

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

CA No 224/89 INDEX SHEET

CAUSE TITLE OF

NAME OF THE PARTIES *Lalta Basad*

Applicant

Versus

Union of Judiciary

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Cheep list</i>	<i>A1 to A2</i>
2	<i>Order sheets</i>	<i>A3 to A5</i>
3	<i>Written petition</i>	<i>A6 to A16</i>
4	<i>Amend</i>	<i>A18</i>
5	<i>Annexure</i>	<i>A19 to A33</i>
6	<i>Counter affidavit</i>	<i>A34 to A45</i>
7	<i>Order sheet dated 26-4-94</i>	<i>A46</i>
8		
9		
10		
11		
12		
13		

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 *27-2-12*

Counter Signed.....

Section Officer / In charge

m
Signature of the
Dealing Assistant

OA 324/89

Anders

no selling of D.M. California
2.12.52

Game reached colts in
12-1-94

1. ~~Stenm.~~ Mr Jacobus R. K. Verme re
 2. ~~Stenm.~~ Mrs Joha Sen Du

on
R. A. M. H. K. H.

R. K. _____

off
As with the
film

12
Pae

2/11/94 OR
copies prepared
for applicant esp.
sent to reception
on 6/5/94
6/5/94

OR
~~RANDALL~~
Shale

Handwritten signature: *Handwritten signature*

Heay

h
2

[Handwritten signature]

24/04/90

A

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

date

15/11

No sitting Adj to 16.1.90
He to the applicant - present.

L-
15/11

16.1.1990

Hon'ble Mr. J.P. Shama, J.M.

Heard.

Issue notice to respondents to show cause why
the petition may not be admitted. Reply
may be filed within four weeks. Put up for
admission on 9.3.1990.

J.M.

rm/

OR
Notice to respondents
15/11/90

9.3.90

No sitting Adj to 24.4.90

Ag/3

24/4/90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Chatterjee, A.M.

OR
Notices were
issued on 25/11/90
Heater reply
not any unserved
reply. Cover has been
return back.

S. F. A

L
20/5

Pl. See
order on
the main
petition

Shri S.K. Tripathi, for the
applicant and Shri. A. Srivastava,
for the opposite parties are present.
Heard, the learned counsel for the applicant.
Admitted. Let, counter affidavit be
filed within 8 weeks, hereof and
rejoinder if any, may be filed within
2 weeks thereafter.

List it for hearing on 9/4/90.

Sd.

A.M.

J.M.

Dinosh

OR

No. on filed
S.P.H.

8/

OT NO 324/69

- Letter passed 4.12.92

See, last time this was fixed
for 01/1/93 but the file could
not be sent to Comdants
overlooked. On 11/1/93 the
office.
Now it is being submitted for
fixing a further date.

Yours faithfully

~~V. S. S. S.~~
VDC Ind Section
CAT known
19/1/93

Submitted P. B.
2018

D. R.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/LUCKNOW
BENCH

O.A. 324/09

NO

OF 19

VS

Sl.	No. Date	Office report	Orders
-----	----------	---------------	--------

16/2/93

D.R.

None is present for Both
the parties. Applicant to file
Rejoinder on the date fixed.
list on 20/4/93 for F.H.

OL
RA 14/1/93
SFH
2

12/4/93

20.4.93

21.4.93
20.4.93

Page

324/89

10.7.92

D.R.

Both the parties are present. Applicant to file Rejoinder by 15/9/92.

15.9.92

D.R.

Applicant is present. Rejoinder has not been filed. Applicant to file rejoinder by 15.11.92

15.11.92

D.R.

Both the parties are absent. Rejoinder has not been filed. Applicant to file rejoinder by 12.1.93.

12.1.93

D.R.

None is present for Both the Parties. Applicant to file rejoinder by 16.2.93

OK
Admitted
S/o D.R.
12
15/9/92

**CENTRAL ADMINISTRATIVE TRIBUNAL
DIRECT BENCH, LUCKNOW**

Date of 16/11/87
Date of 16/11/87

Representation No. 324 of 1989(L)

APPLICANT(S) Lata Raza
RESPONDENT(S) Union of India & M/s.

Deputy Registrar(J)

Particulars to be examined

Endorsement as to result of examination

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

Particulars to be Examined

Endorsement as to result of examination

- | | |
|--|-----|
| 1. Application/duplicate copy/spare copies signed ? | yes |
| 2. Are extra copies of the application with annexures filed ? | yes |
| 3. a) Identical with the Original ? | yes |
| b) Defective ? | - |
| c) Wanting in Annexures | - |
| d) Missing in Annexures | - |
| 4. Have the file size envelopes bearing full addresses of the respondents been filed ? | - |
| 5. Are the given addresses the registered address ? | yes |
| 6. Do the names of the parties stated in the copies tally with those indicated in the application ? | yes |
| 7. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? | - |
| 8. 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 |
| 9. Have the particulars for interim order prayed for indicated with reasons ? | - |
| 10. Whether all the remedies have been exhausted. | yes |

signed/

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW.

Registration No. 324 of 1989. (4)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 16/11/89
Date of Receipt by Registrar

Lalta Prasad

..... Applicant .
Deputy Registrar (J)

Versus.

The Union of India & Others. ...

..... Respondents.

I N D E X

Sl.No.	Description of Papers	Pages.
1.	Application (Petition)	1 to 10
2.	Annexure No. A - 1 .	11
3.	Annexure No. A - 2 .	12
4.	Annexure No. A - 3 .	13 to 14
5.	Annexure No. A - 4 .	15
6.	Annexure No. A - 5	16
7.	Annexure No. A - 6	17 to 18
8.	Annexure No. A - 7	19
9.	Annexure No. A - 8	20 to 21
10.	Annexure No. A - 9	22
11.	Annexure No. A - 10	23 to 24

Lucknow:

APPLICANT.

Dated:

Noted for
15/12/89

S.K. Gupta

Asst

16/11/89

F.T.
2
16/11/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.
Registration No. 324 of 1989. (4)

Lalta Prasad skilled Stationer Plant Attendant

Grade -III, E.M.S., R.D.S.O., Lucknow.

..... Applicant.

Versus

1. Union of India through it's Director General, R.D.S.O., Lucknow.
2. Director General, R.D.S.O., Manak Nagar, Lucknow.
3. Joint Director (Administration) - II, R.D.S.O. Lucknow.

... Respondents.

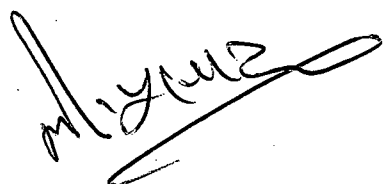
DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE : -

- (a) Staff Posting Order (S.P.O.) No. 300 of 1988.
Annexure No. A-10
- (b) Staff Notice of test Stationary Plant Attendant/
Gd -I dated 24.5.88.
- (c) Not considering the appeal of applicant dated
20.9.88 addressed to the Director General -
Research Design Standard Organisation (R.D.S.O.).

Contd. on 2....

S.K. Tripathi
Advocate



2. JURISDICTION OF TRIBUNAL:-

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :-

The applicant further declares that the application is within the limitation prescribed in section- 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :-

1. That the applicant Lalta Prasad was appointed as Khalasi on 12.2.1968 in this Department and he was promoted to Semi -Skilled on 1.2.1981.
2. That according to 100% reclassification of Artisan posts the applicant was promoted as S.P. A. Grade-III and since then he was continuing on this post.
3. That thereafter a notice was circulated on 23.3.1987 that a Departmental Suitability Test will be held on 24.4.1987 for S.P.A. Grade -II (Stationary Plant Attendant Grade -II) and a list of those candidates was also published who were eligible to appear in this test in which Lalta Prasad, the applicant was in the list. The true Photostat copy of the notice is enclosed herewith as Annexure No. A- 1 for the purpose of this Hon'ble Tribunal.
4. That the Departmental Suitability Test was held on 27.4.87 and 28.5.1987 for the Post of S.P.A. Grade -II in which 13 Candidates were found suitable among which applicant Lalta Prasad was at Serial No. 13. He was the fourth Scheduled Caste Candidate in the list. This

S.K. Jaiswal
Adv

Contd. on 3...

[Signature]

~~was~~ resulting declared on 12.5.1987. A photostat copy of this is attached herewith as Annexure No.A-2 with this petition.

5. That ^apanal was prepared for these 13 successful candidates and later on these persons were posted in S.P.A. Grade -II.
6. That according to S.P.O. No.322(Staff Posting Order No.322) dated 7.9.1987, Nine Candidates from Sl. No. 1 to 9 were posted as S.P.A. Grade -II although they were speaking on the S.P.A. Grade II post from long before. True photostat copy of this S.P.O. No. 322 is enclosed herewith as Annexure No.A-3 .
7. That again a next S.P.O.No. dated 18.1.1988 was issued and according to this posting Order Vijai Bahadur , Ram Pati and Shyam Lal the candidates from Sl. No.10 to 12 were promoted to S.P.A. Grade - II , who were employed earlier which is shown in Annexure No. A-2. The true photostat copy of S.P.O. No. 24 is annexed with this petition as a Annexure No.A-4.
8. That next S.P.O. No. 69 dated 17.2.1988 came into being and last candidate the applicant Lalta Prasad who was also employed in Annexure No.A-2 at Serial No.13 promoted to Skilled S.P.A. Grade II. Thus all the 13 candidates were promoted and posted as a skilled S.P.A. Grade II . A true Photostat Copy of S.P.O. No. 69 is attached with this Petition as a Annexure No. A-5 for perusal of this Hon'ble Court.

SK Jaiswal
Advocate

M. Jaiswal

Contd.on 4....

X/O

(4)

9. That all the aforesaid persons who were posted as Skilled S.P.A. Grade -II were working on the same post from long before.
10. That a new S.P.A. No.141 dated 14.4.1988 came into being in which it was clearly mentioned that who were employed earlier as Skilled S.P.A. Grade -II according to S.P.O. No. 322 of 1987 , 24 & 69 of 1988 adjusted in the same capacity with ^{to}respective effect the date mentioned before their name in which Lalta Prasad ,the present applicant was adjusted with ~~the~~ effect from 7.2.1984. A true photostat copy of S.P.O. No.141 dated 14.4.1988 is annexed herewith as Annexure No. A-6.
11. That the applicant Lalta Prasad was working on the post of Skilled S.P.A. Grade II since 7.2.1984 He drew the arrears in lump sum from 1.1.84 to 30.6.85 thereafter got regular salary on the post skilled S.P.A. Grade II since May 1988 to 9.9.88, and also received bonus of 1987-88 of this post.. The applicant worked more than 3 years on the promotional post of Grade II. So he can not be reverted without disciplinary proceedings.
12. That S.P.A. Category is classified trade in the Railwa-ys similarly the Armature Winder is a Classified trade in the railways . Therefore both these categories are independent and separate trade of the Railways when both trades are separate . No candidate from one trade to be called for the test and promoted or selected for other trade.

S.K. Jaiswal
Adv

Contd. on 5....

[Signature]

A/11

(5)

13. That in ^{this} particular case Mr. J.P.Gupta was wrongly called for Suitability Test for H.S.Grade Ist in E.M.S. then the selection of J.P.Gupta is illegal.

14. That Mr. Gupta was working at the post of H.S. Armature Winder Grade II since 5.5.1984 and for ready reference and it's proof. A photostat copy of S.P.O.No. 204 of 1984 dated 5.5.84 is annexed - herewith as Annexure No.7.

15. That Lalta Prasad working on the post of skilled S.P.A. Grade II since 7.2.84 meaning thereby that he was senior of J.P.Gupta by about three (3) Months.

16. That the staff notice was published vide notice No.Rectt./ ES/ SK / SPA / Grade I E.M.S. on ~~24.5.88~~ 24.5.1988 in which it was that a departmental suitability Test for Skilled S.P.A. Grade I will be held on 7/8-6-1988 in which the name of the eligible candidates were also shown. The six candidates were said to be eligible for the aforesaid Grade I among them. Mr. J.P.Gupta from skilled Armature Winder Grade II and other Five candidates were skilled S.P.A. Grade II. In this notice there were only Six Vacancies which was to be filled by the test.

Contd.on 6...

SK. J. J. J. J.
Adm

M. J. J.

(6)

17. That it is pointed out that firstly the Category of S.P.A. Grade I is an Artisan one and the vacancies in this category are to be filled through trade test only, based on day to day performance and works. They are required to perform in higher Grade. Secondly the Artisan Post are all "Non-Selection" Post and according to rules contained in para 212 (c) of IREM which is reproduced below. For the vacancies in higher Grade filled from different ~~rank~~ categories of staff, the number of Candidates to be considered at a suitability test should be twice the number of vacancies.

" 212(8) the number of eligible candidates considered to be at a suitability test should be Twice the number of vacancies."

18. That the above rule is a statutory and made by the Railway Board. Accordingly this is binding on the subordinate authority of the Railway Board. Therefore in the suitability test of S.P.A. Grade II twice the number of vacancies i.e. against 6 Vacancies 12(Twelve) candidates were required to be called in the trade test and that has not been done in this case. So panel is liable to be quashed on this ground.

That the applicant was adjusted on the post of Skilled S.P.A. Grade II with effect from 7.2.84 vide Dy. G.O.'s order while J.P. Gupta was selected and promoted by the order of Joint Director and in

S.K. Jaiswal
Adv

M. Jaiswal
Contd. on 7...

(7) Annexure A-70

This S.P.O. No. 300. It shows that Lalta Prasad the applicant will be deemed reverted on the date Mr. J.P. Gupta joined. The S.P.O. 300 is ordered by Joint Director who is below the rank of D.G..

So person posted by Higher Authority can not be reverted by the Lower Authority.

20. That J.P. Gupta was promoted to Grade I while the applicant was working as S.P.A. Grade II, when J.P. Gupta joined as S.P.A. Grade I then on his joining applicant ~~reverted~~ ^{reverted} to Grade III, applicant has wrongly and illegally reverted on Grade III ^{then} what will be happened about Grade II J.P. Gupta remains Grade I Lalta Prasad reverted on Grade III. Thus there is a vacancy on Grade II Post.

21. That the applicant preferred a representation on 20.9.88 against his reversion and illegal promotion & posting of Mr. J.P. Gupta, the true photostat copy of representation is annexed herewith as a Annexure No. A-8 to this petition.

22. That the applicant received an information from the Department that his aforesaid representation A-8 is under consideration and when the final decision will be taken then that would be communicated to the applicant, the true copy of the information is annexed herewith as Annexure No. A-9. And the final decision has not yet been communicated to the applicant.

23. That on the basis of the facts narrated above when the applicant cannot get relief against his reversion thus he has filed this petition.

S.K. Jaiswal
Adv

Contd. on 8....

(8.)

5. GROUND FOR RELIEF IN THE LEGAL PROVISION -

1. That respondent No. 3 the Joint Director has no right to revert the applicant because the applicant was promoted and adjusted on the post of S.P.A. Grade II w.e.f.

7.2.84 by the order of ^{Senior} Dy. D.G. 's order and respondent No.3 is below the rank of ^{Sr} Dy. D.G. of R.D.S.O. and it is the violation of the constitution of India.

(ii) That the applicant who was working on S.P.A. Grade II can not be reverted in the Grade III when the J.P.Gupta joins on Grade I.

(iii) That the applicant worked more than three years on the promotional post, so can not be reverted without disciplinary proceedings.

(iv) That Mr. J.P.Gupta was working since 5.5.84 on H.S. Armature Winder Grade II and applicant was working as S.P. A. Grade II since 7.2.84 it means that applicant is a Senior to J.P. Gupta by 3 months, so promotion of Junior is wrong and illegal.

(v) That respondent violated the Rules contained in Para 212(c) of I.R.E.M. which is given here 212 (c) the number of eligible candidates to be considered at a Suitability Test should be ^{twice} ~~times~~ the numbers of the Vacancies.

6. DETAILS OF REMEDIES EXHAUSTED.

1. That the applicant preferred a representation (Appeal) on 20.9.88 against his illegal reversion and illegal

Contd.on9..

S.K. Jaypathy
Adm

m-y

Promotion of J.P.Gupta. A photocopy of this is annexed as Annexure No. A-8 to this petition. This representation(Appeal) has not yet been decided.

7. MATTER 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 with this application has been made, before any court or any Authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. RELIEF SOUGHT :-

That the circumstances detailed in para 6 above the applicant most respectfully prayed for the following reliefs:-

(a) That appointment of Shri J.P.Gupta and reversion of the applicant Lalta Prasad w.e.f. 9.9.1988 Annexure No. A-10.....may ^{very} kindly be quashed promotion of the applicant (Annexure No. A. 6) may be upheld as valid .

(b) That the respondent be directed to promote and put the applicant on the post of S.P.A. Grade II on which the applicant was working upto 9.9.88 when he reverted.

S.K. Jaiswal
Adv

Contd.on 10..

(10)

(c) That all benefit of pay, seniority and back wages be also awarded in favour of the applicant and against the respondents.

(d) Any other reliefs which this Hon'ble Tribunal deems fit and proper to the circumstances of the case may also be awarded to the applicant against respondents.

9. PARTICULARS OF BANK DRAFT / POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE -

POSTAL ORDER NO. ^{DD} 6 839290 OF Rs. 50/-

Date 15-11-1989 Name of issuing Post

Office High Court Bench Lucknow.

PLACE : LUCKNOW;

M. G. K. 12
APPLICANT

Dated; 16-11-89

(LALTA PRASAD)

VERIFICATION

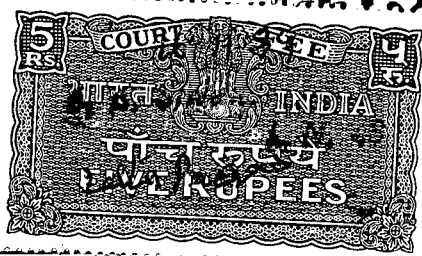
I, Lalta Prasad , Son of Sri late Bhagwan Deen
aged about 40 Years , working as a Skilled Stationer
Plant Attendant Grade III, E.M.S. , R.D.S.D. , Lucknow
R/o House No. 551 Kha/29 situated at Kuriyana ,
Alambagh, Lucknow do hereby verify that the contents of
paras 1 to 4, 6, 7 and 9 are
true to my personal knowledge and those of paras
5 and 8 are believed by me
to be true on legal advice and that have not suppress-
ed any material fact. Sig. of the Applicant.
Lucknow; Dt. 16-11-1989 M. G. K. 12

S.K. Tripathi
P.S.

(वादी) अपीलम्

प्रतिवादी रॅस्पॉन्डेंट

Lalta brasad



Union of India and others

बनाम

प्रतिवादी रेस्पाडेन्ट

नं० सुकदमा

सन्

पेशी की ला०

98

30

ऊपर लिखे मुकदमा में अपनी ओर से Satish Kumar Tripathi, Advocate
H.N. S-5-1 Ka/33/ Kha, Bhalawan, Alambagh, महोदय
Lucknow - 5
एडवोकेट

एडवोकेट

को अपना वकील नियुक्ति करके प्रतिज्ञा इकारार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दाखल तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा सठावे या कोई रूपया जमा करें या हमारी बिपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
SK - Sanpaltin
16/11/89

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९४१

25

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

ब अवालत श्रीमान्

महोदय

[वादी] अपीलान्त

प्रतिवादी [रैस्पॉण्डेंट]

वकालतनामा

Case No. 324 of 1989.

Lalta Pal.

vs
UOI

दिकार

बनाम

Lalta Prasad

वादी (अपीलान्त)

Vs.

U.O. 9. & others.
प्रतिवादी (रैस्पॉण्डेंट)

नं० मुकद्दमा 324 सन् 1989 पेशी की ता० 24-4-1990 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

ANIL SRIVASTAVA

वकील

महोदय

एडवोकेट

नाम अवालत
मुकद्दमा नं०
नाम फरीकरीन
बनाम

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

हस्ताक्षर

(S. BHATIA)

Director (Estt.)

R. D. S. O. (Min. of Rlys)

Madad Nagar, Lucknow-226011

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महोमा

सं० १६

१०

Accepted.
Anil Srivastava
Adv.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW.

Registration No. 324 of 1989. (C)

Lalta Prasad

..... Applicant .

Versus.

The Union of India & Others. ...

..... Respondents.

I N D E X

Sl.No.	Description of Papers	Pages.
1.	Application (Petition)	1 to 10
2.	Annexure No. A - 1 .	11
3.	Annexure No. A - 2 .	12
4.	Annexure No. A - 3 .	13 to 14
5.	Annexure No. A - 4 .	15
6.	Annexure No. A - 5	16
7.	Annexure No. A - 6	17 to 18
8.	Annexure No. A - 7	19
9.	Annexure No. A - 8	20 to 21
10.	Annexure No. A - 9	22
11.	Annexure No. A - 10	23 to 24

Lucknow:

APPLICANT.

Dated:

Annexure A-1

भारत सरकार-रेल मंत्रालय
अनुसंधान अभिकल्प और मानक संगठन

कर्मचारी सुचना

अनुसंधान अभिकल्प और मानक संगठन के विद्युत अनुकरण अनुभाग के लिए कुशल एस० पी० ए०, ग्रेड-2, वेतनमान रु. 1200-1800 [पुवेमा] के लिए एक विभागीय उपयुक्तता परीक्षा दिनांक 24-4-1987 को होगी। निम्नांकित 13। तेरह कुशल स्टेशनरी प्लॉट अटेंडेन्ट, ग्रेड-3, वेतनमान रु. 950-1500 [पुवेमा] उक्त परीक्षा में बैठने के पात्र हैं:-

कर्मोंक उम्मीदवार का नाम और अनुभाग
जहाँ कार्यरत है।

नियंत्रक अधिकारी
जिसके अधीन कार्यरत हैं।

सर्वश्री		
1.	लल्लुराम, विद्युत अनुकरण अनुभाग	सहा० अमि० इंजी/ईएमएस
2.	माइलाल, अनुसूचित जाति-वही-	-वही-
3.	प्यारे लाल-वही-	-वही-
4.	दुर्गा प्रसाद -	"
5.	हनुमान -	"
6.	सालिग राम-	"
7.	कन्हैया लाल -	"
8.	ठाकुर प्रसाद कुरील अनु० जाति-वही-	"
9.	मनमोहन लाल- विद्युत अनुकरण अनुभाग	"
10.	विजय बहादुर सिंह, -वही-	"
11.	रामपति	"
12.	श्याम लाल	"
13.	लालता प्रसाद अनु० जाति- -	"

2. नियंत्रक अधिकारियों से अनुरोध है कि वे उपर्युक्त उम्मीदवारों को 24-4-87 को 09.30 बजे आधि/मर्ती को रिपोर्ट करने के लिए निर्देशित करें। जो कर्मचारी इस परीक्षा में बैठने का इच्छुक न हो तो उसकी अनिच्छा लिखित रूप में प्राप्त करके आधि/मर्ती को 16-4-1987 तक अवकाश उससे पहले अग्रेषित करें।

3. नियंत्रक अधिकारियों से यह भी अनुरोध है कि वे संबंधित कर्मचारियों से उपर्युक्त विषय-वस्तु नोट करा लें तथा उसकी एक प्रति आधि/मर्ती को अविलंब भेजी जाये।

संलग्न: कुछ नहीं।

लखनऊ - 226 011.

दि: 23-3-1987.

फाइल सं: रिपूट/ईएस/रि०एसपीए/ग्रेड-2/ईएमएस। कृते महा निदेशक.

महोदय (सहायक)
ई०पी० सक्सेना

वितरण

1. सहा० अमि० इंजी/ईएमएस
2. आधि/स्था-6 और गोपनीय
3. संबंधित कर्मचारी
4. सूचना पट
5. तृतीय श्रेणी कर्मचारी एसोसियेशन/अमास.

Attested
S.K. Tripathi
A-10

16/11/89

फोन: 87323.

M. Gupta

12
Annexure A-2 A-2
GOVERNMENT OF INDIA: MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

STAFF NOTICE

As a result of the departmental suitability test for the post of Skilled Stationary Plant Attendant, Grade - II, scale Rs.1200-1800 (RPS) held on 27-4-87 to 28-4-1987 for Electrical Maintenance Section of Research Designs and Standards Organisation, the following thirteen (13) Skilled Stationary Plant Attendants, Grade-III, scale Rs.950-1500 (RPS), have been found suitable for the post of Skilled Stationary Plant Attendant, Grade-II, scale Rs.1200-1800 (RPS):-

S/Shri

1. Lalloo Ram
2. Bhai Lal - (Scheduled Caste)
3. Payare Lal - (Scheduled Caste)
4. Durgra Prasad
5. Hanuman
6. Selig Ram
7. Kanhya Lal
8. Thakur Prasad Kuril (Scheduled Caste)
9. Man Mohan Lal
10. Vijay Bahadur Singh
11. Ram Pati
12. Shyam Lal
13. Lalta Prasad - (Scheduled Caste)

2. This has the approval of Senior Deputy Director General.

3. The above select list is provisional and is subject to final decision of Writ Petition pending with the Hon'ble Supreme Court.

DA/NIL.

Lucknow - 226 011.

Dated: 12-5-1987.

(File No. Rectt/ES/Skd:SPA, Gd-II/EMS).

K.P. Saksena
(K.P. Saksena)
Section Officer (Rectt:)

DISTRIBUTION

1. S.O/E-VI.

2. Staff concerned

3. Notice Board.

PD/87511.

Attested
S.K. Jaiswal
Advo

12/11/89

Annexure A-3

GOVERNMENT OF INDIA: MINISTRY OF RAILWAYS
RESEARCH DESIGN AND STANDARDS ORGANISATION

Manak Nagar, Lucknow-11

Staff Posting Order No. **322** of 1987

The following staff are promoted/posted against the available upgraded posts in EMS/BSO:

No. & Designation	Promoted as	Promotion effective from against up-graded posts	Empanelled vide staff Notice No.
S/Srri 1. Guru Charan (SC) Sk. Refn. Mech. Gr. II	Sk. Refn. Mech. Gr. I Rs. 380-560 (RS)/ 1320-2040 (RPS)	23-7-85	Rectt/ES/BSW 'A' (Re- fgn. Mech. dt. 18.5.87
2. Jangti Lal, Sk. Black- smith, Gr. III	Sk. Blacksmith Gr. II Rs. 330-480 (RS)/ 1200-1800 (RPS)	12-1-85	Rectt/ES/Sld. Black- smith, Gd-II/EMS dt. 18-5-87,
3. Brij Mohan, Sk. Black Smit- th, Gr. III	-do-	14-11-88	-do-
4. R.K. Maurya, Sk. Fitter/M. Gr. II	Sk. Fitter/M. Gr. I Rs. 380-560 (RS)/ 1320-2040 (RPS)	10-1-86	Rectt/ES/BS Fitter (Mech.)/Gd-I/EMS dt. 1-7-87
1-→ 5. Lalloo Ram, Sk. SPA, Gr. III	Sk. SPA, SPA, Gr. II Rs. 330-480 (RS)/ 1200-1800 (RPS)	18-9-83	Rectt/ES/Sld. SPA, Gd-II/EMS dt. 12-5-87
2- 6. Bhai Lal, Sk. SPA, Gr. III	-do-	-do-	-do-
3- 7. Pyarey Lal, (SC) Sk. SPA, Gr. III	-do-	-do-	-do-
4- 8. Durga Prasad, Sk. SPA, Gr. III	-do-	-do-	-do-
5- 9. Hamman Prasad, Sk. SPA Gr. III	-do-	-do-	-do-
6- 10. Salig Ram, Sk. SPA Gr. III	-do-	-do-	-do-
7- 11. Karkya Lal, Sk. SPA Gr. III	-do-	1-1-84	-do-
8- 12. Thokur Pd, Kuril, (SC) Sk. SPA, Gr. III	-do-	1-84	-do-
9- 13. Man Mohan Lal, Sk. SPA Gr. III	-do-	1-1-84	-do-

2. The above staff are informed that their pay in the higher grade post will be fixed on proforma basis with effect from the date indicated against their name. S/Shri Lalloo Ram, Bhai Lal, Pyarey Lal, Durga Prasad Hamman and Salig Ram are also informed that they will be paid actual benefit of higher grade post w.e.f. 1-4-84 as per ext. order of Railway Board. S/Shri Karkya Lal, Thokur Prasad Kuril and Man Mohan Lal are further informed that they will be paid actual benefit of higher grade post w.e.f. 1-7-80. However, they will be paid

contd...2

m. y. m. z.

14

from prepage:-

lumpsum arrears @ Rs. 25/- P.M. subject to a ceiling of Rs. 400/- for 18 months for the period from 1-1-84 to 30-6-85 in terms of extant instructions of Railway Board.

3. All the employees indicated in this Staff Posting Order, are inferred that their pay will be fixed in terms of FR 22(C) initially. They can however, give an option within one month of the date of issue of the S.F.O. for fixation of their pay, initially under Rule 2017(a)(i)-R II which may be refixed on the basis of provisions of Rule 2018(B)-R II (FR 22-C) on the date of accrual of increments in the lower post. The option once exercised will be treated as final. In case no option is received within the stipulated period, their pay fixation will be made as per normal Rules under FR 22-(C).

4. Shri Gur Channa is informed that he may submit his charge report through his controlling Officer, to Estt. IV Section for further action. It is also mentioned that a suitable substitute vice him will be posted on receipt of panel for the post of Sk. Regn. Mech, Gr. II for which action has already been initiated.

10-x 5. S/Shri V.K. Chaudhry Sk. DFCO, Gr. II and Vijai Bahadur Singh, Sk. SPA Gr. III would be considered for promotion as and when the D&A B action against them are finalised.

D.A. Nil

Lucknow-11

Dated 7-9-87

File No. AMT/14/2

M.S. - 7/9
(M. Balasubramanian)
for Jt. Director Admn.-II

DISTRIBUTION

1. PA to JDA-II, 2. JDF, 3. ADE/EMS, 4. SO(Admn.), 5. SO(Dectt.), 6. SO(Conf.)
7. SO(E)-I, 8. SO(Pass) 9. SO(E)-III, 10. RDSO Class III Staff Association
11. Staff concerned 12. P/File. 13. SO(R), 14. Notice Board.

Attested

S.K. Gupta

Advo

16/11/89

M. Jula

Annexure A-4

भारत सरकार-रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

मानक नगर, लखनऊ-॥

1988 का कर्मचारी नियुक्ति आदेश सं. 24

विद्युत अनुरक्षण अनुभाग/अ. अ. मा. सं. में निम्नलिखित पदोन्नतियां तथा तैरातियां आदेशित की जाती हैं।

1. श्री विजय बहादुर सिंह, कुशल स्थावर संयंत्र परिचर, ग्रेड-3, को, जो दिनांक 12.5.87 की कर्मचारी सूचना सं. रिक्रूटमेंट/ईएस/स्किल्ड एसपीए ग्रेड-2/ईएसएस के अंतर्गत पहले से ही कुशल स्थावर संयंत्र परिचर ग्रेड-2 के पद के लिए पदनामित है, विद्युत अनुरक्षण अनुभाग/अ.अ. मा. सं. में उपलब्ध दर्जा बढ़ाये गये पद पर दिनांक 1.1.84 से स्थानापन्न कुशल स्थावर संयंत्र परिचर ग्रेड-2 वेतनमान रु. 33-480 पुवे के रूप में पदोन्नत किया जाता है। उनका वेतन दिनांक 1.1.84 से प्रोफार्मा आधार पर निर्धारित किया जाएगा परंतु वास्तविक लाभ दि. 1.7.85 से मिलेगा। फिर भी, उन्हें बोर्ड के वर्तमान आदेश के अनुसार दि. 1.1.84 से 30.6.85 तक की 18 महीने की अवधि के लिए रु. 25/- प्रतिमाह की दर से एक मुश्त बकाये का भुगतान किया जाएगा परंतु यह राशि 400/- रु. से अधिक नहीं होगी।

उच्च ग्रेड पद के

11. सर्वश्री रामपति और श्याम लाल स्थानापन्न कुशल स्थावर संयंत्र परिचर ग्रेड-3, को, जो दिनांक 12.5.87 की कर्मचारी सूचना सं. रिक्रूटमेंट/ईएस/स्किल्ड एसपीए, ग्रेड-2/ईएसएस के अंतर्गत पहले से ही कुशल स्थावर संयंत्र परिचर ग्रेड-2 के पद के लिए पदनामित है, कुशल स्थावर संयंत्र परिचर ग्रेड-1 के उपलब्ध पद पर, जिसे वरिष्ठ उपमहानिदेशक के आदेशानुसार अस्थाई आधार पर कुशल स्थावर संयंत्र परिचर ग्रेड-2 के रूप में परिचालित किया जा रहा है, तत्काल प्रभावी आधार पर स्थानापन्न कुशल संयंत्र परिचर ग्रेड-2, वेतनमान रु. 1200-1800 संपुवे के रूप में पदोन्नत किया जाता है।

दर्जा बढ़ाये गये

2. सर्वश्री रामपति और श्याम लाल को यह भी सूचित किया जाता है कि उन्हें उच्च ग्रेड के वेतन व भत्ते तभी देय होंगे जब वे उच्च ग्रेड पद पर 22 दिनों की सतत सेवा पूरी कर लेंगे। उन्हें अपनी कार्यग्रहण रिपोर्ट आगे की आवश्यक कार्रवाई के लिए अपने नियंत्रण अधिकारी के माध्यम से स्था. अनुभाग को भेजनी चाहिए।

संलग्न: कुछ नहीं।

लखनऊ ।।

दिनांक: 18.1.88

फाइल सं. एआरटी/१५/२

॥ एम. बाला सुब्रह्मण्यम् ॥

कृते संयुक्त निदेशक/प्रशासन-3

वितरण

Attested
S.K. Tripathi
Asst. Secy

अंग्रेजी पृष्ठ के अनुसार
16/11/89

Annexure A-5-

Government of India
Ministry of Railways
Research Designs & Standards Organisation
Manak Nagar
Lucknow- 11

Staff Posting Order No. 69 of 1988.

Shri Lalita Prasad, Sk. SPA, Gr. III already empanelled for the post of Sk. SPA, Gr. II vide Staff Notice No. Rectt/Es/Sk. SPA, Gr. II/EMS dated 12/5/87, is promoted as Sk. SPA, Gr. II, Scale Rs. 1200-1800 (SPS) with immediate effect on provisional basis against the available upgraded post of Sk. SPA, Gr. I by operating the same as Sk. SPA, Gr. II temporarily as per orders of Sr. Dy. IG.

2. Shri Lalita Prasad is further informed that he will be entitled for higher pay and allowances only on completion of 22 days continuous service in higher grade post. He is further ordered that his charge report may be sent to E-IV Section through their controlling officer for further action.

DA: NLI
Lucknow
Dated: 7/2/88
File No. ART/14/2

(M. Balasubramanian)
For Jt. Secy/Admn. II

DISTRIBUTION

1. P. to JDA-II 2. SPA to Sr. Dy. DG 3. JDF 4. DD/EMS
5. Sec/Admn. 6. SO/Pass
9. SOE-III 10. SOE-VI 11. RD30 Class-III Staff Association
12. Shri Lalita Prasad, Sk. SPA, Gr. III 13. P. File
14. Notice Board.

.....

Attested
SK [Signature]
Adv
16/11/89

17
Annexure A-6
Government of India
Ministry of Railways
Research Design & Standards Organisation

Manak Nagar
Lucknow- 11

Staff Posting Order No. 141 of 1988.

The following employees who were earlier promoted as Sk.SPA,Gr.II,Scale Rs.337-480(RS)/Rs.1200-1800(ETS) with retrospective effect or immediate effect, in the case may be, vide SPO No.322 of 1987 and No.24 and 60 of 1988, are now adjusted in the same capacity with retrospective effect as per details given below:

SN	Name	Promoted as	Dt. of earlier promotion as Sk. SPA, Gr. II	Revised date of their readjustment in the post of Sk SPA, Gr. II
1.	Kanhya Lal	Sk.SPA, Gr. II	1/1/84	18/9/83
2.	Thakur Prasad Kuril	-do-	1/1/84	18/9/83
3.	Man Mohan Lal	-do-	1/1/84	18/9/83
4.	Vijay Behadur Singh	-do-	1/1/84	7/2/84
5.	Ram Pati	-do-	18/1/88	7/2/84
6.	Shyam Lal	-do-	18/1/88	7/2/84
7.	Lalta Prasad	-do-	17/2/88	7/2/84

2. S/Shri Kanhya Lal, Thakur Prasad Kuril and Man Mohan Lal are informed that their pay in the higher grade post will be fixed on proforma basis wef.18/9/83. But actual benefit of pay and allowances in the higher grade post will be paid wef.1/4/84.

3. S/Shri Vijay Behadur Singh, Ram Pati, Shyam Lal and Lalta Prasad are informed that their pay in the higher grade post will be fixed on proforma basis wef.7/2/84. But actual benefit of pay and allowances of higher grade post will be paid to them wef.1/7/85. However, they will be paid lumpsum arrears @ Rs.25/- p.m. subject to a ceiling of Rs.400/- for 18 months for the period from 1/1/84 to 30/6/85.

(Authority: Sr.Dy.DG's orders dt.10/3/88 on file No.ART/14/2).

DA:Nil
Lucknow-11
Dated: 4/4/88
File No.ART/14/2

14/4
(M. Balasubramanian)
For Jt. Director/Adm. II

DISTRIBUTION

- 1.JDA-II 2.JDF 3.DD/EMS 4.SO/Adm. 5. SO/Rectt. 6.SO/Confidl.
7.SO/Pass 8.SC/E-III 9.SO/E-VI 10. RSO Class-III Staff Association
11.Staff concerned 12.Personal file 13.Notice Board 14.Audit officer.

M. Y. (112)

10. Shri Vijay Bahadur Singh, Elec. Maint. Section
 11. " Ram Patl,
 12. " Shyam Lal,
 13. " Lalta Prasad,

ADE(EMS)

-do-

-do-

-do-

2. The controlling officers are requested to get the above contents noted by the concerned candidates and a copy of the same should be sent to Section Officer (Recruitment) immediately.

EA/NIL.

Lucknow-226 011.

Dated: 17-11-1986.

(File No. Rectt/ES/HS.Fitter(Elec.)/C-I/EMS).

(K.P. Saksena)
 for Director General.

DISTRIBUTION

1. JGS(R) : IX 2. DDE-I & II 3. ADE(EMS)
 4. SO/E-VI & SO(Confid.) 5. Staff concerned 6. Notice Board
 7. Class III Staff Association/RDSO.

PD/861124.

Attended
 S.K. Subpathi
 18/11/89

Annexure A-7

Government of India
Ministry of Railways
Research Designs & Standards Organisation
Manak Nagar
Lucknow- 11

Staff Posting Order No. 264 of 1984.

As a result of limited departmental competitive selection for the post of Highly Skilled/Armature Winder, Gr.II, Scale Rs.330-480/RS Skilled/Armature Winder, Gr.II, Scale Rs.380-480/RS held on 26th, 26th, 27th and 30th April, 1984 for Electrical Maintenance Section of ERSO, Shri J.P. Gupta, Electric Fitter, Scale Rs. 260-400/RS has been placed on the panel for the post of H.S.Armature Winder, Gr.II, Scale Rs.330-480/RS(Authority SO/Rectt. Staff Notice issued from File No.Rectt./H.S.Armature Winder, Gr.II/Comp/83 dated 5/5/84).

2. In terms of Para-I above, Sh.J.P.Gupta, Electric Fitter/Elect. is promoted to officiate as H.S.Armature Winder, Gr.II, Scale Rs. 330-480/RS with immediate effect against the available post in E.M.S.

3. Sh.J.P.Gupta is further informed that he will be entitled for higher pay and allowances on completion of 22 days continuous service in the higher grade post.

4. The charge report of the staff concerned may be sent to Estt.IV Section for further necessary action.

Date: 2/5/84
Lucknow-11
(File No.AET/14/2)

(J.J.Hare)

For Jt.Director Standards Eleet./9

DISTRIBUTION

- 1.JLSE/9
- 2.JLF
- 3.LLSE/EM
- 4.SO/Confcl.
- 5.SO/Rectt.
- 6.SO/E-III
- 7.SO/Pass
- 8.Sh.J.P.Gupta,EMS,RSO,Lucknow.
- 9.RLSO/C1.III Staff Association
- 10.EFO
- 11.P/File
- 12.Notice Board.

.....

28/5

Attested
S.K. Gupta
ASD

16/11/84

Annexure A - 8

The Director General,
RDSO, Lucknow-11

Sir,

Sub: Final Notice against irregular selection
& empanelment of Shri J.P. Gupta
for the post of SPA Gr. II, scale Rs. 1320-2040(RPS)
and thereby my irregular reversion to post of
skilled SPA grade Rs. 950-1500(RPS).

Ref: i) RDSO SPO No 300 of 1988.

ii) RDSO SPO No 149 of 1988

iii) RDSO Rectt Notice No Rectt/ES/HSFitter/
Gr I/EMS dt 27.11.1986.

iv) My representation dated 2.6.1988 and
others.

In connection with the irregular selection held for the post
of SPA Gr I, scale Rs. 1320-2040(RPS) for EMS Wing of RDSO, the
empanelment and posting of Shri JP Gupta as SPA Gr I and thereby
my reversion as skilled SPA. I finally submit as follows for
your kind attention and redressive measures:-

1. In terms of Rly. Bd's order, 13 posts of SPAs were upgraded
(6 as SPA Gr I and 7 as SPA Gr II) under restructuring of Artisan
cadre in ratio 55:25:20 and then in 35:35:30 and all the 13 were
operated as SPA Gr II, scale Rs. 1200-1800(RPS).

2. A Deptt. selection for the said 13 posts of SPA Gr. II, vide
RDSO Rectt. Notice No Rectt/ES/HS Fitter/Gr I/EMS dt. 27.11.86 was
held from amongst the 13 senior most skilled grade SPA and all the
13 was empanelled for SPA Gr II after being declared successful and
were posted as SPA Gr II with the retrospective effects
i.e. 1983 & 84 as the case may be vide RDSO SPO No 141 of 1988
dt. 14.4.88.

(B) Subsequently, a deptt. selection for the six posts of
SPA Gr I was notified including five senior most SPA Gr. II
and one Armature Winder Gr II Shri JP Gupta. The selection
held and all six were empanelled and vide RDSO SPO No. 300
of 1988 all the six have been posted as SPA Gr. I.

4. As per existing R&P Rules for SPA Gr. I, the two
categories viz. SPA Gr II and Armature Winder Gr II, on the
basis of their inter-sec-seniority have been made eligible
for trade test. All the 13 SPAs Gr II are senior to Shri JP Gupta,
the Armature Winder Gr II, by virtue of their earlier date of
promotion as Gr II staff. All the 13 SPAs have been promoted
w.e.f. May 1984. Thus Shri Gupta was nowhere standing in inter-sec
seniority for the Gr I selection. All the six senior most
SPA Gr II should have been called for selection. But, under
ma-lafied interest, one senior SPA Gr II at SlNo. 6 i.e. Shri
Salig Ram was excluded and Shri Gupta, through the junior most, was
made senior most and irregularly included in selection.

::2::

contd. from pre-page

5. We have made strong protest against their irregular inclusion of Shri JP Gupta's ~~name~~ Name in SPA Gr I selection vide our representation dated 2.6.88 and others but these were overlooked deliberately. Now because of this irregular inclusion, I have been made the ~~victim~~ victim and causing reversion to lower grade SPA Gr III, scale Rs. 950-1500/RPS after the completion of four years regular service as SPA Gr. II. This aspect has not been kept into consideration while holding the selection and irregularly including Shri JP Gupta into selection.

In the light of views expressed, I finally submit and requests as under :

1. The irregular inclusion of name of Shri JP Gupta in the selection for the post of SPA Gr I be cancelled and thereby the promotion & posting of Shri Gupta as SPA Gr I be quashed;
2. The proposed reversion of mine be set aside and I be allowed to continue as SPA Gr II, scale Rs. 1200-1800(RPS).

I may further be allowed to add that this may please be treated as my final notice on the issue and suitable cadrs be made with in fifteen days of receipt of this representation or I may be replied accordingly otherwise I will be fixed to knock of the doors of high railway authorities, the hon'ble Central Administration Tribunal, the court of Law & Justice etc. to seek justice. I may be permitted for the same and all the responsibility for this irregular act would be upon RDSO Admn.

Thanking you,

Yours faithfully,

Date: 20.9.1988

(Lalta Prasad)
SPA Gr. II
EMS /RDSO

Copy for information to:

1. Shri D.N. Singh, DG/RDSO/LKO (Adv. copy) *Handed to Secy*
2. Shri N. Ananthanarayana, Addl DG/RDSO/LKO (Advance copy) *Handed to Secy*
3. General Secy/CTSA *P.F.A.*
4. President, RDSO Employees Association BRMS/EMS *Handed to Secy*
5. President, SC/ST Association — *Handed to Y.R. Sagar*
6. Shri A.K. Rao, JD AIT, RDSO, LKO

Handed to Secretary

Secretary
S.O. Reservation R.D.S.O. Lucknow

Attended
S.K. Tripathi

16/11/89

M. Y. Sagar

तार : रेलमानक-लखनऊ
Telegrams : RAHMANAK-LUCKNOW



Annexure A-9

टेलीफोन [50567 & 50017
Telephones

भारत सरकार-रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या लखनऊ-२२६०११ दिनांक
Our Reference E/RC(SCT)/Complt/ LUCKNOW-226011 Dated 2.1989
125

Memorandum

With reference to his application dt. 20.9.1988, Shri Lalta Prasad, SPA Gr.II/EMS, RDSO, LKO is informed that your complaint has since been examined in this cell. He would be advised of the final decision when arrived at.

Encl: Nil

(S.K. Mallick)
(S.K. Mallick)
for Director General

Sri Lalta Pd., SPA Gr.II,
EMS, RDSO, Lucknow.

S. K. Mallick

R. M. S.

R. M. S.

7/3

Issued on dated
14.3.89
(S.K. Mallick)
14.3.89

(S.K. Mallick)
S.K. Mallick

Attended
S.K. Mallick
per.

16/11/89

Annexure A-10

Government of India
Ministry of Railways
Research, Design & Standards Organisation
Manak Nagar
Lucknow-11

Staff Posting Order No. 300 of 1988.

As a result of departmental selection/Trade Test the following employees have been found suitable for the posts indicated against their names, for Electrical Maintenance Section:-

SN	Name and Designation	Post & Scale for which empanelled	Reference
	<u>S/Shri</u>		
1.	V.N.Sharma, Mistry/Elect.	Chargeman 'B' (Elect.) Rs.1400-2300 (RPS)	Staff Notice No. Electt./ES/Ch. men 'B' Elect./EMS dt.17/6/88.
2.	J.P.Gupta, Ex.Sk.Armaturo	Sk.SPA, Gr.I Rs.1320-2040 (RPS)	Staff Notice No. Rectt./ES/Skd. SPA/Gd.I/EMS dt.15/6/88.
3.	Lalloo Ram, Sk.SPA, Gr.II	-do-	-do-
4.	Bhai Lal (SC), Sk.SPA, Gr.II	-do-	-do-
5.	Pyare Lal (SC), Sk.SPA, Gr.II	-do-	-do-
6.	Durga Prasad, Sk.SPA, Gr.II	-do-	-do-
7.	Hamman, Sk.SPA, Gr.II	-do-	-do-
8.	Shamsher Singh, Sk.Fitter/ Elect., Gr.II	Sk.Fitter/Elect., Gr.I Rs.1320-2040 (RPS)	Staff Notice No. Rectt./ES/Skd/ Fitter (Elect.) Gd.I/EMS dated 22/6/88.
9.	Avtar Singh, Sk.Fitter/M Gr.II	Sk.Fitter/M, Gr.I Rs.1320-2040 (RPS)	Staff Notice No. Rectt./ES/Skd. Fitter (Mech.)/Gd.I/EMS dated 23/6/88.
10.	R.C.Yadav, Sk.Fitter/M Gr.II	-do-	-do-

2. In terms of para-I above, the concerned staff are promoted as :-

- Shri V.N.Sharma, offg.Chargeman 'B' /Elect. on ad hoc is regularised in his same capacity i.e. Chargeman 'B' /Elect., Scale Rs.1400-2300 (RPS) wef. 17/6/88 on provisional basis in EMS.
- Shri G.S.L.Nigam, Sk.Fitter (Elect.), Gr.I is promoted as Mistry (Elect.), Scale Rs.1400-2300 (RPS) with immediate effect purely on ad hoc basis vice Shri V.N.Sharma.
- S/Shri J.P.Gupta, Lalloo Ram, Bhai Lal (SC) are promoted as Sk.SPA, Gr.I, Scale Rs.1320-2040 (RPS) wef. 28/5/87 in EMS against available ungraded posts. It is also mentioned that their pay in the higher grade post will be fixed on proforma basis wef. 28/5/87 as per extant orders of Board. Shri Durga Prasad and Hamman are also promoted as Sk.SPA, Gr.I, scale Rs.1320-2040 (RPS) with immediate effect.
- Shri Lalta Prasad, offg. Sk.SPA, Gr.II will stand reverted to his original post as Sk.SPA, Gr.II on the date Shri J.P.Gupta takes over his duty as Sk.SPA, Gr.I in EMS.
- Shri R.C.Yadav, officiating Sk.Fitter (Mech.) Gr.II is promoted as Sk.Fitter (Mech.), Gr.I, Scale Rs.1320-2040 (RPS) wef. 1/4/88 against the

available upgraded posts in EMS. His pay in the higher grade post will be fixed on proforma basis wef. 1/4/86 as per extant orders of Railway Board.

- vi) Shri Avtar Singh, Sk. Fitter (M), Gr. II has already been found suitable and promoted as Sk. Lacksmith, Gr. I, Scale Rs. 1320-2040 (MF) With retrospective effect from 1/4/83 vide SPO No. 199 of 1988.
- vii) Since there is a DEAR case pending against Shri Pyare Lal, Sk. SFA, Gr. II for major penalty he will be considered for promotion as Sk. SFA, Gr. I after finalisation of the case.

3. Shri G.S.L. Nigam is informed that the aforesaid promotion is purely an ad hoc basis and the same will not confer any claim on him for his regular/similar promotion over his seniors in future. He will be entitled for higher pay and allowances only on completion of 22 days continuous service in the higher grade post. He is further advised that his charge report may be sent to Estt. IV Section through his controlling officer for further action.

4. All the above employees, except Shri G.S.L. Nigam, indicated in this Staff Posting Order are informed that their pay will be fixed in terms of FR-22(C) initially. They can however, give an option within one month of the date of 'issue' of the SPO for fixation of their pay initially under Rule 2017(a)(i)-R-II which may be refixed on the basis of provision of Rule 2018(B)(R-II(FR-22-C)) on the date of accrual of increments in the lower post. The option once exercised will be treated as final. In case no option is received within the stipulated period, their pay fixation will be made as per normal Rules under FR-22(C).

File No. AET/14/2
Dated: 19/8/88
Lucknow.

(L. Balasubramanian)
For Jt. Director/Admn. II

DISTRIBUTION

1. PA/JDA-II 2. JET 3. DD/ML 4. SC/Admn. 5. SO/Recd. 6. SO/Confidl.
7. SC/E-III 8. SC/Pass 9. Staff concerned 10. P/files 11. ESO Class-III
Staff Association 12. Jt. Directorate in respect of Shri J.P. Gupta, Sk. Fitter/Elect., Gr. I
13. Office Board 14. Shri J.P. Gupta, Sk. Fitter/Elect. Gr. I,
EO Ste., ESO, Lucknow for information and necessary action, 15. JDA-III.

.....

Shri Pyare Lal, Sk. SFA, Gr. II 22/8/88

Attested
S.K. Gupta
18/11/89

9-11-90

A
34

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Civil Misc. Application No. M. P. No. 653/90 (L)
Registration O.A.No.324 of 1989 (L)

BETWEEN

Lalta Prasad..... Applicant.

Vs.

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

Application for condonation of delay in filing
Counter Reply and recalling of Order dated 16.1.90.


I, S.Bhatia, presently working as Dy.Director
(Estt-I) under respondents do hereby solemnly affirm and
state as under:-

1. That the Officer above named is working under the respondents and is fully competent to file this application on behalf of respondents:-
2. That in compliance of the Order dated 16.1.1990 there was delay in preparing the counter reply as some old records of 1984 were to be traced out for making out the instant reply.
3. That all this process took time and counter reply could not be filed within time.
4. That delay in filing Counter reply is not malafide or intentional but only due to bonafide administrative reasons, which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed that the Order dt.16.1.90 may be recalled and delay in filing counter reply may kindly be condoned and the same may kindly be taken on record.

Lucknow
Dt. 5.11.90


Respondent.

उप निदेशक स्थापना - I
अनुसंधान अभिकल्प और मानक संगठन
रेल मंत्रालय, लखनऊ - 226011

Filed today
8/11/90

REPLY ON BEHALF OF RESPONDENTS

Registration O.A.No.324 of 1989

Lalta Prasad..... Applicant.

Vs.

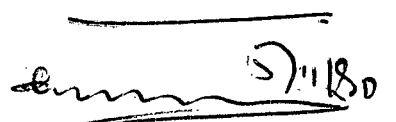
Union of India and others..... Respondents..

I, S.Bhatia, aged about 55 years, son of late Shri U.C.Bhatia, presently posted as Dy.Director/Estt-I in the Office of Research Designs and Standards Organisation (Ministry of Railways) Lucknow solemnly state as under:-

1. That I am presently posted as Dy.Director/Estt-I in the Office of Research Designs and Standards Organisation (hereinafter called as RDSO) Lucknow and have been duly authorised on behalf of respondents for filing the instant reply. I have perused the available relevant records relating to the instant case and have also gone through the application under Section 19 of Central Administrative Tribunal Act.No.13 of 1985 filed by the Applicant and have understood the contents thereof and thus I am fully acquainted with the facts and circumstances of the case deposed below.

2. That before giving para-wise replies to the claim application the answering respondents crave leave of this Hon'ble Tribunal to state certain relevant facts which are necessary and essential in appreciating the controversy involved in the instant petition. They are as under:

2(a) That Sh.Lalta Prasad the petitioner was originally appointed as casual Khalasi on daily wages w.e.f.12.2.68. Hewas granted temporary status w.e.f.1.4.74 and regularised as Khalasi in scale Rs.196-232 w.e.f.17.4.79.Subsequently

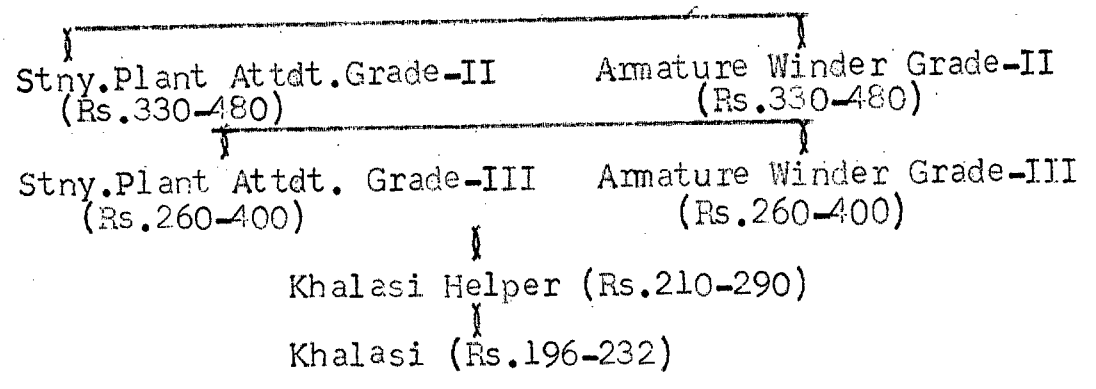
 5/11/80

उप निदेशक स्थापना - I

अनुसंधान अभिकल्प और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

he was promoted as Semi-skilled Stationary Plant Attendant in scale Rs.210-290 w.e.f.7.2.81. Subsequently the Semi-skilled posts in grade Rs.210-290 were reclassified as Skilled posts in scale Rs.260-400 during 1982. Accordingly the petitioner was also reclassified as Skilled Stationary Plant Attendant in scale Rs.260-400. As a result of Cadre restructuring some higher grade posts in grade-II scale Rs.330-480 and grade-I in scale Rs.380-560 were available to be filled up. Since eligible candidates were not available for filling the posts of Grade-I, scale Rs.380-560 higher grade posts, it was decided to operate those posts in the Grade-II in scale Rs.330-480 till eligible suitable candidates are made available for filling those Grade-I posts. Accordingly Sh.Lalta Prasad, whose turn had not come for promotion to Grade-I post was also considered for empanelment and promotion as Stationary Plant Attendant Grade-II against the post of Stationary Plant Attendant Grade-I till a selected candidate was available. The Channel of promotion for these categories of posts is as under:

Stationary Plant Attendant Grade-I (Rs.380-560)



Sh.Lalta Prasad, the applicant was reverted as Stationary Plant Attendant Grade-III w.e.f.19.8.88 on availability of a selected candidate borne on the panel of Stationary Plant Attendant Grade-I, as he was junior as per inter seniority in Grade-II.

3. The parawise comments to the application are given as under:
- 3(4) That the contents of paras 1,2 and 3 of the application do not call for comments as these are matters of record.
4. That in reply to the contents of paras 4.1,4.2,4.3,4.4 and 4.5 of the application, it is submitted that the Petitioner, Shri Lalta Prasad was appointed as Casual Khalasi on daily wages w.e.f.12.2.68 and was granted temporary status w.e.f.1.4.74 and was regularised w.e.f.17.4.79. He was promoted as Semiskilled Stationary Plant attendant w.e.f.7.2.81 which was later on reclassified as Skilled Stationary Plant Attendant Grade-III. As per position in the seniority list of S.P.A .Grade-III, he was called for selection and empanelled for the post of S.P.A.Grade-II.
5. That in reply to the contents of para 4.6 of the application, it is submitted that the staff working as S.P.A.Gr.III were promoted with retrospective effect against upgraded posts under cadre restructuring as S.P.A.Gr.II.
6. That the contents of paras 4.7 and 4.8 call for no comments.
7. That in reply to the contents of para 4.9 of the application, it is submitted that the applicant, Sh.Lalta Prasad was promoted as S.P.A.Gr.II with immediate effect i.e. from the date of issue of SPO No.69 of 1988 dt.17.2.88(copy already annexed as Annexure A-5 of the application), but not termed as working on the same post from long before.
8. That in reply to the contents of para 4.10 of the application, it is submitted that certain posts were upgraded with the orders of Railway Board and that due to non-availability of eligible candidates for the upgraded posts of SPA Gr-I, three SPA Grade-III staff were considered for promotion as SPA Gr-II by operating three posts of SPA Grade-I in the lower grade of SPA Grade-II. Along with others, these three staff




have also been granted the benefits under cadre restructuring from the date of their eligibility.

Accordingly Shri Lalta Prasad, the applicant has been given the benefit of proforma fixation of pay under cadre restructuring w.e.f. 07.02.84 even though he was promoted w.e.f. 17.02.88 vide Staff Posting Order No. 141 of 1988 (copy annexed as Annexure A-6 to the application).

9. That in reply to the contents of para 4.11 of the application it is stated that the petitioner physically worked for about seven months i.e. from 17.02.88 to 19.08.88 as Stationary Plant Attendant Grade-II and he was reverted as Stationary P_lant Attendant Grade-III w.e.f. 19.08.88 on availability of empanelled candidate for the post of Stationary Plant Attendant Grade-I against which Shri Lalta Prasad worked as Stationary Plant Attendant Grade-II. (copy annexed as Annexure A-7 of the application). Since there was no post to accommodate Shro Lalta Prasad as the selected candidates, for the grade were available and his appointment was made on "provisional" basis vide Staff Posting Order No. 69 of 1988, he has been reverted to Stationary Plant Attendant Grade -III from which grade he was promoted as Stationary Plant Attendant Grade-II.

10. That in reply to the contents of para 4.12 of the application it is submitted that as per Recruitment and Promotion Rules for the posts of Stationary Plant Attendant Grade-I both Stationary Plant Attendant



उप निदेशक स्थापना - I

अनुसंधान अभिकल्प और मानक संगठन.
रेल मंत्रालय, लखनऊ - 226011

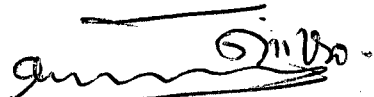
- 5 -

Grade -II and Armature Winder Grade-II are eligible for the promotion and the senior most person borne on the inter-se-seniority list for both the categories are to be called for the suitability test in the ratio of 1 : 1 (A copy of Recruitment and Promotion Rules is annexed as A nnexure R-1 to the reply).

11. That in reply to the contents of para 4.13 of the application it is submitted that Shri J.P.Guta had been working as Armature Winder w.e.f. 28.05.84 and he stands senior to Shri Lalta Prasad, the applicant in the inter-se-seniority list for the post of Stationary Plant Attendant Grade-I and accordingly he was called for selection and was empanelled for the post of Stationary Plant Attendant Grade-I. Since his selection was strictly in accordance with the Recruitment and Promotion Rules, the action taken was quite in order.

12. That in reply to the contents of para 14 of the application, it is stated that Shri J.P. Gupta had been working as Armature Winder Grade-II w.e.f. 28.05.84 but not from 05.05.84.

13. That in reply to the contents of para 15 of the application, it is stated that Shri J.P. Gupta had been working as Armature Winder w.e.f. 28.05.84 whereas Shri Lalta Prasad, the applicant was promoted as Stationary Plant Attendant Grade-II w.e.f. 17.02.88. He was however given the cadre restructuring benefits with retrospectice effect i.e. from 07.02.84. But



उप निदेशक स्थापना - I

अनुसंधान अभिकल्प और मानक संगठन.

रेवा संजालय, तसतनरु - 226011

- 6 -

as per Railway Board's letter dated 24.10.85 (copy annexed as Annexure R-2) Shri J.P. Gupta stands senior to Shri Lalta Prasad, the applicant as he was promoted only during 1988.

14. That the contents of para 4.16 of the application call for no comments.

15. That in reply to the contents of para 4.17 of the application, it is submitted that for suitability test for non-selection post the number of eligible candidates is to be restricted equal to the number of posts i.e. 1 : 1. Thus the petitioner's contention in this respect is not as per extant rules on the subject.

16. That in reply to the contents of para 4.18 and 4.19 of the application it is submitted that Shri J.P. Gupta and the applicant Shri Lalta Prasad were promoted as per orders of the Joint Director but not by the Sr. Dy. Director General. Since there were some financial implications regarding payment of arrears under cadre restructuring, Sr. Dy. Director General's orders were obtained for payment of arrears only.

17. That in reply to the contents of para 4.20 of the application it is submitted that on the date of reversion of the Petitioner as Stationary Plant Attendant Grade-III, there was no vacancy in the category of Stationary Plant Attendant Grade-II and he is being the junior most was reverted to the lower

[Signature]

उप निदेशक आपत्ता - 1

अनुसंधान अधिकारी और सहायक संचालक

रेलवे विभाग, कोलकाता - 700 001

grade of Stationary Plant Attendant Grade-III.

18. That the contents of para 4.21 of the application call for no comments.

19. That the contents of para 4.22 of the application do not call for comments.

20. That in reply to the contents of para 4.23 and para 5 the grounds thereon of the application, it is submitted that the applicant was reverted when there was no vacancy in the category of Stationary Plant Attendant Grade-II and he was the junior-most in that category. Moreover the grounds put forth are devoid of any merits and the application is liable to be rejected.

21. That the contents of paras 6 and 7 of the application call for no comments as these are matters of record.

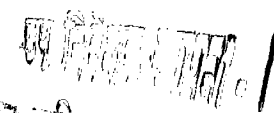
22. That in reply to the contents of para 8 of the application it is submitted that the relief sought in the application is not due to him and as such the application is liable to be rejected.

23. That the contents of para 9 of the application call for no comments as these are matters of record.

LUCKNOW

Dated: 05.11.90.


DEPONENT

BY 
OFFICER IN CHARGE
11/11/90

A/12

VERIFICATION

I, S. Bhatia, Deputy Director/Estt-I,
Research, Designs and Standards Organisation,
Lucknow, do hereby verify that the contents of
para 1 of the reply are true to my personal
knowledge and belief and the contents of paras
2 to 23 of the of the instant reply are true based
on knowledge derived from the perusal of the
available official records pertaining to the instant
case kept in the official custody of the answering
respondents. No part of this reply is false and
nothing matterial has been concealed.

Verified this 5th day of November, 1990
at Lucknow.


DEPONENT

एष निदेशक स्थापना - I
अनुसंधान अभिकल्प और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

GOVERNMENT OF INDIA MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

Office Order No. 9 of 1986

Sub: R&P Rules for Class III and Class IV posts.
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Two sets of Recruitment and Promotion Rules/avenue of Promotion charts covering class III artisan posts including supervisory posts and class IV posts, are enclosed.

2. These rules were approved by DG on 13.8.86 and shall take immediate effect.

3. These rules may be given wide publicity amongst the concerned staff.

L. Kandulna
24/9/86
(L. Kandulna)
for Director General

DA: Two sets of
R&P Rules.
Lucknow- 226011
Dated: .9.86
File No. A/R/RT/TS

DISTRIBUTION

1. As usual for Office Order.
2. The Hony. Secy., The RDSO Class III and Class IV Staff Association.
3. Notice Board.

उप निदेशक स्थापना - 1

अनुसंधान अभिकल्प और मानक संगठन,
रेल संग्रहालय, लखनऊ - 226011

Designation and scale
2. Directorate

1. Designation and scale of pay: Skilled Gd.I Stationary Plant Atttdt.
Scale Rs. 330-560 (RS).
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - 1) Three years service as Skilled Gd.II Stationary Plant Atttdt/Armature Winder, scale Rs.330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/temporary staff of RDSO.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/Production Unit.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs.service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - 1) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs.experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II SPA & Armature Winder, scale Rs.330-480 of Chart No.2.
 - b) To: Chargeman 'B' (Elec), scale Rs.425-700 of Chart No.2
7. Seniority Group: As per Chart No.2

Annexure-R-2.

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A/US

Government of India/Mharat Sarkar
Ministry of Transport/Pariwanan Mantralaya
Department of Railways/Rail Vibhag
(Railway Board)

R.R. Kohli,
Dy. Secretary(W).

D.O. No. ERB-I/35/44/Misc.

New Delhi, dt. 24-10-1985.

My dear Aggarwal,

Sub:- Determination of seniority of Artisan
Staff in group 'C' & 'D' categories.

Kindly refer to your letter Nos. ART/47 dated
13-12-1984 and 4-6-1985 on the subject cited above.

2. The principle of assignment of seniority on the
above mentioned cases is that persons selected in earlier
panel will rank senior to those selected in later panels.
As regards extending the benefit of restructuring/re-classi-
fication w.e.f. 1-8-78, the same should go to the persons
already selected in the normal course after 1-8-78 to the
extent of number of vacancies which arose as a result of
restructuring and if still such vacancies remain the same
would go to the staff who are found suitable after selection/
trade-suitability test. The staff promoted against the
existing(normal) vacancies which would arise on or after
1-8-78 after promoting the staff in the manner as indicated
above will be allowed benefit of promotion/seniority w.e.f.
the date of their actual promotion. Necessary action may
be taken accordingly.

With best wishes,

Yours sincerely,

R.R. Kohli
(R.R. Kohli)

Shri N.K. Aggarwal,
Dy. D.G./RDSO,
Lucknow.

G. N. Singh