

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

CA. NO. 824/89 INDEX SHEET
CAUSE TITLE OF

NAME OF THE PARTIES..... *Lalita Basad*

..... Applicant

Versus

Union of India vs.

Respondent

Part A,B & C

Sl. No.	Description of documents	Page
1	Check list	A1 to A2
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7	Order sheet sub. dt 26-4-94	A46
8		
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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

20/8/93 NOT placed before the
Hearing Bureau on the date fixed.
List - on 20.10.93 for ~~order~~
F.H. Inform the parties.

Notes

20/10/93 27.10.93

R. Shinde

ltd 88

Mr. S. D. Shinde 2.12.93

20/10/93

Mr. S. D. Shinde 27.10.93 12.1.94
Notice issued by
UPC on 29.9.93

on
Mr. D. K. Verma

OR

OR

20/10/93 2.3.94

OR
Mr. D. K. Verma

OR

324/04(.

Date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
RHL	No sitting Adj to 16.1.90 L/c to the applicant → present	L 15/12
(2) 16.1.1990	<u>Hon'ble Mr. J.P. Sharma, J.M.</u> 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.
(3) 25/11/90	J.M.	or notice given S 25/11/90
(4) 24/4/90	J.M. rmr/	Notices were issued on 25/11/90 Neither reply nor any counter affidavit has been return back.
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 admits. Let, counter affidavit be filed within 8 weeks, hereof and rejoinder if any, may be filed within 2 weeks thereafter.	S. J.A. L 20/5
	List it for hearing on 9/1/90.	
Sd.	A.M.	J.M.

No. on back
S.P.H.

OTR 0324/69

- Last time this was fixed

for 03/01/69 but the like could
not be done to conduct
overlook and examine the
office.

Now it is being submitted for
fixing after the date

Yours faithfully

~~W. S. S. S.~~
W. S. S. S.
GDC And Section

C.A.T. bulkhead

10/01/69

Submitted by
Bo
2010

D. R.

ORR D E R S H E E T

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

P.R.

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

~~of~~
R.A. with C.R.
S.H.
J.

12/4/93

P.R. - not received

M.D.S. : 93

P.R.

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 13.11.92

17.11.92

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

of
Not filed
(for D.R.)
15/1/93

CENTRAL ADMINISTRATIVE TRIBUNAL
CHIEF BENCH, LUCKNOW

Report No. 324 of 1989(L)

Ch. No.
Date of

16/11/89

APPLICANT(S)

Smta. Renuka

Deputy Registrar(J)

RESPONDENT(S)

Union of India for M/s.

Particulars to be examined

Endorsement as to result of examination

1. Is the applicant competent? Yes

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

b) Is the application in ~~particular~~ book form? Yes

c) Have six complete sets of the application been filed? Five Sets filed.

3. a) Is the application 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/ Vakalethana been filed? Yes

5. Is the application accompanied by E.C./Postal Order for Rs.50/- Yes

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

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

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

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

Has the index of documents been filed and pasting 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? -

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
13. Are extra copies of the application/duplicate copy/spare copies signed ?	Yes
14. Are extra copies of the application with annexures filed ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	
c) Wanting in Annexures	
15. Have the file size envelopes bearing full addresses of the respondents been filed ?	
16. Are the given address the registered address ?	Yes
17. Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
18. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	
19. 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
20. Have the particulars for interim order prayed for indicated with reasons ?	
21. Whether all the remedies have been exhausted.	Yes

Sincere

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW.

Registration No. 324 of 1989. (U)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of filing : 16/11/89
Date of R. C. : 16/11/89
By Post

Lalita 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. Ganpathi
ADM
16/12/89

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

Lalita 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.

M. Yousuf

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 Lalita 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 Attendent Grade -II) and a list of those candidates was also published who were eligible to appear in this test in which Lalita 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 Lalita Prasad was at Serial No. 13 .He was the fourth ScheduledCaste Candidate in the list . This

resulting ~~was~~ 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. gGrade 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 *[Signature]*
Adm

M. J. S.

Contd.on 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 ^{the} respective effect the date mentioned before their name in which Lalita 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 Lalita 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 Railways 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. Tarkar
Advis

Contd.on 5....

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.

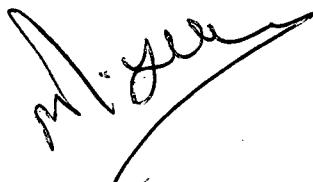
14. That Mr. Gupta was working at the post of H.S. Armature Winder Grade II since 5.5.1984 and for ready reference and it's proof. A photostat copy of S.P.O.No. 204 of 1984 dated 5.5.84 is annexed herewith as Annexure No.7.

15. That Lalita 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.

S K Tareja
Adv.

Contd.on 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 ~~ex~~ 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 shoul be twice the number of vacancies."

18. That the above rule is a statutory and made by the Railway Board. According to 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.G.'s order while J.P. Gupta was selected and promoted by the order of Joint Director and in

S.K. Tarkar
Adv.

M. J. Patel
Contd. on 7...

(7) Annexure A-7c

This S.P.O. No. 300_h. It shows that Lalita 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. ^{Dy.}

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} requested 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 Lalita 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. Jeipathu
Adv.

M. J. S.

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 ^{Senior} 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 ^{twice} Suitability Test should be ~~less~~ 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

My G
Contd. on 9.

S.K. Jaypal
Adv.

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.

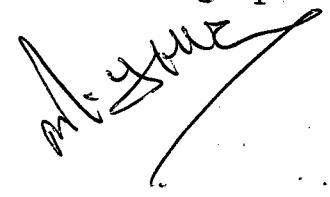
8. RELIEF SOUGHT : -

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 Lalita Prasad w.e.f. 9.9.1988 Annexure No. A-10.....may/~~now~~ 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.Jayaram
Adv.


Contd.on10..

(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. 6 839290 OF Rs. 50/-

Date 15-11-1989 Name of issuing Post

Office High Court Bench Lucknow

M J H 12

PLACE : LUCKNOW

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.O., 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 suppressed any material fact. Sig. of the Applicant.

Lucknow; Dt. 16-11-1989

M J H 12

S.K. Prasada

Adm

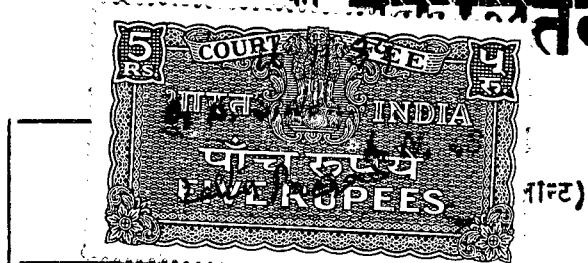
वकालत बौमान् Central Administrative Tribunal
महोदय Lucknow.

(वादी) अपीलम्

Lata Prasad

प्रतिवादी रेस्पाडेन्ट

Lata Prasad



Union of India and others

दाम

प्रतिवादी रेस्पाडेन्ट

नं० मुकदमा

सन्

पेशी की ता०

१९

₹०

ऊपर लिखे मुकदमा में अपनी ओर से Satish Kumar ^{वकील} Advocate
H.N.S.S-1 Ka/33/ Kh, Bala Ram, ^{वकील} ^{महोदय}
Lucknow - 5

एडवोकेट

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूँ और लिखे देता हूँ 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 दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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 ^{वकील}
16/11/89

h.yule
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

16

महीना

11

सन् १९८९

₹०

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

ब अवालत अधीकार

महोदय

[वादी] अपीलान्ट

श्री-

प्रतिवादी [रेस्पाडेन्ट]

वकालतनामा

Case No. 324 of 1989.

Lalita Prat.

VS
U.O.I.

दिल्ली

नाम-

Lalita Prasad

वादी (अपीलान्ट)

VS.

U.O.I. & others.

प्रतिवादी (रेस्पाडेन्ट)

न० मुकदमा 324 सन् 1989 पेशी की ता० 24-4-1990
इधर लिखे मुकदमा में अपनी ओर से श्री

— ANIL SRIVASTAVA —

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) 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 करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अधील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हमारी विषयी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर पुक्त (वस्तुती) रसीद से लेवे या वंच नियुक्त करें—वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा में यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपनी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे छिलाक फेसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

Accepted.
Anil Srivastava
Adv.

साक्षी (गवाह)

दिनांक

हस्ताक्षर

(S. BHATIA,
D. S. O. (Min. of Rlys)

Madan Nagar, Lucknow-226011

ता० 15 4/80

महोदय

ता० 15 4/80

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW.

Registration No. 324 of 1989. (C)

Lalita 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

५०

भारत सरकार-ऐल मंत्रालय
अबुसंदाब अभियान और मानव संगठन

क्रमवारी सूचना

अबुसंदाब अभियान और मानव संगठन के विद्वत् अबुराण अबुमाग के लिए एक शुल्क एस० पी० ८०, ब्लॅड-२, वेतनमाब रु. १२००-१४०० [पुवेमा] के लिए एक विश्वाशीय उपयुक्तता परीक्षा दिनांक २४-४-१९८७ को होगी। निम्नांकित। ३। तेरह शुल्क स्टेशबरी प्लॉट अटेक्ट, ब्लॅड-३, वेतनमाब रु. ९५०-१५०० [पुवेमा] उक्त परीक्षा में बैठने के पात्र हैं:-

क्रमांक उम्मीदवार का नाम और अबुमाग
जहां शार्यरत है।

नियंत्रक अधिकारी
जिसके अधीन शार्यरत है।

सर्वश्री

१. लल्लराम, विद्वत् अबुराण अबुमाग
२. माइलाल, अबुस्थित जाति-वही-
३. दयारे लात-वही- -वही-
४. कुर्गा प्रसाद - "
५. हबुमारी - "
६. सालिंग राम-
७. फ़न्हैया लात - "
८. ठाकुर प्रसाद कुरील [अबुजाति] -वही-
९. मनमोहन लात- विद्वत् अबुराण अबुमाग
१०. विषय बहादुर सिंह, -वही-
११. रामपति "
१२. श्याम लात "
१३. लालता प्रसाद [अबुजाति] - -

सहा०अम०इंजी/ईएमएस
-वही-

२. नियंत्रक अधिकारियों से अबुरोध है कि वे उपर्युक्त उम्मीदवारों को २४-४-८७ को ०९.३० बजे आधि/मतीं को रिपोर्ट उराए के लिए नियंत्रित करें। जो क्रमवारी इस परीक्षा में बैठने का इच्छुक ब हो तो उसकी अनियंत्रित लिखित रूप में प्राप्त करके आधि/मतीं को १६-४-१९८७ तरह अथवा उससे पहले अनुरोधित करें।
३. नियंत्रक अधिकारियों से यह भी अबुरोध है कि वे संबोधित क्रमवारियों से उपर्युक्त विषय-वस्तु बोट करा लें तथा उसकी एक प्रति आधि/मतीं को अविलंब में जाए।

संलग्न: कुछ बही।

लेखांक - २२६०१।

दिन: २३-३-१९८७।

फाइल सं: रिपूट/ईएस/स्टिक०एसपी०ए/ब्लॅड-२/ईएमएस। कृते महा नियंत्रित।

नियंत्रक अधिकारी
१०पी० संकेता।

वितरण

१. सहा०अम०इंजी/ईएमएस
२. आधि/स्था-६ और गोपनीय
३. संबोधित
- क्रमवारी
४. सूचना पट
५. तृतीय वेणी क्रमवारी एवं सियेशल/अभ्यास।

Attested
S.K. Jaiswal
16/11/89

M. Yellu

दीक्षा: ८७३२३।

12
Annexure A-2

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

A-2

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. Laloo Ram
2. Bhai Lal - (Scheduled Caste)
3. Payare Lal - (Scheduled Caste)
4. Durga Prasad
5. Hanuman
6. Salig 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.Sekhena (K.P.Sekhena)

Section Officer (Rectt:)

DISTRIBUTION

1. S.O/E-VI.
2. Staff concerned
3. Notice Board.

PD/87511.

M.Y.H.

Attested
S.K. Jaiswal
Adv.

12/11/89

Annexure A - 3

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

Manek Nagar, Lucknow-11

322
Staff Posting Order No. 322 of 1987

The following staff are promoted/posted against the available upgraded posts in EMS/H/80/4

No. & Designation	Promoted as	Promotion effective from against up-graded posts	Empanelled vide staff Notice No.
1. S/Shri Guru Charan (SC) Sk. Re. In. Mech. Gr. II	Sk. Refn. Mech. Gr. I Rs. 380-560 (RS) / 1320-2040 (RPS)	23-7-85	Rectt/ES/ESW/A (B- fgn. Mech. dt. 18-5-87
2. Jongi Lal, Sk. Blacksmith, Gr. III	Sk. Blacksmith Gr. II Rs. 330-480 (RS) / 1200-1800 (RPS)	12-1-85	Rectt/ES/Skl. Blacksmith, Gd-II/EMS dt. 18-5-87
3. Brij Mohan, Sk. Blacksmith, Gr. III	-do-	14-11-86	-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/HS Fitter (Mech.)/Gd-I/EMS dt. 1-7-87
5. Laloo Ram, Sk. SPA, Gr. III	Sk. SPA, SPA, Gr. II Rs. 330-480 (RS) / 1200-1800 (RPS)	18-9-83	Rectt/ES/Skl. SPA, Gd-II/EMS dt. 12-5-87
6. Rhai Lal, Sk. SPA, Gr. III	-do-	-do-	-do-
7. Pyarey Lal, (SC) Sk. SPA, Gr. III	-do-	-do-	-do-
8. Durga Prasad, Sk. SPA, Gr. III	-do-	-do-	-do-
9. Hanuman Prasad, Sk. SPA Gr. III	-do-	-do-	-do-
10. Salig Ram, Sk. SPA Gr. III	-do-	-do-	-do-
11. Kanti Lal, Sk. SPA Gr. III	-do-	1-1-84	-do-
12. Thakur Prasad, Kuril, (SC) Sk. SPA, Gr. III	-do-	1-84	-do-
13. Mon Mohan Lal, Sk. SPA Gr. III	-do-	1-1-84	-do-

8. 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 Laloo Ram, Rhai Lal, Pyarey Lal, Durga Prasad Hanuman 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 extant orders of Railway Board. S/Shri Kanti Lal, Thakur Prasad Kuril and Mon Mohan Lal are further informed that they will be paid actual benefit of higher grade post w.e.f. 1-7-86. However, they will be paid

contd...2

R. Y. M.

- 2 -

from prepage:-

lumpsum arrear @ 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 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 S.P.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)-RII(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 Charan 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. Engg. Mech, Gr.II for which action has already been initiated.

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.Hil

(M. Balasubramanian)
for Jt. Director Admn.-II

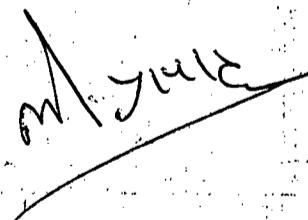
Lucknow-11

Dated 7-9-87

File No. AIT/14/2

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. Nucleus Board.



Attested

S.K. Talyarani

Advocate

16/11/89

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 पदोन्नतियाँ तथा
तैरातियाँ 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. रिकूटमेंट/ईएस/स्टिकल्ड एसपीए ग्रेड-2/ईएमएस 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-3, वेतनमान रु. 33,-480।पुंचे। के रूप में पदोन्नति किया जाता है। उनका वेतन दिनांक 1.1.84 से प्रोकार्मा आधार पर नियांरित किया जाएगा परंतु वास्तविक लाभ दि. 1.7.85 से मिलेगे। 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 मुश्ति बकाये का भुगतान किया जाएगा परंतु यह राशि 400/- रु. से अधिक नहीं होगी।

2. श्री रामपति और श्याम लाल स्थावर संयंत्र परिचर ग्रेड-3, को, जो दिनांक 12.5.87 की कर्मचारी सूचना सं. रिकूटमेंट/ईएस/स्टिकल्ड एसपीए, ग्रेड-2/ईएमएस 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।पंचे। के रूप में पदोन्नति किया जाता है।

3. श्री 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 तत्त्व सेवा पूरी कर लेंगे। उन्हें अपनी कार्यगृहण रिपोर्ट आगे की आवश्यक कार्रवाई के लिए अपने नियंत्रण अधिकारी के आद्यम से स्था. अनुभाग को भेजनी चाहिए।

संलग्न: कुछ नहीं।
लखनऊ।।

दिनांक: 18.1.88
फाइल सं. सआरटी/14/2

१८/१/८८
एम. बालासुब्रद्धमण्यम्
कृत संयुक्त निदेशक/प्रशासन-३

Attached
S.K. यात्रा
पंचे जी पृष्ठ के अनुसार
16/1/89

M.Y.C

16
Annexure A-S

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

Staff Posting Order No. 69 of 1988.

Shri Lalta Prasad, Sk. SPA, Gr. III already empanelled for the post of Sk. SPA, Gr. II vide Staff Notice No. Recd/ Es/ Snd. SPA, Gd. II/ EMS dated 12/5/87, is promoted as Sk. SPA, Gr. II, Scale Rs. 1200-1800 (PPS) 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 Lalta 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: Nil

Lucknow

Dated: 7/2/88

File No. ART/14/2.

(M. Balasubramanian)

For Jt. M/s/ Admin. II

DISTRIBUTION

1. P. to JDA II 2. SPA to Sr. Dy. DG 3. JDF 4. DD/EMS

5. 6. 7. SC/Admn. 8. S.O/Pass

9. SOD-III 10. SOD-VI 11. RD&O Class-I/III Staff Association

12. Shri Lalta Prasad, Sk. SPA, Gr. III 13. P. File

14. Notice Board.

Attested
S.K. Venkatesh
P.D.O

16/11/89

Annexure A

Government of India
Ministry of Railways
Research, Designs & 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.330-400 (RS)/Rs.1200-1600 (RFS) with retrospective effect or immediate effect, in the case may be, vide SPO No. 322 of 1987 and No. 24 and 69 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.	S/Shri Kanhye Lal	Sk. SPA, Gr. II	1/1/84	18/9/83
2.	Thakur Prasad Kureel	-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.	Lalita Prasad	-do-	17/2/88	7/2/84

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

3. S/Shri Vijay Behadur Singh, Ram Pati, Shyam Lal and Lalita Prasad are informed that their pay in the higher grade post will be fixed on proforma basis w.e.f. 7/2/84. But actual benefit of pay and allowances of higher grade post will be paid to them w.e.f. 1/7/85. However, they will be paid lumpsum arrear @ Rs.25/- p.m. subject to a ceiling of Rs.400/- for 10 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: 7/4/88
File No. ART/14/2

(M. Bal Subramanian,
For Jt. Director/ Admin. II

DISTRIBUTION

- 1. JDA-II 2. JDF 3. DD/EMS 4. SO/Admn. 5. SO/Recrt. 6. SO/Confld.
- 7. SO/Poss 8. SC/E-III 9. SO/E-VI 10. RDSO Class-III Staff Association
- 11. Staff concerned 12. Personal file 13. Notice Board 14. Audit Officer.

Mr. Subramanian

-2-

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

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.

EN/NIL.

Lucknow-226 011.

Dated: 27/11/1986.

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

(K.P. Saksena)

for Director General.

DISTRIBUTION

1. JDS(E) & JX 2. DDE-I & II 3. ADE(EMS)
 4. SO/E-VI & SO(Confld.) 5. Staff concerned 6. Notice Board
 7. Class III Staff Association/RDSO.

PD/SE1124.

yours

Attended
 S.K. Srivastava
 P.D.O.

16/11/89

Annexure A →

1/3

Government of India
 Ministry of Railways
 Research Design & Standard Organisation
 Mahak Nagar
 Lucknow- 11

Staff Posting Order No. 204 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 25th, 26th, 27th and 30th April, 1984 for Electrical Maintenance Section of R.D.O, 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/Rec'tt. Staff Notice issued from File No. Rec'tt./H.S. Armature Winder, Gr.II/ Comp/83 date 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.

Dated: 7/5/84
 Lucknow-11
 (File No. RPT/14/2)

J.J. Hare
 (J.J. Hare)
 For Jt. Director Standard's Eleet./9

DISTRIBUTION

1. J.DSE/9 2. J.F 3. J.DSE/EM 4. SO/Conf'dl. 5. SO/Rec'tt.
 6. SO/E-III 7. SO/Pass 8. Sh.J.P.Gupta, EMS, R.D.S.O, Lucknow.
 9. R.D.O/C1.III Staff Association 10. EFO
 11. P/File 12. Notice Board.

.....

R
 28/5

Attested

S.K. Tyapal
 PWD

16/11/89

DA

Annexure A - B

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 1982.

ii) RDSO SPO No 149 of 1982

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

iv) My representation dated 2.6.1982 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 sucessful 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 1982 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.

M. Y. J.

::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 His irregular inclusion, I have been made the ~~ex~~ victim and causing reversion to lower grade SPA Gr III, scale Rs. 960-1500(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 caders be made within fifteen days of receipt of this representation or I may be replied accordingly otherwise I will be fixed to knock at 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,

20/9/88
(Lalita Prasad)
SPA Gr.II
EMS /RDSO

O/G Date: 20.9.1988 Copy for information to:

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

✓ Handled to ~~Secretary~~ *Secretary*

✓ *Secretary*
G.O. Reservation & D.G.C Lucknow

Attested
S.K. Tripathi
RDSO

16/11/89

M. Yalas

तार : रेलमानक-लखनऊ
Telegrams : RAHMANAK-LUCKNOW

Annexure A-9

टेली नं. [50567 & 50017]



भारत सरकार—रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

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

पत्र संख्या

Our Reference E/RC(SCT)/Complt/ 125 लखनऊ-२२६०११ दिनांक 2.1989

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

(R.K. Mallick)
for Director General

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

S. Khan-Ab

For me B. P. K. Khan
7/3

Issued on dated
14.3.89
N.N. Khanab
14.3.89

M. Yaqub

Attached

S.K. Dabholkar

16/11/89

Annexure A-10

X✓

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

Staff Posting Order No. 320 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.) Scale Rs.1400-2300(RPS)	Staff Notice No. Rectt./ES/Ch. B/Elect./EMS dt.17/6/88.
2.	J.P.Gupta, Ex.Sk.Armature	Sk.SPA, Gr.I Scale 1320-2040(RPS)	Staff Notice No. Rectt./ES/Skd. SkA/Gd.I/EMS dt.15/6/88.
3.	Laloo 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.	Hamuman, Sk.SPA, Gr.II	-do-	-do-
8.	Shamsher Singh, Sk.Fitter/ Elect., Gr.I	Sk.Fitter/Elect., Gr.I Scale 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 Scale 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) w.e.f. 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, Laloo Ram, Bhai Lal (SC) are promoted as Sk.SPA, Gr.I, Scale Rs.1320-2040(RPS) w.e.f. 28/5/87 in EMS against available upgraded posts. It is also mentioned that their pay in the higher grade post will be fixed on proforma basis w.e.f. 28/5/87 as per extant orders of Board. Shri Durga Prasad and Hamuman are also promoted as Sk.SPA, Gr.I, scale 1320-2040(RPS) with immediate effect.
- Shri Lalta Prasad, Sk.SPA, Gr.II will stand reverted to his original post as Sk.SPA, Gr.III on the date Shri J.P.Gupta takes over his duty as Sk.SPA, Gr.I in R.C.
- Shri R.C.Yadav, officiating Sk.Fitter (Mech.) Gr.II is promoted as Sk. Fitter(Mech.), Gr.I, Scale Rs.1320-2040(RPS) w.e.f. 1/4/86 against the

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

vi) Shri Avtar Singh, Sk.Fitter(M), Gr.II has already been found suitable and promoted as Sk.Mechanist, Gr.I, Scale Rs.1320-2040(RF) With retrospective effect from 1/4/86 vide SPD No.199 of 1988.

vii) Since there is a DMR case pending against Shri Pyare Lal, Sk. SP4, Gr.II for major penalty he will be considered for promotion as Sk. SP4, Gr.I after finalisation of the case.

3. Shri G.S.L.Nigam is informed that the aforesaid promotion is purely on 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 SPD for fixation of their pay initially under Rule 2017(a)(i)-A-II which may be re-fixed 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. ART/14/2
 Dated: 19/8/88
 Lucknow.

M/S 19/8
 (L. Balasubramanian)
 For Jt. Director/Admn. II

DISTRIBUTION

1.PA/JDA-II 2.JEF 3.ED/EM 4.SG/EM 5.SG/Rec'd. 6.SG/Confidential
 7.SG/E-III 8.SG/Pass 9.Staff concerned 10.P/files 11.R/SG Class-III
 Staff Association 12.J/EM Directorate in respect of Shri J.P.Gupta, Sk.
 Fitter/Elect., Gr.I's ^{take care of EMS} 13. Police Board 14.Shri J.P.Gupta, Sk.Fitter/Elect.Gr.I,
 ED Dte., EMS, Lucknow for information and necessary action. 15.JDA-III.

Shri Pyare Lal, Sk. SP4, fr. 11/22/88

Attested

S.K. Gupta

16/11/89

9-11-90
A
34

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Civil Misc. Application No. M. P. No. 653/90(h),
Registration C.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

8/11/90
Respondent.

उप निदेशक स्थापना - 1
अनुसंधान अभिकल्प और मानक संगठन
रेक्ट्राक्य, लखनऊ - 226011

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW A35

REPLY ON BEHALF OF RESPONDENTS

Registration O.A.No.324 of 1989

Lalita 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.Lalita Prasad the petitioner was originally appointed as casual Khalasi on daily wages w.e.f.12.2.68. He was 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

27/11/80

उप निदेशक स्थापना - 1
अनुसंधान अभिकल्प और मानक संगठन,
रेक्षा मंत्रालय, लखनऊ - 226011

A
36

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-II 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)

Stny. Plant Attndt. Grade-II (Rs.330-480)	Armature Winder Grade-II (Rs.330-480)
--	--

Stny. Plant Attndt. Grade-III (Rs.260-400)	Armature Winder Grade-III (Rs.260-400)
---	---

Khalasi Helper (Rs.210-290)

Khalasi (Rs.196-232)

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-III.

3. The parawise comments to the application are given as under:

3(a) 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

५/१८०

एक निश्चिक स्वापना - ।
अनुसंधान संस्थान एवं वाचन संग्रह,
देह भ्राता, लखनऊ २२६०१।

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 Plant 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

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 ration of 1 : 1 (A copy of Recruitment and Promotion Rules is annexed as Annexure 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. Gupta had been working as Armature Winder w.e.f. 28.05.84 and he stands senior to Shri Lalita 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 Lalita 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 retrospective effect i.e. from 07.02.84. But

as per Railway Board's letter dated 24.10.85 (copy annexed as Annexure R-2) Shri J.P. Gupta stands senior to Shri Lalita 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 Lalita 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

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.

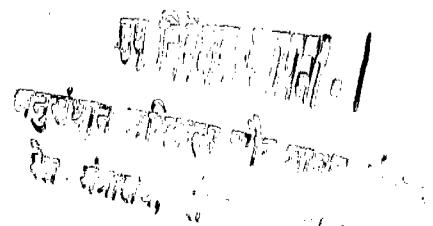
22. That in reply to the contents of para 8 of the application it is submitted that the relief sought in the application is not due to him and as such the application is liable to be rejected.

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



A/2

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 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 material has been concealed.

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


DEPONENT

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

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

Office Order No. 9 of 1986

Re: Rules for Recruitment and Promotion

Two sets of Recruitment and Promotion Rules/annexed
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.

J. Kandulna
21/9/86

(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 Hon'ble Secy., The RDSO Class III and Class IV
Staff Association.
3. Notice Board.

Dr. S. K. Dutt
उप निदेशक स्थापना - 1
अनुसंधान अभिकल्प और सानक संगठन,
रेल संत्रालय, लखनऊ - 226011

1. Designation and scale of pay: Skilled Gd.I Stationary Plant Attit. 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 Attit/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: Charge man 'B' (E100), scale Rs.425-700 of Chart No.2

7. Seniority Group: As per Chart No.2

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

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

D.O. No. ERB-I/85/44/Misc.

New Delhi, dt. 24-10-1985.

My dear Aggarwal,

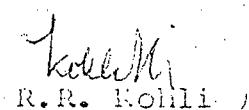
Sub:- Determination of seniority of Artisan Staff in group 'C' & 'D' categories.

1. 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-classification 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)

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


N.K. Aggarwal