

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... O.A. 319 ..... OF 1989 .....

NAME OF THE PARTIES ... G.N. Tiwari ..... Applicant

Versus

Union of India ..... Respondent

Part A.

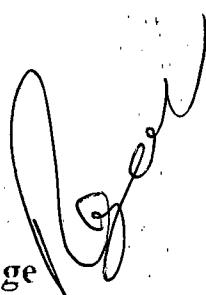
Sl.No.	Description of documents	Page
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CERTIFICATE

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

Dated .....

Counter Signed.....



Signature of the  
Dealing Assistant

Section Officer/In charge

9-11-69

## CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

ARX

Registration No. 319 of 1989 (L)APPLICANT(S) C. N. TewariRESPONDENT(S) Union of India & Ors. (P.R.)Particulars to be examinedEndorsement as to result of examination

1. Is the appeal competent ? Yes

2. a) Is the application in the prescribed form ? Yes

b) Is the application in paper book form ? Yes

c) Have six complete sets of the application been filed ? *five sets filed*

3. a) Is the appeal in time ? Yes

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 ? Yes

5. Is the application accompanied by B.O./Postal Order for Rs.50/- Yes

6. Has the certified copy/copies of the order(s) against which the application is made been filed ? Yes

7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? Yes

b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? Yes

c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents been filed and paging done properly ? Yes

9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? Yes

10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? No



Endorsement as to result of examinationparticulars to be Examined

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with Annexures filed ? *Y*

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Nos. \_\_\_\_\_ pages Nos. \_\_\_\_\_ ?

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

14. Are the given address the registered address ? *Y*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *A*

17. Are the facts of the case mentioned in item no. 6 of the application ?

a) Concise ? *Y*

b) Under distinct heads ? *Y*

c) Numbered consecutively ? *Y*

d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for indicated with reasons ? *Y*

19. Whether all the remedies have been exhausted. *Y*

*dinesh/**R  
27/10/87*

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

How  
with  
date  
compl

10-11-89

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

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

Heard Shri L.P. Shukla counsel for the applicant.

ADMIT.

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

List for orders / hearing on 15-2-90 as the case may be. As regards interim relief we here order that the applicant be permitted to appear in the test to be held on 18-11-89 subject to the final decision of Tribuna. The competent authority shall be entitled to withhold the result of the said candidate until further orders from this Tribuna.

M.

J.M.

rrm/

15.2.90

No Siting to 19.4.90

cl

19.4.90

Lawyer strike.

It is adjourned to 6/7/90

N.

B.O.C

B.

6-7-90

No Siting to 27/07/90

OR  
Sri A.V. Srivastava  
filed representation  
on behalf of O.B.

No CA filed

S.F.O.

h  
1714

Dinesh/

O.A. 3189 C

(AM)

12.9.91

D.R.

Both the parties  
are present.

Counsel for the  
D.P. desires to  
file counter by

22/11/91.

22.11.91

D.R.

Both the parties

are absent today.

Counter to be

filed by D.P. On

or before 12/12/91.

12.2.92

D.R.

Both the parties are

absent. Respondent

to file counter by

20/4/92.

20.4.92

Name parties are  
present. Respondent to file  
counter by 13/7/92.

Dy. Registrar.

ORR D E R S H E E T

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD/LUCKNOW  
BENCH

O.A. 319 NO / 09 (4) OF 19

GN. Texari v. U. S. 1. 200.

13/7/93

Hon. Mr. S. N. Prasad, J.M.

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

Shri L.P. Shukla, learned Counsel for the applicant and Shri A.K. Chaturvedi, learned Counsel for the respondents are present. CA has been filed and a copy of which has been furnished to the learned Counsel for the applicant. Learned Counsel for the applicant seeks time for filing RA. R.A. may be filed within 2 weeks. List this case on 4/8/1993 for hearing/disposal.

A.M.

J.M.

4-8-93  
OP  
R.A. filed

Mr. Singing at D-88-adf  
on 24-9-93

Date

SCH  
J.M.

03/8/93

Hon'ble Mr. S. N. Prasad - J.M.  
Hon'ble Mr. V. K. Seth - A.M.

None responds on behalf of either of the parties. List this case on 19/11/93.

h.s  
A.M.

J.M.

19-11-93 Hon. Mr. S. N. Prasad, J.M.  
Hon. Mr. V. K. Seth, A.M.

None responds on behalf of the applicant Shri A.K. Chaturvedi, learned counsel for the respondents is present. No R.A. has been filed. R.A. be filed within two weeks. List this case on 10-1-94 for hearing/disposal.

A.M.

J.M.

OP  
R.A. filed  
SCH  
J.M.

h.s

07/10/95

(AT)

OR

Short Counter  
Reply filed.  
Mo RA has  
been filed.

S. F. 14  
th  
5/10/95

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

None for the applicant.

Dr A.K. Chaturvedi Counsel  
for the respondent is present.  
Judgment is reserved.

J. M.

W.L.  
A.M.

07.11.95

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

Judgment pronounced today  
with open Court

J. M.

A.M

18

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 8<sup>th</sup> day of November, 94.

O.A. No. 319 of 1989.

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

HON. MR. D.C. VERMA, MEMBER(J)

Gopi Nath Tewari, son of late Paras Nath Tiwari, aged about 42 years resident of Manas Nagar, P.S. Krishna Nagar, Alambagh, Lucknow.

Applicant.

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Dy. Chief Mechanical Engineer, Carriage and Wagon Shop, Northern Railway, Alambagh, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R

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

In this O.A. the applicant has prayed for the following relief:

"....to regularise the applicant on the post of Welfare Labour Inspector in Lucknow Division( of the Northern Railway), in terms of various decisions of General Manager(P) on the basis of his continuous and satisfactory working on the post of Adhoc Welare Labour Inspector."

2. The respondents have filed Short Counter Reply dated 22.10.92. No Rejoinder has been filed on behalf of the applicant despite ample time and opportunity having been afforded for the same. Also nobody has put in appearance on behalf of the applicant when the case was

called out on 25.4.94 and again on 27.10.94.

3. A perusal of enclosure dated 27.5.91 filed with the Short Counter reply filed by the respondents reveals that the name of the applicant has been interpolated below Shri S.C. Srivastava and above Shri Basant Lal Shah in the panel of W.L.I.s announced through their office letter of 1.4.85 and the applicant has been regularised as W.L.I. with effect from 18.5.85. Proforma promotion, seniority and fixation of pay has also been allowed to him. Apparently therefore, the grievance of the applicant has already been redressed by the respondents. This O.A. has, therefore, become infructuous and is accordingly dismissed as such. Parties will bear their own costs.

Shakeel  
MEMBER(J)

Lucknow: Dated: 8-11-94

Shakeel/

W.L.I.  
MEMBER(A)

8-11-94

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 9-11-89  
Date of Receipt by Post 9-11-89

Deputy Registrar

Gopi Nath Tiwari.

Applicant

Versus

Union of India and others.

Respondents

APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNALS ACT, 1985.

For use in Tribunal's Office :

Date of filing : \_\_\_\_\_

Registration No. : \_\_\_\_\_

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 9-11-89  
Date of Receipt by Post 9-11-89

Deputy Registrar(J).

Noted for  
10-11-89  
GAT  
9-11-89 A.S. L.P. Shrivastava

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 9/11/89 (A)

Date of Rec'dt. 9/11/89 (A)

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

Dept. Regd. No. 11

O.A. No. 319

of 1989 (L)

Gopi Nath Tiwari.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

I N D E X

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2.	Letter of successful candidates dt. 25.3.85 who successfully completed the written test held on 3.2.1985.	13
3.	Copy of Notice dated 1.4.85 drawing up a Panel of 9 for the post of Welfare Labour Inspector.	14- 16
4.	Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.85.	17
5.	Copy of applicant's representation dt. 10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.	18
6.	Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years.	19
7.	Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.	20
8.	Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy. Chief Mechanical Engineer on 8.11.89.	21- 22
9.	Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.	23

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

Dec. 10 Regd.

O. A. No. 319 of 1989 (L)

Gopi Nath Tiwari.

-----Applicant

## Versus

Union of India and others.

----- Respondents

## DETAILS OF APPLICATION

**I. Particulars of the applicant :**

## II. Particulars of the respondents:

(i) Name or designation of the respondents. } 1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

(ii) Office address of respondents. } 2. Divisional Railway Manager Northern Railway, Lucknow.

3. Dy. Chief Mechanical Engineer, Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

*110*

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

AB

The application is directed against the non-regularisation of the applicant on the post of Welfare Labour Inspector in the existing vacancy and also by his exclusion from the list of candidates eligible to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989.

**IV. Jurisdiction of the Tribunal :**

The applicant declares that the subject matter of the order is within the jurisdiction of the Tribunal.

**V. Limitation :**

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

**VI. Facts of the case :**

The facts of the case are given below :-

1. That the applicant is at present working on adhoc basis as Welfare Labour Inspector in the Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow, since 18.5.1985.
2. That the applicant was appointed as Clerk in Carriage & Wagon Shop on 19.8.1971 on the basis of suitability test held by General Manager (P), Northern Railway, Baroda House, New Delhi.

Alam Dabir

3. That the applicant was originally appointed as Clerk in Saharanpur Shahdra Light Railway under the then Martin & Burn Company in 1969 on account of the take over of the aforesaid Railway being run by Martin & Burn Company. The applicant alongwith other employees were absorbed in the Northern Railway, accordingly the applicant was selected and posted as Clerk in Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

4. That the applicant was promoted from the post of Clerk to Senior Clerk on 1.10.1980.

5. That the applicant appeared in selection test for the post of Welfare Labour Inspector in Lucknow Division held by the Divisional Railway Manager, Lucknow. The applicant was spared for the written test held on 3.2.1985 by Deputy Chief Mechanical Engineer by order dated 2.2.1985. He accordingly appeared in written test on 3.2.1985 and was declared successful by the notice of Divisional Railway Manager, Lucknow, dated 23.3.85 and the applicant's name alongwith other successful candidates was circulated in Carriage & Wagon Shop by letter dated 25.3.1985 for appearing in the oral test to be held on 26.3.1985. A photostat copy of letter dated 25.3.1985 is being annexed as Annexure No.1.

6. That the sanction strength on the post of Welfare Labour Inspector in Lucknow Division

ASB

is 15, out of which 5 persons were already working as Welfare Labour Inspector in Lucknow Division. Thus 10 vacancies were to be filled on the basis of selection test.

7. That the applicant was successful in written and oral test and on the basis of Divisional Railway Manager's letter dated 23.3.85 circulating the names of successful candidates in the written test, the applicant's seniority position as evident from the date of appointment, is at Sl. No. 9 among the 12 successful candidates.

8. That inspite of the fact that 10 vacancies on the post of Welfare Labour Inspector in Lucknow Division were to be filled up on the basis of aforesaid selection test. A Panel of only 9 names was declared by notice dated 1.4.1985 by Divisional Personnel Officer. This included a Schedule Caste candidate. A photostat copy of the notice dated 1.4.1985 drawing up a Panel of 9 for the post of Welfare Labour Inspector is being annexed as Annexure No. 2.

9. That on the resulting one vacancy the applicant was appointed as Welfare Labour Inspector on adhoc basis by the order of Divisional Railway Manager dated 8.5.1985, which was circulated by the Dy. Chief Mechanical Engineer, Carriage & Wagon Shop, Alambagh, Lucknow by his letter dated

5/5/85

22.5.1985. A photostat copy of the application applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.1985 is being annexed as Annexure No.3.

10. That the applicant continues to discharge his duties efficiently and satisfactorily as Welfare Labour Inspector with effect from 18.5.1985 on the basis of order of Divisional Railway Manager dated 8.5.1985 as evident from the aforesaid letter of Dy. Chief Mechanical Engineer dated 22.5.1985.

11. That the applicant by his representation dated 10.7.1985 to the Divisional Railway Manager, Northern Railway, Lucknow, pointed out that on the basis of his seniority he was entitled to be placed on the Panel of Welfare Labour Inspectors in the existing 10 vacancies, whereas actually only 9 vacancies were filled-up on the basis of the Panel declared by notice dated 1.4.1985. The applicant accordingly requested that his name be included in the aforesaid Panel and his adhoc promotion as Welfare Labour Inspector be regularised. A photostat copy of the applicant's representation dated 10.7.1985 is being annexed as Annexure No.4.

12. That in terms of the various decisions of the General Manager, Northern Railway, Baroda House, New Delhi, Railway employees working

continuously on a post on adhoc basis for more than 3 years are entitled for regularisation on that post. These decisions of the General Manager are equally applicable in the case of the applicant, who has been working for more than 3 years as Welfare Labour Inspector on adhoc basis since 18.5.1985. A photostat copy of the General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years is being annexed as Annexure No.5.

13. That in terms of aforesaid decisions which are applicable and binding in the case of the applicant, he is entitled for regularisation on the post of Welfare Labour Inspector as already stated above, the applicant is also entitled for regularisation in the existing vacancy on the basis of the selection test, which entitled him to be placed on the Panel declared on 14.1.1985 in accordance with his seniority position.

14. That 5 vacancies on the post of Welfare Labour Inspector have arisen due to retirement and promotions on the next higher post of senior Welfare Labour Inspector to fill-up these 5 vacancies, The Divisional Railway Manager by his letter dated 18.9.1989 notified the written test to be held on 14.10.1989. The applicant

*Shivaji*

was eligible for the said test and accordingly the applicant was spared to appear in the said written test and identity slip was issued to the applicant to enable him to appear in the written test on 14.10.1989. A photostat copy of the identity slip dated 13.10.89 is being annexed as Annexure No.6.

15. That the written test scheduled to be held on 14.10.89 was however postponed. Thereafter by another notice dated 25.10.89, which was circulated in the office of Dy.Chief Mechanical Engineer, Alambagh, Lucknow on 8.11.89, the written test is now fixed for 18.11.89. The applicant's name however has not been included in the said list of persons eligible to appear in the said written test to be held on 18.11.89. A photostat copy of the list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy.Chief Mechanical Engineer on 8.11.89 is being annexed as Annexure No.7.

16. That the exclusion of the applicant's name from the list of persons eligible to appear in the written test on 18.11.89, is wholly arbitrary and malafide. The applicant as already stated above, was eligible to appear in the same written test earlier scheduled to be held on 14.10.89, when it was postponed and as such the applicant cannot be excluded from the same written test to be held on 18.11.89.

*Alambagh*

17. That the applicant made another representation dated 9.10.1989 to Divisional Railway Manager, Northern Railway, Lucknow, through proper channel, claiming regularisation on the post of Welfare Labour Inspector from which he was wrongly excluded from the Panel declared on 14.1985 and was thereafter appointed in the resulting vacancy on adhoc basis with effect from 18.5.1985. The applicant has continued to work as adhoc Welfare Labour Inspector continuously and satisfactorily for more than 4½ years. He is, therefore, entitled for regularisation as Welfare Labour Inspector in terms of various decisions of General Manager (P) particularly vide item No. 215/88 of N.R.M.U./P.N.M. (Annexure No.5). A photostat copy of applicant's representation dated 9.10.1989 is being annexed as Annexure No.8.

18. That aggrieved by the non-regularisation of the applicant on the post of Welfare Labour Inspector in the existing vacancy and also by his exclusion from the list of candidates eligible to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989, the applicant having no other alternative efficacious remedy available to him has preferred this application on the following amongst other,

*(Signature)*

- G r o u n d s -

(A) Because the applicant is entitled for the appointment as Welfare Labour Inspector

on the basis of his selection and placement in the Panel dated 1.4.1985.

(B) Because the applicant is entitled for regularisation on the basis of his continuous and successful working on the post of adhoc Welfare Labour Inspector since 18.5.1985 in terms of various decisions of General Manager (P).

(C) Because the applicant has been illegally and arbitrarily excluded from the written test for selection in the existing vacancy of Welfare Labour Inspector to be held on 18.11.1989 for which he is eligible.

**VII. Details of the remedies exhausted :**

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

**VIII. 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 of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

(Signature)

**IX. Reliefs sought :**

In view of the facts mentioned in Para VI above the applicant prays for the following relief :-

(i) To regularise the applicant on the post of Welfare Labour Inspector in Lucknow Division in terms of various decisions of General Manager (P) on the basis of his continuous and satisfactory working on the post of adhoc Welfare Labour Inspector.

**X. Interim order, if any prayed for :**

Pending final decision on the application, the applicant seeks issue of the following interim order :-

This Hon'ble Tribunal may be pleased to direct the respondents that the applicant may be allowed to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989 for which he is eligible.

**XI. Particulars of postal order in respect of the application fee :**

1. No. of Indian Postal Order: 6 10 35-8931  
7 04 036789

2. Name of the issuing Post Office: 7 04 036789  
Galgam Branch

3. Date of issue of Postal Order: 9-11-89

4. Post Office at which payable: Allahabad

120

XII. List of enclosures:

1. Letter of successful candidates dated 25.3.85 who successfully completed the written test held on 3.2.1985.
2. Copy of Notice dated 1.4.1985 drawing up a Panel of 9 for the post of Welfare Labour Inspector.
3. Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.85.
4. Copy of applicant's representation dated 10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.
5. Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years.
6. Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.
7. Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy. Chief Mechanical Engineer on 8.11.89.
8. Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.

*Amritpal*

A23

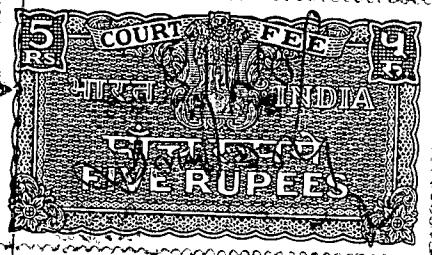
Verification.

I, Gopi Nath Tiwari, aged about 42 years, son of Late Paras Nath Tiwari, posted as adhoc Welfare Labour Inspector, Carriage & Wagon Shop, Alambagh, Northern Railway, Lucknow, resident of Manas Nagar, P.S. Krishna Nagar, Alambagh, Lucknow, do hereby verify that the contents of paras are true to my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Dated: .11.1989.

Place: Lucknow.

  
Signature of the applicant.



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In The Central Administrative Tribunal  
Lucknow Bench Lucknow महोदयवादी (मुद्दई)  
मुद्दई (मुद्दालेह)का  
O.A.N.वकालतनामा  
of 1989 (L)

Gopiy Nath Tiwari — — — — —

Petitioner

Union of India &amp; others — — — — —

off parties

नं० मुद्दमा सन पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla, Advocate

वकील  
एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगारी जारी करावें और रूपया बसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

Van Chirayat Shah

Hastakshar Alka Ray

साक्षी (गवाह) — — — — — साक्षी (गवाह) — — — — —

दिनांक 9

महीना 10 सन् १९८९ ई०

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

O.A.No. 319 of 1989(L)

AT

Gopi Nath Tiwari.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

List of Enclosures.

S.No.	Description of papers.	Page Nos.
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2.	Copy of Notice dated 1.4.85 drawing 14 - 16 up a Panel of 9 for the post of Welfare Labour Inspector.	
3.	Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dt. 22.5.85.	17 -
4.	Copy of applicant's representation dt. 10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.	18 -
5.	Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on 9 - adhoc for more than 3 years.	
6.	Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.	20 -
7.	Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy. Chief Mechanical Engineer on 8.11.89.	21 - 22
8.	Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.	23 -

Almrahi

(13)

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.  
Gopi Nath Tiwari. -----Applicant  
Union of India & others. -----Respondents  
Annexure No. A26

NORTHERN RAILWAY  
OFFICE OF THE DY.C.M.E.(W), C & W SHOPS, AMV. LUCKNOW.  
No. DOME/742/Pt.VII

Dated 23.3.85.

The Office Suptd. Estt. (I)&(II),  
The Office Suptd., Pay Bill Section,  
C & W shops, Amv. Lucknow.

Reg:- Selection of W.L.I grade Rs.425-640(Rs).

Ref:- DRM/Lko.'s letter No. 752E/IN/WLI/Selection/  
dated 23.3.85.

\*\*\*\*\*

The following staff of this workshop have been  
passed written test of WLI grade Rs.425-640(Rs) vide  
DRM/Lko.'s letter under reference. The oral test, in this  
regard is scheduled to be held on 26.3.85. Accordingly  
under noted staff are required to be spared well in time  
to enable them to attend the same.

S/Shri Ram Pher	HC/EI
S.C.Srivastva	HC/EI
G.N.Tewari	Sr. Clerk/PB.
S.P.Singh	HC/Shop C

for Dy.C.M.E.(W),  
C & W shops, Amv. Lucknow.

Copy to :-

1. ss/Shop C and OS/Time Office, Amv. Lko. for  
information and n/action.

2. CA/Dy.C.M.E.(W), Amv. for information and  
n/action. Please send the CRs of the above  
named employees to the DRM/Lko. before  
26th March 85 in connection with the selection  
of WLI. to be held on above said date.

Attested/...e Copy

*N. S. Shukla*  
S. N. SHUKLA  
Advocate

*M. G. Khan*

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Gopi Nath Tiwari. -----Applicant

Vs.

Union of India & others. -----Respondents

Annexure No. 2

NORTHERN LOKA YAW

No. 752/TA/WLIs

Divisional Office  
Lucknow  
Dt. 1st April' 85

NOTICE

As a result of selection held for the post of Welfare Inspectors Gr. 425-640 (RS), the following persons have been placed on the panel:-

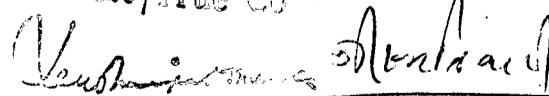
1. Sh. Virendra Pratap Srivastava	Sr. Clerk/ ACMO/LKO
2. Sh. Keti Lal (SC)	Sr. Clerk/ CHI/CB
3. Sh. Sukhendra Pal Singh	Hd. Clerk/ Dy. CME/W/ AMV
4. Sh. Ram Sewak Bajpai	Ad-hoc WLI/ ACMW/CB
5. Sh. Ram Pher	Hd. Clerk/ Dy. CME/ AMV
6. Sh. Tej Bahadur Singh	Sr. Clerk/ CEF0/ B&P
7. Sh. Suresh Chandra Srivastava	Hd. Clerk/ Dy. CME/ AMV
8. Shr. Basant Lal Shah (ST)	Ad-hoc PI/LKO.

2. Shri Sita Ram, a SC candidate for the above selection has also been approved for being promoted on ad-hoc basis as Welfare Inspector for six months in-service training against the reserved roaster point for SC. Accordingly, the following posting orders are made for immediate compliance:-

3. (1) Shri Virendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr.425-640 (RS) at Lucknow. He will look after the following staff- Loco Shed/LKO, C&W/LKO, RBL-PBH Sec., PBH-PRG/PYG Sec., PBH-SLM(Excl.) Section.
- (2) Shri Keti Lal (SC) is promoted and posted as Welfare Inspector (Local Herdsmen & Socyo. Handicrafts Centre). He will also look after the Local Railway Schools, Literacy Centres, and Handicrafts Centre (Training Wing) Fateh-ali-ka-Talab. He will relieve Shri AC Misra, who is posted as Hd.Clerk Gr.425-700 (RS) in Pay Bill Section according to his seniority.
- (3) Shri Sukhendra Pal Singh is promoted and posted as Welfare Inspector in Gr.425-640 (RS) in C&W Shop/ AMV reversing local arrangement.
- (4) Shri Ram Sewak Bajpai working as ad-hoc WLI Grade 425-640 (RS) in CB Workshop is regularised on the same post.

contd.... 2/2

Attested/True Copy



L. P. SINGH

Advocate

(5) Shri Ran Pher is promoted and posted as W.L.I. in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., S&T Staff, Dcsh office, Relieving staff, LKO (Excl.)-CPB, CPB-PBM(excl.), UCA.m.Bs(excl.), UCH.LBU(excl.), D44-RBU(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially Incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with MLC/100s under I.D. Act.

(6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at BSB. He will look after Diesel Shed/MGS and staff of the Sections MTR-PBH (excluding PBH & BSB Area).

(7) Shri Surendra Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. COS's office requires local arrangement.

(8) Shri Bassant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Dietetics staff posted at LKO and staff of the Section LSA-SHG (Excl.) and F.D.SLN (Excl.).

(9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Mysore/Mysore City Corporation Board Management Department. N.C.G.B.I. (Excl.).

3- Existing Sr. W.L.I.s namely, S/Shri ML Gupta, M.P. Nigam and SK Gupta will henceforth perform the following duties -

1. Shri ML Gupta, SWLI in Gr. 700-900 (RS) with HQ at BSB will look after the staff of BSB Area and staff of the sections BCP-SHC and JWL-JWK (Excl.). He will also supervise the working of W.L.I. Shri TB Singh, newly promoted.
2. Shri MP Nigam, SWLI Gr. 550-750 (RS)/HQ/LKO. He will be the Coordinating SWLI. He will deal with the Cooperative Stores, supervise the working of Welfare Co-operative Stores, supervise the functioning of Institutes and Sec., look after the functioning of Institutes and Recreation Clubs apart from working as Secretary Staff Benefit Fund. He will also coordinate in non-payment meetings.
3. Shri SK. Gupta, SWLI in Gr. 550-750 (RS) - He will look after the Transportation & Comml. staff at LKO (Station, Yard and Goods Shed, City offices) and staff of LKO-Almora, LKO (Excl.) and M.P.L (Excl.) sections.

contd....3/-

*Attested/True Copy*

*L. P. SHUKLA*

Advocate

4. Promotions to Gr.550-750 (RS) & 700-900 (RS) against upgraded posts due to cadre restructuring will be ordered separately.

5. Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their competency separately which case is under process.

*D. C. S.*  
DIVISIONAL PERSONNEL OFFICER (S)  
LUCKNOW.

Copy forwarded for information to:-

1. All Officers and Gr. Subordinates on LKO Divn.
2. Addl. C. M. O./CB/Lucknow
3. Addl. C. M. E./Loco Workshop/CB/Lucknow
4. Dy. C. M. E./C&W Shops/Almora/Lucknow
5. Dy. C. O. S./AMV/Lucknow
6. Principal, System Technical School/CB/Lucknow
7. C. H. I./CB/Lucknow,
8. Sr. Electric Foreman/Varanasi.
9. C. P. I./Lucknow,
10. Principal, JR RPF Trg. Centre/Tal Katora/Lucknow.
11. Sr. D. Ao/Asst. SAo/AMV & CB/LKO
12. Supdt. C. (Conj) & Bills in office
13. Et. S. D. Sharma: Offg. MIL
14. Et. A. C. T. Singh: Offg. MIL

Attested/True Copy

*Vermin and Munda*  
S. P. SHIV

Adv.

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

-----Applicant

Union of India & others.

----- Respondents

Annexure No.

3

11

उत्तर रेलवे  
उत्तर प्रदेश यात्रिक अधिकारी, ग.पा.डि.पारवाना, जालमधार, सल्लाहु।  
ग.पा.डि.पारवाना, जालमधार, सल्लाहु।  
दिनांक २२-१-१९४८।

दिनांक 22-5-1985,

1. मुंडल रेतवेपबंधक/इ०र०/तस्त्रांडू की बोटिस संख्या 752ई/ए/111/उत्तर-पश्च. ग्राह दिनांक 3.5.85 ने ग्रामीण पर श्री ग्रामीण गांधी तिवारी, वरिष्ठ लिपिक, वेतन बिल अनुमति देतब रु 0340/- प्रस 35/- लिखेका वेतन देतबगाल रु 330-560 (परिं०) ग्रांडित निरीक्षण के पद पर वेतन रु 425/- पर वेतन आज रु 425-700(परिं०) में वित्तन तदर्थ आधार पर क्रमत नीय जा हो तो अदिक लिए दिनांक 18.5.85(पुराविं) दे पहलेका लिया जाता है तथा इनकी ग्रामीण इसी दिनांक द्वारा पर दी जाती है। श्री तिवारी की लिखांक 17.5.85(पराविं) मे वेतन अनुमति से वार्षिक दिया जाता है।
2. श्री निरंजन हुमार सिल्हा, वरिष्ठ लिपिक वेतन रु 380/- वेतन 10330-660(परिं०) जो इस समय इसी देतब तथा देतबमा न पर तदर्थ शुद्धार पर आनुदिपिका के पद पर काम करे रहे थे। उनकी ग्रामीण प्राक्षिका पर उन्हें जाने वाले लिखित टैक्स भैडर में वापस लिखांक 18.5.85 (पुराविं) दे रु 35/- का विक्रेत देतब प्रदान किया जाता है तथा
3. श्री सिंहरी तिवारी की पहलेकी वित्तन तदर्थ आधार पर शुद्धार रु 0 ते क्लेवेल अतिरिक्त विज्ञापन के अनुसार नी भुक्ति और उनकी वह अधिकार वालों की ग्रामीण मे वह अप्टेके रे वरिष्ठ पर लोहे थी की वृद्धि द्वारा भुक्ति

ਫ਼ੋਟੋਸਿੱਟ/ ਸੰਖੇ/ 742/ 6

१८४  
दृष्टि उपम्यु व्यांग्यो (लक्षण) अलम्बन  
विः

ਮਿਤੀ 25-1985

प्रतिलिपि नं. १. मंडल रेलवे प्रबंधन/उ०र०/तथा तो उनके बोर्डिंग से  
३२२५/१५/११/५६ तु. एल. आ० दिनांक ४.५.८५ रे द्य०

प्रतिलिपि नं. २. उ०र०(उत्तर बिल) प्रथावलिमी(पास) के सूचनाएँ। एवं विवाही वैदुक्य।

प्रतिलिपि नं. ३. वरिष्ठ लेखा अधिकारी/आक्रमण के सूचनाएँ।

Attested/True Copy

✓  
L. P. SHI  
Adv.

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

Vs.

Union of India & others.

-----Applicant

-----Respondents

Annexure No.

4

To,

The Divisional Railway Manager,  
N.Rly, Lucknow.

Respected Sir,

Through:-Proper Channel

Sub:-SELECTION FOR THE POST OF WLI.Gr. Rs.425-640(RS).

....

Ref:-Your notice No. 752E/1A/WLI, dt. 1.4.85.

....

With due respect and humbly<sup>2</sup> submission, I beg to lay down the following few lines for your sympathetic consideration:-

1. That as a result of selection held by your office, I qualified in the written test for the same vide your letter No. 752E/1A/Hit Nirikshak/Chayan, dt. 22.3.85 and also appeared in viva-coce test held on 26.3.85.
2. That as per your notice under reference, a panel of 9 persons was declared as against 10 persons. Thus one vacancy was left unfilled.
3. That I was the 9th candidate in order of seniority.
4. That due the reason best known to your goodself, my name was not placed on panel of WLI, Gr. Rs. 425-640(RS) although a vacancy till exist and rather promoting me on regular basis, I have been promoted as such on adhoc basis, for a period of 3 months vide your notice No. 752E/A.III/SWLI, dt. 8.5.85. This adhoc-arrangement is likely to expire on 19.8.85.

Under the circumstances explained above, I request that my name ~~may~~ may kindly be interpolated in the panel of WLI, Gr. Rs. 425-640(RS) already declared and my adhoc promotion be regularised from the very date, it was ordered.

Thanking & oblige.

yours faithfully,

Dated July 10, 1985.

*G.N.TEWARI*  
(G.N.TEWARI)  
W.L.I/Dy.CME's Office,  
C&W Shops, Amv/Lko.

Attested/True Copy

*Venkateswaran* *Shukla*  
L.P. SHUKLA  
Advocate

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

(19)

Gopi Nath Tiwari.

-----Applicant

Union of India & others.

-----Respondents

Annexure No.

5

ASY

4. Item No. Reversion from Clerk to Class IV staff under DCOS/Amv/  
215/88 LKC.

DCOS/Amv  
Lkc  
SPC(HQ)

The case was reopened again and discussed in the meeting. It was revealed that employees concerned are continuously officiating in Gr.330-560 (RS) /Rs.1200-2040 (RPS) since 3/1982 and therefore it was not considered necessary to subject them again to suitability test for promotion to the same grade. It was further decided that they may be regularised from the date they have completed three years continuous adhoc officiating in Gr.330-560 (RS) /1200-2040 (RPS). However Sri Mauria will remain senior to all these employees in terms of ~~xxx~~ Supreme Court Judgement (Final).

....

Attested/True Copy

*L. P. SHUKLA*

L. P. SHUKLA  
Advocate

*Attested*

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

Vs.

Union of India & others.

-----Applicant

-----Respondents

Annexure No.

6

20

IDENTITY SLIP

In terms of DRM/LKO's letter No. 752-E/6/WLI dated 18.9.89

Shri G. N. Tiwari Designation Offg. W.L.O  
whose signature is appended below is allowed to appear in  
the written test to be held at 10-00 hrs. on 14.10.89 at  
System Tech. School, Charbagh, Lucknow, in connection with  
Welfare Inspector Gr. Rs. 1400-2300 (RP).

*(Signature)*  
for Dy.C.M.E. (W),  
C&W Shops, Alambagh, Lucknow.

Signature of the Candidate.

*2nd 9/10/89*

Counter signed by OS/SS  
concerned.

(A/11.10.89)

-X-X-X-

IDENTITY SLIP

In terms of DRM/LKO's letter No. 752-E/6/WLI dated 18.9.89

Shri G. N. Tiwari Designation Offg. W.L.O  
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Welfare Inspector Gr. Rs. 1400-2300 (RP).

*(Signature)*  
for Dy.C.M.E. (W),  
C&W Shops, Alambagh, Lucknow.

Attested/True Copy

*L. P. SHI*

Advocate

*Advocate*

Signature of the Candidate

*2nd 9/10/89*

Counter signed by OS/SS  
concerned.

(A/11-10-89)

-X-X-X-

1683-4-12-10-89

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

-----Applicant

Union of India & others.

-----Respondents

Annexure No.

7

(21)

NORTHERN RAILWAY

Office of the Dy. C.M.E. (W), C & W Shops, Alambagh, Lucknow.

Staff Order No. 601 of 1989

Dated : Nov. 8, 1989.

In continuation to this office docket No. DCME/748/WLI dt. 11/89 and informs of Sr. Divl. Officer, N.Rly/LKO notice No. 752/E/6/1 (WLI) dt. 25.10.89 the following group-C staff of these works are being spared for the selection for the post of WLI Grade Rs. 1400-2300 (RPS) to be held on 18.11.89 at 2 P.M. at system Technical School N.Rly CB/LKO. The staff being directed to appear at the written test should be given proper identity slips duly signed by their immediate supervisors/incharge/officers to enable them to appear at the test. The staff concerned should also be told that no supplementary test will be held.

Appear

Sr. No.	Name	Designation	Selection.
1.	Shri R.A.Naqavi	Sr.Clerk	Rolling Stock
2.	Shri Mohtashim Abbas	Sr.Typist	Type
3.	Shri J.K.L.Srivastava	Sr.Clerk	E IV
4.	Shri P.K.Ghosh	Sr.Clerk	Welfare
5.	Shri Bhagwan Sahai	Sr.Clerk	Time Office
6.	Shri Prasad Yadav	Sr.Clerk	Time Office
7.	Shri Swami Saran	Sr.Clerk	Shop-E
8.	Shri Devandra	Sr.Clerk	Settlement
9.	Shri Uday Raj Bharti	Sr.Clerk	E IV
10.	Shri M.K.Sinha	Sr.Clerk	General
11.	Shri Arvind Kumar	Sr.Clerk	Legal
12.	Shrimati K.Jasra	Sr.Clerk	Production
13.	Shri Gopal Shukla	Sr.Clerk	Time Office
14.	Shri Amir Mian	Sr.Clerk	SMDC

Case No. DCME/748/WLI

Dated: 8/11/1989

*8/11*  
for Dy.CME 'W' C&W Shops  
Alambagh Lucknow.

C/- 1. Sr. Divl. Personal Officer N.Rly, LKO for information in reference to his notice No. 752/E/6/1 (WLI) dt. 25.10.89. It is also inform that item No. 8 to 10 of your list Sri R.S.Sharma, Sri Anil Kumar Singh and Sri N.P.Sexena have since been promoted as Hd.Clerk in Grade Rs. 1400-2300 (RPS).

2. OJ/E-I, E-III, E IV Pay Bill, General, Production, Time Office, SS/ShopE, SMDC Amy for information & n/action. They will please spare the staff concerned.

1799-25X2-8-11-89

Attested/True Copy

*Vishwanath Mehta*  
L. P. SHUKLA  
Advocate

*Alfa*

No. 811, Office of the Dy. C.M.O. (W), C&W S.H.Q., AMV/LKU.

BUCKET NO. DCME/748/WLI

Dated 8 Nov '89

The following copy of Senior Development Officer, No. 811, LKU No. 752/E/6/1 (WLI) dt. 25.10.89 is hereby sent to all concerned for information and necessary action.

The list of the eligible staff of these works is being issued separately.

Par 8/11

Copy to Dy. C.M.O. (W) AMV/LKU.

Copy of letter No. 752/E/6/1 (WLI) dt. 25.10.89 from Sr. Div. Personnel Officer, N.Ray-LKU to the Dy. C.M.O. (W), AMV/LKU, and copy to others.

Sub:- Selection for the post of Welfare Inspector, grade Rs. 1400-2300 (RPS) a written test to be held on 18.11.89.

.....

The written examination or above selection fixed to be held on 14.10.89 vide letter on even number dated 18.9.89 and postponed till further orders will now be held on 18.11.89 at 2 P.M. at System Tech School, N.Rayway, Chaknay, Lucknow. The staff being directed to appear in the written test should be given proper ident. slips duly signed by their immediate supervisors/incharges/officers to enable them to appear in the test. Instructions contained in this office letter dated 18.9.89 should strictly be遵ed to.

Since it is a competitive examination comprising the staff of different units and departments, no supplementary test will be held. Therefore all the incharges/officers are requested to ensure that the date of written test viz. 18.11.89 is noted by all the staff concerned working under them.

It is also desired that the staff who have been promoted in higher grade or similar posts to grade Rs. 1400-2300 (RPS) on regular basis may not be directed to appear in the selection (written test) for the post of W.I.G. 1400-2300 (RPS).

NOTE:- It would be the duty of Senior Subordinates concerned that-

(i) While issuing 'G.92', it should be mentioned in red ink at the top of the form that employee is due to appear before the selection board on 18.11.89.

(ii) In case, staff outgiving 'G.92' from an office, other than one in which he is employed, the staff will be duty-bound to give declaration that he is not required to attend any selection within the next two weeks.

(iii) It should also be brought to the notice of Executive Officer under whom the employee is working so that he can ensure that employee is spared well in time.

(iv) P.M.Cs are not considered sufficient for absence from selection/supplementary tests and will be summarily rejected.

Copy to all D.M.Os on Lucknow Division for information. List of staff, required to appear in the selection (written test) is endorsed to all the D.M.Os with the instruction that if any of the employees is referred to them he should be examined by the DMO/AMO who should certify as to the genuineness of the sickness and the encashment of the employee to appear before the selection board on the prescribed date.

.....

B/81189

dated/True Copy

*Yashwant Singh 8/11/89*

L. P. SHUKLA  
Advocate

In the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

23

Gopi Nath Tiwari.

-----Applicant

Vs.  
Union of India & others.

-----Respondents

Annexure No.

8

To,

The Divisional Railway Manager  
Northern Railway,  
Lucknow.

(Through Proper Channel)

Sir,

Sub:- ~~the~~ Selection for the post of Welfare Insp. Grade Rs.  
1400-2300 (RPS).

.....

Respectfully I beg to state that:-

I appeared in the selection for the above post on 3.2.85  
in response to your letter No. 752E/IA/1/Selection dt. 15.1.85  
and was declared successful as a result.

I was called for viva voce test on 26.3.85 alongwith  
other successful candidates.

Against 10 vacancies a panel of 8 men was ~~selected~~ declared  
vide notice No. 752E/TA/WLIs dated 1.4.85 before my name was  
not included.

After a lapse of about 1½ month I was also promoted on  
adhoc basis as there were 10 vacancies.

As a matter of fact the panel should have been declared  
for 10 mens not 8 men as done that time. Had the panel been  
formed for 10 men I would have been included then & there.

Since 18.5.85, I am continuously working as WLI Gr. Rs.  
425-640/1400-2300 to the entire satisfaction of my superiors.  
But I have again been called for written test to be held on  
14.10.89.

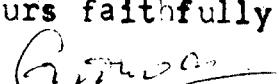
In this connection, I have to submit that I have already  
worked as WLI for more than 4 yrs as such I should be regular-  
ized in view of G.M's decision vide item No. 215/88 of NRMU/  
PNM (Photo copy attached). There are many other such decision  
in which the persons who officiated on adhoc basis for more  
than 18 months have been regularized without subjecting to  
any test.

In view of the above, it is earnestly prayed that I may  
be exempted from the test and be regularized as WLI W.E.F.  
18.5.85.

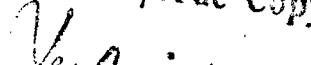
Thanking you,

Yours faithfully

Dated 9 Oct '89

  
(G.N. Tiwari)  
Oftg. WLI/C&W  
Shops, Amv/Lko.

Attested/True Copy

  
L.P. Shukla

Advocate

PF 515/93

11/3/93  
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

M.P. No. 178 of 1993

Union of India & Others

... APPLICANTS/  
RESPONDENTS

In Re:  
Original Application No. 319 of 1989(L)

G.N. Tewari

... APPLICANT

VERSUS  
Union of India & Others

... RESPONDENTS

APPLICATION FOR  
CONDONATION OF DELAY IN FILING SHORT COUNTER REPLY

The Applicants / Respondents most respectfully  
beg to submit as under:-

That the Short Counter Reply could not be  
filed in response to the Notice, within the time  
specified by this Hon'ble Tribunal due to reasons  
beyond the control of the Answering Respondent.

The delay is not deliberate and as such the delay  
may be condoned.

Place before  
the Hon'ble Bench  
on the date  
for the reasons stated above, this Hon'ble Tribunal  
may be pleased to condone the delay in filing the  
Short Counter Reply and take the Short Counter  
Reply on record of the Hon'ble Tribunal in the  
interest of justice.

Place : Lucknow  
Dated : OCT 1992

Asit Kumar Chaturvedi

Advocate

COUNSEL FOR THE APPLICANTS/RESPONDENTS

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

M.P. No. 179 1993

PGO

Union of India & Other

... APPLICANTS/  
RESPONDENTS

In Re:  
Original Application No. 319 of 1993(L)

G.N. Tewari

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR  
DISMISSAL OF THE ORIGINAL APPLICATION

The Applicants / Respondents most respectfully beg to submit as under:-

That in view of the facts, reasons and circumstances stated in the Statement, it is expedient in the interest of justice that the Original Application filed by the Applicant before this Hon'ble Tribunal may be dismissed.

Therefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application filed by the Applicant in the interest of justice.

Place : Lucknow  
Dated : OCT 1992

*Asit Kumar Chaturvedi*  
(ASIT KUMAR CHATURVEDI)  
Advocate  
COUNSEL FOR THE APPLICANTS/RESPONDENTS

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

Recd

ORIGINAL APPLICATION No. 319 OF 1989(L)

G.N. Tewari

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

SHORT COUNTER REPLY  
ON BEHALF OF THE RESPONDENTS.

I, P.K. Agarwal, aged about 36 years, S/o Sri K.K. Agarwal, presently working as Deputy Chief Mechanical Engineer (W), Northern Railway, C & W Shops, Alambagh, Lucknow, is competent to file Counter Reply on behalf of Respondents, and as such, is fully conversant with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Original Application and states hereinafter.

1. That the Competent Authority has decided that the name of the Application be interpolated at Item No. 8, which is below Shri S.C. Srivastava and above Shri Basant Lal Shah, in the Panel of Welfare Labour Inspector in the

*P.K. Agarwal*  
Dy. Chief Mech. Engineer (W)  
C & W Shops AMV Lko.

A45

knowledge derived from information and records. The legal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the 20 day of October 1992, at Lucknow.

  
24/10  
(DEPONENT)  
Dy. Chief Mech. Engineer (W)  
G.S.T. Works AMV Ltd.

442

Grade of Rs.425-640(RS)/Rs.1400-2300(RPS),  
through Order dated 27th May 1991. A copy of  
the Order dated 27th May 1991 is being annexed  
as ANNEXURE No. 1 to this Short Counter Reply.

2. That consequently the Applicant has been regularised as Welfare Labour Inspector w.e.f. 18th May 1985. The Applicant has been given proforma fixation of seniority and pay as Senior Welfare Labour Inspector in the Grade of Rs.1600-2600 w.e.f. 29th August 1989.

3. That the Applicant will draw salary in the Cadre of Rs.1600-2600 w.e.f. 27th May 1991 and as such, no arrears of pay will be payable to him for the period from 29th August 1989 to 26th May 1991.

Place : LUCKNOW

Dated : 22<sup>nd</sup> OCT 1992

  
22/10  
(DEONENT)

Dy. Chief Mech. Engineer (w)  
C & W Shops AMV Lko.

#### VERIFICATION

I, the Deponent above named, verify that the contents of paragraphs 1 to 3 of this Short Counter Reply are true and correct to my

A45

knowledge derived from information and records. The legal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the 20 day of October 1992, at Lucknow.

*Rajendra*  
24/10  
(DEPONENT)  
By *Shri. Rajendra* Engineer (W)  
G. S. Technologies AMV Ltd.

NORTHERN RAILWAY

No:752E/6/1/WLI

DIVISIONAL OFFICE  
LUCKNOW: Dt.27/5/91.

5-40-53  
137

NOTICE

Pursuant to the direction issued by Hon'ble CAT Circuit Bench, Lucknow, in OA No.319 of 1989(L), @Opn Nath Tewari versus Union of India & others, the case of Shri G.N.Tewari was considered by the competent authority and accordingly it has been decided that the name of Shri G.N.Tewari may be interpolated at Item No.8, that is below Sri Suresh Chandra Srivastava and above Sri Basant Lal Shah, in the panel of WLI in grade Rs.425-640(RS)/ Rs.1400-2300(RPS), announced through this office letter of even number dated 1.4.85.

Consequent on the aforementioned interpolation Shri G.N.Tewari is hereby regularised as WLI in grade Rs.425-640(RS) w.e.f. 18.5.85.

Accordingly by virtue of the aforementioned position Sri G.N.Tewari is allowed proforma' promotion seniority and fixation of pay as SWLI in grade Rs.1600-2660(RPS) w.e.f. 29.8.89 i.e. the date of promotion of his junior Shri Sita Ram as SWLI in grade Rs.1600-2660(RPS) w.e.f. 29.8.89 interms of P.S.No.2709. Sri Tewari will, however, draw his pay in grade Rs.1600-2660(RPS) w.e.f. 27.5.91 only. No arrears will be paid to him for the period from 29.8.89 to 26.5.91.

This has the approval of competent authority.

*Effraed*  
for Sr.Divt Personnel Officer  
Lucknow.

Copy to :-

1. Dy.CME(W), C&W Shops, Alambagh, Lucknow
2. SWLI(C), DRM's Office, Lucknow.
3. Shri G.N.Tewari, SWLI, C&W Shops, Alambagh, Lucknow.

N.R.

VAKALATNAMA

G.V. 3

Before

In the Court of

O.A. No. 319 of 1989  
Fixed for 23-8-90

Plaintiff  
Defendant

Gopi Nath Tewari

Claimant  
Appellant  
Petitioner

Versus

Defendant  
Plaintiff

The Union of India  
and others

Respondent

The President of India do hereby appoint and authorise Shri... K. C. John, Presenting...

Officer, LICO

ATUL KEERTI (Adv) (B.H.)

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromis where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. K. C. John, Presenting...

Officer, LUCKNOW  
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the..... 19

Accepted and  
Atul Keerti  
Dated 21-8-1980

Designation of the Executive Officer  
कर्मचारी एवं माल विद्या कर्मशाला  
लघारी एवं माल विद्या कर्मशाला,  
४० रो, आलमगढ़, लखनऊ

N.R.

VAKALATNÁMA

ANU  
G.V. 3

Before

In the Court of

O.A. No. 319/89(L)  
Fixed for 22-11-91

Plaintiff  
Defendant

G. N. Tewari

Claimant  
Appellant  
Petitioner

Versus

Defendant  
Plaintiff

The Union of India  
& Others

Respondent

The President of India do hereby appoint and authorise Shri..... Asit Chaturvedi.....

Presenting Officer..... Lko.....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromis where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri.....

..... in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the..... 19

Filed today

5/11

13/11/91

Dated..... 28.11.1981

N.R.P./R.Rd. (Pb. Bg.), Delhi-35 -2, 17/17-02-1989-4000 F.

Designation of the Executive Officer  
(S.N. Lamba)

Dy. Chief Mech. Engineer (w)  
C & W Shops AMV Lko.

N.R.

## VAKALATNAMA

G.V.3

In the Central Administrative Tribunal, Allahabad,  
circuit Bench at LUCKNOW

Before

In the Court of

Regn. No. 319 of 1989 (L)  
Fixed for 15-2-1990

Plaintiff G.N. Tewari  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Defendant The Union of India  
Plaintiff and others

Respondents

The President of India do hereby appoint and authorise Shri A.V. Srivastava, Presenting Officer, Allahabad

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromis where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri A.V. Srivastava, Presenting Officer, Allahabad in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the 19

For & on behalf of the U.O.I.

(RAJIV CHANDRA)

पंडित राजीव चंद्रा (कर्मा)

सरारी एवं माल दिव्या कर्मशाला,  
४० रो, आलमबाग, लखनऊ

Dated.....

N.R.C. No. (Pb. Re) Delhi-35 -2, 174/17-02-1989-4,000 P.

A. V. Srivastava 15/2/90

Presenting Officer

Indian Railways

Central Administrative Tribunal  
Additional Bench at Allahabad

Designation of the Executive Officer

(RAJIV CHANDRA)

पंडित राजीव चंद्रा (कर्मा)

सरारी एवं माल दिव्या कर्मशाला,

४० रो, आलमबाग, लखनऊ

(JAGDISH NARAIN)

पंडित जगदीश नारायण (कर्मा)

सरारी एवं माल दिव्या कारधाना

४० रो, आलमबाग, लखनऊ