

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE: O.A.: 303..... OF 89.....

NAME OF THE PARTIES: Prabhu Doyal..... Applicant

Versus

Union of India..... Respondent

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CERTIFICATE

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

Dated ... 10-6-11

Counter Signed.....

  
Signature of the  
Dealing Assistant

Received on  
06/02/12  
m/s

  
Section Officer/In charge

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 31/10/89  
Date of Receipt by Post  
In the Central Administrative Tribunal, Allahabad  
Circuit Bench at Lucknow.  
Deputy Registrar(J)

Registration No.OA 303 of 1989.(L)

Parbhoo Dayal.

A7

Applicant

Versus

Union of India and others.

Respondents

### I N D E X.

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*9/10/24/89*  
Lucknow, dated, 31.10.1989.

A P P L I C A N T.

Particulars to be ExaminedEndorsement as to result of examination

11. Are the 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) Wanting in Annexures  
 Nos. \_\_\_\_\_ Date \_\_\_\_\_ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *A2*

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.

Dinesh

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Admin. Trib.

Chancery

Date of Reg.

Date of R.

31/10/87

Registration No. 333 of 1989 (A)

Deputy Registrar

APPLICANT(S) Pachior Doyal

RESPONDENT(S) Union of India & others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? ✓
2. a) Is the application in the prescribed form? ✓
- b) Is the application in paper book form? ✓
- c) Have six complete sets of the application been filed? ✓
3. a) Is the appeal in time? ✓
- b) If not, by how many days it is beyond time? ✓
- c) Has sufficient cause for not making the application in time, been filed? ✓
4. Has the document of authorisation/ Vakalatnama been filed? ✓
5. Is the application accompanied by B.D./Postal Order for Rs.50/- ✓
6. Has the certified copy/copies of the order(s) against which the application is made been filed? ✓
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed? ✓
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? ✓
- c) Are the documents referred to in (a) above neatly typed in double space? ✓
8. Has the index of documents been filed and pagning done properly? ✓
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? ✓
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? ✓

A

6 sets filed

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

12

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.

rrm/

31.1.90

Hon. Justice K.N. Wali, V.C.

Hon. K. J. Raman, A.M.

Sri S.P. Sinha for the  
applicant and Sri A. Srivastava for  
the respondents are present.

Sri Srivastava says 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

K.N.

A.M.

A.M. V.C.

29-3-90

No. Siting Day 6. 24/1/90

R.  
29/3.

24.10.90

No. setting day to 23.11.90

Dinesh/

No CA 11/2

2

303-092

11

15.7.91

D.R.

Both the parties

Ay

are present today.

Sri S. P. Sinha for

the applicant desires

to submit Rejoinder

by 31/8/91.

RP file  
11

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  
respondent.

The learned Counsel for the  
applicant prays for adjournment.

May be listed for hearing on

2/11/92

*(Signed)*

(Kanshal Kumar)  
Vice Chairman

(S. N. Prasad)

Member (Jud.)

Central Administrative Tribunal  
Lucknow Bench, Lucknow.

ORDER SHEET

D.A./T.A. No. 303/88

Date / Office Report /

Order

23/2/83

A.M.

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

From the affidavit filed by the respondents  
it appears that the respondents are  
sincere in implementing the Judg-  
ment ~~as~~ <sup>of</sup> such this application is allowed  
& 3 months further time ~~consequently~~ <sup>is</sup> granted to the respondents  
for complying with the Judgement. No  
further time shall be granted.

List this case on 31/5/83.

A.M.

V.C.

On  
Complaints  
Petitions  
etc  
etc

10/4/83

MANISH/-

04-303/88c

2-1-92

No Siling adf 30.15.3.92

8

AS

16.3.92

No Siling of D.M. adf 22.5.92

8

CA, RA-1000  
been exchanged  
SFT  
20/5/92

23.5.92

Hand Mr. Jibsheet U.C. Amrohav LC  
Hand Mr. K. Obaya D.M.

On the requested document

Consider for applic. Case no.  
adfnum 30.5.92

SP

AM

LC

LC

S-08 Case and related copy

14.9.92

base

D.R.

CA/RA have

been exchanged.

S.P.O.

8

4/8/92

OR  
Case and related  
adfnum 30.5.92

Consider for applic.  
SFT  
with court order letter  
made by respondent  
It has been exchanged  
SFT  
SFT  
SFT

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

103/24/C

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.G

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.30-1/2-35(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

*Alo*

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 declared 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 promotion 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 dates and afterwards they were promoted to skilled grade either as a skilled 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 214*

contd...4

A-11

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

*10182106*

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 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.

SGS

A-B

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 Highly 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

9/3/24/86

contd...7

A-My

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

*S.H. & M.R.*  
Sanctioned  
strength

<u>Sl. No.</u>	<u>Trades</u>	<u>Sanctioned strength</u>
a)	Max 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

are ~~available~~ 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. Inspite 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

Signature

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 a 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/SC/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 responde

acted in an arbitrary and discriminatory manner

103 & 201

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 =	<u>6</u>
b) Highly skilled grade II =	<u>7</u>
c) Skilled =	<u>6</u>
Total	<u>19</u>

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 accountal of these 19 posts along with other trades.

10/2/2014

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.

4.28 That the respondent No. 2 has issued a ~~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 Skilled grade II and thereafter grade I.

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

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.

(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 ~~exempt~~ reclassified as skilled from 1.1.1984 but the applicant has not been considered for promotion 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. *94 & 24/1*

(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

*163 & 240*

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:-

*YD & M*

contd...19

(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:-

(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 6 26.10.1979  
(c) Name of issuing Post Office High Court-Branch-  
(d) Post office at which payable Alahabad Lucknow

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, Northern Railway, Charbagh, Lucknow

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

9/10/88  
SIGNATURE OF APPLICANT

through S. S. Sehgal  
Advocate  
31/10/88





# न्यायालय-पत्र

न्यायालय श्रीमान् In the Central Administrative  
Tribunal, Alambagh  
Central Bench at Lucknow



वाद संख्या

Parbhor Dayal

8-29

सन् १९६६ ई०

वादी

अभियोजक

प्रार्थी

अपीलार्थी

प्रतिवादी

अभियुक्त

प्रतिपक्षी

रेस्पान्डेन्ट

वाद संख्या  
पक्षकार

विवर  
Union of India and others

मेरे हम Parbhor Dayal गोप्ता सर्जो नं० ८८८८ अलगू-लुक्ना  
मेरे हम उपरोक्त वाद की पैरवी हेतु पारिश्रमिक देकर तथा बचनबद्ध होकर  
श्रीमान् लालू प्रसाद लिङ्ग अधिकारी ३७/२५  
दून नगर अलम्बग्ध लुक्ना

वकील/एडवोकेट  
को अपना अधिवक्ता नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ / करते हैं और लिखे देता  
हूँ/देते हैं कि मेरी/हमारी ओर से वकील/एडवोकेट वाद प्रस्तुत करें/जवाबदावा प्रस्तुत  
करें वाद 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 व्यापार  
करावे विषय के साक्ष्य से जिरह करें/बहस करें। मुकदमा एकपक्षीय डिग्री हो जाने पर  
उससे सम्बन्धित समस्त इजराय की कार्यवाही सम्पन्न करें मुकदमा अदालत मेरी/हमारी  
मेरे/हमारे विरुद्ध हो जाने पर उसकी नकल, तजबीज डिग्री आदि लेवे 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 ३१ मास १० सन् १९६६ ई०

४ राजेन्द्र प्रेस, रायबरेली

Accepted  
R. Seale  
31/10/66

व अदावत श्री मातृ कैन्डिग्राम व्यापारिक आदेशरण रघुड वौठ वरण

वादी अपीलान्ट श्री मुख्य वाकिंग आमेय तो वोगो व्याप वारका वारका वारका

प्रतिवादी रेस्पान्डेन्ट।

प्रभु दग्धाल बलाम

भारतसंघ व डाक

वादी अपीलान्ट।

प्रतिवादी रेस्पान्डेन्ट।

सं० मुकुदमा Regn. ३०३ सं० १९१० (८) पेशी की ता० ३१. १. १९१० ई०

ऊपर मुकुदमा में अपनी ओर से श्री आनिल शीघ्रात्मत रेल आदेशरण  
कैल्पिक लाइन

एप्पुडवोरेट/वर्गील महोदय को अपना वर्गील लियुक्त करके इकरार। करता है और  
छिले देता है कि मुकुदमा में वर्गील महोदय रथ्य भृशा भृन्य वर्गील द्वारा जो नुँ  
पैरवी व जवाब ही व प्रश्नोत्तर करेय कोई काम दाखिल करेया तो लौटाये  
या हमारी ओर से डिगरी आरी करावें आर लप्या सबूत करेया सुलहनामा  
या इकबाल दावा तथा अपील व लिगरानी हाजिरी आर हकारे या अपने हस्ताक्ष  
से दाखिल करें आर तस्वीर करें य मुकुदमा उठावें या तोई लप्या जमा करें या हमा  
विपक्षी एपरीक्साती। का दाखिल किया हुआ लप्या अपने या हमारे हस्ताक्ष  
द्वारा दस्तावेती। रस्तीद से रेवें का पंच लियुक्त करें .....  
वर्गील महोदय द्वारा की गई वह सब कायवाडी हमारे सर्वशा सर्वीकार है आर  
इसलिए यह वकालत बाम लिए दिये कि प्रमाण रहे और समय पर काम आ

हस्ताक्षर.....

साझी विवाह।.....

दिलांक-..... महीना ..... सं० १९...५०

लाम अदालत

ल० मुकुदमा

लाम फरी कैन..... बलाम.....

Accepted

Shrik

गुप्ता/21488

ANNEXURE No. I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW

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 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 Indum

Parbhoo Dayal  
SIGNATURE OF APPLICANT

S.O.MO: 161

DATA: 21-02-1983

As a result of upgrading of the posts of semi-skilled artisans, Grade B, 210-200(1), to skilled artisans, Grade B, 260-400(1), and that of un-skilled artisans, Grade B, 196-232(1), to semi-skilled artisans as skill salary, Grade B, 210-290(1), it is intended to extend by 50% on 1-8-78, in terms of Rly. 3d's letter No: B(P.S.) 1-82 J/1, dtd: 13-1-82, circulated under C.I.L. (1)/MDS letter No: 5613/35-32/Vol.6 (S14), dtd: 7-12-82, the following staff of semi-skilled workers (including 2.P.S.) are re-classified as given below, and their pay is, accordingly, fixed on pro rata w.e.f. 1-8-78 as shown against each. The staff re-classified from semi-skilled to skilled, will be entitled to lumpsum amounts 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 un-skilled to semi-skilled grade will be entitled to lumpsum amounts for the same period @ 10/- P.M., subject to ceiling of Rs. 200/- The same amount is payable for the actual month during which the employee was on duty. Given if the employee was on duty for a day during a month, full month will count for admissibility. Purse of LAP & LWP will be considered as, on duty for this purpose.

Differences of hours of day as fixed below, will be payable w.e.f. 01-01-1932.

10107 12/21/93

3/28/02 / 02 / 8 L

(Cont'd. on Page -2-)

A-33

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2.	TPS-42	Naensnacki	A.T.D.	218/-	210-250	T-8-78	R.Dr.	260/-	T-8-78	
		Ram Sankar		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	Projected 3.9 3.4
				266/-	"	1-7-81	"	284/-	1-8-82	Fitter W.G.F. 4-7-1980
				272/-	"	1-7-82	"			
3.	TP-153	Obi Prasad	A.T.D.	238/-	210-290	9-4-80	R.D.	260/-	9-4-80	
	(01a)			242/-	"	1-4-81	"	266/-	1-4-81	
	TP-50			246/-	"	1-4-82	"	272/-	1-4-82	
	(TP-474)									
4.	TP-474	Naikoo Lal	A.T.D.	234/-	210-290	1-8-78	R.D.	260/-	1-8-78	
	TPS-14			238/-	"	1-11-78	"	266/-	1-8-79	
	TPS-17			242/-	"	1-11-79	A.Y.C.	272/-	1-8-80	Projected 3.9
							DR.			Jr. Jump.Dr.
				260/-	260-400	28-3-30	"	278/-	1-3-81	W.G.F.
				266/-	"	1-3-81	"			
				272/-	"	1-3-82	"	284/-	1-3-82	28-3-1980.
5.	TP-73	Richd. S. Sreed.	A.T.D.	222/-	210-290	13-9-78	R.D.	260/-	13-9-78	
	TPS-14	Kan.		226/-	"	1-9-79	"	266/-	1-9-79	
	TPS-17			260/-	260-400	5-9-80	Fitter	272/-	1-9-80	Projected 3
				266/-	"	1-9-81	"	278/-	1-9-81	R.D.
				272/-	"	1-9-82	"	284/-	1-9-82	Fitter W.G.F.
6.	TP-45	Shrey Lal	A.T.D.	222/-	210-290	13-9-78	R.D.	260/-	13-9-78	
	TPS-17			226/-	"	1-9-79	"	266/-	1-9-79	
				230/-	"	1-9-80	"	272/-	1-9-80	Projected 3
				256/-	260-400	1-11-80	Fitter	278/-	1-9-81	R.D.
				266/-	"	1-11-81	"	284/-	1-9-82	Fitter W.G.F.
				272/-	"					

Contd.

78/2/21/2

(Contd. on Page 3)

7. 22-72	Zakhi	233/-	210/-290.	10-3-79	L.D.	260/-	250-	10-3-79
8. 22-51	22. 22.2	242/-	"	1-5-50	"	255/-	450	1-5-50
9. 22-46	"	256/-	"	1-3-31	"	262/-	450	1-3-31
10. 22-55	C. 22.2	250/-	"	1-3-32	"	275/-	450	1-3-32
11. 22-130	22.2.2	210-290	31-10-78	L.D.	260/-	250-	31-10-78	
		260/-400	9-7-79	Elec-	255/-	400	1-10-79	Electricians
		"	"	trici	272/-		1-10-80	Electrician
		272/-	"	1-7-31	cm.	275/-	1-10-31	"
		"	"	1-7-32	"	284/-	1-10-32	2-7-1979.
		225/-	210-290	17-3-79	L.D.	250/-	260-	17-3-79
		230/-	"	1-6-79	"	265/-	400	1-6-79
		234/-	"	1-6-80	"	272/-	1-6-50	
		260/-	260-400	5-9-80	Fitter	273/-	"	1-6-81
		265/-	"	1-9-31	"	2-4/-	1-6-82	Promoted
		272/-	"	1-9-32	"			Fitter.W.3.
								1-5-80.
		210/-	22-11-50	L.D.	260/-	260-	9-4-80	
		260/-	1-11-50	L.D.	266/-	400	1-4-81	Promoted
		266/-	"	1-11-31	"	272/-	1-4-82	L.D.
		272/-	"	1-11-32	"			9-4-1980.
		210-290	9-4-80	L.D.	260/-	260-	9-4-80	Promoted
		260-400	12-1-80	L.D.	265/-	400	1-4-81	L.D.
		"	1-11-81	"	272/-		1-4-82	12-1-1980.
		272/-	"	1-11-82	"			

(Contd. on Page 4)

58 16/05/8

Oct 11th 1903

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12. <del>12-32</del> <del>22-44</del>	2 jun 31st	...T.D.	218/-	210-290	8-11-79	R.D.	250/-	260-	8-11-79	Promoted as Fitter
			222/-	"	1-11-80	"	265/-	400	1-11-80	F. 1-12-81.
			226/-	"	1-11-81	"	272/-	"	1-11-82	
			260/-	250-400	1-12-81	Fitter.	278/-	"		
			266/-	"	1-12-82	"				
13. <del>12-32</del> <del>22-44</del>	3 jun 31st	...T.D.	214/-	210-290	9-4-80	R.D.	260/-	260-	9-4-80	Promoted as Fitter
			218/-	"	1-4-81	"	266/-	400	1-4-82	F. 2-2-82.
			260/-	260-400	13-2-82	Fitter.	272/-	"		
14. <del>12-32</del> <del>22-44</del>	3 jun 31st	...T.D.	230/-	210-290	9-4-80	R.D.	250/-	260-	9-4-80	Promoted as Fitter
		(P.T.D.)					400		30-4-1980	
15. <del>12-32</del> <del>22-44</del>	3 jun 31st	...T.D.	230/-	210-290	1-6-78	R.D.	260/-	260-	1-6-78	Promoted as Fitter
			234/-	"	1-11-78	"	266/-	400	1-8-79	F. 1-4-80.
			238/-	"	1-11-79	Fitter.	272/-	"	1-8-80	
			260/-	250-400	1-6-80	"	270/-	"	1-8-81	
			266/-	"	1-6-81	"	276/-	"	1-8-82	
			272/-	"	1-6-82	"				
16. <del>12-32</del> <del>22-44</del>	3 jun 31st	...T.D.	222/-	210-290	1-11-79	R.D.	260/-	260-	1-11-79	Promoted as Fitter
			226/-	"	1-11-80	"	266/-	400	1-11-80	F. 1-12-81.
			230/-	"	1-11-81	"	272/-	"	1-11-82	
			260/-	260-400	1-12-81	Fitter.	276/-	"		
			265/-	"	1-12-82	"				
17. <del>12-32</del> <del>22-44</del>	3 jun 31st	...T.D.	230/-	210-290	1-3-78	R.D.	260/-	260-	1-3-78	Promoted as Mobile Crane
			234/-	"	1-11-78	"	266/-	400	1-3-79	
			260/-	260-400	9-7-79	R.C.	272/-	"	1-8-80	Driver w.e.f.
			266/-	"	1-7-80	Driver	278/-	"	1-8-81	9-7-1979.
			272/-	"	1-7-82	"	284/-	"	1-8-82	
			278/-	"	1-7-82	"				

7812/83

(Contd. on Page -5-)

Cross Entry  
MT/107

10.125-49

(01d)

110-245

~~Ritter~~

~~(New)~~

~~266-882~~

~~272/-~~

~~"~~

~~1-7-32~~

234/-

230/-

242/-

260/-

260-400

4-7-30

Ritter

273/-

"

1-7-34

284/-

"

1-7-32

210-290

1-3-70

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1-12-70

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1-12-70

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272/-

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<del>223-279</del>	<del>Lieutenant</del>	<del>1. T.D.</del>	<del>255/-</del>	<del>210-290</del>	<del>1-3-78</del>	<del>W.D.</del>	<del>266/-</del>	<del>260-</del>	<del>283</del>	<del>Promoted as</del>
<del>Fitter</del>		<del>253/-</del>		<del>1-10-78</del>		<del>272/-</del>	<del>400</del>	<del>1-3-79</del>	<del>Fitter w.c.</del>	
<del>Fitter</del>		<del>266/-</del>	<del>260-400</del>	<del>1-5-79</del>		<del>276/-</del>	<del>"</del>	<del>1-5-80</del>	<del>from 1-5-79</del>	
<del>Fitter</del>		<del>272/-</del>		<del>1-5-80</del>		<del>284/-</del>	<del>"</del>	<del>1-5-81</del>		
<del>Fitter</del>		<del>278/-</del>		<del>1-5-81</del>		<del>296/-</del>	<del>"</del>	<del>1-5-82</del>		
<del>223-280</del>	<del>S. bco L 1</del>	<del>1. T.D.</del>	<del>213/-</del>	<del>210-290</del>	<del>1-3-78</del>	<del>W.D.</del>	<del>260/-</del>	<del>260-</del>	<del>1-3-78</del>	<del>Promoted as</del>
<del>Fitter</del>		<del>222/-</del>		<del>1-11-78</del>		<del>266/-</del>	<del>400</del>	<del>1-3-79</del>	<del>Sx.Fitter</del>	
<del>Fitter</del>		<del>225/-</del>		<del>1-11-79</del>		<del>272/-</del>	<del>"</del>	<del>1-3-80</del>	<del>w.c. from</del>	
<del>Fitter</del>		<del>260/-</del>	<del>260-400</del>	<del>9-4-80</del>		<del>276/-</del>	<del>"</del>	<del>1-3-81</del>	<del>9-4-1983.</del>	
<del>Fitter</del>		<del>265/-</del>	<del>"</del>	<del>1-3-81</del>		<del>284/-</del>	<del>"</del>	<del>1-3-82</del>		
<del>Fitter</del>		<del>272/-</del>		<del>1-4-82</del>						
<del>223-281</del>	<del>1. T.D.</del>	<del>214/-</del>	<del>210-290</del>	<del>15-9-78</del>	<del>W.D.</del>	<del>260/-</del>	<del>260-</del>	<del>15-9-78</del>	<del>Promoted as</del>	
<del>Fitter</del>		<del>218/-</del>		<del>1-9-79</del>		<del>266/-</del>	<del>400</del>	<del>1-9-79</del>	<del>Fitter w.c.</del>	
<del>Fitter</del>		<del>222/-</del>		<del>1-9-80</del>		<del>272/-</del>	<del>"</del>	<del>1-9-80</del>	<del>from 1-1-81.</del>	
<del>Fitter</del>		<del>260/-</del>	<del>250-400</del>	<del>1-1-81</del>		<del>Fitt.</del>	<del>276/-</del>	<del>1-9-81</del>		
<del>Fitter</del>		<del>265/-</del>	<del>"</del>	<del>1-1-82</del>		<del>284/-</del>	<del>"</del>	<del>1-9-82</del>		
<del>Fitter</del>		<del>272/-</del>		<del>1-1-83</del>						
<del>223-282</del>	<del>9. bpi Chmc</del>	<del>1. T.D.</del>	<del>214/-</del>	<del>210-290</del>	<del>9-4-80</del>	<del>W.D.</del>	<del>260/-</del>	<del>260-</del>	<del>9-4-80</del>	<del>Promoted as</del>
<del>Fitter</del>		<del>218/-</del>		<del>1-4-81</del>		<del>266/-</del>	<del>400</del>	<del>1-4-81</del>	<del>Fitter w.c.</del>	
<del>Fitter</del>		<del>260/-</del>	<del>260-400</del>	<del>15-2-82</del>		<del>Fitt.</del>	<del>272/-</del>	<del>1-4-82</del>	<del>w.c. from</del>	
<del>Fitter</del>		<del>266/-</del>		<del>1-12-82</del>					<del>1-12-82</del>	

1st 2nd  
MT/107 9/8/1983 (Contd. on Page -2-)

28.11.3-57	Mon. 11.3.57	213/-	210/-290	13-9-82	W.D.	260/-	260/-	13-9-79	Promoted as
222/-	"	222/-	"	12-9-79	"	255/-	400/-	1-9-79	Pitter w.c.
226/-	"	226/-	"	1-9-30	"	272/-	"	1-9-30	from 1-1-51
250/-	260-400	250/-	260-400	1-1-81	Pitt.	270/-	"	1-9-31	
268/-	"	268/-	"	1-12-81	"	264/-	"	1-9-52	
272/-	"	272/-	"	1-12-82	"				
28.11.3-59	Atiq. Bus	214/-	210-290	9-4-30	W.D.	260/-	260/-	1-9-79	Promoted as
219/-	"	219/-	"	1-4-31	"	266/-	400/-	1-9-79	Pitter w.c.
260/-	260-500	260/-	260-500	1-12-81	Pitt.	272/-	"	1-9-82	from 1-12-51
265/-	"	265/-	"	1-12-82	"				
30.11.3-255	3.11.3.255	225/-	210-290	6-11-79	W.D.	260/-	250/-	1-11-79	Promoted as
232/-	"	232/-	"	1-11-80	"	255/-	400/-	1-11-79	Quarterm. 7.3.
Turner	250/-	250-400	25-11-80	Pur-	272/-	"	1-11-81	from	
255/-	"	255/-	"	1-11-81	ner.	278/-	"	1-11-82	26-11-1970.
272/-	"	272/-	"	1-11-82	"				
31.11.3-52	3.11.3.52	210/-	210-290	9-4-30	W.D.	260/-	250/-	1-9-79	
215/-	"	215/-	"	1-4-31	"	265/-	400/-	1-9-79	
222/-	"	222/-	"	1-4-32	"	272/-	"	1-9-82	
32.11.3-255	3.11.3.255	212/-	210-290	1-1-73	W.D.	250/-	260/-	1-1-76	Pitter w.c.
245/-	"	245/-	"	1-1-79	"	265/-	400/-	1-1-79	Pitter w.c.
Pitter	260/-	260-400	21-11-79	Pitt.	272/-	"	1-1-80	from	
255/-	"	255/-	"	1-11-80	270/-	"	1-11-81	21-11-1970.	
272/-	"	272/-	"	1-11-81	276/-	"	1-11-82		
275/-	"	275/-	"	1-11-82	"				

Get 4240

11.11.3-52

(cont'd. on 2-28-73)

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33. Brahma Swaroop A.T.D. 234/- 210-290 1-08-78 M.D. 260/- 260- 1-8-78 Promoted as  
MT-298 Fitter 260/- 260-400 1-09-78 Fitter w.e.  
MT-330.

~~AKM~~  
278/- " 1-09-80 278/- 1-8-81  
278/- " 1-09-81 284/- 1-8-82

34. TPS-58 Ram 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 Fork 260/- 260-400 9-07-79 F.L. 272/- " 1-8-80 Driver w.e.  
Lift 266/- " 1-07-80 D.R. 278/- " 1-8-81 from 9-7-79.  
Driver 272/- " 1-07-81 ver. 284/- " 1-8-82

35. TPS-57 Om S.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 278/- 278/- " 1-9-81 from 29-11-79.  
Driver 272/- " 1-11-81 Driver 284/- " 1-9-82

36. MTS-41 Mohd. Ibrahim Motor 210/- 210-290 28-9-78 M.D. 260/- 260- 28-9-78 Promoted as  
MTS- Dr(S/SK) 260/- 260-400 9-7-79 Coles 260/- 400. 1-9-79 Coles Cr.Dr.  
336 Motor 265/- " 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  
nic. 278/- " 1-7-82 Mach. 284/- " 1-9-82 changes as  
Motor Mechanic w.e.f. 29-11-79

Contd.....9

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37. TPS-71 Chhangia A.T.D. 230/- 210-290 1-4-81 M.D. 260/- 260/- Promoted as  
MTS-283. Lal Coles 260/- 260-400 9-7-79 " 266/- 400. 1-4-80 T.M. Coles Crane  
Crane Driver 272/- " 1-7-80 Coles 272/- " 1-4-81 Driver w.e.  
Driver 278/- " 1-7-82 Jr.Dr. 278/- 1-4-82 81 from 9-7-79

38. TPS-47 Perbhoo A.T.D. 238/- 210-290 9-4-80 M.D. 260/- 260/- 9-4-80 W.I.T. one  
MTS-456 Dayal 242/- 210-290 1-4-81 " 265/- 400. 1-4-81 year vide  
NO:L/PC/TPS 47/81, dt: 5-9-1981.

39. TPS-179 Ramanand A.T.D. 226/- 210-290 29-8-80 M.D. 260/- 250/- 29-8-80 Promoted as  
L/PC-75. Fitter 230/- " 1-8-81 " 266/- 400. 1-8-81 Fitter w.e.  
Fitter 260/- 260-400 13-2-82 Fitter. 272/- " 1-8-82 from 29-8-80.

40. TPS-74 Sohan Lal A.T.D. 226/- 210-290 9-4-80 M.D. 260/- 260/- 9-4-80 W.I.T. One  
MTS-471 " " " 260/- 400. 1-4-81 year vide NO:  
L/PC/TPS-74/ 81, dt: 22-10-81

41. TPS-62 Shiva A.T.D. 210/- 210-290 5-9-80 M.D. 260/- 260/- 5-9-80  
Swaroop 214/- " 1-9-80 266/- 400 1-9-81  
218/- " 1-9-82 272/- " 1-9-82

42. TPS-318 Ram A.T.D. 210/- 210-290 5-9-80 M.D. 260/- 260/- 5-9-80 Promoted as  
L/PC-44. Shanker 214/- " 1-9-81 256/- 400 1-9-81 Fitter w.e.  
Fitter 214/- 260-400 1-7-82 Fitter. 272/- " 1-9-82 from 1-7-82.

Others

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Contd..... 103

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43. TPS-46  
MTS-428

Ram Chandra - A. - T.D. 210/- 210-280 1.11.80

M.D. 260/- 260-400 1.11.80

44. TPS-53  
MTS-424

Jangish ad. A. - T.D. 210/- 210/- 1.11.80

M.D. 266/- 260-400 1.11.80

45. TPS-7  
MTS-111

Ram Nath. A. - T.D. 210/- 210/- 1.11.80

M.D. 266/- 260-400 1.11.80

46. TPS-42  
MTS-176

Mansa Ram. A. - T.D. 210/- 210/- 1.11.80

M.D. 266/- 260-400 1.11.80

47. TPS-75  
MTS-123

Radhey Shyam A. - T.D. 210/- 210/- 1.11.80

M.D. 266/- 260-400 1.11.80

48. TPS-55  
MTS-190

Bachcho Lal A. - T.D. 230/- 230/- 1.11.80

M.D. 266/- 260-400 1.11.80

49. TPS-60  
MTS-317

Kanhaiya Lal A. - T.D. 234/- 234/- 1.11.80

M.D. 266/- 260-400 1.11.80

50. TPS-63  
MTS-203

Mohd. Wasim S. S. K. M. D. A. - T.D. 210/- 210/- 1.11.80

M.D. 266/- 260-400 1.11.80

51. TPS-64  
MTS-209

Radha Kishan. - do - A. - T.D. 214/- 214/- 1.11.80

M.D. 266/- 260-400 1.11.80

52. TPS-43  
MTS-333

Tej Singh. A. - T.D. 225/- 225/- 1.11.80

M.D. 266/- 260-400 1.11.80

53. TPS-49  
MTS-122

Ismail. A. - T.D. 214/- 214/- 1.12.81

M.D. 266/- 260-400 1.12.81

54. TPS-49  
MTS-122

Ismail. A. - T.D. 218/- 218/- 1.12.82

M.D. 266/- 260-400 1.12.82

55. TPS-49  
MTS-122

Ismail. A. - T.D. 230/- 230/- 1.12.82

M.D. 266/- 260-400 1.12.82

56. TPS-49  
MTS-122

Ismail. A. - T.D. 214/- 214/- 1.12.82

M.D. 266/- 260-400 1.12.82

57. TPS-49  
MTS-122

Ismail. A. - T.D. 218/- 218/- 1.12.82

M.D. 266/- 260-400 1.12.82

58. TPS-49  
MTS-122

Ismail. A. - T.D. 218/- 218/- 1.12.82

M.D. 266/- 260-400 1.12.82

59. TPS-49  
MTS-122

Ismail. A. - T.D. 218/- 218/- 1.12.82

M.D. 266/- 260-400 1.12.82

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54.	MTS-3	Sukh Lal	A.T.D.	214/-	210-290	13-2482	M.D	260/-	260-400	13,2,82
55.	MTS-6	Ganga Ram.		214/-	-do-	13/2/82		260/-		13,2,83
	MTS-125							256/-		
56.	MTS-75	Virendra Kumar		214/-	-do-	13/2/82		260/-		13,2,83
57.	MTS-172	Ghulam Rasool	A.T.D.	224/-	-do-	24/12/81		260/-		21,2,61
	MTS-318	Inder Pal Misra		214/-	-do-	1,12,82		260/-		1,12,82
58.	MT-392	Ismail	Mochi	210/-	-do-	1,7,82		260/-		1,7,82
59.	MT-392	Ismail	Mochi	210/-	-do-	27,2,82		260/-		27,2,82
60.	MTS-67	Abdul Khaliq Mochi	Mochi	214/-	-do-	5,10,82		260/-		1,10,82
61.	MTS-67	Narottam Yadav	A.T.D	208/-	-do-	5,7,82	M.D	260/-		5,7,82 vire 550. No. 115
62.	MTS-396	Ziaul Haq	Mochi	210/-	-do-	10,3,81	M.D	260/-		10,3,81
						27,2,82	Mochi	260/-		1,3,82
							Mochi	266/-		1,2,83

Issue of personnel (officer) (Enco),  
N.I.C. Card, I.C.C. Card, etc.  
and necessary action to O.S.I.T.O.O.S.A. (R.B) (Pass). (Gen), S.S./M.I.C., C.R., S.A.O (W) / E.  
P.E., Incentive, Loco, C.B./Lucknow, S.C.C. U.P.M.U, N.R.M.U, R.B.M.U, P.S.S. (W.S.). (Gen), S.S./M.I.C., C.R., S.A.O (W) / E.

Ass'tt. General Officer (Enco),  
N.I.C. Chanchal, Lucknow.

16/2/1983.

Encl - 52/83

16/2/183

Encl - 16

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18.	Ganga Ram	MR-50	SC	4.7.55	10.2.78	6-C-
19.	Virendra Kumar	MT-445	"	-	26.7.54	1.3.78
20.	Inder Pal Misra	MT-104	"	-	10.9.55	15.3.78
21.	Narootam Yadev	MT-430	"	-	11.7.56	6.6.78
22.	Abdul Mehboob	MT-492	Air Comp	-	19.9.56	2.12.78
23.	Kalap Nath	"-132	"	28.8.29.6.58	10.12.78	16.4.84
24.	Magsood Ahmed	MT-196	"	17.11.56	15.1.79	-0-
25.	Hassnudin	"-170	Motor Dr	-	21.11.59	2.12.78
26.	Mahesh Deo	"-137	1.6.1. Mech	-	10.12.58	12.12.78
27.	Baboo Lal	"-365	Air Comp	-	1.1.59	19.6.78
28.	Jagdish Kumar	"-173	Dsic Cr.Dr	-	8.7.59	4.8.80
29.	Ram Chander	"-69	Mobile Cr.Dr S/C	13.5.59	28.8.80	-0-
30.	Desh Raj	MT-362	Fork Lifter Dr	24.11.55	29.9.80	-0-
31.	Jawalla	"-371	Motor Dr	-	7.6.35	14.6.79
32.	Jagannath	"-366	-0-	-	20.10.58	24.10.80
33.	Balram Shukla	"-174	Air Comp	-	15.8.55	20.3.81
34.	Mohd Mushtaq	MTS 312	Skid Steer	-	4.7.57	12.5.81
35.	Aziz Khan	"-326	"	-	1.1.55	2.7.81
						8.8.87

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Copy of Railway Board's letter No. E(P&S) I-72/JC/1 dated 10.7.1985 addressed to the General Managers, Northern Railways & other Railways, Ed. & rs. Office, from the Addl. Director, Patti (P&S), Railway Board, New Delhi.

Sub:-Reclassification of artisan staff in the Railways -  
relief to unskilled, semi-skilled & 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 & 13/11/83 of the unskilled artisan strength in Production Units and Workshops (all departments) and 50% of unskilled artisan categories in Open line Establishments (all departments) and RNSC to the extent applicable were allotted semi-skilled grade Rs.210-290 and designated as Khalasi Helpars. 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&S) I-72/RAGM-76/1 dated 27.3.78. It has now been decided that except for the category of RNSC in all other skilled categories the distribution ratio should be uniformly revised as 30:35:35. In the category of RNSC the revised distribution of RNSC Gr.I, RNSC 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 proforma a.o.p. 1.1.84, and current pay scale from 1.7.83. Fixation of pay will be under rule 20(b)-(i) R.R.23(a) R.R. 1.1.84 and this benefit will also be applicable to chain resultant vacancies which arise on account of reclassification/restructuring.
- iv) a) Lump sum arrears will be payable for the period from 1.1.84 to 30.6.85 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 RNSC Gr.II @ Rs.25/-PM subject to a ceiling of Rs.400 for 18 months.
  - iii) From RNSC Gr.II to RNSC Gr.I @ Rs.25/-PM subject to a ceiling of Rs.400 for 18 months.

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iv(b) The arrears amount will be payable for the initial month during which the increments 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 IWF will also be considered as duty for this purpose.

v) Implementation of the above orders for the initial adjustment 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 preform fixation from 1.1.84 and pro-rata lumpsum payment of the employees who retire/ resign from service during this period. The preform 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.

2. The existing categories of EK Gr.I and EK Gr.II and skilled in grade Rs.380-560, Rs.330-420 and Rs.260-460 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 till filling up vacancies arising as a result of restructuring/reclassification.

5. In all the categories covered by this letter, even though new 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 1.9.84 and current payment from 1.7.1985 will not be applicable to such of the employees who are promoted against vacancies existing on date 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.O.I-131-11(FTR) dated 28.6.84 allowing, as an one time exception, relaxation of conditions attached on revised fixation will apply mutatis-mutatis, to the revised fixation as far as such categories of posts are concerned.

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8. Requirement of additional funds on account of implementation of the above orders, should be increased and reflected in the Revised Estimates for the current year and Budget estimates for 1986-87 and advised to ADP (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.

48821(C)

M.T.107

राज्य रेलवे नियंत्रक,

दिल्ली, चारबाग, लखनऊ





To

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

(Through Proper Channel)

Sir,

Reg: PROMOTION AS HIGHLY SKILLED GRADE III&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

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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

Parbhoo Dayal  
(Parbhoo Dayal)  
T. No. MTS-430  
Locoshop, Charbagh, Lucknow.

Dated: 23.12.1988.

Annexure No. 10

10

To

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

AJL

(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 <sup>orders please</sup> ~~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 <sup>on</sup> 17.3.1988 with a subsequent reminder dated 22.8.1988 to the Dy. CME (LOCO), Charbagh, Lucknow, but nothing has been <sup>heard</sup> ~~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/-

Copy to me

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A-59

A-59

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

Prabhu Dayal  
(Prabhu Dayal)

T. No. MT-430

Millwright Shop (LOCO)  
Charbagh, Lucknow.

Dated: 23.9.1989.

A.D.S

Annexure No. 1

50

Southern Railway Locomotive Works Charbagh Lucknow  
Locomotive Works Charbagh, Lucknow.

Category: Auto Truck Driver  
S.T. No.:

Name: \_\_\_\_\_  
Name of Caste: \_\_\_\_\_

Date of Birth: \_\_\_\_\_  
Date of Appointment to present: \_\_\_\_\_  
Date of App'tt. to present: \_\_\_\_\_  
Date of Confirmation: \_\_\_\_\_  
Remarks: \_\_\_\_\_

ST. No.	Name	Name of Caste	Date of Birth	Date of App'tt. to present	Date of Confirmation	Remarks
1053 107	Subodh Singh	---	13-10-34	15-12-55	9-4-80	
2 110	Dev Prasad	---	14-11-32	14-11-57	9-4-80	
3 144	Soham Lal	---	14-2-48	14-11-71	9-4-80	
4 119	Sukh Swaroop	---	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	Manisa Ram	---	3-9-54	14-9-77	26-11-80	
9. 136	Rajneesh Rayam	---	1-3-55	14-9-77	1-11-81	
10 190	Bechna Lal	---	1-2-42	17-6-64	8-4-81	
11. 118	Kanhiya Lal	SIC	16-7-56	28-9-77	8-4-81	
12. 122	Osmaid	---	27-9-52	14-9-77	1-12-81	
13. 112	R.K. Ravat	SIC	14-7-53	14-11-77	1-12-81	
14. 172	Gulam Ravat	---	1-3-34	2-5-58	21-12-81	সদাসিক মন্তব্য অনুমতি করেন
15. 45	Subhash Lal	SIC	1-7-57	1-1-78	13-2-82	৩৩২-২০-২-৮৪০ ৭০-২-৮০-০

North Eastern Railway Locomotive Works Charbagh Lucknow

Seniority List of Workshop staff Locomotive Works Charbagh, Lucknow.

Category Auto Truck Driver (Reddass Friction Tandem)

Sl. No. T. No. Name Name of Caste Date of Birth. Date of appointment to present Date of App't. Date of confirmation Remarks

16 MTS 50 Gangaram Sirc 4-7-55 10-2-78 13-2-82

17 445 Vinod Kumar - 26-7-54 1-3-78 13-2-82

18 104 Indra Prasad 10-9-55 15-3-78 1-7-82

19 430 Narayan Kumar 11-7-56 6-6-78 5-7-82

Chittaranjan

U

40205

239220228

~~Semi-qualified list of category- Skilled Grade- motorcar, mobile crane, telegraph, telephone, electrician, Dsl mach, Air compressor, steam-boiler.~~

114 Diesel Rail  
MIS 362

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152

12. Janakaphasad MB/371

Motoren - 7.6.36

14.6.79

5.3.86

134 Taggart N.Y. MS 366

Indien vor - - 20-10-58

24.10.50

5. 3. 86.

14. Baldwin Sinkie int 174

un lampo - 1.50-0.50

二〇

15. Med. Mustard  $\frac{m/s}{312}$

三國志

- 2 -

16. Eine Shaker-Kander,  $\frac{115}{46}$

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition No. 652 of 90

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 intention 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.

IT संस्थाय प्रक्रिया अधियनता

उद्देरे. रे. इच्छा दाता

द. १०००, लखनऊ

By : M. (W)  
N.R./Loco/C.B./Lk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Civil Misc. Petition No. of 1990

In Re

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

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 ~~xx~~ after more than

मध्य प्रांतिक अधिकार  
के रूप में इन कारबाही  
के लिए, लखनऊ  
लिया, M.E. (W)  
N.R./Loco/C.B./Lko.

contd.....2

*Ans*

1 $\frac{1}{2}$  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*  
(ANIL SRIVASTAVA)

ADVOCATE

COUNSEL FOR RESPONDENTS.

निर्वाचन अभियन्ता  
रेलवे इन कानून  
मालवाल  
N.R./Loco/C.B./Lko.  
(W)

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)/C/S 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)/C/S <sup>chief</sup> in the office of 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

उप मुख्य यांत्रिक अधियन्ता  
उद्देश रेल इन कारखाना  
चारबग्ह, लखनऊ  
By : M.F. (W)  
N.F. / Eco/C.B./Lko.

*A6*

3. That the contents of para 2 of the Original Application are denied. The cause of action 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.

*replies 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.

उप मुख्य संचिक अभियंता  
प्र० रे. रे. इन्स्ट्राक्चन्स  
चार्टर्ड एन्ड लवर्नक  
M. F. (W)  
N.R. /I eco/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 Druck 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 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 यात्रक अभियन्ता  
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प. य. यात्रक  
N.R./Loco/C.B./Lko.

contd.....4

A-70

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 इन कारबाना  
चारबाग, लखनऊ  
By C.M.E. (W)  
N.R./Loco/C B./Lko.

22/1/93

A-1

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 <sup>been</sup> the applicant that his juniors have/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.

14. That the contents of para 4.12 of the

उप स्थाय यांत्रिक अधियनता  
कारोड़ दे. इन कारोड़ाना  
सिंहासन, लखनऊ  
By C.M.P. (W)  
N.P./Loco/C.B./Lko.

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 cognate but hence promotion against grade I and grade II created due to revised 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 सचिव वायपुरुष अधिकारी  
क्र. ४०२८ रोड इन्डियन रेलवे  
काला चौक, लखनऊ  
Dy. C.M.F. (W)  
N.R./Loco/C B/ko.

A73

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 <sup>of</sup> cognetent towardsx trades, as such the promotion of Auto Truck Drivers to the post of Grade II and Grade I does not arise. No ~~examined~~ junior to the applicant have been promoted nor <sup>any</sup> 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 <sup>sew</sup> trade testing because the post of 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 मर्यादित अधियन्ता  
दरे रे इन कारणाना  
वाग्य, लघुहक  
Iy M.F. (W)  
N.R./Loco/C B./Lko.

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

उप नियम नियन्त्रण अधिकारी  
उपर्युक्त नियन्त्रण अधिकारी  
प्रमाणित लगाव  
नियन्त्रण (W)  
N.R./Loco/C.B./Lko.

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~~ <sup>any</sup> of the juniors of the applicant have been promoted as alleged.

27/7/90  
उत्तराधिकारी अधियन्ता  
उत्तराधिकारी इन्जीनियर  
मिल्यन लक्ष  
By : M.R. (W)  
N.R./Loco/C.B./Lko.

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.
27. in reply to  
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 ~~only~~ he is <sup>unless</sup> qualified in scale <sup>of</sup> 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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दरोरे दे देव देवा  
प्रभु जनक  
प्रभु (W)  
N : 1000/C.B./Lko.

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 & fix 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:

24/3/90 contd....12

उत्तर प्रदेश विधायिका

संसदीय विधायिका

विधायिका (W)  
N.R./Loco/C.B./Lko.

A78

VERIFICATION

I, Hemant Kumar working as  
By 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:

उत्तर प्रदेश अधिकारी

नोर्थर्न रेलवे लोको

लोको, लखनऊ

By C.M.E. (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.

-----Applicant

Versus

Union of India and others.

-----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 <sup>affidavit</sup> on the basis of re-classification of Artizan Staff as the orders for re-classification of Artizan Staff were issued

fixed today  
S  
29/9/91

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GJ&W/C

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 <sup>at</sup> the ratio of ~~35~~<sup>30</sup>: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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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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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.

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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 ~~so~~ S.O. 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 Helper in

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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-channelise the avenue of promotion for further advancement when the Auto Truck Drivers were designated as Motor Driver scale Rs.260-40/- The copy of re-channelised <sup>form</sup> has not been annexed to the counter. Thus it establishes that respondent No.2 is acting illegally and in an arbitrary manner.

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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 <sup>dated 8-1-1991</sup> 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~~ 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.

4/25/2010

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.

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

~~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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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 23.9.1989 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 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 discriminatory.

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

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it is submitted that the contents of said para  
are not admitted. The representation dated 23.9.1989  
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.

27. 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-classifi-  
cation of unskilled and semi-skilled staff.

28. 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.

29. 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 23.9.1989 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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31<sup>st</sup>. That the contents of para 4.31 of the counter are not admitted.

32<sup>nd</sup>. That in reply to para 4.32 of the counter, it is submitted that the contents of said para hold good.

33<sup>rd</sup>. 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 E 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 29<sup>th</sup> day of June, <sup>July</sup> 1991 at Lucknow.

C H E M  
Deponent.

I identify the deponent who has signed before me.

S. S. Rao  
Advocate.

Serial No. 8203 - Circular No. 56E/OS-32/1 Vol G (E.I.W) dt 7.12.1982

A.P. Page 11/12-03

Copy of Railway Board/New Delhi's letter No. E.P. &c) 1-82/10/1  
Dated 13.11.82.Sub:- 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. 200-400.
- (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 Khalsasi helper.
- (iii) 50% of the existing strength in un-skilled artisan categories in the open line establishment (all departments) and RDSO (to the extant applicable) should be allotted the semi-skilled grade Rs. 210-290 and designated as Khalsasi Helper.
- (iv) Fixation of pay in respect of staff re-classified as per (i), (ii) and (iii) above, should be done on proforma basis Rs. 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.

Contd.....2

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 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.

(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 un-skilled trades to semi-skilled grade under these orders, those who assist skilled artisan staff either by working directly alongwith 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 un-skilled 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 un-skilled 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)53/CP/15, dated 26.5.1965 they will be upgraded to skilled grade under these order. Similarly, those BTM posts in semi-skilled grade created on the Railway/Production units in these skilled trades where there are

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 Khaliasi Helpers in the semi skilled grades of Rs. 210-290 after upgradation, a certain reserve number of posts of Khaliasi Helper, equal to 5% of the skilled artisan staff (including BSK II and BSAI) in the relevant trade Group, should be treated as trainee posts and designated as Basic Trades man, to provide for a horizontal movement from Khaliasi 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 experience. The senior most among the semi-skilled khaliasi Helper, who are due for promotion to skilled grade, should be posted against these STM 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 corporate 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, scaling machine operator, cobbler, Mochi tarpoline or tent repairer, pouch maker, Felt man.
- (3) Driller (fixed spindle), Driller (Multiple spindle), Grinder (Precision), Machinist (Boring, Broaching, Milling, Planning, shaping and slitting), Khurd Machine operator, screwing, machine operator, Shearing machine operator, Tool Grinder Tullu, Power Press operator and Dresser (Emery wheel),

Shearing

(4) Gupchupan, Gupchupan-in-chargers, Moulding Machine Operator, Miltan Metal Carrier, Tettler, Core Maker.

(5) Dollyman, Revetter, Revetter (Wagon).

(6) Painter, Painter (British-gold, liner) Sign writer, Polisher (French), Polisher (rough).

(7) Cabinet maker, carpenter, coachman, ~~Exxxey~~ 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 and 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 artisans 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 ~~time~~ 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-leads after weeding out surplus/supernumerary 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 & CTO 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 these 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 arrear 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.

Sl. 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
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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 (Excava- tion)	8	Blaster.	
5.	Bolt, nut and Rivet making Machine Operator	11	Forging Machine operator	
6.	Ceneman	16	Cauer 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	Cupola Attendant, Cupola Operator, Cupola Tapper	
11.	De Scaler woiler (Tube)	25	De-Sclaer	
12.	Dollyman	30	-----	
13.	Dresser (Emery wheel)	31	-----	

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(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.	Pettler	40	-----	
17.	Fire Extinguisher servicer	42	Pettler (Fire Extinguisher)	
18.	Furnace man (Ordinary)	46	Furnace man, Furnace operator, Furnace man (Smith) Furnace man Foundry).	
19.	Fireman Power house	49	---	
20.	Glassier	49	Glass cutter	
21.	Grabor Bucket coaling crane operator	50	Coal Crane Driver/ operator	
22.	Hammerman Smith	54	Striker (Smith) Pyre keeper	
23.	Machinist wood (capable of operating one machine only).	64	Machine operator( wood/ circular Saw, cross cut saw mortising, Spindle Drilling, Single Cutier, Moulder, Band saw, band re- saw, Long grame saw/ Multishindle Moulder/Planning Machine/slitting saw (For profile cutting)	
24.	Metal cutter	69	Metal sawyer, saw operator, circular saw operator, Hack-saw operator, Bandsaw operator, Coldsaw operator	
25.	Molten Metal Carrier	71		

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

(1) (2)

(3)

(4)

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26. Moulding  
Machine  
operator

76

Machine operator/  
(foundry Moulding  
Machines)27. Painter  
brush Hand

78

Wagon Painter

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 ←

Aiaj

(1) (2)

(3)

(4)

(5)

34. Rigger

91 Crane serang.  
Jamadar/Cunner  
Serang/slinger/  
tindal/tindal  
slinger, Chairman/  
Lifter Hookman.i. Those doing lifting-  
lowering/positioning of  
load by giving signals  
to the crane Driver/oper-  
ator 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 as  
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.

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37. Saw Sharpner

96

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899

21  
25/10

(1)	(2)	(3)	(4)	(5)
38.	Screwing Machine operator (screwer).	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, shearor machine, operator gillotine shear.	
41.	High power lamp filter	57	Filter (SPL)	-----
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)Filtration Plant operator & coke crushing machine operator.	105	SPA Diesel Plant/SPA Air compressor/SPA Air compressor House Attendant/SPA compressor attendant/Air compressor Plant attendant, Driver/Operator SPA/water SPA crane Boiler Pump Attendant/Driver/ SPA Diesel Operator- Diesel, Electric, Petrol and SPA (Stationary Boiler Attendant) Boiler Attendant, SPA Air driving Plant, SPA Sewage Plant/Sewage Plant operator, SPA Vacuum, Exhaust Attendant, F/san stationary Boiler, SPA. Pump Sluice valve.	SPA- Coke crushing machine operator, SPA Air Blower, SPA Impregnation SPA Attendant/Fireman of Stationary crane will continue in semi-skilled SP-(a), SPA crane Boiler Attendant, SPA Air Pump Operator House Attendant, SPA (Driving) will be dealt with alongwith SPA Plant Operator SPA marinedepartment.
44.	Steamman	107	-	
45.	Striker Smith	54	Hammer man smith	Same as item No. 22.
46.	Tapper(hand) and machine.	112		

H.Lal

Contd.,.....11

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

47. Sarpaulin or tent Repairer 115

48. Mindal Slinger 117  
(Workshops)

Same as item 34.

49. Wheel Tapper 127  
and Gagger

— — — — —

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

5. See 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, Bar straightening  
machine, chipping  
machines, centring  
machines.

Will be proposed later.

5. Machine operator Machinist

62 of Trade  
Test Manual, 1952.

Final

Contd.....12

02-3

22  
22  
22  
22

- 11 -

(1) (2) (3) (4) (15)

47. Tarpaulin or  
tent sealer 113

A-H

48. Tandem Slinger 117  
(Workshops)

Same as item 34.

49. Wheel Turner 127  
and Ganger

---

(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, Moulder (foundry) moulding (Foundry) machine, Sand Slinger, Swing Grinder, Core blower	Fitter	Will be proposed later
2.	Wire Rope Splicer	Fitter	24 of 1969 Trade Test Manual
	Wright		(Fitter) Hill Wright Crane & Traveller.
3.	Chiper	Fitter	44 of 1952 Trade Test Manual.
4.	Machine operator, Machinist Bar straightening machines, clamping machines, centring machines.		Will be proposed later.
5.	Reclent operator	Machinist	62 of Trade Test Manual, 1952.

7/1/62

Cont.....12

8203

- 12 -

A 102

213  
214  
ST2

(ii) 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 under M.O.H Schedule IV	Fitter
2.	Fitter (M.O.H cylinder side Rode 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 smasher
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.	Trinker	Trimer.
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 Acetablene cutter	Winder
20.	Stenciller	Sign writer
21.	Wheel stamper	Fitter
22.	End Binder	Carpenter.

B-26/II  
उत्तर रेलवे  
NORTHERN RAILWAY

Annexure R-II  
A-63  
2/11

No. L./GE Panel MTS letter Dated 23.11.90  
ग्रा. ग्रा.

स्वामे

श्री मुख्यमान MTS

आठों इकाई व्यवस्था

प्राप्ति 55/MTS

विषय - ग्रा. तथा ग्रा. मी. लोकात् वे संचायन

आपको ग्राहना प्रा. फ-17/3168, 22/10/88 23/11.

उपरोक्त संविधान आपको ग्राहना कर दो ते मत.

प्रत्यक्ष, उत्तर रेलवे, हेल्पर इन्सिस, लोकात् वे संचायन

में दिली कार्यालय अस्ति ते लिए गए किया गया

था। उसके सम्बन्ध में हेल्पर, ग्रा. प्रत्यक्ष

के संग्राहक ने प्रत्यक्षियत किया है कि अनियंत्रि

योग्यता के लिए 15, 0203, 8488 का अनुसरण

होगा, योकि Auto-Truck Driver - undesignified

Trade है।

आप Auto-Truck Driver को ग्राहना होने के लिए  
प्राप्त (5k) letter (फॉरमलिटर) बना लेंगा।

Om

कृति ग्रा. को. ग्रा. (ग्रा.)

लोको वाहना।

20/11/90

Annexure R-III

सेवाएँ

स्टीमर 36 त्रूटी थाली के अंतर्गत,  
रो 3-जन का १८९०,  
३८२ रोम, वाराणी,  
८८८३।

८८८३

ABH

विषय - हाइलोसिक्स ग्र II & I ए

प्रधानमंत्री

संग्रह - अपेक्षा पक्ष सराया L/6 E Panel/  
MTS/Filler Gr II & Gr I  
दिनांक - 23.11.90

आप के उपरोक्त पक्ष के संग्रह में  
निवेदन है कि जो शीतान मराकुन्ड के  
कार्यालय से निवेदन मेरा पार्श्वा - पक्ष के  
संग्रह में आये हैं उसकी स्वतंत्रता दर्शायें  
देने की कृपा करी जाए।  
मरान कृपा होगी।

मुख्यालय प्रधानमंत्री

मुख्यालय प्रधानमंत्री

मुख्यालय प्रधानमंत्री

Rec'd and Act 12/1/91

प्रधानमंत्री

प्रधानमंत्री

M.T.O.P.

1/9/89

Shop Superintendent  
Millwright Shop  
E.I.I.S. Rly. C.B. LKO.  
09/11/91

~~Annexure A/2~~

8283

5/29

A/5

Annexure No. II

Serial No. 8283 — Circular No. 961-1/83-32/ Vol. 6  
(III), dated 16.4.83.

A copy of Railway Board's letter No. B(P & I) 3-82/RG/I, 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.I.8203).

Copy of Railway Board's letter no. E(P & I) 1-82/RG/I, 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. B(P & I) 1-82/RG/I, dated 12.11.1982 certain doubts have been raised by some of the local Railways etc. on which clarifications have been sought from Board. These doubts have been carefully examined by the Board and clarified as under:—

(i) Fixation of Pay — Pay in all these cases will be fixed under P.R.22-C.

(ii) Applicability of orders 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 does not arise. However, if there are cases where for some reason 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

27  
A.166  
S. G. D.

fixation w.e.f. 1.4.70 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 1.4.70. He will also get the proportions to 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 13.11.82 as far as classified in their letter of 13.12.82 refers 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 it 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.

(v) Definition of workshop for applying Para 2(ii) of Board's orders of 13.11.1982. — 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 what 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 13.11.82, a committee consisting of the Head of the technical Department, the C.P.O. and the P.M & 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 establishment have been brought under the scope of the factories Act for some reasons or the others.

Contd. ....

(2) The Board desire to point out that the re-classification should not be confused with pay upgradation or revision of pay scales. On the basis of the recommendations of the joint committee the Board have decided that semi-skilled or un-skilled posts, as the case may be, which were earlier considered as semi-skilled or un-skilled, are re-evaluated 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 un-skilled or semi-skilled requires reform.

(3) As you are already aware the question of completing the re-classification exercises in terms of Board's order of 13.11.82 has since become a subject of an lacomence 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 protest procedure prescribed as enclosed to D.O. Letter No. 5101/82/SC dated 2.12.1982.

### Illustration

to	Date from which varying in semi-skilled grade	from	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. 260-400 from 1.1.78. The higher fixation of pay would consequently be effective from 1.1.82 onwards. i.e. the increase accruing as a result of reclassification of pay would be payable from 1.1.82 only.

'B' would get preferential fixation in scale No. 260-400 from 1.1.79 but the higher fixation and increase thereon would be consequently effective from 1.1.82.

entitled

'C' would get the preferential fixation from 1.1.80 and would also be entitled to full amount of increase accruing in terms of para 2(v) of Board's Letter No. 2(P & A) 1-82/37/1 dated 13.11.82. His pay would consequently be fixed in the higher-end scale of No. 260-400 from 1.1.82 and same are therefore paid from that date.

Contd.....

A 108

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ZLW

Q. Date from which working in semi-skilled grade.

A. 01.02.1978

B. 01.06.1980

Date from which promoted to skilled grade.

01.05.80 (Normal Course)

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 1.4.80 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.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH)  
LUCKNOW.

D.A. NO.

303/89

199

(i)

T.A. NO.

A-108

Date of Decision

Prabha Dyal

Petitioner

Shri S.P. Sinde

Advocate for the  
Petitioner(s)

VERSUS

Union of India & others

Respondent

Shri A. Suresh

Advocate for the  
Respondents

CORAM

The Hon'ble Mr. Justice V.C. Saraswati, V.C.

The Hon'ble Mr. L. S. Bajaj, P.M.

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

Vis

VICE-CHAIRMAN/MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 303 of 1989

A-IP

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

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

*Adh*

can be be distributed as Highly skilled grade I-6,

Highly skilled grade II-7 and skilled -6.

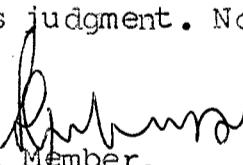
3. The respondents have opposed the application and have raised preliminary objection and according to them higher percentage at the ratio of 20:25 was contemplated in cognate trades of Auto TruckDrivers which means that 20% of the posts of Grade I and 25 % of the posts of grade II worked out on the 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-channelise the avenue of promotion for further advancement. Accordingly, Motor Drivers, Motor Mechanics, Auto Electricians, Diesl 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

B-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

27/93  
Lucknow Bench, Lucknow.

M.P. 195  
193

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

Sri Prabho Dayal

.....

Applicant,

Versus

Union of India & Others .....

Respondents.

*F.T.*  
*17/10/93*  
*AB*  
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

*Place  
before the  
Central Bench  
on 23-2-93  
for made  
by  
17/2/93*  
this Tribunal and such other orders may be passed as  
this Hon'ble Tribunal thinks to be just and proper.

Lucknow:

Dated: 9-1-93

*Anil Srivastava*  
(ANIL SRIVASTAVA)  
Advocate

*Counsel for Respondents,*

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 PRABHAN 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 11b*

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 in earlier in the test as provided in the ~~Circular~~ 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.

*El Faraz*  
18/1/93  
R.F.I. 27/10/93  
Chorbagh, Lucknow.

*A/17*

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,

*H. Khan*  
Asstt. Manager Officer  
N. Rly. Loco Shop,  
Charbagh, Lucknow

A-110

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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.

Courant

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

Khaliasi 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

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(2(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 avenue of promotion of Auto Truck Driver was in the categories(Trades) of Fitter, Mason, Motor Car Drvr, Turner, Fork Lifter, Driver, Coke 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 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

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can be 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 TruckDrivers 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 ~~skilled~~ ~~skilled~~ ~~eligibility~~ and he has to qualify as skilled fitter and ~~promotion~~ ~~promotion~~ 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, Diesl 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

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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.

Shakeel/ Lucknow dated 14.9.92.

Certified

July 23/94  
Inc.

Judicial Secy  
C. A. T.  
LUCKNOW

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.

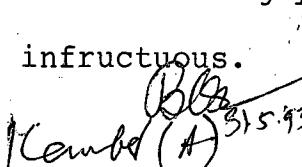
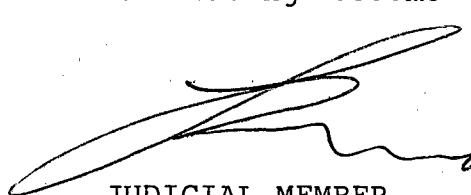
HON. MR. B.K. SINGH, ADMINISTRATIVE MEMBER.

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

This is an application for extending of time for compliance of judgment dated 25.9.92 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 25.9.92 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.

LUCKNOW DATED: 31.5.93

Shakeel/

 Kambo (A) 31.5.93  
 31.5.93  
JUDICIAL MEMBER.

31.5.93

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36 निषेधक

कृतीय उद्योगीय निषेधक  
निषेधक वापरिक निषेधक

प्रकाश - 22-9-92

प्रादेशिक

प्र० ५०००० ३०३/८९ निषेधक निषेधक २६ निषेधक  
वापरिक निषेधक - १६-९-९२ की तुलना है।

आप ही निषेधक हैं तुम्हारा उपरोक्त वापर के  
निषेधक की ओर उपरोक्त करार हेतु आपका  
प्रादेशिक निषेधक निषेधक निषेधक  
प्र० - ७१- (एक काम्पायार का निषेध आपको  
कृत करना चाहे तो है)

निषेधक निषेधक (८०)

०५९०३३२३

७१-

निषेधक

प्रादेशिक  
(प्रादेशिक)

F.T.

22.9.92

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Issue  
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22-9-92

Issued on  
22.9.92  
Date