicant have been promoted as Highly Skilled grade II and grade I. Photocopies are enclosed and are marked as Annexures Nos. 7 and 8.

4.23 That the sanctioned strength of Auto Truck Drivers is 19 thus as per instructions of the Railway Board these 19 skilled posts should be distributed as under if the category of Auto Truck Drivers is not combined with any of the trade (category)

- a) Highly Skilled grade I = 6
- b) Highly skilled grade II = 7
- c) Skilled = 6

Total 19

4.24 That the respondent No. 2 has been acting in an arbitrary and discriminatory manner. Thus any of the Auto Truck Drivers has not been promoted in higher grade though the applicant is working as skilled Auto Truck Driver from April, 1980 whereas the juniors to the applicant in other trade have been promoted as Highly Skilled grade I & II on account of the account of these 19 posts along with other trades.

प्रति

4.25 That the respondent No. 2 has manifestly, illegally in an arbitrary and discriminatory manner, the category of Auto Truck Driver combined with other trades to calculate the number of posts in higher grade and illegally promoted the juniors in higher grade irrespective of consideration of seniority by virtue of appointment and promotion as semi-skilled and skilled.

4.26 That the aggrieved Auto Truck Driver has submitted a representation on 23.12.1988 to the General Manager, Headquarters office, Baroda House, New Delhi through respondent no. 2 but nothing has been heard so far. A photostat copy of the said representation is enclosed and is marked as Annexure No. 9.

4.27 That the applicant has also submitted a ~~reminder~~ on 27.9.89 to the General Manager, Northern Railway, Baroda House, New Delhi. The representation has not been disposed off. All the representations were submitted in Millright Shop for onward transmission for disposal. Copies of all the representations are enclosed and are marked as Annexures nos. 9 and 10.

A-20

4.28 That the respondent No. 2 has issued a ~~se~~ separate seniority list of Auto Truck Drivers wherein the applicant is the seniormost even then he has not been considered for promotion as Highly Skilled grade II and I whereas the employees working as Auto Truck Driver should have been promoted as per detail given in para 4.23. A photostat copy of the seniority list is enclosed and is marked as Annexure No. 11.

4.29 That the Assistant Personnel Officer, Loco Shop, Northern Railway, Charbagh, Lucknow has issued a seniority list of category - skilled grade Motor Driver, Mobile Crane Driver, Fork Lifter Driver, Motor Mechanic, Auto Electrician, Diesel Mechanic and Air Compressor. In the said list the Auto Truck Drivers have not been included. A photostat copy of the said seniority list is enclosed and is marked as Annexure No. 12.

4.30 That the applicant is at the verge of retirement. He will be in loss of pension, Death-cum-retirement gratuity and leave encashment if he will not be promoted as Highly Silled grade II and thereafter grade I.

CH & M

~~4.31~~

4.31 That the Railway Boards are in opinion that every employee should be promoted in higher grade to get the advantage of higher monetary benefits at the time of retirement during the old age.

5. Grounds for relief and legal provisions:

- (A) Because the applicant is senior by virtue of appointment in class IV in M.T.D. Millright shop, Locomotives, Northern Railway, Charbagh, Lucknow.
- (B) Because the applicant was trade tested for the post of Auto Truck Driver scale Rs.210-290(RS) and subsequently promoted as Auto Truck Driver with effect from 9.4.1980.
- (C) Because the Railway Boards have issued instructions for one time exemption vide letter dated 13.11.1982 in connection with the promotion in Higher grade on account of re-classification of semi-skilled and unskilled posts.
- (D) Because the employees who were working in semi-skilled trades designated as skilled from 1.8.78 or thereafter i.e. from the date of actual promotion in the category of semi-skilled on account of

4-22

re-classification of semi-skilled and unskilled posts.

- (E) Because the applicant was promoted as semi-skilled Auto Truck Driver with effect from 9.4.80 but the semi-skilled posts reclassified as skilled with effect from 1.8.78. Thus the applicant designated as skilled Auto Truck Driver and fixed in grade Rs.260-400 (RS) with effect from 9.4.80.
- (F) Because the avenue of promotion of Auto Truck Driver was in the categories (trades) of Fitter, Mason, Motor Car Driver, Turner, Fork Lifter Driver, Cole Crane Driver, Motor Mechanic etc. but the applicant has not been considered for promotion in any of the trades but the respondent no. 2 illegally did not consider to promote the Auto Truck Drivers in higher grade.
- (G) Because the juniors to the applicant were promoted as Fitter but the applicant was not considered for promotion as Fitter or in any of the trades as per avenue of promotion.
- (H) Because the Railway Boards have issued directions to combined cognate trades for further avenue of promotion as Highly skilled grade I & II.

CH & M

A-23

- (I) Because the respondent no. 2 had issued the combined seniority list of Motor Driver, Motor Mechanics, Auto Electrician, Diesel Mechanics, Air Compressor Drivers and Auto Truck Drivers but the promotions in Highly skilled grade I & II have not been made according to the said seniority list.
- (J) Because the Railway Boards had issued direction for up-grading on the strength of semi-skilled posts ~~xxxx~~ reclassified as skilled from 1.1.1984 but the applicant has not been considered for ptomotion as Highly skilled grade II & I.
- (K) Because the strength of Auto Truck Drivers is 19. Thus on the basis of sanctioned strength in a single trade, these posts can be distributed as Highly skilled grade I, II and skilled as per detail given below and the promotion may be made accordingly.

- | | |
|---------------------------|-----|
| a) Highly skilled grade I | = 6 |
| b) Highly skilled grad II | = 7 |
| c) Skilled | = 6 |

- (L) Because the applicant would have been promoted on the basis of the distribution of posts as per detail given in 5(K) above, the applicant would have been promoted as Highly skilled I and also to the post of Mistry.

A-24

- (M) Because the strength of Auto Truck Drivers might have been included in other trade and the promotions have also made in the other categories.
- (N) Because the respondent No. 2 has committed a manifest error and promoted the junior persons in higher grade as Highly skilled grade I & II.
- (O) Because the respondent no. 2 has also committed a manifest error to combine the strength of Auto Truck Drivers with other trades.
- (P) Because the respondent no. 2 is illegally promoting the junior persons in higher grade on the basis of combined seniority in an arbitrary manner and illegally prepared the revised seniority list of skilled category from time to time only to give the promotions to the junior persons.

6. Details of the remedies exhausted :

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

- (a) All the Auto Truck Drivers had submitted a joint representation on 24.2.1988 to the General Manager, Northern Railway, Headquarters office, Baroda

24/2/88

House, New Delhi through proper channel.

- (b) The applicant had submitted a representation to the Deputy Chief Mechanical Engineer (Loco), Northern Railway, Charbagh, Lucknow on 17.3.1988 with subsequent reminder on 22.8.1988.
- (c) The applicant has submitted a representation to the General Manager, Headquarters office, Baroda House, New Delhi through proper channel on 23.12.88 with a subsequent reminder dated 23.9.1989.

All the above representations have not been disposed off.

7. Matters 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 or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought:

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs:-

CH & M

A-26

- (a) The applicant be confirmed as skilled Auto Truck Driver from 9.4.1980 i.e. from the date of promotion and arrear be paid.
- (b) The applicant be promoted as Highly skilled grade II and grade I, from the retrospective effect, on the basis of combined list of skilled categories prepared by the respondent no. 2.
- (c) The applicant by means of consequential reliefs, the respondents be further commanded to treat the applicant to be entitled for promotion from the date the juniors to the applicant have been promoted as Highly skilled grade II & I.
- (d) Any other appropriate order or directions to which the applicant is deemed to be entitled under the entire facts and circumstances of the case, may also be allowed.
- (e) The cost of the application be also awarded to the applicant.

9. Interim order, if prayed for:

The applicant is also entitled for the following interim order during the pendency and decision of the instant application:-

CH & M

A-27

(a) That for the facts, circumstances, grounds and the reliefs claimed in this application, the respondents be directed to promote the applicant as Highly skilled grade II & I on the basis of sanctioned strength of Auto Truck Drivers as per percentage fixed for distribution of skilled posts at the ratio of 30 : 35 : 35 as Highly skilled grade I, grade II and skilled.

(b) That the direction be issued by way of Mandamus to dispose of the representations submitted by the applicant.

10. The application is submitted through the counsel.

11. Particulars of Postal order filed in respect of the application fee:

(a)	Number of Indian Postal Order	DD 839239
(b)	Date of issue of Postal order	26.10.1989
(c)	Name of issuing Post Office	High Court Branch - Lucknow
(d)	Post office at which payable.	Alto. Allahabad

12. List of enclosures :

A list of enclosures has been prepared and filed with this application as Annexure I.

VERIFICATION

I, Parbhoo Dayal son of Sri Sarjoo, aged about 54 years working as skilled Auto Truck Driver in the M.T.D. Millright Shop, Locomotives Workshop, Norther Railway, Charbagh, Lucknow

[Signature]

1-28

resident of Bashiratganj, Lucknow do hereby verify that the contents of paras 1 to 4 are true to my personal knowledge and paras 5 to 12 are believed to be true on legal advice and that I have not suppressed any material facts.

Date 31.10.1988
Place Lucknow

[Signature]

SIGNATURE OF APPLICANT

through [Signature]
Advocate
31/10/88

अभिभाषक-पत्र

न्यायालय श्रीमान

In the Central Administrative Tribunal, Allahabad Circuit Bench at Lucknow



वाद संख्या

Parbhoo Dayal

विरुद्ध

Union of India and others

सन १९८० ई०

वादी

अभियोजक

प्रार्थी

अपीलार्थी

प्रतिवादी

अभियुक्त

प्रतिपक्षी

न्यायालय

वाद संख्या

पक्षकार

मैं/हम Parbhoo Dayal & Co. Sarjoo & Co. Barhargua - Lucknow

उपरोक्त वाद की पैरवी हेतु पारिश्रमिक देकर तथा बचनबद्ध होकर श्रीमान Sarju Prasad Sinha, Advocate, 337/25

..... Sou. Nagar, Alambagh, Lucknow वकील/एडवोकेट

को अपना अधिवक्ता नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ/करते हैं और लिखे देता हूँ/दिते हैं कि मेरी/हमारी ओर से वकील/एडवोकेट वाद प्रस्तुत करें/जवाबदावा प्रस्तुत करें बाद में पैरवी, शपथ-पत्र, प्रमाण पत्र दाखिल करें। मेरी/हमारी ओर से कोर्ट फीस, स्टाम्प, कोर्टफीस टिकट, नकल टिकट व जनरल स्टाम्प अपने नाम/मेरे नाम से खरीद करके न्यायालय व कार्यालय में दाखिल करें। खजाने में वापस करें उसकी चेक प्राप्त करें चेक का रुपया बैंक से वसूल करें। दस्तावेज, खूराक गवाहान कार्यालय न्यायालय में दाखिल करें/वापस लेवें। मेरे/हमारे पक्ष में सन्धि पत्र दाखिल करें साक्षियों का बयान करावें विपक्ष के साक्ष्य से जिरह करें/बहस करें। मुकदमा एकपक्षीय डिग्री हो जाने पर उससे सम्बन्धित समस्त इजराय की कार्यवाही सम्पन्न करें मुकदमा अदम पैरवी में निर्णीत हो जाने पर उसके पुनर्स्थापन का प्रार्थनापत्र प्रस्तुत करें कोई भी अंतरिम आदेश मेरे/हमारे विरुद्ध हो जाने पर उस ही मुस्तफरिफ अपील निगरानी आदि प्रस्तुत करें मुकदमा डिग्री हो जाने पर उसकी नकल, तजबीज डिग्री आदि लेवें मुकदमा हार जाने पर उसकी अपील निगरानी सम्बन्धित न्यायालय में प्रस्तुत करें वाद/अपील/निगरानी में स्थगन प्रार्थना पत्र वाद प्रबन्ध कागजों के निरीक्षण आदि प्रार्थना पत्र प्रस्तुत करें मेरी/हमारी ओर से मेरे/हमारे विरुद्ध रुपयों की डिग्री हो जाने पर उक्त रुपया अदालत में जमा करें। और मेरी/हमारी डिग्री हो जाने पर अदालत में प्रार्थना पत्र, चिक न्यायालय में अपने हस्ताक्षर से प्रस्तुत करें। चिक प्राप्त करें उसका रुपया वसूल करें। सारांश यह है कि इस वाद से सम्बन्धित हर प्रकार की कार्यवाही करें अथवा अपनी ओर से वकील/एडवोकेट नियुक्त करें यह उनका समस्त किया हुआ कार्य मेरा/हमारा किया हुआ समझा जायेगा। और मुझे/हमें हर प्रकार से मान्य होगा। लिहाजा यह अभिभाषक पत्र लिख दिया।

दिनांक 31 मास 10 सन १९८० ई०

राजेन्द्र प्रेस, रायबरेली

त अदात श्री मात केन्द्रिय प्रशासनिक अधिकरण शपठ दोह वर

वादी अपीलान्ट श्री मुख्य मन्त्रि आभियन्ता ओको शाप - मारेको

प्रतिवादी रेस्पान्डेन्ट

प्रभु दयाल बराम

वादी अपीलान्ट

भारतसंघ व मन्त्र

प्रतिवादी रेस्पान्डेन्ट

सं० मुकदमा Regn. 303 सन 1990 (L) पेशी की तारीख 31.1.1990 ई०

ऊपर मुकदमा में अपनी ओर से श्री अनिल श्रीवास्तव रेल आधिकार

अधीनस्थ करवा

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और
बिछो देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
पैरवी व जवाब दे ही वे प्रश्नोत्तर करे य कोई कागज दाखिल करे या लीटाये
या हमारी ओर से डिमरी जारी करावे आर रुपया सख्त करे या सुलहनामा
या इकबाल दावा तथा अपील व लिखराही हाजिरी आर हमारे या अपने हस्ताक्षर
से दाखिल करे आर तसदीक करे य मुकदमा उठावे या कोई रुपया जमा करे या हम
विपरीत परीकसाती का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर से
इस्तफती रसीद से लेवे का पंच नियुक्त करे
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशः स्वीकार है आर
इसलिए यह वकालत काम लिख दिया कि प्रमाण रहे और समय पर काम आ

हस्ताक्षर.....

साक्षी गवाह.....

दिनांक.....महीना.....सन 19...ई०

नाम अदात

सं० मुकदमा

नाम फरी कैल.....बराम.....

गुप्त/21488

Accepted
Jant

3

23

ANNEXURE No. I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHABAD
CIRCUIT BENCH AT LUCKNOW

A-31

Parbhoo Dayal Applicant

Versus

Union of India and others Respondents

LIST OF ENCLOSURES

1. Staff order No. 161 dated 21.2.1983
2. Combined list of skilled categories- Motor Driver, Motor Mechanic, Electrician, Diesel Mechanics, Air Compressor Driver, Auto Truck Driver.
3. Northern Railway Printed Serial No. 8768.
4. Seniority list of Fitter, Mason, Store Issuer Grade II.
Fitter,
5. Seniority list of ~~Rxxxx~~, Mason, Store Issuer Grade I
6. List of category of Grade II-Motor Driver, Mobile Crane Driver, Fork Lifter Driver, Compressor Driver, Motor Mechanic, Auto Electrician, Diesel Mechanic, Auto Truck Driver.
7. List of category of Grade I - All the categories as mentioned at Sl.No.6.
8. Representation to General Manager, Northern Railway, Baorda House, New Delhi.
9. Reminder to the representation.
10. Seniority list of Auto Truck Drivers.
11. Seniority list of category skilled grade - Motor Driver, Mobile Crane Driver, Fork Lifter Driver, Motor Mechanic, Auto Electrician, Diesel Mechanic, Air Compressor Driver.

Dated

31.10.1987

Place

Induru

CH 824 11 22/107
SIGNATURE OF APPLICANT

Annexure No. 2

25A

SOUTHERN RAILWAY LOCOMOTIVE WORKS CHENNAI DISTRICT.

S.O. NO: 161 DATED: 27-02-1983.

As a result of upgrading of the posts of Semi-Skilled Artisans, Grade Rs. 210-290 (as) to Skilled Artisans, Grade Rs. 260-400 (as), and that of the Skilled Artisans, Grade Rs. 196-232 (as) to Semi-Skilled Artisans as Krali's letter, Grade Rs. 210-290 (as), 1 letter to the extent of 50, w.e.f. 1-8-78, in terms of Rly. 3d's letter No: B/Rex/1-82 JC/4, dt: 15-11-82, circulated under S.O. (I)/LDS letter No: 561E/05-32/Vol. 6 (SIV), dt: 7-12-82, the following staff of Locomotive Shop (including E.P.S.), are re-classified as given below, and their pay is, accordingly, fixed on provision w.e.f. from 1-8-78 as shown against each. The staff re-classified from Semi-Skilled to Skilled will be entitled to lumpsum arrears for the period from 1-4-80 to 31-12-81 @ Rs. 20/- P.M., subject to ceiling of Rs. 400/- and those re-classified from unskilled to Semi-Skilled grade will be entitled to lumpsum arrears for the same period @ 10/- P.M., subject to ceiling of Rs. 200/-. The arrears amount is payable for the period of 1 month during which the employee was on duty. Even if the employee was on duty for a day during 1 month, full month will count for disability. Period of LWP & LWP will be considered as, on duty for this purpose.

Differences of arrears of pay as fixed below, will be payable w.e.f. 01-01-1982, &

Sl. No.	Emp. No.	Post	Designation	Pay already drawn.	Scale of Pay.	Date w.e.f. upgrade.	Post fixed as @ P.Y.	Scale of Pay.	Date w.e.f.	Remarks	
1.	233-40	Motor Dr. S/Skilled		234/-	210-290	1-8-78	Dr.	260/-	260-200	1-8-78	Upgradation period from 30-7-82 to 26-10-82 Id.
				238/-	"	1-5-79	"	266/-	"	1-8-79	
				242/-	"	1-5-80	"	272/-	"	1-8-80	
		Dr.		260/-	260-400	1-12-80	"	273/-	"	1-8-81	Promoted as
				266/-	"	1-12-81	"	284/-	"	26-10-82	Driver w.e.f. 1-12-80
										IPd.	

CHS & MLD
MT 0107

18/20/2183

(Contd. on Page -2-)

4-33

2-

24

2. TPS-42	Ann-Schuch	A.T.D.	218/-	210-290	F-B-78	H.D.	260/-	F-B-78	
	<i>Ann Schuch</i>		222/-	"	1-1-79	"	266/-	1-8-79	
			226/-	"	1-1-80	"	272/-	1-8-80	
		Fitter	260/-	260-400	4-7-80	Fitter	278/-	1-8-81	Promoted as Fitter w.e.f. 4-7-1980
			266/-	"	1-7-81	"	284/-	1-8-82	
			272/-	"	1-7-82	"			
3. IT-153	Jobi Pressad	A.T.D.	238/-	210-290	9-4-80	H.D.	260/-	9-4-80	
	(OIA)		242/-	"	1-4-81	"	266/-	1-4-81	
	TPS-50		246/-	"	1-4-82	"	272/-	1-4-82	
	(Rev)								
4. IT-474	Indico Lal	A.T.D.	234/-	210-290	1-8-78	H.D.	260/-	1-8-78	
	TPS-43		238/-	"	1-1-78	"	266/-	1-8-79	
	TPS/43		242/-	"	1-1-79	A.C.	272/-	1-8-80	Promoted as Dr. Comp. Dr.
	IT-167								
			260/-	260-400	28-3-80	"	278/-	1-8-81	w.e.f.
			266/-	"	1-3-81	"	284/-	1-8-82	28-3-1980.
			272/-	"	1-3-82	"			
5. PS-79	Ind. Sreed.	A.T.D.	222/-	210-290	13-9-78	H.D.	260/-	13-9-78	
	PS-14		226/-	"	1-9-79	"	266/-	1-9-79	
	PS-17		260/-	260-400	5-9-80	Fitter	272/-	1-9-80	Promoted as
			266/-	"	1-9-81	"	278/-	1-9-81	Fitter w.e.
			272/-	"	1-9-82	"	284/-	1-9-82	F. 5-9-80.
5. PS-45	Arhey Lal	A.T.D.	222/-	210-290	13-9-78	H.D.	260/-	13-9-78	
	PS-17		226/-	"	1-9-79	"	266/-	1-9-79	
			230/-	"	1-9-80	"	272/-	1-9-80	Promoted as
		Fitter	266/-	260-400	1-11-80	Fitter	278/-	1-9-81	Fitter w.e.
			266/-	"	1-11-81	"	284/-	1-9-82	F. 1-11-80.
			272/-	"	1-11-82	"			

(Contd. on Page-3-)

28/2/83
170/07

7.	25-72	Salhi	A.T.D.	233/-	210-290	10-8-79	L.D.	260/-	260-	10-8-79	
				242/-	"	1-6-80	"	266/-	400	1-8-80	
				246/-	"	1-3-81	"	272/-		1-8-81	
				250/-	"	1-3-82	"	273/-		1-8-82	
8.	P-51	Ad. M. R.	L.T.D.	253/-	210-290	31-10-78	L.D.	260/-	260-	31-10-78	
	145-152			260/-	260-400	9-7-79	Elec-	256/-	400	1-10-79	Promoted as
				266/-	"	1-7-80	trict	272/-		1-10-80	Electrician
				272/-	"	1-7-81	an.	273/-		1-10-81	W.C.F.
				273/-	"	1-7-82		234/-		1-10-82	9-7-1979.
9.	25-25	Shol. M. th	L.T.D.	226/-	210-290	17-8-78	H.D.	250/-	260-	17-8-78	
	153-156			230/-	"	1-6-79	"	266/-	400	1-8-79	
	154-157			254/-	"	1-6-80	"	272/-		1-8-80	
	184		Fitter	260/-	250-400	5-9-80	Fitter	273/-	"	1-8-81	Promoted as
				266/-	"	1-9-81	"	24/-		1-8-81	Fitter W.C.
				272/-	"	1-9-82	"			1-8-82	F. 5-8-80.
10.	129-129	Ch. M. th	L.T.D.	213/-	L.T.D.	9-4-80	H.D.	260/-	260-	9-4-80	
	155-155			260/-	12-11-80	1-11-80	H. son	266/-	400	1-4-81	Promoted as
				266/-	"	1-11-81	"	272/-		1-4-82	H. son W.C.F.
				272/-	"	1-11-82	"			9-4-1980.	
11.	130-130	Shol. M. th	L.T.D.	214/-	210-290	9-4-80	H.D.	260/-	260-	9-4-80	Promoted as
	155-155			260/-	260-400	12-11-80	H. son	266/-	400	1-4-81	H. son W.C.F.
				266/-	"	1-11-81	"	272/-		1-4-82	12-11-1980.
				272/-	"	1-11-82	"				

CH. M. th

MT/107

78/20/9/83

(Contd. on P. 80-4-)

12. ~~11-3~~
11-45

John Singer

A.T.D.

210/-

210-290

1-11-79

H.D.

260/-

260-

1-11-79

Promoted as
Fitter v.c.

222/-

"

1-11-80

"

266/-

400

1-11-80

Fitter v.c.

226/-

"

1-11-81

"

272/-

"

1-11-81

F. 1-12-81.

13. ~~11-3~~
11-3

Bobu L-1

A.T.D.

214/-

210-290

9-4-80

H.D.

260/-

260-

9-4-80

Promoted as
Fitter v.c.

210/-

"

1-4-81

"

266/-

400

1-4-81

Fitter v.c.

260/-

260-400

13-2-82

Fitt.

272/-

"

1-4-82

F. 2-2-82.

14. ~~11-3~~
(P.T.)

With boar

A.T.D.

230/-

210-290

9-4-80

H.D.

260/-

260-

9-4-80

Retired on
30-4-1980

15. ~~11-3~~
11-3

Norm Gopel

A.T.D.

230/-

210-290

1-6-78

H.D.

260/-

260-

1-6-78

Promoted as
Fitter v.c.

234/-

"

1-11-78

"

266/-

400

1-8-79

Fitter v.c.

238/-

"

1-11-79

Fitt.

272/-

"

1-8-80

F. 1-4-80.

260/-

260-400

1-4-80

"

270/-

"

1-8-81

"

266/-

"

1-4-81

"

284/-

"

1-8-82

"

272/-

"

1-4-82

"

"

"

"

"

16. ~~11-3~~
11-3

Viresmer

A.T.D.

222/-

210-290

1-11-79

H.D.

260/-

260-

1-11-79

Promoted as
Fitter v.c.

226/-

"

1-11-80

"

266/-

400-

1-11-80

Fitter v.c.

230/-

"

1-11-81

"

272/-

"

1-11-81

F. 1-12-81.

260/-

260-400

1-12-81

Fitt.

270/-

"

1-11-82

"

266/-

"

1-12-82

"

"

"

"

"

17. ~~11-3~~
11-3

John A.M.

A.T.D.

230/-

210-290

1-8-78

H.D.

260/-

260-

1-8-78

Promoted as
Mobile Crane

234/-

"

1-11-78

"

266/-

400

1-8-79

Mobile Crane

260/-

260-400

9-7-79

H.C.

272/-

"

1-8-80

Driver v.c.f.

266/-

"

1-7-80

H.C.

278/-

"

1-8-81

9-7-1979.

272/-

"

1-7-82

"

284/-

"

1-8-82

"

278/-

"

1-7-82

"

"

"

"

"

78/2/83

(Contd. on Page -5-)

STH 21/01
MT-107

2/6

13. ~~PS-49~~ Rega Anter. ~~A.T.D.~~ 234/- 210-290 1-3-78 H.D. 260/- 260- 1-3-78 Promoted as
(Old) 230/- " 1-12-78 " 266/- 400 1-3-79 Fitter W.e.f.
PS-245 242/- " 1-12-79 " 272/- " 1-3-80
(New) 260/- 260-400 4-7-80 Fitt. 278/- " 1-3-81
Filter 266/- 1-7-81 " 284/- " 1-3-82
272/- 1-7-82 " 284/- " 1-3-82

19. ~~HR-251~~ Neta Pressad A.T.D. 242/- 210-290 1-8-78 H.D. 260/- 260- 1-3-78 Promoted as
(New) 246/- " 1-2-79 " 266/- 400 1-3-79 Fitter W.e.f.
260/- 260-400 1-9-79 (Died on 17-5-80). 1-3-79 I. 1-9-79.

20. ~~HR-51~~ 3hr Gwon Deon A.T.D. 246/- 210-290 ~~1-10-78~~ 260/- 260- 1-3-78 Promoted as
250/- " 1-10-78 M.D. 266/- 400 1-3-79 Fitter W.e.f.
260/- 260-400 1-5-79 Fitt. 272/- " 1-3-80 f. 1-5-1979.
266/- " 1-5-80 " 272/- " 1-3-81
272/- " 1-5-81 " 284/- " 1-3-82
278/- " 1-5-82 " " 1-3-82

21. ~~HR-274~~ Jovan Bass Hocht 218/- 210-290 9-4-80 Hocht 260/- 260- 9-4-80
400
(Placed under suspension W.O. from 15-9-80).

22. ~~HR-276~~ John L.J. A.T.D. 218/- 210-290 1-3-78 H.D. 260/- 260- 1-3-78 Promoted as
222/- " 1-11-78 " 266/- 400 1-3-79 Fitter W.O.
226/- " 1-11-79 " 272/- " 1-3-80 from 1-4-80
Filter 260/- 260-400 1-4-80 Fitt. 272/- " 1-3-81
284/- " 1-3-82

CH 241 W 1170/07

13/3/33

(Contd.....5)

23. 23-279 Luchman

A-38
L.T.D. 255/- 210-290 1-3-73 R.D. 266/- 260- 1-3-79 Promoted as 1-8-79
Fitter 253/- " 1-10-73 " 272/- 400 " 1-3-79 Fitter v.e. from 1-5-79
266/- 260-400 1-5-79 Fitt. 273/- " 1-3-80
272/- " 1-5-80 " 284/- " 1-3-81
273/- " 1-5-81 " 290/- " 1-3-82
284/- " 1-5-82 " " " 1-3-82

24. 24-146 3-boc L I

L.T.D. 210/- 210-290 1-1-70 R.D. 260/- 260- 1-3-73 Promoted as
222/- " 1-1-73 " 266/- 400 " 1-3-79 Sk. Fitter
226/- " 1-1-79 " 272/- " 1-3-80 v.e. from
Fitter 260/- 260-400 9-4-80 Fitt. 273/- " 1-3-81 9-4-1980.
266/- " 1-4-81 " 284/- " 1-3-82
272/- " 1-4-82 " " " 1-3-82

25. 25-241 K. Bajpai

L.T.D. 214/- 210-290 1-3-73 R.D. 260/- 260- 1-3-73 Promoted as
218/- " 1-9-79 " 266/- 400 " 1-9-79 Fitter v.e.
222/- 1-9-80 " 272/- " 1-9-80 from 1-1-81.
Fitter 260/- 260-400 1-1-81 Fitt. 273/- " 1-9-81
266/- 1-1-82 " 284/- " 1-9-82
272/- " 1-1-83 " " " 1-9-82

26. 26-332 Gopi Chandra

L.T.D. 214/- 210-290 9-4-80 R.D. 260/- 260- 9-4-80 Promoted as
218/- " 1-4-81 " 266/- 400 " 1-4-81 Fitter v.e.
Fitter 260/- 260-400 1-5-2-82 Fitt. 272/- " 1-4-82 1-5-2-1982.

27. 27-241 K. V. R.

L.T.D. 214/- 210-290 9-4-80 R.D. 260/- 260- 9-4-80 Promoted as
218/- " 1-4-81 " 266/- 400 " 1-4-81 Fitter v.e.
Fitter 260/- 260-400 1-1-2-81 Fitt. 272/- " 1-4-82 from 1-1-2-81
266/- 1-1-2-82 " " " 1-4-82

CHS & MLD
AT. 107 98/20/2/83 (Contd. on Page -2-)

28

20.113-57	Mohd. Ilyas	F.D.	213/-	210-290	13-9-82	M.D.	260/-	260-	13-9-78	Promoted as
113-56			222/-	"	1-9-79	"	266/-	400	1-9-79	Fitter v.c.
			226/-	"	1-9-80	"	272/-	"	1-9-80	from 1-1-81
		Fitter	260/-	260-400	1-1-81	Fitt.	270/-	"	1-9-81	
			266/-	"	1-12-81	"	264/-	"	1-9-82	
			272/-	"	1-12-82	"				
29.113-57	Atiq Beg	F.D.	214/-	210-290	9-4-80	M.D.	260/-	260-	9-4-80	Promoted as
113-56			218/-	"	1-4-81	"	266/-	400	1-4-81	Fitter v.c.
		Fitter	260/-	260-400	1-12-81	Fitt.	272/-	"	1-4-82	from 1-12-81
			266/-	"	1-12-82	"				
30.113-355	Shaher	F.D.	226/-	210-290	6-11-79	M.D.	269/-	260-	6-11-79	Promoted as
113-42			230/-	"	1-11-80	"	266/-	400	1-11-80	Turner v.c.
		Turner	260/-	260-400	26-11-80	Turner	272/-	"	1-11-81	from
			266/-	"	1-11-81	ner.	278/-	"	1-11-82	26-11-1980.
			272/-	"	1-11-82	"				
31.113-52	Shaher Beg	F.D.	214/-	210-290	9-4-80	M.D.	260/-	260-	9-4-80	
			218/-	"	1-4-81	"	266/-	400	1-4-81	
			222/-	"	1-4-82	"	272/-	"	1-4-82	
32.113-26	Allo	F.D.	242/-	210-290	1-6-79	M.D.	269/-	260-	1-6-79	Promoted as
113-35			246/-	"	1-6-79	"	266/-	400	1-6-79	Fitter v.c.
		Fitter	260/-	260-400	21-11-79	Fitt.	272/-	"	1-6-80	from
			266/-	"	1-11-80	"	270/-	"	1-6-81	21-11-1979.
			272/-	"	1-11-81	"	264/-	"	1-6-82	
			278/-	"	1-11-82	"				

Shah & Co

MT/107

78/20/2/83

(Contd. on Page -3-)

33. Brahma Swaroop
MTS-298
MT-330.
A.T.D. 234/- 210-290 1-08-78 M.D. 260/- 260- 1-8-78 Promoted as
Fitter 260/- 260-400 1-09-78 Fitter. 266/- 400. 1-8-79 Fitter w.e.
266/- " 1-09-79 " 272/- " 1-8-80 from 1-9-78.
272/- " 1-09-80 " 278/- " 1-8-81
278/- " 1-09-81 " 284/- " 1-8-82
284/- " 1-09-82 " "

34. TPS-58 Nam A.T.D. 222/- 210-290 1-08-78 M.D. 260/- 260- 1-8-78 Promoted as
MTS- Sewak 226/- " 1-01-79 " 266/- 400. 1-8-79 Fork Lift...
425 Yadav 260/- 260-400 9-07-79 F.L. 272/- " 1-8-80 Driver w.e.
Fork 266/- " 1-07-80 DFI- 278/- " 1-8-81 from 9-7-79.
Lift 272/- " 1-07-81 ver. 284/- " 1-8-82
Driver 278/- " 1-07-82 " "

35. TPS-57 Om A.T.D. 222/- 210-290 13-9-78 M.D. 260/- 260- 13-9-78 Promoted as
MTS- Prakash 226/- " 1-09-79 " 266/- 400. 1-9-79 Coles Crane
334 Coles 260/- 260-400 29-11-79 Coles 272/- " 1-9-80 Driver w.e.
Crane 266/- " 1-11-80 Crane 284/- " 1-9-81 from 29-11-79.
Driver 272/- " 1-11-81 Driver 284/- " 1-9-82

36. TPS-41 Mohd. Motor 210/- 210-290 28-9-78 M.D. 260/- 260- 28-9-78 Promoted as
MTS- Ibrahim Dr (S/Sk) 260/- 260-400 9-7-79 Coles 266/- 400. 1-9-79 Coles Cr.Dr.
336 Motor 266/- " 1-7-80 Cr.Dr. 272/- " 1-9-80 w.e.f. 9-7-79
Mecha- 272/- " 1-7-81 Motor 278/- " 1-9-81 & designation
n/c. 278/- " 1-7-82 Mech. 284/- " 1-9-82 changes as
Motor Mechanic
w.e.f. 29-11-79

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MT. 01/07

78/20/2/83

(Contd.....9)

37. TPS-71 MTS-285	Chhanga Lal	A.T.D. Coles Crane Driver	226/- 260/- 266/- 272/- 278/-	210-290 260-400 " " " "	1-4-79 9-7-79 1-7-80 1-7-81 1-7-82	M.D. " " Coles Dr. Dr.	260/- 266/- 272/- 278/- 284/-	260- 400. " " " "	1-4-80 1-4-81 1-4-81 1-4-82 1-4-82	Promoted as Coles Crane Driver w.e. from 9-7-79
38. TPS-47 MTS-450	Perbhoo Dayal	A.T.D.	238/- 242/-	210-290 210-290	9-4-80 1-4-81	M.D. " "	260/- 266/-	260- 400.	9-4-80 1-4-81	W.I.T. one year vide NO: L/PC/TPS 47/81, dt: 5-9-1981.
39. TPS-179 MTS-75.	Kamanand Fitter	A.T.D.	226/- 230/- 260/-	210-290 " " 200-400	29-8-80 1-8-81 13-2-82	M.D. " " Filt.	260/- 266/- 272/-	260- 400. "	29-8-80 1-8-81 1-8-82	Promoted as Fitter w.e. from 29-8-80.
40. TPS-74 MTS-441	Sohan Lal	A.T.D.	226/-	210-290	9-4-80	M.D.	260/-	260- 400.	9-4-80	W.I.T. One year vide No: L/PC/TPS-74/ 81, dt: 22-10-81
41. TPS-62	Shiva Swaroop	A.T.D.	210/- 214/- 218/-	210-290 " " " "	5-9-80 1-9-81 1-9-82	M.D. " " " "	260/- 266/- 272/-	200- 400 "	5-9-80 1-9-81 1-9-82	
42. TPS-318 MTS-44.	Ram Shanker	A.T.D.	210/- 214/- 260/-	210-290 " " 250-400	5-9-80 1-9-81 1-7-82	M.D. " " Filt.	260/- 266/- 272/-	200- 400 "	5-9-80 1-9-81 1-9-82	Promoted as Fitter w.e. from 1-7-82.

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MTS/67

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~~142~~

43.	<u>TPS-46</u> MTS-428	Ram Chandra	A.T.D.	210/- 214/- 218/-	210-250	1.11.80 1.11.81 1.11.82	M.D.	260/- 266/- 272/-	260-400	1.11.80 1.11.81 1.11.82
44.	<u>TPS-53</u> MTS-424	Jagdish Od.	A.T.D.	210/- 214/- 218/-		12.11.80 1.11.81 1.11.82		260/- 266/- 272/-		12.11.80 1.11.81 1.11.82
45.	<u>TPS-7</u> MTS-111	Ram Nath.	A.T.D.	210/- 214/- 218/-		12.11.80 1.11.81 1.11.82		260/- 266/- 272/-		12.11.80 1.11.81 1.11.82
46.	<u>TPS-42</u> MTS-176	Manasa Ram.	A.T.D.	210/- 214/- 218/-		26.11.80 1.11.81 1.11.82		260/- 266/- 272/-		26.11.80 1.11.81 1.11.82
47.	<u>TPS-75</u> MTS-123	Radhey Shyam	A.T.D.	210/- 214/- 218/-		1.1.81 1.1.82 1.1.83		260/- 266/- 272/-		1.1.81 1.1.82 1.1.83
48.	<u>TPS-55</u> MTS-190	Bachcho Lal	A.T.D.	230/- 234/-		8.4.81 1.4.82		260/- 266/-		8.4.81 1.4.82
49.	<u>TPS-60</u> MTS-317	Kanhaiya Lal	A.T.D.	210/- 214/-		8.4.81 1.4.82		260/- 266/-		8.4.81 1.4.82
50.	<u>TPS-63</u> MTS-203	Mohd. Wasim S. Sk.M.D		210/- 214/-		22.4.81 1.4.82		260/- 266/-		22.4.81 1.4.82
51.	<u>TPS-64</u> MTS-209	Rachha Kishan.	-do-	210/- 214/-		22.4.81 1.4.82		260/- 266/-		22.4.81 1.4.82
52.	<u>TPS-43</u> MTS-333	Tej Singh.	A.T.D.	225/- 230/-		1.12.81 1.12.82		260/- 266/-		1.12.81 1.12.82
53.	<u>TPS-49</u> MTS-122	Ismail.	A.T.D.	214/- 218/-		1.12.81 1.12.82		260/- 266/-		1.12.81 1.12.82

STH EWL
MT-107

18/2/2/83

53

54.	MTS-3	Sukh Lal	A.T.D.	214/-	210-290	13-2482	M.D	250/-	260-400	13,2,83
	MTS-120							266/-		1,2,83

55.	IPS-6	Ganga Ram.	214/-	-60-	13/2/82	260/-	13.2.82
	MTS-283	125				256/-	1.2.83

56	MS-75	Virendra Kumar	214/-	do.	13/2/82	260/-	13.2.82
	MT-445					266/-	1.2.82

576	195.59	6hul am Rasool	A.T.D.	224/-	-60-	21/12/81	260/-	21.12.81
	115.172			228/-	-do-	1.12.82	266/-	1.12.82

[illegible]

3%					
<u>M1.332</u>	1000	Mochi. 210/-	-d/-	27.2.82	5%: 260/-
					Mochi. 266/-
					27.2.82
					1,2 83

[illegible]

Sl. No.	Name of the Machine	Year of Purchase	Value	Remarks
62.	MTS-396 Ziari Haq	210/-	260/-	
	Mochi, 1st	260/-	260/-	
	Mochi, 2nd	260/-	260/-	
	Mochi, 3rd	260/-	260/-	
	Mochi, 4th	260/-	260/-	
	Mochi, 5th	260/-	260/-	
	Mochi, 6th	260/-	260/-	
	Mochi, 7th	260/-	260/-	
	Mochi, 8th	260/-	260/-	
	Mochi, 9th	260/-	260/-	
	Mochi, 10th	260/-	260/-	
	Mochi, 11th	260/-	260/-	
	Mochi, 12th	260/-	260/-	
	Mochi, 13th	260/-	260/-	
	Mochi, 14th	260/-	260/-	
	Mochi, 15th	260/-	260/-	
	Mochi, 16th	260/-	260/-	
	Mochi, 17th	260/-	260/-	
	Mochi, 18th	260/-	260/-	
	Mochi, 19th	260/-	260/-	
	Mochi, 20th	260/-	260/-	
	Mochi, 21st	260/-	260/-	
	Mochi, 22nd	260/-	260/-	
	Mochi, 23rd	260/-	260/-	
	Mochi, 24th	260/-	260/-	
	Mochi, 25th	260/-	260/-	
	Mochi, 26th	260/-	260/-	
	Mochi, 27th	260/-	260/-	
	Mochi, 28th	260/-	260/-	
	Mochi, 29th	260/-	260/-	
	Mochi, 30th	260/-	260/-	
	Mochi, 31st	260/-	260/-	
	Mochi, 32nd	260/-	260/-	
	Mochi, 33rd	260/-	260/-	
	Mochi, 34th	260/-	260/-	
	Mochi, 35th	260/-	260/-	
	Mochi, 36th	260/-	260/-	
	Mochi, 37th	260/-	260/-	
	Mochi, 38th	260/-	260/-	
	Mochi, 39th	260/-	260/-	
	Mochi, 40th	260/-	260/-	
	Mochi, 41st	260/-	260/-	
	Mochi, 42nd	260/-	260/-	
	Mochi, 43rd	260/-	260/-	
	Mochi, 44th	260/-	260/-	
	Mochi, 45th	260/-	260/-	
	Mochi, 46th	260/-	260/-	
	Mochi, 47th	260/-	260/-	
	Mochi, 48th	260/-	260/-	
	Mochi, 49th	260/-	260/-	
	Mochi, 50th	260/-	260/-	
	Mochi, 51st	260/-	260/-	
	Mochi, 52nd	260/-	260/-	
	Mochi, 53rd	260/-	260/-	
	Mochi, 54th	260/-	260/-	
	Mochi, 55th	260/-	260/-	
	Mochi, 56th	260/-	260/-	
	Mochi, 57th	260/-	260/-	
	Mochi, 58th	260/-	260/-	
	Mochi, 59th	260/-	260/-	
	Mochi, 60th	260/-	260/-	
	Mochi, 61st	260/-	260/-	
	Mochi, 62nd	260/-	260/-	
	Mochi, 63rd	260/-	260/-	
	Mochi, 64th	260/-	260/-	
	Mochi, 65th	260/-	260/-	
	Mochi, 66th	260/-	260/-	
	Mochi, 67th	260/-	260/-	
	Mochi, 68th	260/-	260/-	
	Mochi, 69th	260/-	260/-	
	Mochi, 70th	260/-	260/-	
	Mochi, 71st	260/-	260/-	
	Mochi, 72nd	260/-	260/-	
	Mochi, 73rd	260/-	260/-	
	Mochi, 74th	260/-	260/-	
	Mochi, 75th	260/-	260/-	
	Mochi, 76th	260/-	260/-	
	Mochi, 77th	260/-	260/-	
	Mochi, 78th	260/-	260/-	
	Mochi, 79th	260/-	260/-	
	Mochi, 80th	260/-	26	

mist

Post Personnel Office (Lucco),
Navy Civilian Branch, Jacksonville
(copy sent to Information and necessary action to O.S./I.O. O.S.(PB) (Pass) (TS). (Genl), SS/MIS, OS, SNO(w)/E
PS, Incentive, Loco, CB/Lucknow, S. Aye. URMU, NRMU CB/Bidn ch. Lucknow.

Asstt. Commercial Officer (L200),
N. Ry. Chatterbh, Lucknow.

78/20/2/83

Lat W 1003 FFB

Category :- Skilled Gr. Motor Driver, Mobile crane Dr, Fork Lifter Dr, Motor Mech, Auto Electrician, Dsl Mech, Auto Truck Dr, Air Compressor, Dr, HSL Comp. Dr.

M. Mech = 1
Elect = 1
Dsl Mech = 1
A.C. Dr = 5
A.T. Dr = 19

36

Srl No.	Name & T.No.	Designation	Name of Caste	Dt. of Birth	Dt. of Appt.	Dt. of Present	Dt. of Confirmation	Remarks.
1.	Yusuf Alkhan	MT-90	M/Driver	11.7.30	2.9.46	7.7.83		Reinstated in service w.e.f.7.7.83
2.	P.S.Shukla	"-79	M/Mech	15.12.41	15.6.59	17.1.63		
3.	Prabhoo Dayal	"-107	Autox Truck-Dr.	13.10.34	15.12.55	9.4.80		
4.	Devl Pd	MT-110	"	14.11.32	1.11.57	"		
5.	Sohan Lal	"-144	"	14.2.48	14.1.71	"		
6.	Shiv Swaroop	MT-119	"	15.5.54	5.9.77	5.9.80		
7.	Ram Chander	"-428	"	9.2.53	14.9.77	1.11.80		
8.	Jagdish Pd	"-424	"	3.7.53	14.9.77	12.11.80		
9.	Ram Nath	"-52	"	20.9.53	25.80	80		
10.	Mansa Ram	"-103	"	3.9.54	80	26.11.80		
11.	Rachey Dnyam	"-136	"	1.3.55	80	1.1.81		
12.	Pechoo Lal	"-190	"	1.7.42	17.6.64	8.4.81		
13.	Kanhaya Lal	"-118	"	16.7.58	28.9.77	80		
14.	Ismail	MT-122	A.T.Dr	27.9.52	14.9.77	1.12.81		
15.	R.K.Ravat	"-112	"	14.7.53	14.11.77	80		
16.	Gulam Rasool	MT-172	"	1.3.34	2.5.53	21.12.81		
17.	Sukh Lal	"-45	"	1.7.57	1.1.78	13.2.82		
18.	Ganga Ram	MT-50	"	4.7.55	10.2.78	80		
19.	Virendra Kumar	MT-445	"	26.7.54	1.3.78	80		

Chh & Nym
MT-107

A-45

18.	Danga Ramu	MT-50	"	SC	4.7.55	10.2.78	6-0-
19.	Virendra Kumar	MT-445	"	-	26.7.54	1.3.78	-60-
20.	Inder Pal Misra	MT-104	"	-	10.9.55	15.3.78	1.7.82
21.	Narootam Yadav	MT-430	"	-	11.7.56	6.6.78	5.7.82
22.	Abdul Rehbo b	MT-402	Air Comp	-	19.9.56	2.12.78	23.2.84
23.	Kalap Nath	"-132	"	XXXXXX	29.6.58	10.12.78	16.4.84
24.	Magsood Ahmad	MT-196	"	17.11.56		15.1.79	-70-
25.	Hassimuddin	"-170	Motor Dr	-	21.11.59	2.12.78	15.10.84
26.	Mahesh Pr	MT-137	Inst Mach	-	10.12.58	12.12.78	15.10.84
27.	Baboo Lal	"-365	Air Comp	-	1.1.59	19.6.78	1.12.84
28.	Jagdish Kumar	"-173	Dslc Cr.Dr	-	8.7.59	4.8.80	4.3.86
29.	Ran Chander	"-69	Mobile Cr.Dr S/c		13.5.59	28.8.80	-60-
30.	Desh Raj	MT-362	Fork Lifter Dr-		24.11.55	29.9.80	-60-
31.	Jawala Singh	MT-371	Motor Dr	-	7.6.36	14.6.79	-60-
32.	Jaganath	"-366	-do-	-	20.10.58	24.10.80	-70-
33.	Balram Shukla	"-174	Air Comp	-	15.9.55	20.3.81	3.2.87
34.	Metod Muskhelb	MTB 312	Sk Driver	-	4.7.57	12.5.81	8.8.87
35.	Asheek Kumar	"-326	"	-	1.1.55	2.7.81	9.3.87

CHD & 24/8

MT 107

37

A-4

Copy of Railway Board's letter No. E/P&A/I-82/10/1 dated 10.7.1985 addressed to the General Managers, Northern Railway, Eastern Railway, Sd. & S. Office, from the Adm. Director, P&A (P&A), Railway Board, New Delhi.

Sub: Reclassification of artisan staff in the Railways -
relief to unskilled, semi-skilled and skilled categories.

The reclassification/restructuring of artisan staff in the Railways has been under examination in a Joint Committee consisting of officials of the Ministry of Railways, and representatives from All India Railwaymen's Federation and National Federation of Indian Railwaymen. The Ministry of Railways have decided as under:

- i) vide para 2(ii) and (iii) of Board's letter of even number dt. 13.11.82 of the unskilled artisan strength in Production Units and Workshops (all departments) and 50% of unskilled artisan categories in O&M line Establishments (all departments) and RISC to the extent applicable were allotted semi-skilled grade Rs.210-290 and designated as Khalsi Helpers. It has now been decided that the above percentages should be uniformly enhanced to 70% and be allotted the semi-skilled grade Rs.210-290.
- ii) The present distribution of skilled posts of artisans in the Highly skilled Gr. I, Highly skilled Gr. II and skilled grade is in the ratio of 20:25:55 in terms of Board's letter No. E/P&A/I-76/RMCT-76/1 dated 27.3.78. It has now been decided that except for the category of RMs in all other skilled categories the distribution ratio should be uniformly revised as 30:30:40. In the category of RMs the revised distribution of HSK Gr. I, HSK Gr. II and skilled categories should be in the ratio of 50:30:20.
- iii) Fixation of pay in respect of staff reclassified as indicated above should be done on preferential basis from 1.1.84, and current payments from 1.7.83. Fixation of pay will be under rule 2013-2 (R.23(a)) RII w.e.f. 1.1.84 and this benefit will also be applicable to chain resultant vacancies which arise on account of reclassification/restructuring.
- iv) a) Lumpsum arrears will be payable for the period from 1.1.84 to 30.6.83 in respect of staff reclassified as given below:
 - i) From unskilled to semi-skilled @ Rs.12/-PM subject to a ceiling of Rs.200 for 18 months.
 - ii) From skilled to HSK Gr. II @ Rs.25/-PM subject to a ceiling of Rs.400 for 18 months.
 - iii) From HSK Gr. II to HSK Gr. I @ Rs.25/-PM subject to a ceiling of Rs.400 for 18 months.

Ann. 3/

4/5/85
MT/107

38

48

13

11(b) The arrears amount will be payable for the actual months during which the incumbents were on duty. Performance of duty even for a day during a month will be counted as full month for eligibility of the arrears. Periods of IAP and LAF will also be considered as duty for this purpose.

From 1-1-84 to 30-6-84 will also be admissible to

v) Implementation of the above orders for the initial allotment of semi-skilled grade to the unskilled staff shall be on the basis of seniority-cum-suitability without subjecting the eligible staff for any Trade Test as an one time exception. The proforma fixation from 1.1.84 and pro-rate lumpsum payment for the employees who retire/resign from service during this period. The proforma fixation will also count for retirement benefits.

vi) The Railway Administration will allot the appropriate trade and trade test syllabus to cover such of these posts which are being upgraded from unskilled to semi-skilled. Similar adjustment may also be effected to Highly skilled Gr.II and Highly skilled Gr.II to Highly skilled Gr.I.

X. Q. - expected post which are now approved

2. The existing categories of HSK (Gr.I and HSK Gr.II and skilled in grade Rs.360-560, Rs.330-480 and Rs.260-400 should be given revised standard designation as Skilled grade I, skilled grade II and skilled grade III respectively.

4. The existing orders and rules in regard to reservation for SC/ST will continue to apply while filling up vacancies arising as a result of restructuring/reclassification.

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

6. The benefit of retrospective fixation from 1.1.84 and current payment from 1.7.1985 will not be applicable to such of the employees who are promoted against vacancies existing as a result of restructuring/reclassification. They will be granted benefits only from the date of promotion as per normal rules.

7. Instructions contained in this Ministry's letter No. E/SC/11-84/MI-11(PTR) dated 28.6.84 allowing, as an one time exception, relaxation of conditions attached to promotion will apply mutatis-mutandis in the case of promotion against vacancies covered by these restructuring/reclassification orders.

[Signature]

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MT/107

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8. Requirement of additional funds on account of implementation of the above orders, should be assessed and reflected in the Annual Estimates for the current year and Budget estimates for 1986-87 and advised to ADI (Budget) Railway Board.

9. Ministry of Railways desire that these orders should be implemented expeditiously.

10. This issues with the concurrence of the Finance Directorate and has the sanction of the President.

11. Kindly acknowledge.

12. Hindi version will follow.

पञ्चदश

MT/107

विभागाध्यक्ष नियंत्रक,
उत्तर प्रदेश, चारबाग, लखनऊ

Category Gr. II, Motor Dr, Mobile Crane Dr, Fork Lifter Dr, Motor Mech, Auto Electrician
iesel Mech, Auto Truck Dr, Compressor Driver

Dr=9
M/Men=2
Electrician=2
Carpenter=5
B/Wed. 1

Ann-exure NO. 7

ASy

HSK 72 II

19

44

No.	Name & T.No.	Designation	Caste	Birth	Dt. of Apptt.	Dt. of Apptt. to at present	Remarks
1.	G. P. Singh	Motor Mech	SC	16.2.57	22.12.78	29.11.79	
2.	Abdul Aziz	Electrician	-	29.9.54	15.11.77	1.1.84	
3.	Jai Ram	Motor Dr	SC	15.6.34	22.6.53	-do-	
4.	Iqbal Hussain	Driver	-	25.1.48	1.4.73	"	
5.	Jangl Ram	Mobile Cr Dr	-	21.5.36	15.11.57	"	
6.	Mohd. Ibrahim	Motor Mech	-	2.5.56	14.11.77	"	
7.	Ram Avtar	Electrician	-	3.7.34	2.12.57	"	
8.	Ram Chander	Motor Driver	-	17.4.35	18.9.57	"	
9.	Radhe Krishan	Dsl Mech	-	24.7.52	14.7.77	"	
10.	Ram Prasad	Air compres Dr	-	13.9.35	18.2.60	"	
11.	Mahesh Pd	"	-	7.6.56	10.2.78	"	
12.	Jai Karan Pd	"	S/c	20.7.57	10.6.78	23.3.85	
13.	Gautam Dev	"	-	1.7.57	28.9.78	"	
14.	Ram Chander	"	S/c	2.8.53	2.12.78	1.3.86	
15.	Changa Lal	Cole Cr.dr.	-	1.3.44	21.3.67	22.4.86	
16.	R. S. Yadav	Fork Lifter Dr	-	1.1.44	21.1.71	-do-	
17.	Om Prakash	Dsl Crane Dr	-	5.9.48	18.11.78	19.3.87	
18.	Ranjit Sharma	Motor Lorry Dr	-	14.2.58	12.12.79/ 15.11.79	19.3.87	
19.	Mohd Wasim	Motor Dr	-	2.2.58	7.11.77	1.4.87	

copy sent
MT. 107

Annexure No. 8

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#516 gr I

Category Gr. I Motor Dr, Mobile Crane Dr, Fork Lifter Dr, Motor Mech, Auto Electrician,
Diesel Mechanic, Auto Truck Dr, Compressor Driver.

Sl. No.	Name & I.No.	Designation	Caste	Dt. of Birth	Dt. of Apptt.	Dt. of Apptt.		Date of Confirmation.	Remarks
						to	present.		
1	2	3	4	5	6	7	8	9	
1.	Mune Lal	MTS-84	Motor Driver SC	12. 2.33	17.8.53	2.8.78			
2.	H.C. Saxena	"-77	Motor Mechanic	15.3.42	15.6.59TA	20.11.79			
3.	Gur Prasad	MT-207	Air compressor Dr	7.9.35	28.1.63SK				
4.	Ram Swaroop	MTS-83	Motor Dr	6.1.35	1.12.55	1.1.83			
5.	Nand Kumar	MTS-99	Electrician	1.7.31	17.1.62	1.1.84			
6.	Sunder Lal	MTS-239	Motor Driver SC	17.5.34	17.5.54	1.1.84			
7.	Sher Jang	MTS-138	Motor Dr	9.7.35	23.3.54	1.1.84			
8.	Chrid Krishan	MTS-475	Air compr	27.2.36	04.12.55	1.1.84			
9.	Thakur Pradosh	MT-175	"	13.8.47	23.1.71	-do-			
10.	Maikoo Lal	MTS-474	Air comp.	17.7.33	21.11.53	1.12.84			
11.	Hankoo	MTS-181	"	30.4.50	23.1.71	23.3.85			
12.	Ganga Bishun	MTS-152	Motor Dr	20.7.30	12.10.55	22.4.86			
13.	Ram Sevak	MT-88	SC	16.4.55	5.8.57	1.4.87			

CH E M M
MT/107

To

The General Manager,
Headquarters Office,
Baroda House,
New Delhi

(Through Proper Channel)

Sir,

Reg: PROMOTION AS HIGHLY SKILLED GRADE II&I.

The applicant begs to submit as under :-

1. That the applicant was appointed as Khallasi Scale Rs. 70-85/196-232 in Locomotives Workshop Northern Railway, Charbagh, Lucknow, alongwith others.
2. That the applicant was trade tested for the post of Auto Truck Driver Scale Rs. 210-290. The applicant was found suitable and promoted as Auto Truck Driver scale 210-290 w.e.f. 9.4.80. As per reclassification of semi-skilled and skilled posts vide Railway Board Letter No. E(P&A)I-82/JC/1 dated 13.11.82, the post of Auto Truck Driver classified as skilled scale Rs. 260-400 from 1.8.78. The applicant was given scale Rs. 260-400 w.e.f. 9.4.80.
3. That the applicant was also fixed in scale Rs. 210-290 as per reclassification from 1.8.78. The other Khallasi who were not classified as Khallasi Helper from 1.8.78 are being promoted as Highly Skilled Grade I & II, some of the instances are given below :-

Name	T.No.	Promotions		
		Khallasi	Skilled	Highly Skilled Grade II
a) Sri Abdul Mahboob	MT-402	4.9.80	23.2.84	27.2.88
b) Sri Kalpnath	MT-132	26.9.80	16.4.84	27.1.88
c) Sri Maqshood Ahmad	MT-196	1.10.80	16.4.84	27.1.88

The office order for promotion for Skilled to Highly Skilled Grade I & II are being issued on the basis of combined seniority. I feel that the combined seniority list is not being consulted and pick and choose policy have been

...2/-

Signature

adopted for the promotion of Highly skilled Grade I & II

4. That the applicant is senior by virtue of promotion as Khallasi Helper and skilled Auto Truck Driver but his case has not been considered for promotion as Highly Skilled Grade I & II.
5. That the sanctioned strength of Auto Truck Driver is 19 and on the basis of revised percentage of upgrading from 1.1.1984, the Auto Truck Drivers are entitled for the allotment of the higher grade posts as per detail given below :-
 - a) Highly Skilled Grade I = 6
 - b) Highly Skilled Grade II = 7
 - c) Skilled = 6
6. That the applicant jointly had preferred a representation on 24.2.1988 and separately on 17.3.88 and 22.8.1988 but nothing has been heard.
7. That the applicant has not been called to appear in the Trade Test for the post of Highly Skilled Grade II & I. As per orders of the Railway Board one time exemption was granted at the time of restructuring of the cadre from 1.8.78 and again from 1.1.1984.

In view of the facts and circumstances stated above, it is requested that the following reliefs may kindly be awarded from 1.1.1984 :-

- a) The promotion of Auto Truck Driver may kindly be made as Highly Skilled Grade II & I on the basis of combined seniority.
- OR
- b) The posts of Auto Truck Drivers may kindly be distributed on the basis of revised percentage applicable for Highly Skilled Grade-I and II and the incumbents working as Auto Truck Drivers be promoted from 1.1.1984

Thanking you,

Yours faithfully

पार्भू दयाल MT/107

(Parbhoo Dayal)

T. No. MTS-430

Locoshop, Charbagh, Lucknow.

Dated: 23.12.1988.

To

The General Manager,
Northern Railway,
Headquarter Office,
Baroda House,
New Delhi

Amendure No. 10

10

(Through Proper Channel)

Sir,

Reg: PROMOTION AS HIGHLY SKILLED GRADE I & II

With due respect and humble submission I beg to submit few lines for your perusal, kind consideration and sympathetic ^{orders please} consideration :-

1. That the applicant had submitted an application on 24.2.1988 through Deputy Chief Mechanical Engineer, Northern Railway, Charbagh, Lucknow, but it cannot be said whether the same was forwarded for favourable consideration and disposal at your end. After sometime the applicant submitted a representation ^{on} 17.3.1988 with a subsequent reminder dated 22.8.1988 to the Dy. CME (LOCO), Charbagh, Lucknow, but nothing has been ^{heard} ~~done~~. The applicant has again submitted a representation on 23.12.1988 but nothing has been heard.
2. That the juniors are frequently been promoted as Highly Skilled Grade II and I on the basis of combined seniority but the category of Auto Truck Driver is always ignored. It appears that the pick and choose policy is being adopted for promotion as Highly Skilled Grade II & I.
3. That the copies of all the representations are enclosed for perusal and kind consideration.

Therefore, I request your kind honour to issue directions to accord the following reliefs :-

- a) The seniority list of Millwrightship be published immediately.

...2/-

G. S. K. V. K.

: 2 :

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49

- b) The Auto Truck Driver may kindly be promoted as Highly Skilled Grade II & I w.e.f. 1.1.84 on the basis of combined seniority as per reversed percentage.

OR

The category of Auto Truck Driver may kindly be separated from other categories and the posts of Auto Truck Drivers may kindly be distributed according to revised percentage. The incumbents working as Auto Truck Drivers may kindly be promoted with effect from 1.1.1984.

Thanking you,

Yours faithfully

Prabhoo Dayal T.107
(Prabhoo Dayal)

T. No. MT-430

Millwright Shop (LOCO)
Charbagh, Lucknow.

Dated: 23.9.1989.

Northern Railway Locomotive Works Charbagh Lucknow

Annexure No. 11

Category Auto Truck Driver (Retained in service)

Sl. No.	Name	Name of Caste	Date of Birth	Date of appointment	Date of Appt. to present	Date of confirmation	Remarks
1	M.F.S. 107	Devi Prasad Dey	13-10-34	15-12-55	9-4-80		
2	110	Devi Prasad	14-11-32	1-11-57	9-4-80		
3	144	Sahani Lal	14-2-48	14-1-71	9-4-80		
4	119	Shiv Suman	15-5-54	5-9-77	5-9-80		
5	428	Ram Chander	9-2-53	14-9-77	1-11-80		
6	424	Jagdish Prasad	3-7-53	14-9-77	12-11-80		
7	52	Ram Nath	20-9-53	14-9-77	12-11-80		
8	103	Mani Ram	3-9-54	14-9-77	2-6-11-80		
9	136	Rathay Sanyam	1-3-55	14-9-77	1-1-81		
10	190	Beeta Lal	1-2-42	17-6-64	8-4-81		
11	118	Kanhiya Lal	16-7-56	28-5-77	8-4-81		
12	122	Ismael	27-9-52	14-9-77	1-12-81		
13	112	R.K. Ravi	14-7-53	14-11-77	1-12-81		
14	172	Gulam Raza	1-3-34	2-5-58	21-12-81		
15	45	Bakul Lal	1-7-57	1-1-78	13-2-82	32-20-2-83	

Office M.F. 107

32-20-2-83

50

Memorandum No. 12

52

Semi-regular list of category -

Settled grade - Motorist, Mobile Camera, for telephoto, Auto-Studiocin, DSLR, Air camera, etc.

Motorist

Remarks

reinstated in service 7/7/03

Sl No	Name	Designation	Name of Car	Date of Birth	Date of App'l	Date of App'l to Present	Remarks
1	Sami Yusuf Ali Khan MTS 90	Motorist	-	11.7.30	2.9.46	2.9.46 7.7.83	
2	B. S. Shukla MTS 79	Motorist	-	15.12.41	15.6.59	19.1.63	
3	Abdul Subhan MTS 402	Air Camp	-	19.9.56	2.12.78	23.2.84	Trade Test Taken
4	Kalephulla MTS 132	"	-	29.6.58	10.12.78	16.4.84	
5	Moghood Ahmed MTS 196	"	-	12.11.56	15.1.79	16.4.84	
6	Hassimudin MTS 170	Motorist	-	21.11.59	2.12.78	15.10.84	
7	Mahesh Prasad MTS 137	Driver	-	10.12.58	12.12.78	15.10.84	
8	Baboo Lal MTS 365	Air Camp	-	1.1.59	19.6.78	1.12.84	
9	Dagad Ram MTS 173	Motorist	-	8.7.59	4.8.80	4.3.86	
10	Ram Chander MTS 69	Motorist	-	13.5.59	28.8.80	4.3.86	

4.3.86 4.3.86 4.3.86

4.3.86

4.3.86

463

11. Desh Raj MTS 362 for person - 24.11.55

24.4.80

4.5.55

53

12. Jaramal Rao MTS/371 Meterson - 7.6.36 14.6.79 4.3.86

13. Jagann MTS 366 Meterson - 20.10.58 24.10.80 4.3.86

14. Balram Sankar MTS 174 Vinayapur - 15.8.55 20.3.81 3.2.87

15. Mela Muralid MTS 312 Meterson 4.7.57 12.5.81 8.8.87

16. Una Shankar Rande, MTS 465 Meterson 3.6.58 20.8.81 5.12.87

महाराष्ट्र शासन
स. 30 अर्थ संचालन

सहस्र
म. 10/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition No. 652 of 90 (2, 4)

Registration (O.A.) No. 303 of 1989

Prabhoo Dayal

Applicant.

versus

Union of India & others

Respondents

Fixed for 22-10-90
23-11-90

APPLICATION FOR CONDONATION OF DELAY IN
FILING COUNTER REPLY.

That delay in filing counter reply is not
intentional or deliberate but due to administrative
and bonafide reasons which deserves to be condoned.

PRAYER

Wherefore, it is most respectfully prayed
that in the interest of justice, delay in filing
counter reply may kindly be condoned and counter
reply may be taken on record.

Lucknow

Dated 24-10-90

Anil Srivastava
(ANIL SRIVASTAVA)
ADVOCATE

COUNSEL FOR RESPONDENTS.

उप मुख्य पत्रिका अभियन्ता
उ.रे. रे. इ.म. क. ग. ग.
च. म. म. ल. म. म.
Py. M. (W)
N.R./Loco/C.B./Lko.

Received
copy
23/11/90

Filed copy
8/11/90

CIRCUIT BENCH, LUCKNOW

In Re

Prabhoo Dayal

Applicant.

versus

Union of India & others

Respondents.

PRELIMINARY OBJECTIONS

That the counsel for the respondents
begs to state as under:

1. That the applicant is claiming his promotion with effect from 9.4.80, therefore, the cause of action accrued to the applicant with effect from 9.4.80, while the present application has been filed in the year 1989 without explaining any cause of delay. Even otherwise also the applicant has challenged the order No. 128 dated 8.2.88 while the present application has been filed on or after 31.10.1989 that is ~~xxx~~ after more than

contd....2

उ. मध्य प्रांतिक अभियन्ता
उत्तरे. रे. इ. न कारखाना
का. मा. ग. लखनऊ
I y . M.F. (W)
N.F./Uoco/C.B./Lke.

~~Ass~~

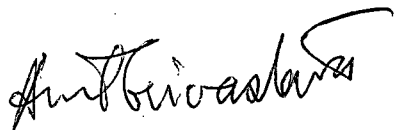
1 1/2 years of the alleged impugned order.

2. That in view of the aforesaid facts the following preliminary objections may be decided before taking up the case on merits.

1. Whether this application is maintainable without condoning the delay which has not been explained in the present Original Application ?

Lucknow

Dated : 24-10-90


(ANIL SRIVASTAVA)
ADVOCATE
COUNSEL FOR RESPONDENTS.

राष्ट्रीय गैर-नफ़्त अभियन्ता
उ.प्र. रेल इन्स कारखाना
म.प्र. लखनऊ
(V)
N.R./Loco/C.B./Lko.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Registration O.A. No. 303/89

A 67

Parbhoo Dayal

...Applicant.

versus

Union of India & others

...Respondents.

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS.

I, *Hemant Kumar* working as *Dy CME (W)/CS* in the office of Chief Works Manager, Northern Railway Locomotive Works, Charbagh, Lucknow do hereby solemnly affirm and state as under;

1. That the official above named is working as *Dy CME (W)/CS* in the office of ^{Chief} Works Manager, Northern Railway Locomotive Works, Charbagh, Lucknow, as such he is fully conversant with the facts and circumstances of the applicant's case and has been authorised to file this counter reply on their behalf.

2. That the contents of para 1 of the Original Application do not call for any reply.

contd.....2

24/1/90
उप मुख्य यांत्रिक अभियन्ता
सं.रे. रेल इंजन कारखाना
चारबाग, लखनऊ
By M.F. (W)
N F / 1100/C B./Lko.

Ad

3. That the contents of para 2 of the Original Application are denied. The cause of action ~~arose~~ accrued to the applicant on 9.4.80 while this application has been preferred by the applicant in the year 1989 without explaining the cause of delay, hence this Hon'ble Tribunal has no jurisdiction to entertain this Application.
4. That the contents of para 3 of the Original Application are denied. The cause of action having been accrued in the year 1980 and relief being claimed with effect from 9.4.80 the present application cannot be filed in the year 1989. Otherwise also as per the applicant's assertion and the order under challenge is dated 8.2.1988 while he preferred his representation on 23.12.88 and the second representation in the month of September 1989 that is after one year six month from the alleged impugned order dated 8.2.88. Thus, by this score also this application is not maintainable being barred by time.

reply to

That the contents of para 4 of the Original Application are as below:

5. That the contents of para 4.1 of the original Application are admitted.

27/1/90
उप मुख्य सचिव अभियन्ता
सं. रे. रे. इ. व. क. म. व. ता.
नयाग, लखनऊ
By M.F. (W)
N.R. / loco / C.B. / Lko.

contd....3

A-69

6. That in reply to the contents of para 4.2 of the Original Application only this much is admitted that the applicant was trade tested for the post of Semi skilled Auto Truck Driver alongwith other candidates and after having qualified in the same, the applicant was promoted as Auto Truck Driver in the scale of Rs 210-290 with effect from 9.4.80.
7. That in reply to the contents of para 4.3 & 4.4 of the Original Application so far it is the matter of record it is admitted but the rest ^{contents of the} of the _L paras are denied.
8. That the contents of paras 4.5 of the Original Application are denied. The name of the applicant, namely Parbhoo Dayal alongwith other candidates including his juniors were duly sent for trade testing for the post of Skilled Fitter for their further advancement, but the applicant refused to appear in the said trade test, with the result that other candidates including his juniors who were qualified in the said trade test were promoted as Skilled Fitter and the applicant failed to seize this opportunity on his own accord.

उप मुख्य यांत्रिक अभियन्ता
उ.रे. २ इ.प. रा.प.दावा
ज.प.प. लखनऊ
By C.M.E. (W)
N.R./Loco/C.B./Lko.

contd.....4

A-7p

9. That in reply to the contents of para 4.6 and 4.7 of the Original Application, so far it is a matter of record, it is admitted but the rest of the contents of the paras are denied.
10. That in reply to the contents of paras 4.8 of the Original Application, it is stated that the applicant was promoted as semi-skilled Auto Truck Driver with effect from 9.4.80 in the scale of Rs 210-290. Later on as per Railway Board's instructions, the post of Semi Skilled Artisan was re-classified as Skilled grade Rs 260-400 (R.S.). Accordingly, the applicant was placed in the grade of Rs 260-400 with effect from 9.4.80.
11. That the contents of para 4.9 of the Original Application are not admitted as alleged. The applicant was much junior to the staff shown already promoted. It is denied that any juniors to the applicant were ordered to be promoted vide S.O. No. 161 dated 21.2.83. Since the post of Semi skilled Auto Truck Driver was reclassified as skilled with effect from 1.8.78 the staff who had worked as Auto Truck Driver on the date of issue of the said staff order, their names were duly considered for the purposes of revision of their pay from grade Rs 210-290

उप मुख्य यांत्रिक अभियन्ता
उ.रे. रेल इन्जन कारखाना
चारवाग, लखनऊ
Dy C.M.E. (W)
N.R./Loco/C.B./Lko.

A-7

to Rs 260-400. Accordingly, the applicant's pay was also revised from grade Rs 210-290 to grade Rs 260-400.

12. That the contents of para 4.10 of the Original Application are denied. The applicant has also not quoted any specific example that which of the juniors have been promoted by ignoring him. It is only the presumption of the applicant that his juniors have ^{been} promoted over him. Since the applicant himself refused to appear in the trade test, as such he has no claim for promotion and seniority over the staff who have already been promoted by virtue of their being found qualified in the trade test.

13. That the contents of para 4.11 of the Original Application are admitted. It is further stated that in terms of P.S. No. 8488 the higher percentage at the ratio of 20:25 was contemplated in cognate trades of Auto Truck Drivers which means that 20% of the posts of Grade I and 25% of the Posts of grade II ~~worked~~ out on the total sanctioned strength of Auto Truck Driver were considered in the category of Fitter Motor Driver etc.

27/1/90

उप मुख्य यांत्रिक अभियन्ता
उत्तरे देवान कायस्थाना
महाराष्ट्र, लखनऊ
By C.M.F. (W)
N.F./Loco/C.B./Lko.

14. That the contents of para 4.12 of the

contd...6

A-72

Original Application are categorically denied. As already explained in the para hereinbefore that the percentage of higher ^{trades} grade were implemented in the cognates but hence promotion against grade I and grade II created due to revised ~~ed~~ distribution were filled in by promotion from cognate trade i.e. Fitter Motor Driver etc. The post of artisan was below the skilled fitter Driver. The question of promotion of the applicant to the grade I and grade II etc. does not arise as he was not within the field of eligibility for the said grades. First, the applicant has to qualify as skilled fitter and then to grade II and then grade I.

15. That in reply to contents of para 4.13 of the Original Application, it is stated that it was decided by the competent authority to re-channalise the avenue of promotion for further advancement. Accordingly the Motor Drivers, Motor Mechanics, Auto Electricians, Diesel Mechanics and Motor Compressor Drivers were combined but Auto Truck Drivers remained separate group and was feeding category for the post of Motor Driver etc.

16. That the contents of paras 4.14 and 4.15


contd.7

उप मुख्य धार्मिक अभियन्ता
उ०रे. रे. इ. व. कारखाना
च. भाग, लखनऊ
Dy C.M.F. (W)
N.R./Loco/C.B./1 ko.

A-73

of the Original Application are not admitted as alleged. The Auto Truck Drivers are not to be considered for the post of grade I and grade II and till they are promoted in the scale ^{of} competent ~~towards~~ trades, as such the promotion of Auto Truck Drivers to the post of Grade II and Grade I does not arise. No ~~example~~ junior to the applicant have been promoted nor ^{any} arbitrary or discriminatory attitude has been adopted in the case of the applicant as alleged.

17. That in reply to the contents of paras 4.16 and 4.17 of the Original Application, so far it is matter of record it is admitted. The rest of the contents of para are denied.
18. That the contents of para 4.18 of the Original Application are denied. The applicant was promoted to the skilled grade without trade testing because the post of ^{semi} skilled Auto Truck Driver was reclassified in the skilled grade.
- 19.- That in reply to the contents of para 4.19 of the Original Application only this much is admitted that the Railway Board further revised the percentage of distribution of skilled posts into highly skilled grade I and


उप मुख्य यांत्रिक अभियन्ता
उत्तरे रे इ न कारवाला
च. ग. लखनऊ
by C.M.F. (W)
N.R./Loco/C B./Lko.

contd...8

A-74

with skilled from ratio 20:25:55 to 30:35-35. However, there was no exemption from trade test as alleged.

20. That the contents of para 4.20 of the Original Application are categorically denied. The staff were promoted with effect from 1.1.84 after passing the requisite trade test and no pick and choose policy was adopted as alleged. This allegation has been made only to gain the sympathy of this Hon'ble Tribunal, otherwise, no arbitrariness or discrimination has been made.

21. That the contents of para 4.21 are denied. The applicant has not given any specific instance to verify the same. Only vague ~~and~~ assertions have been made in this para. The applicant is not entitled for such promotion as he is still working as Auto Truck Driver as reclassified in skilled trade.

22. That in reply to the contents of para 4.22 of the Original Application, so far it is the matter of record it is admitted. The rest of the contents of the para are denied. As already explained in the preceding paras, the seniority of different allotted trades, that is Motor Drivers, Motor Mechanics, Auto Electricians, Diesel Mechanic and Air Compressor Drivers have been grouped in one

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A-75

seniority group excluding the Auto Truck Driver, which is reclassified as skilled trade having old channel of promotion, as such it cannot be placed together with the cognate trades. No junior to the applicant has been promoted as alleged and the applicant has also not given the name of any junior so promoted.

23. That in reply to the contents of para 4.23 of the Original Application, it is stated that they are not admitted as alleged. As already explained in the preceding paras the higher percentage of grade I and grade II were allowed in the cognate trades in terms of P.S.N. 8488, as such the question of allotment of grade I and grade II posts in the category of Auto Truck Driver does not arise.

24. That the contents of para 4.24 are denied. No arbitrariness or discrimination has been done as alleged. As explained in the preceding paras the Auto Truck Drivers are not eligible to be promoted in highly skilled grade II and grade I posts. The applicant has also not given any specific instance with which all of the juniors of the applicant have been promoted as alleged.

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By : M.E. (W)
N.E./Loco/C.B./Lko.

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A-76

25. That the contents of para 4.25 are categorically denied. ~~Actions~~ have been taken strictly as per Railway Board's instructions issued in terms of P.S. no. 8488.

26. That the contents of paras 4.26 and 4.27 do not call for any reply. The representations were highly belated.

in reply to
27. That/the contents of para 4.28 of the Original Application, it is stated that as per Railway Board's instructions in terms of P.S. No. 8488 the applicant was not eligible for promotion to grade II and grade I ^{unless} ~~only~~ he is qualified in scale ^{of} cognate trade, as such the contention of the applicant is baseless.

28. That the contents of para 4.29 of the Original Application are admitted and it is further stated that the seniority list of all those categories i.e. of Motor Drivers etc. and ^{truck} Auto/Drivers were issued separately. The reasons for the same have already been explained in the preceding paras.

29. That the contents of para 4.30 are denied. The applicant is due for his retirement on 31.10.92. The applicant lost his alleged promotion at the time of trade test. If the applicant would have appeared in the trade test and qualified, he might have been promoted as skilled grade II

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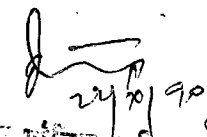
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as well as grade I in cognate trade. The applicant himself refused to appear in the trade test for the reasons best known to him.

30. That the contents of para 4.31 do not call for any reply.
31. That the grounds mentioned in para 5 of the Original Application are vague, false, illegal, baseless, irrelevant and not applicable to the instant case.
32. That the contents of para 6 and 7 do not call for reply.
33. That in reply to the contents of para 8 of the Original Application, it is stated that the applicant is not entitled for relief as claimed, rather this application itself is liable to be dismissed with costs in favour of the answering ~~xxx~~ respondents, and against the applicant being devoid of merits.
34. That the contents of paras 10 to 12 of the Original Application do not call for any reply.

Lucknow

Dated:


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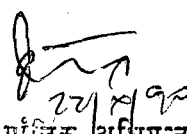
A78

VERIFICATION

I, Hemat Kumar working as
Dy CME (W)/CB in the office of the Chief
Works Manager, Northern Railway, Locomotive Works,
Charbagh, Lucknow do hereby verify that the
contents of para 1 of the counter reply is true to
my personal knowledge and those of paras 2 to 34
of this counter reply are believed to be true
on the basis of records and legal advice.

Lucknow

Dated:


22/4/90
डा. मुख्य यंत्रिक अभियन्ता
रेलवे, रेलवे मंत्रालय, भारत सरकार
Dy CME (W)
N.R./Loco/C.B./Lko.

Before the Central Administrative Tribunal, Allahabad.
Circuit Bench at Lucknow.

Re-application in Registration No. 303 of 1989 (L).

Parbhoo Dayal.

Versus

Union of India and others.

-----Applicant

-----Respondents

F.F. 3-9.1991

Rejoinder to the counter reply of Sri Hemant Kumar, Deputy Chief Mechanical Engineer, Locomotives Workshop, Northern Railway, Charbagh, Lucknow, on behalf of all the opposite parties.

I, Parbhoo Dayal, aged about 56 years, son of Late Sarjoo, resident of H.No.211, Bashiratganj, Naka Hindola, Lucknow, working as Auto Truck Driver in M.T.D. Millright Shop, Locomotives Workshop, Northern Railway, Charbagh, Lucknow, the deponent do hereby solemnly affirm and state on oath as under. I, the above named petitioner seek the leave of your honour to admit this re-application filed in reply to written statement inter alia on the following grounds. The applicant was promoted as Auto Truck Driver on pay Rs.226/- p.m. in scale Rs.210-290 on 9.4.1980 prior to receipt of the order of re-classification of Artizan Staff. The respondents have not furnished the counter ^{affidavit} on the basis of re-classification of Artizan Staff as the orders for re-classification of Artizan Staff were issued

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*Filed today
29/7/91*

by the Railway Board in November, 1982 with giving the benefit from 1.8.1978 and for further increase of percentage in higher grade posts i.e. Highly Skilled Grade-I and II and skilled staff on 19.7.1985 at the ratio of ³⁰35:35:35 (Annexure-4 of original application) with giving the benefit from 1.1.1984. This revised percentage of upgrading was also allowed to the semi-skilled categories re-classified as skilled.

1. That in reply to para 1 of the counter, the contents of said para are admitted to some extent. The immediate Controlling Officer of the Northern Railway Locomotives Workshops, Charbagh, Lucknow is the Deputy Chief Mechanical Engineer and not the Chief Works Manager. The name of the Officer, who has signed the counter reply, has not been given.
2. That the contents of para 2 of the counter, it is submitted that the contents of para I of the original application are reiterated.
3. That in reply to para 3 of the counter, it is submitted that the respondents have not submitted the correct position of the case as the Railway Boards have issued directions of the re-classification of un-skilled and semi-skilled staff vide letter No.(P & A)I-82/JC/1 dated 13.11.1982 with giving the benefit with effect from 1.8.1978. The applicant was

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A-8

promoted as Auto Truck Driver in scale Rs.210-290 with effect from 9.4.1980 i.e. prior to receipt of the order of re-classification. In view of the order of the Railway Boards, the pay of the applicant was fixed in scale Rs.260-400 and designated as Motor Driver. (Annexure-2 of the original application). Para 2(viii) of the Railway Board's letter dated 13.11.1982 is very clear that the initial allotment of semi-skilled grade to the un-skilled 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 subjected to any further trade test. The Semi-Skilled grade already existing, will be designated after re-classification in accordance with the work performed. The cause of action was accrued on 27.1.88 and 27.2.88 when the juniors to the applicant were promoted as Highly Skilled Grade-II. The applicant had preferred representations to the Deputy Chief Mechanical Engineer, Locomotives Workshops, Northern Railway, Charbagh, Lucknow, jointly on 24.2.1988 and separately on 17.3.1988 and 22.8.1988 to rectify their mistake and error and allow promotion from the date the juniors to the applicant were promoted. The matter has been kept for consideration and disposal. The applicant had preferred the representation to the General Manager, Northern Railway, Head quarters' Office,

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A-82

Baroda House, New Delhi on 23.12.1988. The General Manager, Northern Railway, Baroda House, New Delhi had kept the representation for consideration and disposal. The original application has been filed on 31.10.1989. Thus the same is within limitation.

4. That in reply to para 4 of the counter, it is submitted that the respondents have not mentioned the correct position of the case only to pass by the side track. The entire position of the case has been furnished in para 3 above.

5. That the contents of paras 5 and 6 of the counter are hold good.

6. That in reply to para 7 of the counter, it is submitted that the contents of paras 4.3 and 4.4 of original application are re-iterated. Annexure-2 of the original application is the proof of the channel of promotion of unskilled, semi-skilled and skilled staff.

7. That in reply to para 8 of the counter, it is submitted that the applicant was fixed in scale Rs.260-400 in terms of para 2(viii) of the Railway Board's letter dated 13.11.1982 and designated as Motor Driver. Thus he was not required to be trade tested for the post of skilled fitter. The contents of said para of counter havenot been supported with any document or the orders of superior authority.

CH & M

It is only fabricated story. The applicant was entitled to be trade tested for the post of Highly Skilled Grade-II Motor Driver.

9. Contents of para 10 of the counter hold good.

10. That in reply to para 11 of the counter, it is submitted that the respondents have not submitted the correct facts. Thus the contents of para 4.9 of the original application are reiterated.

11. That in reply to para 12 of the counter, it is submitted that the names of the juniors have already been incorporated in the representation dated 23.12.1988 at Annexure No.9 of the original application. The respondents have not consulted ^{S.O.} ~~So~~ No.128 dated 18.2.1988 at Page No.22 of the original application as the cause of action accrued when the juniors have been promoted as Highly Skilled Grade-II. The Staff Order No.161 dated 21.2.1983 was issued in terms of Railway Board's letter dated 13.11.1982 for re-classification of semi-skilled posts as skilled. A photostat copy of Railway Board's letter dated 13.11.1982 is annexed herewith and is marked as Annexure No.R-I.

12. That in reply to para 12 of the counter, it is submitted that S/Sri Abdul Mahboob, Kalp Nath and Maqsood Ahmad were promoted as Khallasi Helpers in

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A-84

scale Rs.210-290 with effect from 4.9.1980, 1.11.1980 and 12.11.1980 respectively but now promoted as Highly Skilled Grade-II. Sri Radha Kishan T.No.MTS-209 was promoted as Semi-skilled Motor Driver on 22.4.1985 and fixed in scale Rs.260-400 from the very same date in terms of para 2(viii) of Railway Board's letter at Annexure R-I but now promoted as Highly Skilled Grade-II.

13. That in reply to para 13 of the counter, it is submitted that the Auto Truck Drivers were working in Semi-skilled grade and these Auto Truck Drivers were upgraded as skilled motor drivers in terms of Railway Board's letter at Annexure R-I. The contents of para 4.11 of the original application are reiterated.

14. That in reply to para 4.14 of the counter, it is submitted that the contents of the said para are not admitted to some extent. The same will be discussed at the time of final hearing. The list of cognate trade has not been published.

15. That in reply to para 4.15 of the counter, it is submitted that it was not within the jurisdiction of the respondent No.2 to re-channalise the avenue of promotion for further advancement when the Auto Truck Drivers were designated as Motor Driver scale Rs.260-400. The copy of re-channalisa^{turn} has not been annexed to the counter. Thus it establishes that respondent No.2 is acting illegally and in an arbitrary manner.

— 4/5 & 21/1/84

A-85

16. That the contents of para 4.16 of the counter are not admitted as the respondent No.2 is acting in an arbitrary and discriminatory manner. The representation dated 23.9.1989 has been replied by the respondent No.2 vide letter No.L/6-E Panel MTS Fitter dated 23.11.1990. Photostat copy is enclosed and is marked as Annexure R-II. The copy of letter of the General Manager, Northern Railway, Head quarters Office, Baroda House, New Delhi as mentioned in letter dated 23.11.1990 (Annexure R-II) has been demanded vide application dated 8.1.1991 but the same is still under consideration for disposal. A photostat copy of the application ^{dated 8-1-1991} is annexed herewith and is marked as Annexure R-III.

17. That in reply to para 4.17 of the counter, it is submitted that the paras 4.16 and 4.17 of the original application are reiterated.

18. That in reply to para 4.18 of the counter, it is submitted that contents of said para hold good to some extent. The post of Auto Truck Drivers were re-classified as Skilled. In terms of these orders skilled grade to semi-skilled staff will be on the basis of seniority-cum-suitability without the eligible staff being subjected to any further trade test. The Railway Board ~~is~~ ^{has} classified to implement the order dated 13.11.1982 vide letter dated 12.4.1983. A photostat copy is enclosed and is marked as Annexure No.IV.

CH & 21/10

A-86

19. That the contents of para 4.19 of the counter are hold good to the extent that the percentage of Highly Skilled Grade-I, II and Skilled have been revised from 20:25:55 to 30:35:35 on the basis of total strength of skilled and the staff re-classified as skilled vide Railway Board's letter dated 13.11.1982 (Annexure R-I). The remaining contents are not admitted.

20. That the contents of para 4.20 of the counter are not admitted on the ground that the respondent No.2 has adopted the pick and choose policy and acted in an arbitrary and discriminatory manner.

~~21. That in reply to para 4.21 of the counter, it is submitted that~~ The names of the juniors who have been promoted as Highly Skilled Grade-II have already been mentioned in the representation dated 23.9.1989 at Annexure No.9 of the original application. The Auto Truck Drivers have been designated as Motor Driver vide order at Annexure-I.

21 ~~22.~~ That the contents of para 4.21 of the counter are not admitted.

22 ~~22.~~ That the contents of para 4.22 of the counter are not admitted. The posts of Auto Truck Drivers were upgraded to the posts of Motor Driver scale Rs.260-400 vide order No.S.O.161 dated 21.2.1983 in regard to implementation of the Railway Board's order for re-classification of semi-skilled staff. Thus the

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187

applicant is entitled to seek his further avenue of promotion as Highly Skilled Grade-II and Grade-I Motor Driver.

23 ²⁴. That in reply to para 4.23 of the counter, it is submitted that the contents of said para are not admitted as the respondent No.2 had furnished a list of category of skilled grade wherein the Auto Truck Drivers were included even then the applicant was not considered for promotion in higher grade on the basis of seniority. Para 4.23 of the original application is reiterated.

24 ²⁵. That the contents of para 4.24 of the counter are not admitted. The names of the juniors have been mentioned in the representation dated ^{23.12.1980} ~~23.9.1982~~ at Annexure No.9. The respondents want to conceal the facts thus they have not furnished the correct position.

25 ²⁶. That in reply to para 4.25 of the counter, it is submitted that the instructions for re-classification of un-skilled and semi-skilled staff were issued by the Railway Board ^u on 13.11.1982 to implement the same with effect from 1.8.1978. The said orders were implemented in February, 1983. A copy of the P.S.No.8488 has not been provided with the counter hence it cannot be said that the respondent No.2 has not acted arbitrarily and discriminatorily ^u

26. That in reply to para 4.26 of the counter,

—GHEVIR—

A-88

it is submitted that the contents of said para are not admitted. The representation dated 23.12.1988¹² has been disposed off vide letter No.L/6-E Panel MTS Fitter Grade II and Grade-I dated 23.11.1990. Photostat copy is enclosed and is marked as Annexure R-II.

27²⁸. That the contents of para 4.27 of the counter are not admitted in face of the previous instructions received from Railway Boards in regard to re-classification of unskilled and semi-skilled staff.

28²⁹. That the contents of para 4.28 of the counter are not admitted as the respondent No.2 is acting in an arbitrary and discriminatory manner and changed the seniority list as and when required only to give the benefit ^{to} of junior employees.

29³⁰. That in reply to para 4.29 of the counter, it is submitted that neither the list of cognate trades was issued nor the applicant was called to appear in the trade test of cognate trades. The disposal of the representation dated 23.12.1988¹² is self explanatory that the applicant was never called to appear in the trade test. The word cognate is applicable in case of B.T.M.Staff.

30. That in reply to para 4.30 of the counter, it is submitted that ~~par~~ the facts have been narrated in para 4.31 of original application.

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A 89

31²². That the contents of para 4.31 of the counter are not admitted.

32³³. That in reply to para 4.32 of the counter, it is submitted that the contents of said para hold good.

33³⁴. That in reply to para 4.33 of the counter, the contents of said para are not admitted. The applicant is entitled for the relief as claimed. The applicant be ~~be~~ promoted as Highly Skilled-I, II either in the category of Motor Driver or in the Category of Auto Truck Driver.

Lucknow, dated,
.6.1991

C/H & M
Deponent.

Verification.

I, the deponent above named do hereby verify that the contents of paras 1 15 21 of this affidavit are true to my own knowledge and those of paras 22 15 33 are believed by me to be true on legal advice.

Signed and verified this 29th day of June, 1991 at Lucknow.

C/H & M
Deponent.

I identify the deponent who has signed before me.

S. K. Sinha
Advocate.

Serial No. 8203 - Circular No. 56E(85-32) Vol 6 (E.D.W.) 27.12.1982

Copy of Railway Board/New Delhi's letter No. E.P. & A) 1-82/JC/1
Dated 13.11.82.

Subj:- Reclassification of Artisan staff in the Railways
relief to semi-skilled and un-skilled artisan staff.

The question of re-classification of artisan staff in the Railways had been under consideration of the Railway Workers Classification Tribunal for quite some time. As the Tribunal, which included representatives of the two recognised labour Federations, could not come to an agreed conclusion, the Ministry of Railways appointed a joint committee consisting of officials of the Ministry of Railways on the one hand and representatives from the All India's Railwaymen's Federation and National Federation of Indian Railwaymen on the other, for the purpose of suggesting a measure of relief to unskilled and semi-skilled categories. The joint committee's proposals to re-classify some of the existing unskilled and semi-skilled jobs on the Railways have since been accepted by the Government.

2. The Ministry of Railways have accordingly decided as under :-

(i) Trades presently designated as semi-skilled as indicated in the attached list I & II should be re-classified as skilled in grade Rs. 260-400.

(ii) 60% of the existing un-skilled artisan strength in Production units and workshop (all departments) should be allotted the semi-skilled grade (Rs. 210-290) and designated as Khalasi helper.

(iii) 50% of the existing strength in un-skilled artisan categories in the open line establishment (all departments) and RDSO (to the extent applicable) should be allotted the semi-skilled grade Rs. 210-290 and designated as Khalasi-Helper.

(iv) Fixation of pay in respect of staff re-classified as per (i), (ii) and (iii) above, should be done on proforma basis 1.8.78.

(v) Lumpsum arrears will be payable for the period from 1.4.80 to 31.12.1981 in respect of staff re-classified from semi-skilled to skilled at Rs. 20/- p.m. subject to a ceiling of Rs. 400/- and in the case of staff promoted from un-skilled to semi-skilled grade the lumpsum payable will be @ Rs. 10/- per month, subject to a ceiling of Rs. 200/-. The arrear amount is payable for the actual months during which an employee was on duty. Even if an employee was on duty for a day during a month, full month will count

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for admissibility. Period of L.A.P. and H.A.P. will be considered on duty for this purpose.

(vi) The Higher fixation on the basis of the above re-classification will be currently effective from 1.1.1982.

(vii) Employees, who retired/resigned prior to 1.1.82 the date from which the higher fixation would be effective, and would be covered under these orders, will be entitled to proforma fixation from 1.8.1978 for the purpose of their pension and post retirement benefits. These employees will also be eligible for pro-rata lumpsum payments for the period they were in service after 1.4.1980, subject to the ceiling amounts already mentioned.

(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 subjected to any further trade test.

ix) There will be no change in status-quo in regard to skilled and semi-skilled grades which are not specifically covered by these orders. These trades will continue to remain in the existing classification/scale of semi-skilled artisan or non artisan as the case may be.

3. While upgrading unskilled trades to semi-skilled grade under these orders, those who assist skilled artisan staff either by working directly along with them or help them in the upkeep of the material securing stores cleaning of components etc. Should be upgraded to the semi-skilled job and khalasi helpers within the percentage laid down. Even after such upgradation these staff will continue to perform unskilled function of simple manual work like loading and unloading, sweeping of floors and transportation of material etc. in their respective trades. These guidelines should be borne in mind while upgrading any unskilled trade to semi-skilled grade under these orders.

4. In the skilled trades as mentioned in the enclosed list No. 1 for which there is no corresponding semi-skilled trade, if BTM posts in semi-skilled grade have been created in such trades by the Railways/Production units as working posts and not as trainee posts in terms of Board's letter No. E(NG)58/GFP/15, dated 28.5.1965 they will be upgraded to skilled grade under these orders. Similarly, those BTM posts in semi-skilled grade created on the Railway/Production units in these skilled trades where there are

A 91

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14

corresponding semi-skilled grades already existing, will be correctly designated after reclassification in accordance with the work performed.

5. While reclassifying semi-skilled posts to skilled grades as per lists I & II, the Railways may also re-classify such semi-skilled grades which are listed in Col. 4 of list I and Col. 2 of list No. II. Since the Railways follow different designations in respect of these trades, provided the standard trade test syllabus as applicable to the designations given under Col. 2 of list No. I and Col. 3 of list No. II are applied in these cases also.

6. Since a large number of semi-skilled trades are proposed for reclassification to the skilled grades, to ensure that semi-skilled staff continue to be available as feeder category for skilled jobs, from out of the total strength of Khalasi Helpers in the semi skilled grades of Rs. 210-290 after upgradation, a certain reserve number of posts of Khalasi Helper, equal to 5% of the skilled artisan staff (including BSK II and HSK I) in the relevant trade Group, should be treated as trainee posts and designated as Basic Trades man, to provide for a horizontal movement from Khalasi Helper posts to Trainee Reserve posts and to act as feeder category in a multi-trade crafts culture by ensuring proper training and mix of experiences. The senior most among the semi-skilled Khalasi Helper, who are due for promotion to skilled grade, should be posted against these BSK posts (which will be functional posts and not merely trainee posts).

Before final promotion to the skilled grade this new category of Basic Trades man will have to be given an opportunity and experience of work in specific trades where they are to be absorbed. For the allocation of the trainee posts in the various trades operate trades would be banded together in a broad spectrum, a few examples of which are given below:-

- (1) Black Smith, Spring Smith and Spring Maker, Striker (Smith), Angle iron Smith, Forge Smith, Hammer man, Forging machine operator, Power Hammer operator, Drop Stamper, Bolt, nut and Rivets making machine operator.
- (2) Trimmers, staking machine operator, coabler, Mochi tarpoline or tent repairer, pouch maker, Pelt man.
- (3) Driller (fixed spindle), Driller (Multi-spindle) Grinder (Precision) Machinist (Boring-Broaching, Milling, Planing, shaping and slitting) Khurd Machine operator, screwing, machine operator, shearing machine operator, Tool Grinder Fullu, Power Press operator and Drosser (Emery wheel),

shearing

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- moulder
- (4) Gupai man, Supolaman-inemargu, ^{moulder} Moulding Machine Operator, Miltan Metal Carrier, Tettler, Core Maker.
 - (5) Dollyman, Revetter, Revetter (Wagon).
 - (6) Painter, Painter (Brish-gabd, liner) sign writer, Polisher (French), Polisher (rough).
 - (7) Cabinet maker, carpenter, coachman, ~~xxxxxx~~ Builder, Log maker, Machine (wood) pattern checker, pattern maker, Planer, Saw Doctor, Saw Mechanic, Saw sharpener, Timber Maker.

Note: The above list is only illustrative and not exhaustive. The Railways are free to evolve more groups of cognate trades for this purpose, depending on local conditions.

7. The Board's intention is that instead of a Khalasi Helper being allotted one specific trade, which he is due for promotion he will be allotted to a group of similar and allied trades so that he has an opportunity to learn and pick up the Trades in that Group. His further promotion to one of the Trades in that Group will be on the basis of the Trade test prescribed for the particular trade for which he has developed an aptitude and skill. Similarly, promotion of unskilled staff to semi-skilled Trade as Khalasi Helper will be only after passing the requisite Trade test and not on the basis of seniority alone. (Separate instructions will follow in regard to Trade test in semi-skilled categories for future promotion).

8. Even through the designation 'Khalasi Helper' is assigned to semi-skilled trades as a consequence of these re-classification, the Ministry of Railways desire to observe that Khalasi Helper should be called upon to work independently and carry out all the jobs in emergencies etc. which normally a skilled worker would do. A Khalasi Helper associated with skilled worker will have to make contribution to production and out-turn alongwith the skilled workers as the two will form a team.

9. After reclassification of unskilled and semi-skilled artion on the above lines, the Board's extant orders stipulating distribution of unskilled, semi-skilled posts in the ratio of 40:10:50 will cease to be in force, in all cases where they are currently applicable.

10. Before upgradation of the unskilled posts to the semi-skilled grade in terms of ~~these~~ these orders

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is implemented, all establishments engaging artisan staff including RDSO should set apart 3% (in the case of Production units and workshops) and 5% (in the case of sheds and Depots and all other open line establishment including RDSO) of the total unskilled (Cl. IV) sanctioned post and earmark the same for surrender gradually. The cuts would be applicable on the net authorised strengths for recognised work-loads after weeding out surplus/superfluous posts which have so far been identified due to closure of steam loco sheds etc. to the extent that vacancies are already available within these percentages, these should be frozen and surrendered immediately. The balance posts should be surrendered progressively by transferring the junior most employees to other establishments against vacancies available. In case however such surplus staff cannot be absorbed immediately due to non-availability of vacancies) the posts should be surrendered as and when they become vacant by normal wastage and attrition. It will be responsibility of Additional General Manager (Exp. Control) in consultation with the PA & CAO to ensure implementation of this part of the orders regarding surrender of posts and submit a status report to the Board by 31.2.83. In the context of enforcing those orders regarding surrender of posts in unskilled (Cl. IV) grade, the Board have decided that there will be a total ban on recruitment of casual labour and substitutes.

11. Any requirements of additional funds on account of implementation of the aforesaid order should be quickly assessed and appropriately reflected as separate factor in the Revised estimates for the current year and the budget estimates for 1983-84.

12. The Ministry of Railway desires that these order should be implemented expeditiously and payment of lumpsum arrears arranged within three months from the date of issue of these orders.

13. This issue with concurrence of Finance Directorate and has the sanction of the President.

List of Semi-skilled trade designation as per standard Trade Manual of 1952, prepared for re-classification as skilled trade.

S.No.	Semi-skilled trade designation as per 1952 Trade Test manual	Syllabus No. as per 1952 Trade Test Manual	Semi-skilled Trade designation as existing on the Railways, in addition to what is mentioned in Col.2 with similar work Content.	Remarks

A-95

1756

- 6 -

(1)	(2)	(3)	(4)	(5)
1.	Auto-Truck Driver (Battery or Lister or Motor Lorry, unlicensed Driver workshops).	3	Jambo Driver Internal Transport Driver, Plant Truck Driver, Battery Truck Driver, Trolley Driver, Power sweeper driver, Lifter Driver.	
2.	Battery man	5	Cell man, Semi skilled Battery Fitter, Lead Burner.	
3.	Beltman	6	Belter	
4.	Blaster (Excavation)	8	Blaster.	
5.	Bolt, nut and Rivet making Machine Operator	11	Forging Machine operator	
6.	Caneman	16	Canner chick man, chick maker	
7.	Cell man	5	-----	See item 2.
8.	Circular saw operator	64	-----	See item No. 24.
9.	Cobbler	19	Machine Pouch Maker/Repair	
10.	Cupola man	23	ECupola Attendant, Cupola Operator, Cupola Tapper.	
11.	De Scaler voiler (Tube)	25	De-Scaler	
12.	Dollyman	30	-----	
13.	Dresser (Emery wheel)	31	-----	

Contd.....7

4/10/52

A-96

185

(1)	(2)	(3)	(4)	(5)
14.	Driller (Fixed Spindle)	32	Machinist, operating, Grinding drilling machine drilling operator, Spindle Driller, Radial Driller, Driller.	
15.	Electric Traverser operator (Ground)	36	Electric Traverser operator, Traverser operator, Traverser Driver.	
16.	Petlier	40	---	
17.	Fire Extinguisher servicer	42	Fitter (Fire Extinguisher)	
18.	Furnaceman (Ordinary)	46	Furnaceman, Furnace operator, Furnaceman (Smith) Furnaceman Foundry).	
19.	Fireman Power House	45	---	
20.	Glassier	49	Glass cutter	
21.	Grabor Bucket coaling crane operator	50	Coal Crane Driver/ operator	
22.	Hammerman Smith	54	Striker (Smith) Tyre Replacer	
23.	Machinist wood (capable of operating one machine only).	64	Machine operator (wood/ circular Saw, cross cut saw mortising, Spindle Drilling, Single Cutter, Moulder Band saw, and re-saw, Long grane saw/ Multishindle Moulder/Planing Machine/slitting saw (For profile cutting)	
24.	Metal cutter	69	Metal Sawyer, saw operator, circular saw operator, Hack-saw operator, Bandsaw operator, Cold-saw operator	
25.	Molten Metal Carrier	71		

It has come to the notice that some foundry attendants are also performing the

Contd.....

(1)	(2)	(3)	(4)	(5)
				work of molter metal carrier. Such of the foundry attendants doing this work will also be upgraded as skilled molten metal carrier.
26. Moulding Machine operator	76	Machine operator/ (foundry Moulding Machines)		Those foundry attendants who are working on moulding machines as operators will also be upgraded as skilled moulding operator
27. Painter Brush Hand	78	Wagon Painter		Those Painter Brush Hand who are engaged solely on washing and cleaning will not be upgraded as skilled artisans.
28. Pneumatic & Portable tool operator	84	Pneumatic operator/ Portable/operator Electric tool operator, Portable Plant operator, Concrete/mixture machine operators of portable tools Grinder De scale. Chipper, Concrete Bracker, concrete vibrator, Pneumatic/Electric Drill Grinder.		
29. Polisher (Rough)	78	Polisher		
30. Power Hammer operator	86	Hammer man, Pneumatic Hammer operator.		
31. Punching Machine operator (Puncher)	87	Power Punch Operator Machine operator Punching.		
32. Power Press Operator	88	Machinist machine operator, operating Power Press, Brake Press Eccentric Press.		
33. Repacker/ oiler	90			Repacker and oiler working in C & Ws depots both shop and open line to be reclassified as the sk. artisans and (redesignated as Repacker cum oiler

Aka

8203

- 9 -

198

20
59

(1) (2) (3) (4) (5)

34. Rigger

91 Crane serang.
Jamadar/Gunner
Serang/slinger/
tindal/tindal
slinger, Chairman/
Lifter Hookman.

1. Those doing lifting-lowering/positioning of load by giving signals to the crane Driver/operator and slinging.

Selecting chains, hooks - clamps wire ropes, tackles etc. after assessing the load to be lifted while working either as Gang leader or independently to be classified as skilled workers and designated as crane Jamadar in all Departments, except engineering Bridges, construction where they would be designated a serang.

ii. Those working under the guidance of crane Jamadar/serang for tying the chain rope, etc. will be in semi-skilled grade and designated as slinger in all Departments except in civil engg. bridge construction where they will be called as Rigger.

35. Rivetter wagon

93 Rivetter

All Riveters in semi-skilled grade will be classified as skilled artisan.

36. Sand Blaster

94 Grit Blaster/Shot Blaster, Machine operator, Grit Blasting/Sand blasting shot blasting.

37. Saw Sharpner

96

Contd.....10

Final

8203

10

899

21
510

(1)	(2)	(3)	(4)	(5)
38.	Screwing Machine operator (screw).	98	Machine operator, screwing machines/ Die machine operator.	---
39.	Sewing Machine operator	100	Tailor Semi-skilled	-----
40.	Sheaving Machine operator (shearer)	101	Machine operator, shearing/ shearing machine operator, shearer machine, operator	gillotine shear.
41.	High power lamp filter	57	Filter (APL)	-----
42.	Lead Burner	5		See item No. 2.
43.	Stationary Plant attendant (Pump Driver), Steam & Electric stationary Boiler attendant, Air compressor operator, Air Pump operator (Driving/Filteration Plant operator & coke crushing machine operator.	105	SPA Diesel Plant/SPA Air compressor/SPA Air compressor House Attendant/SPA compressor attendant/Air compressor Driver/Operator/SPA water Pump Attendant/Driver/Operator- Diesel. Electric, Petrol and Steams, SPA (Stationary Boiler Attendant) Boiler House Attendant, Boiler Room Attendant, Filteration Plant Operator SPA Accetelcayne & Oxygen Plant attendant, SPA Air driving Plant, SPA Sewage Plant/ Sewage Plant operator, SPA Vacuum, Exhaust Attendant, F/man stationary Boiler, SPA. Pump Sluice valve.	SPA Coke crushing machine operator, SPA Air Blower, SPA Impregnation Plant attendant, SPA crane Boiler Attendant/Fireman of Stationary crane will continue in semi-skilled SP-(a), SPA Pump Operator (Driving) will be dealt with alongwith SPA marinedepartment.
44.	Steamman	107	-	
45.	Striker Smith	54	Hammer man smith	Same as item No. 22.
46.	Tapper(hand) and machine.	112		

H. L. S.

Contd.....11

0203

- 11 -

A-100

22
511

(1)	(2)	(3)	(4)	(5)
-----	-----	-----	-----	-----

47.	Sarpaulin or tent Repairer	113		
-----	-------------------------------	-----	--	--

48.	Pindal Slinger (Workshops)	117		
-----	-------------------------------	-----	--	--

Same as item 34.

49.	Wheel Tapper and Gangger	127		
-----	-----------------------------	-----	--	--

(1) List of existing semi-skilled trade designations not covered by standard Trade Test Manual 1952, proposed for reclassification as skilled trade.

S.No.	Existing semi-skilled trade designation	Proposed designation	Syllabus to be followed	Remarks
-------	---	----------------------	-------------------------	---------

1.	Machine operator Machinist (Foundry) Moulding (Foundry) machine, Sand Slinger, Swing Grinder, Core Blower		Will be proposed later	
2.	Wire Rope Splicer Fitter Mill Wright		24 of 1969 Trade Test Manual (Fitter Mill Wright Crane & Traverser.	
3.	Chipper Fitter		44 of 1952 Trade Test Manual.	
4.	Machine operator, Machinist Bar straightening machine, chipping machine, centring machine.		Will be proposed later.	
5.	Machine operator Machinist		62 of Trade Test Manual, 1952.	

Contd.....12

223

- 11 -

22
2/3
5/4

(1)	(2)	(3)	(4)	(15)
47.	Tarpaulin or tent repairer	113	A-H	
48.	Pandal Slinger (Workshops)	117		Same as item 34.
49.	Wheel Tapper and Gangger	127	---	--

(1) List of existing semi-skilled trade designations not covered by Standard Trade Test Manual 1952, proposed for reclassification as skilled trade.

S.No.	Existing semi-skilled trade designation	Proposed designation	Syllabus to be followed	Remarks
1.	Machine operator (Foundry) Moulding machine, Sand Slinger, Swing Grinder, Core Blower	Machinist (Foundry)	Will be proposed later	
2.	Wire Rope Splicer	Fitter Mill Wright	24 of 1969 Trade Test Manual (Fitter Mill Wright Crane & Traverser.	
3.	Chipper	Fitter	44 of 1952 Trade Test Manual.	
4.	Machine operator, Bar straightening machine, Chipping machine, centring machine.	Machinist	Will be proposed later.	
5.	Machine operator	Machinist	62 of Trade Test Manual, 1952.	

Final

Cont.....12

0203

- 12 -

A 102

23
27/10
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- (11) List of trade which should have been classified as skilled but being operated in some cases as semi-skilled should, therefore be correctly classified as skilled.

S.No.	Existing Trade Designation	To be designated

1.	Fitter with MOH Schedule IV	Fitter
2.	Fitter (MOH cylinder side Rods etc. Assembly)	"
3.	Fitter Boiler mounting	"
4.	Fitter (Deficiency Bench)	"
5.	Fitter (Schedule Running)	"
6.	Fitter Lubrication	"
7.	Fitter Motion Bench	"
8.	Chipper General Fitter	"
9.	Fitter General	"
10.	Fitter structural	"
11.	Fitter Template	"
12.	Die cutter/maker	Die cutter, Die smith
13.	Motor/Lorry/Driver/Jeep Driver/Tempo Driver	Motor Driver
14.	Fitter I.C. Engine	Fitter
15.	Tin Smith/Solderman	Tin and copper smith
16.	Trimmer	Trimmer.
17.	Machine operator, capstan lathe, centre lathe, universal milling machine, shaper, wheel lathe Armature and coil winder/Coil winder	Armature & Coil
18.	Armature and coil winder/coil winder	"
19.	Oxygen and Acetylene cutter	Winder
20.	Stenciller	Sign writer
21.	Wheel stamper	Fitter
22.	End Binder	Carpenter.

A 102

Bh

Annexure R-II

उत्तर रेलवे
NORTHERN RAILWAY

A-63

No. L./GE Panel MTS Filler
गुप्त गुप्त

Dated 23.11.90

स्वा में

श्री शुभ दयाल मा/60

आदो इन हावर

द्वारा SS/MTS

विषय : गुप्त तथा गुप्त की पदोन्नति के सम्बन्ध में

आपको आर्चना पत्र दि. 17/3/88, 22/5/88 & 23/5/88

उपरोक्त संदर्भित आपका आर्चना पत्र जो कि महा-
प्रबन्धन, उत्तर रेलवे, हावर कार्डर कार्डिस, नोटा कार्डर
नई दिल्ली कार्यालय भेजने के लिए भेजा गया था
आ उसको सम्बन्ध में हावर कार्डर, महा प्रबन्धन
के कार्यालय ने यह स्वीकृत किया है कि अतिरिक्त में
पदोन्नति के लिए डी. 8203, 8488 का अनुसरण
होगा, जो कि Auto Truck Driver - reclassified
Trade है।

अतः auto Truck Driver को गुप्त होने के लिए
पत्र (Sk filler) लिखा जा रहा है।

Am

श्री गु. का. गु. (पत्र)

जो को आर्चना

नरेश

Annapurna R-III

सेवामे

श्रीमान उप मुख्य यान्त्रिक अभियन्ता,
रेल इंजन कारखाना,
उत्तर रेलवे, चारवाग,
लखनऊ ।

महोदय

A 44

विषय - हारलोस्विथ रोड II & I में
पधोन्माते

सन्दर्भ - आपके पत्र संख्या L/6 E Panel/
MTS/Filler Gr II & Gr I
दिनांक - 23.11.90

आप के उपरोक्त पत्र के सन्दर्भ में
निवेदन है कि जो श्रीमान महाप्रबंधक
कार्यालय से निर्देश मेरे प्रार्थना-पत्र के
सन्दर्भ में आये हैं उसकी एक प्रतिलिपि
देने की कृपा की जाय ।
महान कृपा होगी ।

मुं कारखाना प्रबन्धक

कमलारित एवं हाथशुभक

कार्यवाही है।

Recd. and date 12/1/91

आर्थी -

बसु & चाम

MT 107

2/9/91

Shop Superintendent
Millwright Shop

41/11/91
N. Bly, C.B., LKO.

~~Annexure A-3~~
8283 5187
A-15 Annexure No. IV
Serial No. 8283 — Circular No. 551-1/83-32/Vol. 6
(SIIW), dated 16.4.83.

A copy of Railway Board's letter No. E(P & A) 3-82/BC/1, dated 12.4.83 on the above subject is sent herewith for information and necessary action.

The Railway Board's letter dated 13.11.82 referred to therein was circulated under this office letter even number 7.12.82(P.2.8203).

Copy of Railway Board's letter no. E(P & A) 1-82/J.C./1, dated 12.4.83.

Sub: Re-classification of Artisan staff in the Railway relief to Semi-skilled and un-skilled artisan staff.

In the context of implementing instructions issued vide Board's letter No. E(P & A) 1-82/JC/1, dated 12.13.11.1982 certain doubts have been raised by some of the Local Railways etc. on which clarification have been sought from Board. These doubts have been carefully examined by the Board and clarified as under:-

- A-15
- (i) Fixation of Pay — Pay in all these cases will be fixed under P.R.22-C.
 - (ii) Applicability of a deca governing reservation for SC/ST. — So far as re-classification of semi-skilled posts to the skilled trades is concerned, since all the posts in the relevant trade are being reclassified, the question of applying the reservation principle at this stage should not arise. However, if there are cases where for some reasons or the other reservation principles were not adhered to at the time of original promotions to the semi-skilled grade, then adjustments may be called for to ensure that the reservation principle is correctly adhered to. However, in respect of re-classification of un-skilled posts to the semi-skilled grade, since only a part of the cadre is reclassified the normal reservation rules will apply in these cases.
 - (iii) Applicability of re-classification orders to consequential vacancies — The concept of chain vacancies/consequential vacancies has not applicability in respect of implementation of orders contained in Board's letter of 13.11.82. It has to be understood that once the posts are reclassified the filling up is done on the basis of reclassification. The exemption from passing a trade test being a one-time exception which is not intended to be applied for in any future cases. It is, however, clarified that if a semi-skilled artisan has already been promoted to the skilled grade in the normal course on a date after 1.8.78, he will be get the benefit of proforma

Contd.....2

27
S. H. H.

- 1 -

A-106

the

fixation w.e.f. 1.8.78 as also benefit of lumpsum of arrears on a proportionate monthly basis for the period from 1.4.80 onwards provided he holds the semi-skilled posts on a date subsequent to 1.4.80. Against the vacancy released by him, the person who has already been promoted on a regular basis will also similarly get the benefit of proforma fixation from the date of actual promotion subsequent to 1.8.78. He will also get the proportionate lumpsum arrears on monthly basis for the period subsequent to 1.4.80 during which he held the semi-skilled posts. Illustration are given in the Annexure enclosed.

(iv) Whether leave reserve vacancies should be included in the re-classification exercise--- In this context the orders issued vide Para 2(ii) and 2(iii) of Board's letter of 15.11.82 as further clarified in their letter of 15.12.82 refer to existing strength and not 'existing working strength'. Accordingly the sanctioned leave reserve posts which form part of the cadre strength should be taken in to account for applying the re-classification percentages and, once this is done, care must be taken to ensure that the distribution of posts between working posts and leave reserve post should be adhered to the ratio of leave reservation percentages which are already prescribed under extant orders for artisan staff. In other words once the re-classification exercise is completed, taking into account, the leave reserve strength also, the ratio between working posts and leave reserve post will continue to be governed by the extant orders on the subject.

A-106

(v) Definition of workshop for applying Para 2(ii) (ii) of Board's orders of 15.11.1982. — The Board do not expect any doubts to arise in this context since there is generally a clear understanding on the Railways as to what are workshops and where are open line establishments like sheds and depots. If there are, however, any border-line case where there may be a doubt as to whether a particular establishment should be treated as workshop or an open line establishment for applying Board's order of 15.11.82, a committee consisting of the Head of the technical Department, the G.P.O. and the P.A. & C.A.O. will settle the issue, after taking all relevant factors into account. The applicability of the factories Act to workshops may not be a relevant criterion in this context as in some states even open line establishments have been brought under the scope of the factories Act for some reasons or the others.

Contd.....3

A-17 / 28

(2) The Board desire to point out that the re-classification should not be confused with an upgrade or revision of pay scales. On the basis of the recommendations of the joint committee the Board have decided that semi-skilled or unskilled paria, at the same pay, which were earlier considered as semi-skilled or unskilled, are reevaluated and found as skilled or semi-skilled, as the case may be, on an analysis of their duties responsibilities and on the basis of acceptance of the fact that their earlier evaluation as unskilled or semi-skilled requires reform.

(3) As you are already aware the question of completing the re-classification exercise in terms of Board's order of 13.11.82 has since become a subject of an assurance to the Parliament and it is absolutely imperative that the orders are implemented immediately without any further loss of time and a detailed compliance report submitted to the Board as in the program prescribed as enclosed in D.O. letter No. 11001-82/10, dated 2.12.1982.

Illustration

ORIGINAL

1. Date from which working in semi skilled grade	Date of promotion to skilled grade
A. 01.02.1978	01.10.79 (normal course)
B. 01.11.1979	15.03.80 (normal course)
C. 01.04.1980	01.12.80 (as a result of reclassification)

'A' gets preferential fixation in scale of Rs. 240-400 from 1.2.78. The higher fixation of pay would currently be effective from 1.1.82 onwards, i.e. the arrears accruing on account of reclassification of pay would be payable from 1.1.82 only.

'B' would get preferential fixation in scale Rs. 240-400 from 1-11-79 but the higher fixation and arrears thereon would be currently effective from 1.1.82.

'C' would get the preferential fixation from 1.1.80 and would also be entitled to full amount of lumpsum arrears in terms of para 2(i) of Board's letter No. H(P & A) 1-82/30/1 dated 13.11.82 His pay would currently be fixed in the highest scale of Rs. 240-400 from 1.1.82 and arrears therefor paid from that date.

entitled <

Contd.....4

A to 8

29
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2. Date from which
working in semi-
skilled grade.

Date from which promoted
to skilled grade.

A. 01.02.1978

01.05.80 (Normal Course)

B. 01.06.1980

01.12.82 (As a result of
re-classification)

'A' Would get proforma fixation in scale Rs. 260-400 from
1.8.78 but the higher fixation including arrears
thereon would be currently fixed from 1.1.82 only.

He would also be entitled to the proportionate
lumpsum arrears for the period from 1.6.80 to
30.4.80.

'B' Will get proforma fixation from 1.6.80 and his
pay in the higher scale of Rs. 260-400 would be
currently fixed from higher scale of Rs. 260-400
would be currently fixed from 1.1.82 with
arrears due from 1.1.82. He would also get a
proportionate amount of the lumpsum arrears for
the period from 1.6.80 to 31.12.81.

A to 8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNO BENCH)
LUCKNOW.

O.A. NO

303/89

199 (L)

T.A. NO

A-109

Date of Decision

Prabhu Dayal

Petitioner.

Shri S.P. S. Inda

Advocate for the
Petitioner(s)

V E R S U S

Union of India & others

Respondent.

Shri A. Suresh Singh

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice V.C. Sarma, VC.

The Hon'ble Mr. K. B. Singh, J.

1. Whether reporter of local papers may be allowed to see the Judgment ? 9
2. To be referred to the reporter or not ? 4
3. Whether to be circulated to other benches ? N
4. Whether ~~the~~ their Lordships wish to see the fair copy of the Judgment ? N

VICE-CHAIRMAN/MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 303 of 1989

Prabhoo Dayal

Applicant.

versus

Union of India & ors.

Respondents.

Shri S.P.Sinha Counsel for applicant.

Shri A.Srivastava Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Feeling aggrieved from the promotion of his juniors the applicant has approached the Tribunal praying that the applicant be confirmed as Skilled Auto Truck Driver from 9.4.1980 i.e. from the date of promotion and be promoted as Highly Skilled grade II and grade I, from the retrospective effect, on the basis of combined seniority list of skilled categories and the respondents be further directed to treat the applicant to be entitled for promotion from the date his juniors have been promoted as Highly Skilled grade II and I.

2. The applicant was appointed on the post of Khalasi on 15.12.1955 and was promoted as Auto Truck Driver in the scale of Rs 210-290 with effect from 9.4.1980. In view of the instructions issued on 13.11.82 by the Railway Board the trades presently designated as Semi skilled have been re-classified as skilled in the scale of Rs 260-400 and thus the posts were

A-111

designated as skilled from 1.8.78 and the incumbents working in the semi skilled grades were given fixation in the pay scale of Rs 260-400 w.e.f 1.8.78 from the date of actual promotion in semi skilled grade, which benefit has not been made available to the applicant. According to the applicant he was promoted as semi skilled Auto Truck Driver with effect from 9.4.80 and on the reclassification as skilled was fixed in the scale of Rs 260-400(R(S) while the other incumbents were allowed fixation in the scale of Rs 260-400 w.e.f. as skilled 1.8.78. The applicant was designated Auto Truck Driver with effect from 9.4.80. The avenues of promotion of Auto Truck Driver was in the categories (Trades) of Fitter, Mason, Motor Car Driver, Turner, Fork Lifter, Driver, Cole Crane Driver, Motor Mechanic etc. but he was not considered for promotion in any of the trade and juniors were promoted as fitter. According to the Railway Board's directions to combine cognate trades for further avenue of promotion as Highly skilled grade I and II and combined seniority list of Motor Driver, Motor Mechanics, Auto Electrician, Diesel Mechanics, Air Compressor Drivers and Auto Truck Drivers but the promotions in Highly skilled grade I and II were not according given to the seniority list. The Railway Board issued directions for upgrading the strength of semi-skilled posts reclassified as skilled from 1.1.84. On the basis of the sanctioned strength in a single trade these posts

62

A-12

can be distributed as Highly skilled grade I-6,
Highly skilled grade II-7 and skilled -6.

3. The respondents have opposed the application and have raised preliminary objection and according to them higher percentage at the ratio of 20: 25 was contemplated in cognate trades of Auto Truck Drivers which means that 20% of the posts of Grade I and 25 % of the posts of grade II worked out on the total sanctioned strength of Auto Truck Driver were considered in the category of Fitter Motor Driver etc. and the promotion was refused due to distribution of promotion against grade I and II from cognate trade i.e. Fitter Motor Driver etc. The post of artican was below the skilled fitter Driver and the question of promotion of the applicant to the grade I and II does not arise. He was not within the field of ~~eligibility~~ eligibility and he has to qualify as skilled fitter and then to grade II and then grade I. It was decided by the competent authority to re-channalise the avenue of promotion for further advancement. Accordingly, Motor Drivers, Motor Mechanics, Auto Electricians, Diesel Mechanics and Motor Compressor Drivers were combined but Auto Truck Drivers were separate group and was feeding category for the post of Motor Drivers.

4. Once the applicant was promoted in the skilled grade, there appears to be no reason why promotion


6

A-113

be not given. The position of the applicant was higher and once the applicant was already posted and was granted higher grade there is no question of denying promotion as per Railway Board circular referred to above. Though the applicant was Auto Truck Driver but his case for promotion for higher grade could have been considered and ~~and~~ the benefit of the promotion will be given to him from 1.1.1984.

5. Accordingly the respondents are directed to consider the case of the applicant for Auto Truck Driver, to and also for promotion/the post of Skilled grade I and II taking into consideration the seniority and promotion with effect from the date his juniors were promoted without requiring him to appear in the trade test which has wrongly been made a condition precedent for those who appeared earlier in the test as provided in the circular of the Railway Board referred to above. Let a decision be taken within a period of 3 months of the receipt of a copy of this judgment. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow: dated 14.9.92.

Before The Central Administrative Tribunal

Lucknow Bench, Lucknow.

M.P. ~~195~~ 193

O.A. No. 303 of 1989 (L)

A-114

Sri Prabho Dayal

.....

Applicant,

Versus

Union of India & Others

.....

Respondents.

three month
Application for Extension of time for
compliance of judgement dt. 23-9-92.

For the facts and circumstances mentioned in the accompanying affidavit it is most respect-fully prayed to this Hon'ble Tribunal that it may pleased to extend the time for compliance of the judgement dated 23.9.92 passed, in the aforesaid case, by this Tribunal and such other orders may be passed as this Hon'ble Tribunal thinks to be just and proper.

Lucknow:

Dated: 9-2-93

Anil Srivastava
(ANIL SRIVASTAVA)
Advocate

Counsel for Respondents,

F.T.
17/2/93

Place
Lucknow
Hendul Barch
23-2-93
for
21/2

17/2/93

Before The Central Administrative Tribunal

Lucknow Bench, Lucknow.

Civil Misc. Application No

A-115
of 93

In Re:

Original Application No 303 of 1989

Sri Prabho Dayal

.....

Applicant,

Versus

Union of India & others

Respondents,

Affidavit

I, SHIV POOJAN PRASAD working as ASST PERSONAL OFFICER

Manager Northern Railway
in the office of Chief Works, Charbagh Lucknow do

hereby solemnly affirm and state as under:-

1- That the official abovenamed is working under the respondents and is fully conversant with the facts and circumstances of the case, He has been authorised to file present affidavit on behalf of all the respondents.

2- That this Hon'ble Tribunal was pleased to decide this case on 14.9.92, a copy of which was obtained on 23.9.92, In the Judgement, Hon'ble Tribunal allowed the case with the direction that applicant be considered for Auto Truck Driver and also for promotion to the post of skilled grade I

A-116

and II , taking into consideration the seniority and promotion with effect from the date his Juniors were promoted without requiring him to appear in the trade test which has wrongly been made condition precedent for those who appeared in earlier in the test as provided in the [REDACTED] circular of the Railway Board referred to above, the decision be taken within a period of 3 months of the receipt of a copy of this judgement.

- 3- That for the compliance of the aforesaid judgement , the case of the applicant has been send to head office New Delhi, for necessary action and it is under process of finalisation, but prescribed time of three months for compliance of judgement is expiring ,
- 4- That it is prayed to this Hon'ble Tribunal to allow three months extension time for meeting the the official process and compliance of the judgement.
- 5- That in the interest of justice it is prayed that three months extension time may be granted.

Lucknow:

Dated: 1993,

Elbrad
1993: 27.1.93
Rd. 100 Shop,
Chorbagh, Lucknow.

A-117

VERIFICATION

I, the official abovenamed do hereby that the contents of para 1 of the affidavit is true to my personal knowledge and those of paras 2 to 5 of this affidavit are believed to be true on the basis of records and legal advice.

Lucknow:

Dated: 1993,

R. M. Prasad
Asstt. Pers. & Insp. Officer,
N. Ry. Loco Shop,
Charbagh, Lucknow

A-110

378

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. No. 303 of 1989

Prabhoo Dayal

Applicant.

versus

Union of India & ors.

Respondents.

Shri S.P.Sinha Counsel for applicant.

Shri A.Srivastava Counsel for Respondents.

Coram

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Feeling aggrieved from the promotion of his juniors the applicant has approached the Tribunal praying that the applicant be confirmed as Skilled Auto Truck Driver from 9.4.1980 i.e. from the date of promotion and be promoted as Highly Skilled grade II and grade I, from the retrospective effect, on the basis of combined seniority list of skilled categories and the respondents be further directed to treat the applicant to be entitled for promotion from the date his juniors have been promoted as Highly Skilled grade II and I.

2.

The applicant was appointed on the post of Khalasi on 15.12.1955 and was promoted as Auto Truck Driver in the scale of Rs 210-290 with effect from 9.4.1980. In view of the instructions issued on 13.11.82 by the Railway Board the trades presently designated as Semi skilled have been re-classified as skilled in the scale of Rs 260-400 and thus the posts were

A-119

-2-

designated as skilled from 1.8.78 and the incumbents working in the semi skilled grades were given fixation in the pay scale of Rs 260-400 w.e.f 1.8.78 from the date of actual promotion in semi skilled grade, which benefit has not been made available to the applicant. According to the applicant he was promoted as semi skilled Auto Truck Driver with effect from 9.4.80 and on the reclassification as skilled was fixed in the scale of Rs 260-400(R/S) while the other incumbents were allowed fixation in the scale of Rs 260-400 w.e.f. as skilled 1.8.78. The applicant was designated Auto Truck Driver with effect from 9.4.80. The avenues of promotion of Auto Truck Driver was in the categories (Trades) of Fitter, Mason, Motor Car Driver, Turner, Fork Lifter, Driver, Crane Driver, Motor Mechanic etc. but he was not considered for promotion in any of the trade and juniors were promoted as fitter. According to the Railway Board's directions to combine cognate trades for further avenue of promotion as Highly skilled grade I and II and combined seniority list of Motor Driver, Motor Mechanics, Auto Electrician, Diesel Mechanics, Air Compressor Drivers and Auto Truck Drivers but the promotions in Highly skilled grade I and II were not according given to the seniority list. The Railway Board issued directions for upgrading the strength of semi-skilled posts reclassified as skilled from 1.1.84. On the basis of the sanctioned strength in a single trade these posts

lw

A-20

can be distributed as Highly skilled grade I-6,
Highly skilled grade II-7 and skilled -6.

3. The respondents have opposed the application and have raised preliminary objection and according to them higher percentage at the ratio of 20: 25 was contemplated in cognate trades of Auto Truck Drivers which means that 10% of the posts of Grade I and 25 % of the posts of grade II worked out on the total sanctioned strength of Auto Truck Driver were considered in the category of Fitter Motor Driver etc. and the promotion was refused due to distribution of promotion against grade I and II from cognate trade i.e. Fitter Motor Driver etc. The post of artican was below the skilled fitter driver and the question of promotion of the applicant to the grade I and II does not arise. He was not within the field of ~~eligibility~~ eligibility and he has to qualify as skilled fitter and then to grade II and then grade I. It was decided by the competent authority to re-channelise the avenue of promotion for further advancement. Accordingly, Motor Drivers, Motor Mechanics, Auto Electricians, Diesel Mechanics and Motor Compressor Drivers were combined but Auto Truck Drivers were separate group and was feeding category for the post of Motor Drivers.

4. Once the applicant was promoted in the skilled grade, there appears to be no reason why promotion

A-121

-4-

be not given. The position of the applicant was higher and once the applicant was already posted and was granted higher grade there is no question of denying promotion as per Railway Board circular referred to above. Though the applicant was Auto Truck Driver but his case for promotion for higher grade could have been considered and the benefit of the promotion will be given to him from 1.1.1984.

5. Accordingly the respondents are directed to consider the case of the applicant for Auto Truck Driver, to and also for promotion to the post of Skilled grade I and II taking into consideration the seniority and promotion with effect from the date his juniors were promoted without requiring him to appear in the trade test which has wrongly been made a condition precedent for those who appeared earlier in the test as provided in the circular of the Railway Board referred to above. Let a decision be taken within a period of 3 months of the receipt of a copy of this judgment. No order as to costs.

Sd/- Adm. Member.

Sd/- Vice Chairman.

Shakeel/

Lucknow: dated 14.9.92.

Certified

Inc.

Judicial Officer

C. A. T.

LUCKNOW

122

2

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

M.P.No. 196 of 1993

in

O.A. No. 303/89

Prabhu Dayal

Applicant

versus

Union of India & others

Respondents.

HON. MR. S.N. PRASAD, JUDICIAL MEMBER.

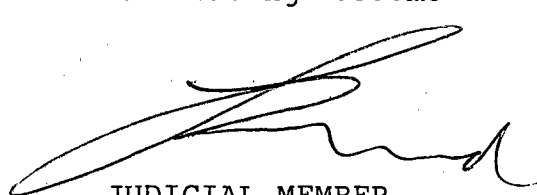
HON. MR. B.K. SINGH, ADMINISTRATIVE MEMBER.

(HON. MR. S.N. PRASAD, JUDICIAL MEMBER)

This is an application for extending of time
for compliance of judgment ^{~ And order ~} dated 14.9.92 passed by
this Tribunal in O.A. No. 303 of 1989. The learned
counsel for the applicant Shri Anil Srivastava,
states that this application has become infructuous
as the compliance of the above judgment and order
dated 14.9.92 ^{~ this ~} has since been made. M.P. No. 196/93
having become infructuous needs no further orders
and accordingly it is dismissed as having become
infructuous.

BK
Kamboj (A) 31.5.93
LUCKNOW DATED: 31.5.93

Shakeel/


JUDICIAL MEMBER.

31.5.93

सेवा नं०

उप निदेशक

केन्द्रीय प्रशासनिक विभाग

लोक सेवा आयोग, लखनऊ

दिनांक - 22-9-92

प्रत्येक,

को.ए.ए. 303/89 जिसका निर्णय 26 भागीय
आयक्ति द्वारा दिनांक - 14-9-92 को हो चुका है।

काय है निवेदन है प्रथम उपरोक्त पदों के
पैसले की प्रति उपलब्ध कराते हेतु आदेश
परिचित करने का कदम लेते जिसके लिए नं०
सं - 71- (सात रुपये) का नं० के.ए. आदेश
सं 71 का है।

प्रत्येक आदेश नं०

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71-

F.T.

22.9.92

आदेश

प्रमुख (प्रमुख)

Issue

711

22-9-92

Issued on
22-9-92
dkt