

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 04.342 OF 89

NAME OF THE PARTIES G. K. Soniawala Applicant

Versus

..... U. O. T Respondent

Part A.

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CERTIFICATE

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

Dated

Counter Signed.....

Recheck
03/12/12
[Signature]

Section Officer/In charge

Signature of the
Dealing Assistant

(A) Central Admin. Trib. Lucknow
CIRCUIT BENCH, LUCKNOW

Central Admin. Trib. Lucknow

Circuit Bench

Date

13-12-04

Registration No. 342 of 1989 (L)

APPLICANT(S) A. K. Srivastav

RESPONDENT(S) U.O.2

Particulars to be examined Endorsement as to result of examination

1. Is the appeal competent ? - yes
2. a) Is the application in the prescribed form ? - yes
- b) Is the application in paper book form ? - yes
- c) Have six complete sets of the application been filed ? - yes five sets
3. a) Is the appeal in time ? - yes
- b) If not, by how many days it is beyond time ?
- c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation/ Vakalatnama been filed ? - yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/- - yes Rs 80/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ? - yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? - yes
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? - yes by counsel
- c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ? - yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? - yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? - no

(A2) 2 : 2

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

giving/

(AS)

:-2:-

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
2/90	<p>Hon'ble Justice Kamleshwar Nath, I.C. Hon'ble K. Bhagya, I.A.</p> <p>The applicant has sought a declaration of being senior to four specified persons. It would be appropriate to implead those four persons as opposite parties. The applicant will apply for suitable amendment and list this case for order / <u>Admission</u> on <u>6-2-90</u>.</p> <p>U.M. P. U.C. (SNS)</p> <p>6/2 No. 5644 Ady. No. 13. 3. 90</p> <p>OR L/c for the applicant have file two misc. Am. Cm 010/90(L) for amendment & Cm 011/90(L) for implead S. F. O/A</p>	<p>Cm do & all to today OR</p>

(82)

14/5/90 / Hon. Mr. K. J. Raman, A.M,
Hon. Mr. D. K. Agrawal, O.B.

The learned counsel is present on behalf of the applicant. The amendment has been incorporated.

Issue notice to the respondent to show cause, as to why, the petition be not admitted and relief, if any, be granted.

List this case on 25/7/90, on which date the case is likely to be disposed of.

ab
Notice given
on
23/5/90

W.M.
A.M.

OR
Notices on
be sent to the respondents
23.5.90.

Heeler retd
or any answering
retd. Court has been
seed. Case has been
seed. back.

Acknowledgement
has been recd from
the Pet H.
S. P. A.

Applicant's
1st. Counsel
is present. (P 4 & 9 Notices have
been recd. case)
Fix 1.11.90
for F.M. High Bench
mtg. 19.9.

No. 1000 1/11/91
P.W. Abdal
19.9.

O A 342/14

(AS)

11.12.20

Frontl. Mr. J. J. D. b/c. Suratgarh
District Mr. A. B. Garkha A.W.

Judgement pronounced today
Separately

L

1
AM

1
U

seen copy
of judgment
Dr. A. B. Garkha
K.S. Vaidya
23/12/19

Pr. (Copy of judgment)
Dr. K. S. Vaidya
23/12/19

(Pb)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Registration O.A.No. 342 of 1989 (L)

G.K.Srivastava Applicant.
Versus.
Union of India & Ors. Respondents.

Hon. Mr.Justice U.C.Srivastava, V.C.
Hon. Mr. A.B.Gorthi, A.M.

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

Having being deprived of ~~their~~ seniority over
~~their~~ juniors who were promoted to higher pay scale, few
years before promotion of applicant to the semi skilled
post and non-extension of same benefits to applicant as to
his erstwhile junior with effect from 1.8.78 with reference
to Railway Boards letter dated 22.11.82/ 1.12.82 and 11.1.83
the applicant has approached this Tribunal claiming relief
in respect of above grievances.

Prior to 1.1.78 the recruitment and promotion rules
the channel of promotion for the ~~late before~~ who were in the
pay scale 80-110, ~~to~~ to the post of Lab Assistant/Lab field
attendant in the pay scale of 110-180/ 260-430 as earlier
existed. These rules were ~~received~~ ^{revised} with effect from
1.1.78 and Lab Helpers were provided promotion avenue to
the post of semi skilled workers, prior and subsequent to
the IIIrd pay commission report which was given effect to
on 1.1.1973 pay scale were as follows.

	Old	New
Lab Helper	₹ 80 - ₹ 110	₹ 210 - ₹ 270
Semi Skilled	₹ 75 - ₹ 110	₹ 210 - ₹ 290
Khalasi	₹ 70 - ₹ 85	₹ 196 - ₹ 232

Thus as a result IIIrd pay commission report the pay scale
of Lab Helper which was earlier on the higher side was

AP

placed on the lower side as compared to that semi skilled . Admittedly prior to 1.1.78 the post of Lab Helper which was higher than other two categories referred to above was promotional post from amongst Semi Skilled workers (scale 75 - 110) Jamadar (Peon) and Daftari (Scale 75 - 95) with one year experience, Khalasi in the scale of 70 - 85 of 3 years standing and working in the Metallurgical and Chemical and Research Directorate. Thus notwithstanding revision of pay scale the feeder channel for lab Helper continued to be Semi Skilled workers and Khalasi even though no such promotion may have been made in accordance with the rules as they existed .

During 1974 some post of Semi Skilled workers in Electrical Maintenance section have fallen vacant and normally Khalasis were entitled to promotion to said post in accordance with rule but as no eligible Khalasi were available recruitment from amongst casual labour who have completed six month was made and six casual labour were and appointed . The Channel of promotion for semi Skilled workers in the rules as it counted was it existed was Skilled workers (fitter Mechanical) in the scale of 110 - 180 in Electrical Maintenance section . Three of the private respondents were promoted from amongst Khalasi after passing trade test while other three were appointed as semi skilled fitter as a result of direct recruitment held on 24.7.74 and dated 4.10.74.

According to Respondent the applicant were not considered for the post as being Lab Helper they were in higher pay scale than Khalasi and Higher than the post of Semi Skilled fitter . Thus as a result of implementation of IIIrd Pay Commission Report the applicant were deprived of the higher scale and post which earlier was a junior post and feeder channel for the post of Lab Helper even though under the rules

Which existed at the time of appointment were not amendment before the promotion of respondent and was amended in 1977 only with effect from 1.1.78 and all these private respondent were promoted or appointed as against rules and given benefit of ~~refrunctioning~~ ^{and structuring} with effect from 1.8.78 . The notification or restructuring was issued prior to Pay Commission report and 1983 Railway Board letter No. 11.1.1983 only 11 days after the date when pay Commission was to be implemented. Vacancies were existing when old rules were in force for the existing vacancies which were to be filled in accordance with old rule that is rule as where in existence same anomalous situation was created because of pay Commission Report. But Report of pay commission and the scale prescribed by it could not be taken to mean that seniors are to be made Juniors and thereof ~~feeder~~ channel be placed in the higher promotion & grade . Alongwith the implementation of pay commission report it was necessary that rule ^{be} also amended but the same was done. No one is to ~~be~~ suffer because of lapse on the part of Government. In view of the fact that rules were in existence and applicant was in the higher ladder the only homogeneous construction of Rules, Pay Scale and restructuring ^{which} was that Lab Helpers were first deemed to have been promoted to the post and grade of same skilled fitter. The applicant who opted for semi skilled grade having no option was promoted in 1983 with effect from a date in 1981 and the further result was that those ^{who} were junior to ^{him} them in meantime were promoted to still higher post. It is not that

Contd ... 2/4.

(P)

applicant did not raise his voice but he had been making representation after representation in this behalf but respondents preferred to keep mum. According to this application deserves to be allowed to the extent that it is directed that the applicant would be deemed to have been promoted to the grade of Semi Skilled with effect from 1981 when his erstwhile juniors were promoted and would be entitled to monetary benefits with effect from the date of actual promotion and all other benefits including ^{seniority} service from the date of national promotion.

No order as to cost.

transcript
MEMBER (A)

L
VICE CHAIRMAN

Dated the 11 / 12 / 1991.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, L U C K N O W .

Deputy Registrar

Application No. 34 of 1989

Gopal Krishna Srivastava

.. Applicant

Versus

Union of India & others

.. Respondents

I N D E X.

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19

Lucknow:

Date: December 13, 1989.

Advocate
Counsel for the Applicant

Fixed today
 (3/12)
 Noted for
 2/1/90
 K. K. Srivastava
 Gopal Krishna
 13/12/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

All

5A 342 of 99(L)

(Application under Section 19 of the Administrative Tribunals Act, 1985)

Gopal Krishna Srivastava, aged about 47 years, son of late Har Prasad Singh Srivastava, resident of B-28/4, Manak Nagar, RDSO Colony, Lucknow.

.. Applicant

Versus

1. The Union of India through the Secretary to the Government of India, Ministry of Railways, New Delhi.
2. Railway Board at Rail Bhawan, New Delhi through its Chairman.

3. The Director General, Research Design and Standard Organisations, Manak Nagar, Lucknow.

.. Respondents.

* 4, 5, 6, 7, 8, 9, -----

Details of application

1. Particulars of applicant :

- i) Name of Applicant : GOPAL KRISHNA SRIVASTAVA
- ii) Name of father : Late Har Prasad Singh Srivastava.

Amendment
incorporated today
by Court order
by dt 21/6/93
K.L. Srivastava
(Adv.)
21/6/93

g. Srivastava

iii) Designation & Office in which employed : Skilled Fitter, EMS, R.D.S.O., Lucknow.

iv) Office address : Research Design & Standard Organisation, (Ministry of Railway), Manak Nagar, LUCKNOW - 226 001.

v) Address for service of all notices : B-28/4, Manak Nagar Lucknow - 226 001.

2. Particulars of the Respondents

i) Name and/or designation of the Respondents : 1. The Secretary, Ministry of Railway, Government of India, New Delhi.

2. The Chairman, Railway Board, Rail Bhawan, New Delhi.

3. The Director General, Research Design & Standard Organisation, Manak Nagar, Lucknow.

ii) Office address : 1. Ministry of Railway, Government of India, New Delhi.

2. Railway Board, Rail Bhawan, New Delhi.

3. Research Design and Standard Organisation, Manak Nagar, New Delhi - 226 001.

iii) Address for service of all notices : As given in sub-para (i) above.

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

G. J. M. S.

i) The ~~Applicant is being~~ application is being directed against not promoting the applicant to hold the promoted post and not deciding the representations filed on 19.5.1988 and 2.2.1989.

ii) Subject in brief

(a) The applicant is being denied Grade-I Skilled Fitter.

(b) The applicant is being denied restructuring benefits with effect from 01.8.1978 as Skilled Worker Grade-III and presently promotion as Grade-I Skilled Fitter, in the scale of Rs.380-560 (PRS)/Rs.1320-2040 (RS).

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of this application is that the applicant should have been allowed the Grade-I Skilled Fitter and the application is within the jurisdiction of this Tribunal.

5. Limitation

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

6. Facts of the case :

AMU

(1) That the applicant was initially appointed as Khallasi on 5.9.1966, thereafter as Lab. Helper on 15.6.1973.

(2) That the applicant should have been promoted on the Semi-Skilled post in the year 1974, but this was denied to him and juniors to him namely

S/Shri Awtar Singh, Ram Chandar, Indar Paul Singh and Laxmi Narain and R.K. Vijnakumar Daulat Ram, who were appointed on a much later date to the applicant, were promoted.

*Amendment
In the para 2 (2)
by const over
AMUL
JLW
WAB*
(3) That it is stated that the applicant was confirmed on 1.2.1976 whereas the above juniors are not yet confirmed.

(4) That it may be mentioned here that the Railway Board decided that for fixation of inter-section seniority for two cadres viz. semi-skilled worker and Lab. Helper, the total length of services in the two cadres be taken into consideration and accordingly vide RDSO Memo No. APD/49 dated 28.3.1984 the benefits of fixation of correct seniority and thereby reclassification as Skilled Artisan with effect from 1.8.1978 were granted

John S V
(5) That the cases of S/Shri K.C. Paul and K.G. Elutechan, the then Lab. Helpers, MQCD, R.D.S.O. were considered and finalised in 1984 by the Railway

Board and the ~~xx~~ similar benefits were not extended in 1984 to the Applicant.

(6) That it is also to be mentioned here that the Railway Board abolished the post of Semi-Skilled Worker and that is why the Applicant was not considered owing to the change of circumstances.

(7) That the original seniority list was published in the year 1983 in which the name of the Applicant was shown at sl. no.7, which goes to show that persons, whose ~~x~~ name at sl.no.1 to 3, who were recruited later to the Applicant, were shown above the Applicant. A true copy of this seniority list is being filed as Annexure No.1 to this application.

(8) That the Applicant was further promoted as Skilled Fitter Grade-III in 1983, but with retrospective effect i.e., from 20.1.1981.

(9) That another seniority list was published in which the name of the Applicant was shown at sl. no. 3 as skilled Fitter (Mechanical), Grade-III.

(10) That against the said seniority list, the Applicant represented to the Respondent No.3, alleging that the Applicant was appointed as Lab. Helper in

Govind V

1973 and thereafter he was promoted to Semi-Skilled Fitter in 1981. It was also mentioned that before the III Pay Commission, the post of Lab. Helper (scale Rs.80-100) was higher than the Semi-Skilled Worker (Rs.75-100) and the Semi-Skilled Workers were promoted to Lab. Helper and after III Pay Commission Report it became reversed, and that the matter was referred to Railway Board for removing the anomaly, but the Railway Board did not consider this matter. The Board finally came out with a decision that the ~~length~~ length of service of Lab. Helper and Semi-Skilled worker is to be considered for fixing seniority for further promotion. A true copy of the representation dated 29.7.86 is filed herewith as Annexure No.2.

(11) That when no decision on the above representation was taken, the applicant submitted representations dated 28.8.1986 and 5.11.1986. True copies these documents are filed herewith as Annexures 3 & 4.

(12) That as stated above, the petitioner/applicant is senior to S/Shri Awtar Singh, Ram Chandar, Indar Paul Singh and Daulat Ram, considering the dates of joining as Semi-Skilled Workers.

(13) That the applicant made representation on 19.5.1988, inter-alia, alleging therein that the seniority of the applicant, taking into account the date of joining as Lab. Helper, should have been fixed



and accordingly he should have been declared senior to all those promoted as Semi-Skilled Workers after 14.6.1973 and also that he should also be extended the benefits of the reclassification as Skilled Artisan with effect from 1.8.1978 in reference to Railway Board's letter No. E(P&A)-I-82/JC/1 dated 23.11.1982 and 1.12.1982 and E (P&A)-I-83/RWCT/3 dated 11.1.1983. True copy of the representation dated 19.5.1988 is filed herewith as Annexure No.5.

(14) That it is also to be mentioned that on the basis of the representations of the Applicant, he was ~~XXXXXX~~ called upon to see the Secretary to the Respondent ~~XX~~ no.3 in his chamber on 12.9.1986 at 14.25 hours, but nothing was done in the said meeting, except of giving an assurance that the applicant's seniority ~~XXXXXX~~ and promotion case would be considered at appropriate stage.

(15) That on the basis of the representation dated 19.5.1988, the Respondent assured the Applicant that his matter is being paid attention and he would be soon informed of the decision, but nothing was communicated to the Applicant. Then the Applicant submitted a representation/reminder dated 2.2.1989, a true copy of which is filed herewith as Annexure No.6.

(16) That the Applicant, having been left with no other alternative for getting speedy justice,

gmv

but to invoke the jurisdiction of this Hon'ble Tribunal, files this application on the following amongst other grounds :-

GROUNDS

- I. Because the action of the Respondents is arbitrary and malafide in not correcting the seniority list of the Applicant and not giving the benefits of similarly situated persons.
- II. Because the action of the Respondents is against the provisions of Articles 14, 16 and 51A(h) of the Constitution of India.
- III. Because the Respondents ~~XXXDXXX~~ are duty bound to follow the Railway Board's letters No. E(P&A)-I-82/JC/1 dated 23.11.1982 and 1.12.1982 and No. E(P&A)-I-83/RWCT/3 dated 11.1.1983.
- IV. Because not promoting the Applicant and not giving the benefits to the Applicant of promotion with effect from 1.8.1978 is malafide and arbitrary.

7. Details of remedies exhausted :

The Applicant has filed representations dated 19.5.1988 and 2.2.1989, which are still undecided.

8. Matters not previously filed or pending with any other Court.

The Applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

(In case the applicant had previously filed any application, writ petition or suit, the stage at which it is pending and if decided, the gist of the decision should be given with reference to the Annexure)

9. Relief(s) sought :

In view of the facts mentioned in para 6 above, the applicant prays for the following relief(s) :

- (a) That this Hon'ble Tribunal may be pleased to ~~xxxxxx~~ direct the Respondents to fix the seniority list by taking into consideration the services of the Applicant as Lab. Helper.
- (b) That the Applicant may be declared senior to all his juniors namely S/Shri Awtar Singh, Ram Chandar, Indar Paul Singh & Daulat Ram.



(c) That the Respondents be directed to extend all the benefits to the Applicant of reclassification as Skilled Artisan with effect from 1.8.1978 in reference to Railway Board's letters No.E(P&A)-I-82/JC/1 dated 23.11.1982/1.12.1982 and E(P&A)-I-83/RWCT/3 dated 11.1.1983.

(d) That the Respondent No.3 be directed to decide the representations of the Applicant dated 19.5.1988 and 2.2.1989.

(e) That any other reliefs which this Hon'ble Tribunal may deem just and proper in the circumstances of the case be also granted.

10. Interim order, if any, prayed for :

No interim relief is sought.

11. The Application is not being filed through Registered post and is being filed through ~~XXXX~~ Counsel.

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee :

1. Name of the Bank on which drawn ;
2. Demand Draft No.

OR



1. Number of Indian Postal Order(s)

2. Name of the Issuing Post Office : G.P.O Lucknow

3. Date of Issue of Postal Order(s) : 13-12-89

4. Post Office at which payable : Allahabad

13. List of enclosures

1. Seniority list.

2. Representation dated 29.7.1986

3. Representation dated 28.8.86

4. Representation dated 5.11.1986.

5. Representation dated 19.5.1988

6. Reminder dated 2.2.1989.

14. Verification.

I, Gopal Krishna Srivastava, aged about 47 years, son of late Har Prasad Singh Srivastava, working as Skilled Fitter, EMS, in the Office of the R.D.S.O., Manak Nagar, Lucknow, resident of B-28/4, Manak Nagar, R.D.S.O. Colony, Lucknow, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and that I have not suppressed any material fact.

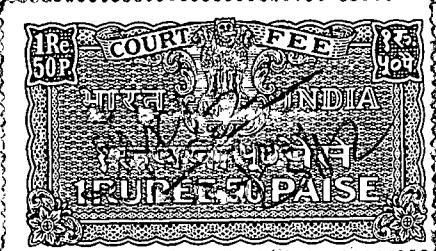
Date:

Place : Lucknow.

To

Signature of the Applicant

The Registrar,
Central Administrative Tribunal,
Circuit Bench, Lucknow.

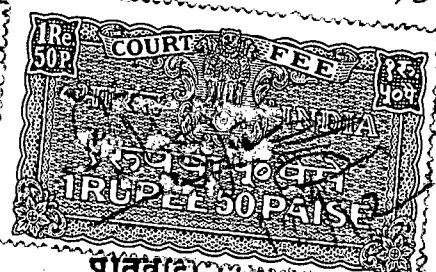


महोदय

AP 21

प्रतिवादी [रेस्पांडेन्ट]

नतनामा

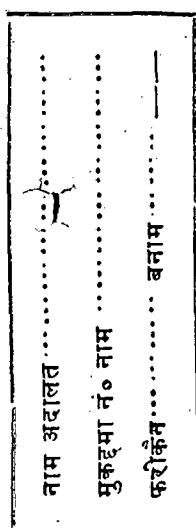


(टिकट)

Gopal Krishna Srivastava

मुकदमा नं० सन् बनाम पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री I.A. Grover, Advocate
A.K. Shukla Adm
I.A. Siddiqui Adm वकील महोदय
एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाकरें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासन) दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि 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 वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 13 महीना 12 सन् १६ ई०

Accepted
Gopal Krishna Srivastava
Signature

(123)

in the Central Administrative Tribunal.
Circuit Bench, Lucknow.

Application No. 342 of 89.

Global Krishna Srinivasa

— Applicant

Union of India & Ors

— Respondents

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Lucknow

Dt Dec 13-12-1989

Advocate

Counsel for the Applicant

In the central Administrative Tribunal circuit
Bench, O.K.O.

Appx.

of 1989

(20)

Gopal Krishna Srivastava - - - - - Appellant
Union of India & others - - - - - Respondents
Annexure 1. (12)

Government of India
Ministry of Railways
Research Designs & Standards Organisation

Bank Nagar
Lucknow-11

Note No.: R/14/2

St. 31/12/83

09-1-84

STAFF NOTICE

1. A provisional seniority list of Sk./worker/Fitter Mechanical, Scale Rs. 280-400/-/B pertaining to Electrical Maint. Section & D Lab as on 31/12/83, is enclosed for the information and guidance of the staff concerned.

2. The staff concerned may submit their objections, if any, regarding their seniority within 3 weeks from the date of issue of the Staff Notice. If no representation is received within the stipulated period, the seniority list will be treated as final, and no further correspondence will be entertained in this connection.

D/A: One list.

J J Haq. I.A.

(J.J.Haq.)
For Addl Director Standards/Select.

DISTRIBUTION

1. DCSE 2. DESE/SL 3. DE/~-D Lab 4. ZL/ADL 5. SD/-4

6. EDCO Class-1.1 Staff Association. 7. Staff concerned.

8. Notice Board. 9. Foreman/Asstt.-5 copies. He may also please circulate the seniority list amongst the staff concerned and their signatures obtained in token of having noted the contents of the Staff Notice.

.....

Grants

True

copy attached

G. G. Srivastava
Advocate M.A., LL.B.
9, Abdul Aziz Road
LUCKNOW

for the Central Administrative Tribunal circuit bench, dtb

Gopal Krishna Srivastava - - - - - App. No. 06/1989
Union of India and others - - - - - Applicant

Response

Annexure 3

126

15

2

To
Mr. V. C. V. Chennulu,
Director General,
R. D. S. O., Lucknow.

Sub:- Assignment of wrong seniority - request for correction
and grant of an interview.

Dear Sir,

I beg most respectfully to state that as per extant rules made by the Railway Board, the seniority of the Lab. Helpers and the SS Fitter ought to have been fixed according to the length of total service in the grades. Accordingly, I ought to have been assigned seniority above S/ Shri Avtar Singh, R. C. Yadav, and Indeep Pal Singh, and Bulat Ram in the grade of Skilled Fitter (Mech) taking into consideration the total length of services of the undersigned worker and the staff mentioned above. But, I have been assigned seniority below my juniors on some invisible and ulterior objectives.

2. I have been representing to the RDSO Administration for long for correcting the seniority alongwith the attendant benefits, but the Estt. Branch of the R.D.S.O. appears to be biased and prejudiced against me. Hence, no judicious consideration is not being undertaken and I am being made frustrated and demoralised in getting justice from the Establishment Branch so that I drop pursuing my genuine case and submit to the unfair desire of the Estt. Branch of the R.D.S.O.

3. I therefore dont find any other alternative to get any relief from any other person except through your personal intervention. Hence, I hereby request you to kindly grant me a personal interview, alongwith the President of the RDSO Class IV Staff Association who is concerned for pursuing the cases of then Class IV staff of the RDSO, to enable me to explain my case to you to convince you that the Establishment Branch is partially acting in the case and I am being denied of the benefits I am due, with malafide motives.

I request you to kindly let me have your orders on this application.

Thanking you in anticipation,

Yours faithfully,

G. K. Srivastava
(G. K. Srivastava)
Sk. Fitter (Mech) / EMS, RDSO

Encol/Nil
Dated, Lucknow, 22.8.1986.

64

PL. 28/8

G. G.

Temporary Alteration

G. G. M.A. LL.B.
Advocate (High Court)
9, Abdul Aziz Road,
LUCKNOW

In the Central Administrative Tribunal Circuit, Benches A & B
Appx. of 1989

Gopal Krishna Srivastava - - - - - vs - - - - - Applicant
Union of India and others - - - - - Respondents
Annexure to L. 4

A29

(16)

To

The Director General,
R.D.S.O., Manak Nagar,
Lucknow.

(Through proper channel)

Sub:- Seniority position in the Artisan group -
skilled Fitter/Mechanical, E.M.S., after
reclassification of artisan staff.

Ref:- Your letter No. A.M.T/14/2 dt. 24.5.1983 and
my application dated 30.7.1986.

Sir,

I beg to request you to kindly refer to my application
quoted above presently pending with the Administration for a
decision.

Sir, I have since made my points elaborately clear
and sought your personal intervention in my case for giving
me justice. But my case has not been decided as yet.

I, therefore, request you to kindly take a favourable
decision in my case and communicate me your decision.

Thanking you in anticipation,

Yours sincerely,

G.K. Srivastava
(G.K. Srivastava)
Ek. Fitter (Mech.), E.M.S.,
R.D.S.O./Lucknow

Lucknow,
Dated: 05-11-1986.

Advance copy to : Mr. V.C.V. Chokkulu, DG, RDSO, Lucknow.

Copy
M.A. LL.B.
Advocate, (High Court)
9, Abdul Aziz Road,
LUCKNOW.

8/12/86

In the Central Administrative Tribunal Circuit Bench, A.S
N.Y. N. of 1989

Gopal Krishna Srivastava - - - - - Applicant
Union of India and others - - - - - vs Respondents A28

Annexure no. 5

17

The Director General,
RDSO/Lucknow

Sir,

(THROUGH PROPER CHANNEL)

Sub: Request for fixation of correct seniority
and thereby extension of benefits of re-
classification as Skilled Worker (DFCD)
scale Rs. 260-400 (AS) / 900-1500 (RS)
w.e.f. 1.8.78.

Ref: 1) Decision of Rly Board in case of
S/Sri KC Paul & KG Elutechan, the
then Lab. Helpers, M&C Dte/ RDSO.
2) RDSO Memo. No. APD/49 dt 28.3.84 and other.
3) Rly Bd's letter no. E(P&A)-I-82/JC/1
dated 23.11.82 and 1.12.82 and
E(P&A)-I-83/RWCT/3 dt 11.11.83.

Your kind attention is invited into my long pending case of
fixation of correct seniority and extension of benefits of re-
classification w.e.f. 1.8.78. The contents are follows:-

- 1 Prior to implementation of 3rd Pay Commission's Report, the pay scale of Lab. Helper was Rs. 80-100 (AS) and for semi-skilled worker was Rs. 75-100 (AS). Lab. Helpers were treated superiors and semi-skilled workers were channelised for promotion to Lab. Helper cadre.
- 2 3rd Pay Commission allotted pay scale of Rs. 210-270 (AS) to Lab. Helpers and Rs. 210-290 (RS) to Semi-skilled workers. Now semi-skilled workers became superior to Lab. Helpers and Lab. Helpers were channelised for promotion to semi-skilled workers.
- 3 The 3rd Pay Commission Report and R&P Rules of RDSO for these cadres created an anomalous situation. Prior 1.1.73 Lab. Helpers were senior and semi-skilled workers were channelised for promotion to Lab. Helper. But channelised for promotion to semi-skilled worker.
- 4 Under this anomalous condition, the cases of S/Shri KC Paul and K.G. Elutechan, the then Lab. Helpers, were forwarded to Rly Board for decision regarding fixation of correct seniority and extension of benefits of reclassification as skilled worker.
- 5 Ultimately, Rly Board decided that for fixation of inter-sec-seniority for two cadres viz. semi-skilled worker and Lab. Helpers, the total length of services in two cadres be taken into consideration and accordingly vide RDSO Memo. No. APD/49 dt 28.3.1984 and others they were granted benefit of fixation of correct seniority and thereby reclassification as skilled artisan w.e.f. 1.8.1978.

P.T.O.

AI/so/ed

Gopal Krishna Srivastava
O/C
True Copy
J

"2"

6 I was promoted as Lab. Helper w.e.f. 15.6.73. S/Sri Awtar Singh, Inder Pal, RC Yadav, Daulat Ram etc. were promoted as Semi-Skilled worker in 1974 and 1975. Under the changed circumstances I was again asked to face the selection of semi-skilled worker and was promoted as semi-skilled worker w.e.f. 1981.

7 My case, is quite similar to those of S/Sri K.C.Paul and K.G. Elutechan (the then Lab.Helpers, M&C Dte/RDSO). I was promoted as Lab.Helpers in accordance to R&P Rules applicable prior to implementation of 3rd Pay Commission Report. But, latter because of anomalous situation created due to implementation of 3rd Pay Commission report, I was forced to face semi-skilled worker selection and got selected in 1981.

8 The cases of Sri KC Paul and K.G. Elutechan were finalised in 1984 by Rly Board so I could not be extended the similar benefit in 1981. But, in the light of said decision of Rly Board, I am also entitled for the same benefits & viz. the fixation of correct seniority and benefits of reclassification as skilled worker w.e.f. 1.8.1978.

On the above context and in the light of decision of Rly Board in cases of S/Shri K.C.Paul and K.G. Elutechan, (The then Lab.Helpers), M&C Dte/RDSO. I request as follows:-

- a) My seniority be also fixed taking my services as Lab. Helpers into consideration and accordingly I should be declared senior to all those promoted as semi-skilled workers after 15.6.73 (the date of my promotion as Lab.Helper).
- b) I should also be extended benefits of the reclassification as skilled artisan w.e.f. 1.8.78 in reference to Rly Board's letter quoted above on subject.

Thanking you,

Yours faithfully,

Dated: 19 -5-88

Copy for inf. & n.a.:

(Gopal Krishna Srivastava)
Skilled DFCD/EMS/RDSO/LKO

- (1) Hon. General Secy,
RDSO Cl. III Staff Association.
- (2) Genl. Secy, RDSO Employees Association
(RMS/BRMS)

(Gopal Krishna Srivastava)
Skilled DFCD/EMS/RDSO/LKO

Free Copy ATTACHED

J. H. T. M. A., LL. B.
Advocate (High Court)
9, Abdul Aziz Road,
LUCKNOW.

In the Central Administrative Tribunal Circuit Bench No. 6

App. No.

06/1989

Gopal Krishna Srivastava - - - - - Applicant
Union of India and others - - - - - Respondents

TO

Annexure 6.

REMINDER

The Director General
R.D.S.O., LUCKNOW.

(19)

Subject: Request for fixation of correct seniority and thereby extension of benefits of reclassification as Skilled Worker Grade III - Rs.260-400 (Unrevised)/Rs.900-1500 (Revised Pay Scale) w.e.f. 01.8.1978.

Ref : My representation dated 19.5.1988.

sir,

Kindly refer to my representation dated 19.5.1988 regarding my request for fixation of my correct seniority and accordingly extension of benefits of reclassification, under the recommendation of RWAT-76, as Skilled Worker Grade-III, scale Rs.260-400/Rs.950-1500 (RPS) w.e.f. 01.8.1978 i.e., the day of implementation of the said recommendation and also the day from which the similar benefits have been extended to my juniors.

2. It is deeply regretted that neither any favourable MMK action has been taken in this regard nor I have been favoured with a reasonable or point-wise reply for my satisfaction or further action.

You are, therefore, requested to kindly favour me with suitable orders for fixation of my correct seniority and extension of admissible benefits w.e.f. 01.8.1978.

Thanking you,

Yours faithfully,

Date: 02.02.1989

G.K. Srivastava
(G.K. Srivastava)
S.K. DFCD/EMB,
R.D.S.O., LUCKNOW

Copy for information & necessary action to :

1. Hony. General Secretary, RDSO Class III Staff Association, Lucknow.
2. General Secretary, RDSO Employees Association, Lucknow.

G. V. Farooqui
G. V. Farooqui
M.A., LL.B.
Advocate (High Court)
10th Aliz Road,
LUCKNOW

E4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD²

(CIRCUIT BENCH), L U C K N O W.

C.A. No.342 of 1989 (L)

G.K. Srivastava

.. Applicant

Versus

Union of India and others

.. Opp. parties/

Respondents.

F.F. 8-4-91

REJOINDER AFFIDAVIT IN REPLY TO THE COUNTER REPLY
FILED ON BEHALF OF THE RESPONDENTS

I, Gopal Krishna Srivastava, aged about 49 years, son of late Shri Har Prasad Singh Srivastava, resident of B-28/4, Manak Nagar, RDSO Colony, Lucknow, do hereby solemnly affirm and state on oath as under :

1. That the deponent is the ~~an~~ Applicant in the above application and is fully conversant with the facts deposed hereunder. THE contents of the counter-reply, filed on behalf of the Respondents, have been read out to the deponent and after understanding the same fully, gives below the para-wise reply.

2. That before the para-wise reply is given, it is necessary to point out that the counter-reply has ~~not~~ been filed on behalf of the Respondents, and the Respondents include private parties i.e., juniors to the deponent. Filing reply on behalf of department and also the private parties by ~~not~~ Shri U.C. Bhatia, who is working as Deputy Director/Estt.I in the Office of RDSO is not permissible. Moreover, a departmental

filed today
on 5/3/91

G.K.S.

authority can not file reply on behalf of a party, i.e., private party, in the instant case being juniors to the deponent. The entire reply deserve to be rejected on this very ground.

3. That the contents of para 1 of the reply are not disputed.

4. That in reply to the contents of para 2 it is stated that it was not at all necessary to have given the 'relevant facts' as the same are not based on facts.

5. That in reply to the contents of para 2(a) it is submitted that the 3rd Pay Commission recommendations were enforced with effect from 1.1.1973. The selection of juniors to the deponent was made on 19.8.74, 27.7.1978 and 1.10.1978. It was the responsibility of the Administration not to hold any selection in the changed circumstances arose due to recommendations of 3rd Pay Commission unless revision of R & P Rules. The revision took place only in 1977. It may be submitted that had the revision taken place in 1973-74, immediately or after the implementation of 3rd Pay Commission, i.e., prior to the selection of juniors to the deponent, the deponent would have been selected as Semi-Skilled Worker and after that he would have been promoted as H.S. Fitter Grade-I, on the post on which his juniors are at present working. It may also be stated that for the mistake of Administration the deponent should not be made to suffer. Moreover, the Respondents have accepted the facts that juniors



P.U

to the deponent have been promoted. The revision of R & P Rules was made in 1977, instead of 1973-74 i.e., immediately on acceptance/implementation of 3rd Pay Commission, which became disadvantageous to the deponent and making any rules/revision to disadvantage to any employee is not permissible. The point will be further met at the time of final hearing of the case.

6. That the contents of para 3 of the counter-reply call for no reply.

7. That in reply to the contents of para 4 it is submitted that the deponent had submitted the representation to the RDSO Administration and copy to Class III Staff Association, which was sent to RDSO through ~~Hon'ble~~ Hon'ble Member of Parliament, Shri Ashwini Kumar. The allegation that the deponent had not submitted the representation to the RDSO, but sent through the M.P. only, is totally refuted.

8. That the contents of para 5 of the counter-reply are denied. As stated in para 5 of this rejoinder affidavit, the deponent was denied his promotion although juniors to him have been promoted as H.S. Grade-I Worker. This was caused ~~xxxxxx~~ due to mistake of the Administration.

9. That in reply to the contents of para 6 it is submitted that the deponent should have been extended the benefits of reclassification long back. As the said benefits have not been extended to him till now, he has filed the instant application.



10. That the contents of para 7 call for no reply.

11. That in reply to the contents of para 8 of the counter-reply it is stated that the application is within the time limit. It is also stated that there is no regular system of making the seniority list available to staff and the seniority list was not available with the deponent till 1988 and as such he could not make any representation. Moreover, the decision of the Director General regarding period of representation i.e., one month is not supported by any orders from the Railway Board. It may also be submitted that the non-allowing seniority and other benefits to the deponent and allowing the same to his juniors is a recurring/continued cause of action and as such the Respondents can not be permitted to take the stand that the application is time barred. Moreover, the Respondents have not disputed the para 4 of the application wherein it has been mentioned by the deponent that "the applicant declares that the subject matter of this application is that the applicant should have been allowed the Grade-I Skilled Fitter and the application is within the jurisdiction of this Tribunal".

12. That the contents of para 9 of the counter-reply call for no reply.

13. That the contents of para 10 of the counter-reply are emphatically denied and in reply the contents



of para 6(2) of the application are reiterated to be true. The reply has already been given in para 5 of this rejoinder affidavit. Since the revision of pay was made in 1977 instead of 1973-74 as the 3rd Pay Commission Recommendations were accepted with effect from ~~XXXX~~ 1.1.1973, the juniors to the deponent were selected. This was due to a mistake on the part of Administration for which the deponent should not be made to suffer.

14. That ~~not~~ in reply to the contents of para 11 of the counter-reply it is submitted that the reply to this has already been given in para 5 of the rejoinder affidavit, which may kindly be perused.

15. That in reply to the contents of para 12 the deponent reiterates the contents of para 6(4) of the application to be true. The point will be suitably argued at the time of final hearing of the case.

16. That in reply to the contents of para 13 of the counter-reply it is submitted that on 1.8.1978 both Shri K.C. Paul and Shri K.G. Elutachan were officiating as Lab. Helper and they were extended promotion to Skilled Grade-III from the cadre of Lab. Helper. Not allowing the same benefits to the deponent amounts to violation of Articles 14 and 16 of the Constitution of India.

17. That in reply to the contents of para 14 of the counter-reply it is submitted that the deponent



P.S.T

was promoted only in 1981, whereas he should have been promoted in 1978 itself and this was due to the wrong policy of the RDSO Administration.

18. That in reply to the contents of para 15 of counter-reply it is stated that the deponent was not promoted to Skilled category in 1978 due to wrong policy of the Admn. for which he can not be made to suffer. The point will be suitable argument as the same is argumentative.

19. That the contents of para 16 call for no reply.

20. That in reply to the contents of para 17 of the counter-reply it is submitted that the RDSO Administration has been changing the category/designation of the staff without their consent or option, which is against the rules and law. For example the petitioner/deponent's designation was DFCD which was changed in 1988 without his consent. This will make clear the case of the deponent.

21. That the contents of para 18 of the counter reply are only to cover up the mistake of the Respondents 1 to 3. The RDSO Administration has also failed to draft/in implementing the R & P Rules with a view to avoid anomaly. For example the higher cadre of Lab. Helper has been given lower status whereas the lower cadre of Semi-Skilled Worker was given higher status.

G.M.S.L

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22. That the contents of para 19 of the counter-reply are emphatically denied and in reply the contents of para 6(12) of the application are reiterated to be true. It may be submitted that the promotion of S/Shri Awtar Singh, Ram Chandar, Indar Pal Singh and Daulat Ram, is illegal unjustified as the same was done prior to the promotion of the deponent, who is senior to the above persons.

23. That in reply to the contents of para 20 of the counter-reply it is stated that revision of Recruitment and Promotion Rules should have been made with effect from 1974 i.e., immediately after the implementation of 3rd pay Commission Report. By revising the said rules with effect from 1977, the deponent was deprived of his legal claims. This amounts to violation of Articles 14 and 16 of the Constitution.

24. That in reply to the contents of para 21 of the counter-reply, the deponent reiterates the contents of para 6(14) of the application to be true.

25. That in reply to the contents of para 22 of the counter-reply it is stated that the deponent was not given justice; hence the need of this application.

26. That the contents of para 23 of the counter reply are emphatically denied and in reply the contents of para 6(16) and its sub-paras(grounds) are reiterated



ASG

to be true. It is also stated that all the grounds taken by the deponent are tenable and the case of the deponent is on merit. The application deserve to be allowed in toto with costs.

27. That the contents of para 24 of the counter-reply call for no reply.

28. That the contents of para 25 of the counter-reply are emphatically denied. It is submitted the deponent is entitled to all the reliefs prayed for.

29. That the contents of para 26 of the counter-reply call for no reply.

Lucknow:

Date: ~~February~~ ^{March} 5, 1991.


Deponent.

VERIFICATION.

I, Gopal Krishna Srivastava, aged about 49 years, son of late Har Prasad Singh Srivastava, resident of B-28/4, Manak Nagar, RDSO Colony, Lucknow, do hereby verify that the contents of para 1 of this rejoinder affidavit are true to my personal knowledge and rest are believed to be true by me on the basis of legal advice received and that I have not suppressed any material fact.

Lucknow:

Date: ~~February~~ ^{March} 5, 1991.


Deponent.

I, identify the deponent
who has signed before me.


R.D.W.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *Reek 365 of 1992*

NAME OF THE PARTIES *G. K. Srivastava* Applicant

Versus

O.P. Jain Respondent

Part A.

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CERTIFICATE

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

Dated *17-6-01*

Counter Signed.....

*checked
on 3/7/12*

Section Officer In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Review Application No. 765 of 1992

In

O.A. No. 342 of 89

Versus

Sri O.P. Jain Retired Director General
Research Design and Standard Organisation
Manak Nagar Lucknow and the present Director
General Sri H.P. Mittal, RDSO Manak Nagar LKO
• • • • Respondents

Hon'ble Mr. Justice U.C. Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

This review application is directed against our order dated 4.8.1992 disposing of the contempt application which was disposed of after hearing the counsel for the parties. The scope of review application is limited. The scope of review in contempt application does not extend to the merits of the case out of which contempt application arises and the applicant in the name of review application has desired same order in respect of merits of the case which is not permissible. No error much less error apparent on the face of the record has been pointed out in our judgement and order in contempt application nor does any such error exists in the same. The review application is rejected.

Member (A)

Vice-Chairman

Lucknow Dated 22-10-1992.

(RKA)

(1)

In the Hon'ble Central Administrative Tribunal Alld.
Circuit Bench, Lucknow.

APPLICATION FOR REVIEW(Under Rule 17 of the Central
Administrative Tribunals Act 1987.)

IN RE:-

Contempt Application No. 32 of 1992, (D/O 04-08-1992)
Original Application No. 342 of 1989 (Decided on 11-12-91)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 4.9.92

Date of Receipt by Post.....

Rev. No. 765/92

Deputy Registrar(J)
Gopal Krishna Srivastava, aged about
50 years Son of Late Sri Har Prasad
Singh Srivastava resident of B-28/4-
Manak Nagar, RDSO Colony, LUCKNOW, 220 611. APPLICANT

versus

Sri G.P.Jain, Retired Director General
Research Design and Standard Organisation
Manak Nagar LUCKNOW and the present Director
General Sri H.P.Mittal, RDSO Manak Nagar LKO

Opposite Parties
Contemners.

On being aggrieved by Judgment dated 04-08-1992 the abovenamed humble applicant prefers this application for review of the same in pursuance of the facts reasons and circumstances embodies in the annexed affidavit in support of the same.

Wherefore, it is most humbly and respectfully prayed that your lordship's pleasure may allow to modify, clarify the judgement under review so as to direct the opposite parties to extend the benefits of salaries of the promoted posts (higher salary) from the specified dates his juniors have been taking up such financial facilities to ride over the proforma promotions and to perfect the aim and object of the prolonged litigation and finding of fact dated 11-12-1991 pronounced by the Hon'ble Central Administrative Tribunals. This will suffice the adequacy of justice -in-law.

Lucknow

Sep 1992

(R.S. Sharma) 
Advocate
Counsel for the Applicant.

(2)

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH CIRCUIT BENCH LUCKNOW

REVIEW PETITION OF CONTEMPT ORDER
Dated 04-08-1992

Contempt Application No. 32 of 1992
Original Application No. 342 of 1989.

Gopal Krishna Srivastava
versus

APPLICANT

Sri O.P.Jain ,Now Retired
Director General, Research
Designe and Standard
Organisation, Manek Nagar
Lucknow & Director General,
RDSO, LUCKNOW.

OPPOSITE PARTIES.

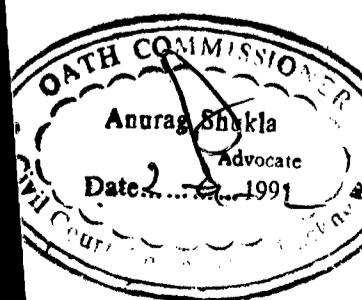
UNDER RULE 17 OF CENTRAL ADMINISTRATIVE TRIBUNAL RULES
1987.

1992
AFFIDAVIT
24 M.
DISTT. COURT
U. P.

AFFIDAVIT.

I Gopal Krishna Srivastava aged about 50 years
son of Late Sri Har Prasad Singh Srivastava resident of
B-28/4, Manek Nagar RDSO Colony Lucknow, 226011, deponent
do hereby solemnly affirm and state on oath as hereunder:-

- 1- That the deponent is the sole petitioner throughout in the case ,as such, he is most familiar with the facts and figures embodied in the matter in hand .
- 2- That there is good and sufficient reasons ,grounds and circumstances upon which the Review Petition deserves to be adjudicated after ascertaining the deep study.
- 3- That the petitioner litigated at length in the judiciary against the whimsical acts of the opposite parties in exercise of drastic discretionary powers conferred upon them by virtue of Appointing Authority resulting into affects oblique in nature and sinister in character .In the end the O.A.No. 342 of 1989(L) stood allowed as a result of which the petitioner has been extended the benefits of seniority and promotions etc. from the dates his juniors have been promoted .The administration of the RDSO Lucknow has already extended the two benefits refusing to extend the third benefit of higher salaries admissible to the petitioner from the dates his juniors have been allowed to avail the same The proforms promotions without practical benefits of allurements of salaries with retrospective effect can not be termed as MEANINGFUL.



Gopal Krishna Srivastava

3

-2-

CHART OF LADDER OF PROMOTION

Semi Skilled Worker
Grade Rs 800-00-- 1200/- granted already to the petitioner
//

FITTER SKILLED GRADE III
Rs 950-- 1500/- already granted to the petitioner.
//

FITTER SKILLED GRADE II
Rs 1200-- 1800- not allowed to be availed by him.
// from 01-04-1983

FITTER SKILLED GRADE I
Rs 1320-- 2040- not allowed to be availed from
01-04-1986

4- That obstinacy and adamancy of the RDSO's administration has reached to the conclusion that the petitioner is about to attain the age for his supernumerary retirement nearly in 2-3 years still he is not definite about his future fate in so far as he is departed from having his legitimate rights of admissible emoluments and debarred

from specific higher salaries of the promoted posts without any rhyme reasons and justifications thereof not doing so. The Credit of whole scandle and episode goes to only one Bhoop Singh, Dealing Assistant Section E-4 -RDSO Manak Nagar Quarter no. B-42/1-RDSO Colony Manak Nagar , Lucknow-226011. This incumbent is intangled in accepting huge amount as bribe who compells the concerned employee to offer such amount demanded by him in the hard cash to oblige his officers concerned ,therefor the entire administration acts upon his directions and signals .

5- That the pay slip upto date indicates different position of emoluments paid and due in balance for want of sanction of the appropriate authority concerned.

Basic Pay	Rs 1175-00	instead Rs 1530-00
D.A.	834-00	
City Allowance	35-00	
Night Allowance	90-00	
Total	2134-00	Minus deduction 210-00.

-Rs 1924-00 Net payable

These differences have been continuing from 01-04-82 01-04-86 and onward in the fashion and style of recurring financial loss to the petitioner .Out of plural remedies claimed in the writ petition and allowed by the Central Administrative Tribunals in its pronouncements dated 11-12-1991 the administration of the RDSO did not accept it as final and binding on them for all practical purposes .



Ghanshyam

6- That the error apparent on the face of record is findout that the demorlised administration of RDSO acted upon as a king can do no wrongin not granting the salaries of promoted posts to the petitio-ner . The ultimate result has been that the juniors aree getting larger salaries than that of the petitioner who is allowed lesser salary per month for want of the self speeking order which has been avoided by the administration of RDSO.

7. that the success of the petitioner in ligation could neither satisfy himself nor the opposite parties can be able to satisfy the Hon'ble Central Administrative Tribunal, merely because the compliance has been done only partly & not as wholly.

8-That after qualifying departmental competitive selection there remained no scope for the opposite parties to hesitate granting facilities accrued to the petitioner contrary to the provisions stipulated by the Railway Ministry Govt.of India Newdelhi to take resort to the provisions of Fundamental Rules 30,31,22(B0,22(13) (13) entitle the petitioner to be granted financial facilities as well as promotional avenues simultaneously which too have also been ignored in tha instant case .

9- That the guiding principles to be followed by the subordinates should not be hesiated regardable fortunes have been liberally neglected which accummulated huge amount of financial arrears .In the nutshell the established Rules of law for promotional benefits are still required required to be fulfilled and the payments so withheld and the grievances arising out should notbe left to be freed as unattended and unheeded also as per directions of the Honmble Central Administrative Tribunals,

Lucknow

Dated 31-08-1992. /2 - 9 - 92

D E P O N E N T

verification.

I, the above named deponent do hereby verify that the contents of paragraphs 1, 5 and 8 are true to my best of knowledge and those 2+4, 6 7 & 9 paraas are believed by me to be true .Nothing material has been concealed and no part of it is false and fabricated so help me God.

Signed and verified this 31st.day of Aug. 1992
in the High Court's Compound of Lucknow Bench Lucknow .

Lucknow

Dated 31-8-1992.

Personally attested before me in office today
at 10.30 by Gopal Krishna Sinha
who is identified by Shri R. S. Sharma
Clerk to Shri

Deponent,

Gopal Krishna

I know the deponent personally
well who has signed before me .

R. S. Sharma

Advocate

Counsel for the Deponent.

Gopal Krishna
2 - 9 - 92

5

Government of India Act, 1935, 26 of 1935

15

Serial Application No. 342,051 1939

17225-1

Shri U.P. Singh, Director General,
Research Design and Standardisation Organisation,
Kanpur Nagar, Lucknow.

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

Hon'ble Mr. K. C. D'C. (Lambton, W.)

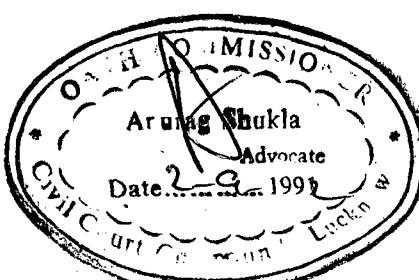
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The respondents stated that the order dated 11.12.1991 against which the complaint has been made by the applicant in this contempt application that the same has not been complied with, has now been complied with.

The learned counsel for the applicant Shri I.M. Faruqi
stated that although ~~which~~ ^{timely} has been complied with in the
month of July, 1992. No time has been prescribed in the
~~order~~ ^{within which time} for making the order. ~~order~~ ^{timely} compliance should have been made, but
even if no time was prescribed, the compliance should
have been made within the period of six months. Merely
because the matter has been delayed, it can not be said
that the contempt has been committed.

2. Accordingly, with the direction to the respondents that they should be careful and cautious in compliance with the order within time prescribed or within reasonable time, as far as complaint of marginal benefit because in the delayed payment is concerned.

Contd. . . 2/-



John H. Hartigan

:: 2 ::

It is expected ~~by~~ the respondents that themself will do it and will not drag applicant to this again and it was ab-initio to bear unnecessary expenses. This application is consigned and notices are discharged.

Member (A.T.)

Vice-Chairman

Lucknow Dated 4th August, 1992.

(RKA)

Certified Copy

JUDICIAL SECTION
C. A. T.
LUCKNOW.

[Large handwritten signature]



7

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Registration O.A.No. 342 of 1989 (L)

G.K.Srivastava Applicant.
Versus.

Union of India & Ors. Respondents.

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

Hon. Mr. A.B.Gorai, A.M.

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

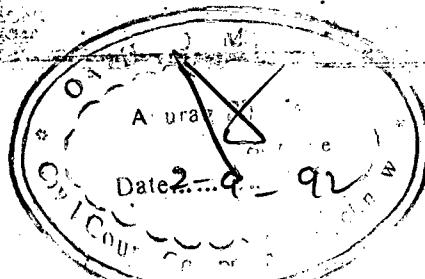
Having being deprived of ~~been~~ seniority over
~~junior~~ juniors who were promoted to higher pay scale, few
years before promotion of applicant to the semi skilled
post and non-extension of same benefits to applicant as to
his erstwhile junior with effect from 1.8.78 with reference
to Railway Boards letter dated 22.11.82/ 1.12.82 and 11.1.83
the applicant has approached this Tribunal claiming relief
in respect of above grievances.

Prior to 1.1.78 the recruitment and promotion rules,
the channel of promotion for the ~~Lab Helper~~ who were in the
pay scale 80-110, ~~were~~ to the post of Lab Assistant/Lab field
attendant in the pay scale of 110-180/ 260-430 as earlier
existed. These rules were ~~revised~~ with effect from
1.1.78 and Lab Helpers were provided promotion avenue to
the post of semi skilled workers, prior and subsequent to
the IIIrd pay commission report which was given effect to
on 1.1.1973 pay scale were as follows.

	<u>Old</u>	<u>New</u>
Lab Helper	₹ 80 - ₹110	₹ 210 - ₹270
Semi Skilled	₹ 95 - ₹110	₹ 210 - ₹290
Khalasi	₹ 70 - ₹85	₹ 196 - ₹232

Thus as a result IIIrd pay commission report the pay scale
of Lab Helper which was earlier on the higher side was

R.S. Sharai
A.I
2/5/82

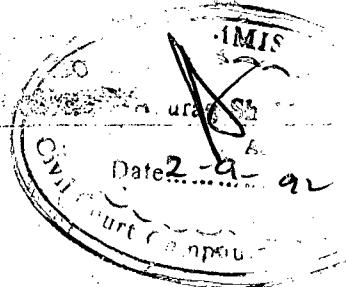


placed on the lower side as compared to that semi skilled. Admittedly prior to 1.1.78 the post of Lab Helper which was higher than other two categories referred to above was promotional post from amongst Semi Skilled workers (scale 75 - 110) Jamadar (Peon) and Daftari (Scale 75 - 95) with one year experience, Khalasi in the scale of 70 - 85 of 3 years standing and working in the Metallurgical and Chemical and Research Directorate. Thus notwithstanding revision of pay scale the feeder channel for lab Helper continued to be Semi Skilled workers and Khalasi even though no such promotion may have been made in accordance with the rules as they existed.

During 1974 some post of Semi Skilled workers in Electrical Maintenance section had fallen vacant and normally Khalasis were entitled to promotion to said post in accordance with rule but as no eligible Khalasi were available recruitment from amongst casual labour who have completed six month was made and six casual labour were and appointed. The Channel of promotion for semi Skilled workers in the rules as it counted was Skilled workers (fitter Mechanical) in the scale of ₹ 10 - 180 in Electrical Maintenance section. Three of the private respondents were promoted from amongst Khalasi after passing trade test while other three were appointed as semi skilled fitter as result of direct recruitment held on 24.7.74 and dated 4.10.74.

According to Respondent the applicant were not considered for the post as being Lab Helper they were in higher pay scale than Khalasi and Higher than the post of Semi Skilled fitter. Thus as a result of implementation of IIIrd Pay Commission Report the applicant were deprived of the higher scale and post which earlier was a junior post and feeder channel for the post of Lab Helper even though under the rules

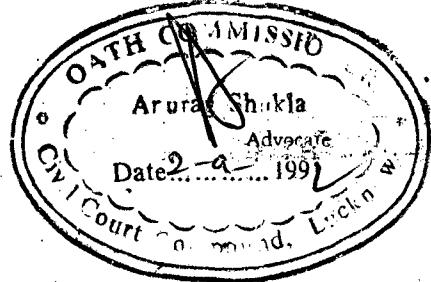
R Parveen
2/9/92



which existed at the time of appointment were not amendment before the promotion of respondent and was amended in 1977 only with effect from 1.1.78 and all these private respondents were promoted or appointed as against rules and given benefit of ~~refracton~~ ^{refraction} with effect from 1.6.78. The notification or restructuring was issued prior to Pay Commission report and 1983 Railway Board letter No. 11.1.1983 only 11 days after the date when pay Commission was to be implemented. Vacancies were existing when old rules were in force for the existing vacancies which were to be filled in accordance with old rule that is rule as where in existence same anomalous situation was created because of pay Commission Report. But Report of pay commission and the scale prescribed by it could not be taken to mean that seniors are to be made Juniors and thereof feeder channel be placed in the higher promotion & grade. Alongwith the implementation of pay commission report it was necessary that rule ^{be} also amended but the same was done. No one is to ~~be~~ suffer because of lapse on the part of Government. In view of the fact that rules were in existence and applicant was in the higher ladder the only homogeneous construction of Rules, Pay Scale and restructuring was that Lab Helpers were first deemed to have been promoted to the post and grade of same skilled fitter. The applicant who opted for semi skilled grade having no option was promoted in 1983 with effect from a date in 1981 and the further result was that those ^{who} were junior to them in meantime were promoted to still higher post. It is not that

Contd ... R/4.

DR Banerji
25/9/



(D)

applicant did not raise his voice but he had been making representation after representation in this behalf but respondents preferred to keep mum. Accordingly, this application deserves to be allowed to the extent that it is directed that the applicant would be deemed to have been promoted to the grade of Semi Skilled with effect from 1981 when his erstwhile juniors were promoted and would be entitled to monetary benefits with effect from the date of actual promotion and all other benefits including ^{second} service from the date of national promotion.

No order as to cost.

Dated the 11 / 12 / 1991.

Attested

True cpy

AKM

C.T.C 20/12/91

R
CSW

20/12/91

L.C
Aurag Shakla
Advocate
29/12/91



(11)

VAKALATNAMA

In the High Court of Judicature at Allahabad

SITTING AT LUCKNOW



G K Srivastava

VERSUS

Q.P. Jaiswal, Director General (Pet.)
R. S. Shukla, Manager, Lucknow & Ors

Concurrent App. No. 32 of 1992
Original App. No. 342 of 1988 of 1992

I/we the undersigned do hereby nominate and appoint Shri _____
and Shri _____

Rajendra Prasad

Advocate to

be counsel in the above matter, and for me/us and on my/our behalf to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc. etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then, and in such an event my/our said advocate shall not be bound to appear before the court and if my/our said advocate doth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED.—

1. D. Srivastava
Advocate
High Court
29/9/92
2. Rajendra Prasad
Advocate
Rajendra Prasad Adv
R.V. up-369/92

Signature of Client

29/9/92

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE C.C.P. 32 OF 92

NAME OF THE PARTIES G. K. Srinivasan, Applicant

Versus

..... Sri. O. P. Jain Respondent

Part A.

Sl.No.	Description of documents	Page
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2	Judgment 4-8-92	2 to 3
3	Petition copy Annexure	4 to 14
4	C.A.	15 to 18
5	Power	19 to 20
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8		
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11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Dated

Counter Signed.....

Rechecked
on 3/2/12
R. J.

Section Officer/In charge

Signature of the
Dealing Assistant

28.5.92

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

Hon'ble Mr.A.B.Gorthi, A.M.

Issue notice to the respondent to show cause as to why the contempt proceedings under the Contempt of Courts Act be not initiated for not complying with our judgment and order dated 11.12.91 passed in O.A.No.342/89. List this case for orders on 21.7.92. It will be open for the respondent to appear personally or through his advocate. The question of personal appearance shall be considered on the next date fixed.

Lez

A.M.

V.C.

(ug)

O.R.

C.A. filed.
R.A. has not been
filed till today.

S.F.O.

21.7.92

8
3/8/92

No S.Wing of D.B.C. filed
4.8.92

OR
Notices issued
on 18-6-92

f

2

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Contempt Application No. 32 of 1992

In

Original Application No. 342 of 1989

Versus

Shri O.P. Jain, Director General,
Research Design and Standard Organisation,
Manak Nagar, Lucknow.

..... Respondent.

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

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

The respondents stated that the order dated 11.12.1991 against which the complaint has been made by the applicant in this contempt application that the same has not been complied with, has now been complied with.

The learned counsel for the applicant Shri I.H. Farooki states that although ~~which~~ ^{Merely} has been complied with in the month of July, 1992. No time has been prescribed in the ~~order for~~ ^{within which time} order ~~during this~~ compliance should have been made, but even if no time was prescribed, the compliance should have been made within the period of six months. Merely because the matter has been delayed, it can not be said that the contempt has been committed.

2. Accordingly, with the direction to the respondents that they should be careful and cautious in compliance with the order within time prescribed or within reasonable time; as far as ~~complaint of marginal~~ the Benefit because in the delayed payment is concerned.

Contd. . . 2/-

(A3)

2

It is expected by the respondents that themselves will do it and will not drag applicant to this again and it was ab-initio to bear unnecessary expenses. This application is consigned and notices are discharged.

R.K. Singhji

Member(A)

Lev

Vice-Chairman

Lucknow Dated 4th August, 1992.

(RKA)

In the Central Administrative Tribunal (Circuit)
LUCKNOW

Contempt Application 32 of 92

Mr. K. Srivastava

Applicant

vs.

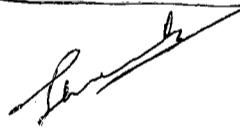
Shri O.P. Jain

Respondent/Contemnor

INDEX

<u>S. No</u>	<u>Description of documents relied upon</u>	<u>Page No</u>
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2.	Affidaw	4-5
3	Annexure A-1 Representation	6
4	Annexure A-2 Judgment	7-10
5.	Affidaw	
	Vakalatnama	11

Dt 18-5-92
LUCKNOW


Signature of the Applicant


Through Counsel

RS

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

Contempt Appln. No. 32 of 1992.

Central Admin. Trib. Lucknow

Date of Contempt 18/5/92

Date of Receipt 18/5/92


Deputy Registrar(II)

Gopal Krishna Srivastava, aged about
50 years, son of late Shri Har Prasad
Singh Srivastava, resident of B-28/4,
Manak Nagar, R.D.S.O., Colony, Lucknow. .. Applicant

Versus

Shri O.P. Jain, Director General,
Research Design and Standard Organisa-
tion, Manak Nagar, Lucknow.

.. Respondent/
Contempher.


D.O. 11-12-91


APPLICATION UNDER SECTION 17 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.


The humble applicant, abovenamed, most respect-
fully begs to submit as under :

1. That the applicant had filed Q.A. No.342 of 1989(L) praying therein that he may be allowed promotion as Semi-Skilled employee with effect from the date his junior was pxxx allowed the same.


Gopal Krishna Srivastava

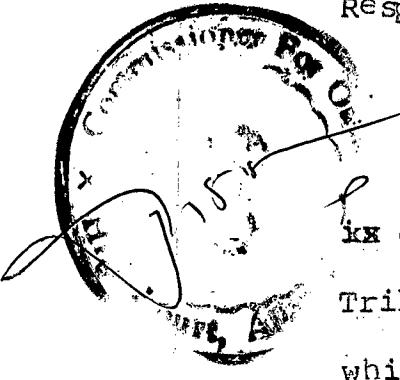
Ae

2. That this Hon'ble Tribunal, vide order dated 11.12.1991, was pleased to allow the application and the Respondent/Contemner was directed that the application be deemed to have been promoted to the grade of **Semi Skilled** with effect from 1981 when his erstwhile juniors were promoted and would be entitled to monetary benefits with effect from the date of actual promotion and all other benefits including seniority from the date of notional promotion.

3. That the copy of the above order was served to the Respondent/Contemner vide letter dated 27.12.1991 by the petitioner. A copy of the letter of the applicant, with which the copy of the above judgment was served on the Contemner, is filed herewith as Annexure-A-1. A copy of the order of this Hon'ble Tribunal is filed herewith as Annexure A-2.

4. That the letter, contained in Annexure A-1, was diarised in the office of the Contemner as Diary no. 13 of 27.12.1991, but in spite of passing of more than 4 months, no action has been taken on the same by the Respondent/Contemner.

5. That the action of the Respondent/Contemner ~~xx~~ of disobeying and flouting the orders of this Hon'ble Tribunal, amounts to contempt of this Hon'ble Tribunal, which makes him liable to be punished under the section 17 of the Administrative Tribunals Act, 1985. The Contemner has flouted and deliberately disobeyed the orders of this Hon'ble Tribunal dated 11.12.1991.



P R A Y E R.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to summon the Respondent/Contemner in person in this Hon'ble Tribunal and to punish him, under Section 17 of the Administrative Tribunals Act, 1985, for his willful, deliberate and intentional disobedience of the orders of this Hon'ble Tribunal dated 11.12.1991, and that he may not be heard until he purges the contempt.

Lucknow:

Date: May 15, 1992.

Gopalkrishna
Applicant.

VERIFICATION.

I, the abovnamed applicant, Gopal Krishna Srivastava, aged about 50 years, son of late Shri Har Prasad Singh Srivastava, resident of B-28/4, Manak Nagar, RDSO Colony, Lucknow, do hereby verify that the contents of paras 1, 2, and 4 of this application are true to my personal knowledge and belief, those of 3 are believed to be true on the basis of χ record and those of para 5 are believed to be true on the basis of legal advice and that I have not suppressed any material fact.

Lucknow:

Date: May 15, 1992.

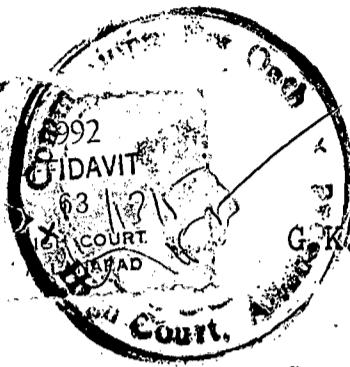
Gopalkrishna
Applicant.

I identify the signature of Applicat
who has signed before me.

Gopalkrishna

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

O.A. No. of 1992 (L)



Affidavit of

G. K. Srivastava

.. Applicant

Versus

Shri. O.P. Jain

.. Respondent.

I, G.K. Srivastava, aged about 50 years, son of late Shri Har Prasad, resident of Manak Nagar, RDSO Colony, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under :

1. That the deponent is the applicant in the above application and is fully conversant with the facts deposed hereunder.
2. That the contents of paras 1 to 5 of the accompanying application are true to my personal knowledge.
3. That the Annexures 1 and 2 of the accompanying application are photostat copies of their respective originals.

Lucknow:

Date: May 15, 1992.

Deponent.

VERIFICATION.

I, the abovenamed deponent, do hereby verify
that the contents of paras 1 to 3 of this affidavit are

true to my personal knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow:

Date: May 15, 1992.

G. K. K.

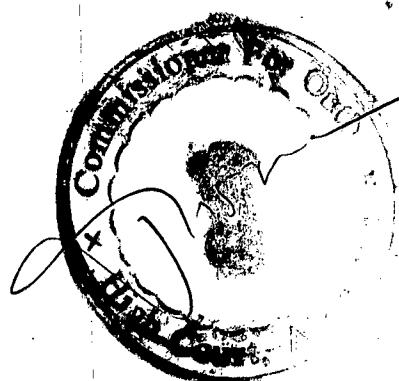
Deponent.

I identify the deponent who has signed before me.

M. S. N. Rao

Advocate.

Salman affixed before me on
15.5.92 at 9.05 AM. by S. G. K.
Srinivas Deponent who has been identified
by S. G. K. 12 surrenders for the High
Court Session Bench, Lucknow.
I have satisfied myself by examining
the deponent that he fully understand
the contents of this affidavit,
which have been read over & explained
to him by me.



KM P B RAISWAL
Advocate
Panch Commissioner
Allahabad High Court
Lucknow Bench Lucknow
No. 3 Date 15-5-92

In the Central Administrative Tribunal Allahabad
Circuit Bench, Lucknow

G. K. Srivastava —————— Applicant

Case No. AP/110

of 92

6
A/10

O. P. Jain —————— Lawyer

Amicus — A-1

To

The Director General,
RDSO, Lucknow.

13

27/12

Sir,

Respectfully I beg to state that the applicant filed a claim before Honourable Central Administrative Tribunal Allahabad Circle Bench, Lucknow regarding my promotion to the grade of Semi-skilled with effect from 1981, when his juniors were promoted. The Hon'ble Tribunal was pleased to allow the claim of the applicant, with effect from 1981. The copy of the judgement order is enclosed herewith.

It is therefore respectfully prayed that the seniority of the applicant may be fixed from 1981, and pay him the arrear of difference of salary and other benefits, as per order and direction of the Hon' Central Administrative Tribunal Courts.

Thanking you,

Yours faithfully,

Encl:1

G. K. Srivastava

Attested true Copy

J
G. K. Srivastava
Central Administrative Tribunal
Allahabad

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

Case No. A.D. No.

of 92-

G. K Srivastava — Applicant

O. P. Jain

Respondent

Amicus - A-2

P
A.D.

A-2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Registration O.A. No. 342 of 1999 (L)

G.K.Srivastava App. Int.
Versus.

Union of India & Ors. Respondents.

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

Hon. Mr. A.B. Gorathi, A.M.

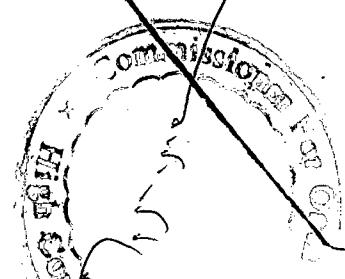
(By Hon. Mr. Justice U.C. Srivastava, V. C.)

Having being deprived of ~~been~~ seniority over ~~been~~ juniors who were promoted to higher pay scale, few years before promotion of applicant to the semi skilled post and non-extension of same benefits to applicant as to his erstwhile junior with effect from 1.8.78 with reference to Railway Boards letter dated 22.11.82/ 1.12.82 and 11.1.83 the applicant has approached this Tribunal claiming relief in respect of above grievances.

Prior to 1.1.78 the recruitment and promotion rules, the channel of promotion for the ~~junior~~ who were in the pay scale 80-110, ~~were~~ to the post of Lab Assistant/Lab field attendant in the pay scale of 110-180/ 260-430 as earlier existed. These rules were ~~revised~~ with effect from 1.1.78 and Lab Helpers were provided promotion avenue to the post of semi skilled workers, prior and subsequent to the IIIrd pay commission report which was given effect to on 1.1.1973 pay scale were as follows.

	<u>Old</u>	<u>New</u>
Lab Helper	Rs. 80 - Rs. 110	Rs. 210 - Rs. 270
Semi Skilled	Rs. 95 - Rs. 110	Rs. 210 - Rs. 230
Khalasi	Rs. 70 - Rs. 85	Rs. 196 - Rs. 232

Thus as a result IIIrd pay commission report the pay scale of Lab Helper which was earlier on the higher side was



Sh. S.

L

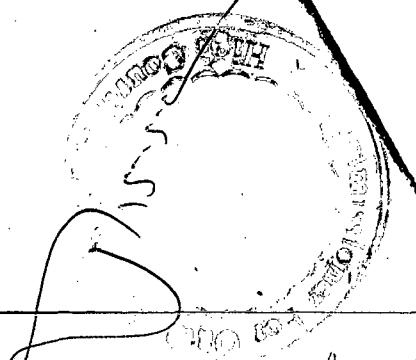
8

A2

placed on the lower side as compared to that semi skilled. Admittedly prior to 1.1.78 the post of Lab Helper which was higher than other two categories referred to above was promoted post from amongst Semi Skilled workers (scale 75 - 110) Jamadar (Peon) and Daftari (Scale 75 - 95) with one year experience, Khalasi on the scale of 70 - 85 of 3 years standing and working in the Metallurgical and Chemical and Research Directorate. Thus notwithstanding revision of pay scale the feeder channel for Lab Helper continued to be Semi Skilled workers and Khalasi even though no such promotion may have been made in accordance with the rules as they existed.

During 1974 some post of Semi Skilled workers in Electrical Maintenance section had fallen vacant and normally Khalasis were entitled to promotion to said post in accordance with rule but as no eligible Khalasi were available recruitment from amongst casual labour who have completed six month was made and six casual labour were and appointed. The Channel of promotion for semi Skilled workers in the rules as it counted was it existed was Skilled workers (fitter Mechanical) in the scale of 80 - 180 in Electrical Maintenance section. Three of the private respondents were promoted from amongst Khalasi after passing trade test while other three were appointed as semi skilled fitter as result of direct recruitment held on 24.7.74 and dated 4.10.74.

According to Respondent the applicant were not considered for the post as being Lab Helper they were in higher pay scale than Khalasi and Higher than the post of Semi Skilled fitter. Thus as a result of implementation of IIIrd Pay Commission Report the applicant were deprived of the higher scale and post which earlier was a junior post and feeder channel for the post of Lab Helper even though under the rules



Ram

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Which existed at the time of appointment were not amendment before the promotion of respondent and was amended in 1977 only with effect from 1.1.78 and all these private respondents were promoted or appointed as against rules and given benefit of ~~restructuring~~ with effect from 1.6.78. The notification of restructuring was issued prior to Pay Commission report and 1983 Railway Board letter No. 11, 1.1.1983 only 11 days after the date when pay Commission was to be implemented. Vacancies were existing when old rules were in force for the existing vacancies which were to be filled in accordance with old rule that is rule as where in existence same anomalous situation was created because of pay Commission Report. But Report of pay commission and the scale prescribed by it could not be taken to mean that seniors are to be made Juniors and thereof ladder channel be placed in the higher promotion & grade. Alongwith the implementation of pay commission report it was necessary that rule ^{be} also amended but the same was done. No one is to ~~be~~ suffer because of lapse on the part of Government. In view of the fact that rules were in existence and applicant was in the higher ladder the only homogeneous construction of Rules, Pay Scale and restructuring was that Lab Helpers were first deemed to have been promoted to the post and grade of semi skilled fitter. The applicant who opted for semi skilled grade having no option was promoted in 1983 with effect from a date in 1981 and the further result was that those ^{who} were junior to ^{him} in meantime were promoted to still higher post. It is not that

Contd ... 2/4.

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A14

applicant did not raise his voice but he had been making representation after representation in this behalf but respondents preferred to keep mum.

Accordingly this application deserves to be allowed to the extent that it is directed that the applicant would be deemed to have been promoted to the grade of Semi Skilled with effect from 1981 when his erstwhile juncture were promoted and would be entitled to monetary benefits with effect from the date of actual promotion and all other benefits including service from the date of national promotion.

No order as to cost.

St. S. — 15/12/91
Dated the 11/12/1991.

Attested

True copy

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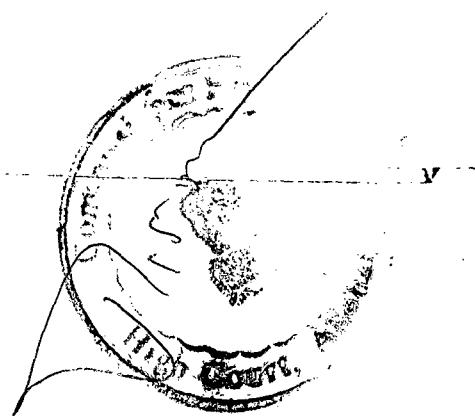
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20/12/91





(P15)

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

IN RE:

COUNTER REPLY ON BEHALF OF RESPONDENT
NO.1 TO THE SHOW CAUSE NOTICE DATED
18.06.92 IN CONTEMPT NOTICE NO.32 OF '92.

G.K. SRIVASTAVA APPLICANT.

VERSUS

O.P. JAIN RESPONDENT.

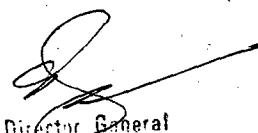
That in pursuance of the Orders of this Hon'ble Tribunal I, O.P. Jain, Director General, R.D.S.O., the Respondent No.1 am filing this reply to the above Contempt Notice issued in my name by this Hon'ble Tribunal.

2. That in the above case, this Hon'ble Tribunal vide Judgement dated 11.12.91, copy of which was received in this office through the Advocate on

filed today 27.12.91, passed the following orders :

copy
20/12/92

"Accordingly this application deserves to be allowed to the extent that it is directed that the applicant would be deemed to have been promoted to the grade of Semi Skilled with effect from 1981 when his erstwhile junior were promoted and


Director General
Research, Designs & Standards Organisation
Ministry of Railways
LUCKNOW

A16

would be entitled to monetary benefits with effect from the date of actual promotion and all other benefits including seniority from the date of notional promotion."

3. That action was taken to trace out the old records to see as to what will be the position of other staff similarly situated and also to find out a vacancy for the Applicant. Since the old records of 1974 onwards were to be traced out, it had taken some time to implement the orders of this Hon'ble Tribunal. It is also pointed out that though no specific time limit was given to implement the Judgement our endeavour was to expedite the implementation.

4. That action has already been taken to accommodate the Applicant by down grading the post of Chargeeman 'A' / Electrical in scale Rs.1600-2660 (RPS) by operating the same in grade Rs. 1320-2040 (RPS) as Skilled Fitter/M. Grade-I and the promotion order of the Applicant has since been issued vide Posting Order No.146 of 1992 dated 6.7.92 and thus the orders have been complied with. A copy of the Staff Posting Order No.146 of 1992 is enclosed as Annexure R-1.

5. That the Respondent has no bias in the matter and has no animus against the petitioner and the Respondent has not deliberately or intentionally delayed the orders as tracing of the old records and finding of the appropriate vacancy to accommodate the petitioner has taken some time.

Annexure
R-1.


 Director General
 Research, Designs & Standards Organisation
 Ministry of Railways
 LUCKNOW.

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6. The Respondent has the highest respect for the orders passed by this Hon'ble Tribunal and the Respondent offers unqualified and unconditional apology if this Hon'ble Tribunal is of the view that Respondent has in any manner committed any disobedience of the Orders passed by this Tribunal.

Place : LUCKNOW.

Dated : 14 - 07 - 1992.


RESPONDENT
Director General

Research, Designs & Standards Organisation
Ministry of Railways
LUCKNOW

VERIFICATION

I, O.P. Jain S/o Late Shri Laxmi Chand Jain aged about 58 years presently posted as Director General, RDSO (Ministry of Railways), Lucknow do hereby verify that the contents of paras 1 to 6 of this application are true to my knowledge and belief and are based on knowledge derived from the perusal of the record of the instant case kept in the official custody of the answering respondent and legal advice. Nothing material has been concealed and nothing stated herein are false.

Verified this 14th day of July, 1992 at
Lucknow.


(O.P. JAIN)
RESPONDENT,

Director General
Research, Designs & Standards Organisation
Ministry of Railways
LUCKNOW

Annexure-3
715

GOVERNMENT OF INDIA : MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION
MANAK NAGAR : LUCKNOW-226011

STAFF POSTING ORDER NO. 146 OF 1992

The Hon'ble Central Administrative Tribunal, Addl. Bench, Lucknow in their judgement dated 11.12.1991 in Case OA No. 342 of 1989 of Sh. G.K. Srivastava Vs. Union Of India have held that Sh. G.K. Srivastava, the applicant would be deemed to have been promoted to the Grade of Semi-Skilled w.e.f. 1981 when his erstwhile juniors were promoted and would be entitled to monetary benefits w.e.f. the date of actual promotion and all other benefits including seniority from the date of notional promotion.

2. In compliance with the above orders of the CAT, Sh. G.K. Srivastava, presently working as Fitter Gr.III in EMS, scale Rs. 950-1500(RPS) is promoted on proforma basis as indicated below from the date his erstwhile juniors were promoted :-

Sl. No.	Post & Scale	Date of effect	Remarks
1.	Semi-Skilled Fitter/M, scale Rs. 210-290(RPS)	19.08.74	--
2.	Sk.Fitter/M Gr.III scale Rs. 260-400(RPS)	01.08.78	--
3.	Sk.Fitter/M Gr.II scale Rs. 330-480(RPS)	01.04.83	--
4.	Sk. Fitter/M Gr.I scale Rs. 1320-2040(RPS)	01.04.86	He is adjusted against work charged post of C/Man'A'(Elect), scale Rs. 1600-2660(RPS) by operating the same in lower grade post of Sk.Fitter/M Gr.I, scale Rs. 1320-2040(RPS).

3. The fixation of pay in the above concerned grades in terms of Court's orders is being worked out separately. He will be entitled to monetary benefits w.e.f. the date of his taking over the charge of the post of Sk.Fitter (M) Gr.I, in scale Rs. 1320-2040(RPS).

4. The seniority of Sh. G.K. Srivastava has also been fixed in terms of the above orders of the CAT and he is declared senior to Sh. Avtar Singh as Fitter Gr.I, in scale Rs. 1320-2040(RPS), and his name in the seniority list will be incorporated accordingly.

DAS NIL
Lucknow-226011
Dated: 06/07/1992
File No. APD/488

(T.M. MURALI) 6/7/92
for Addl. Director General

DISTRIBUTION

PS to ADG, JDA-II, JDA-III, Director(Finance), DDE-I (with 10 spare copies), DDE-II, ADE/EMS, SO/Pass, SO/Confld., SO/Admn.I & II, SO/E-III, RDSD/CTSA, Sh. G.K. Srivastava, Sk.Fitter/M Gr.III/ES/RDSD, P/File, File No. ART/14/2 Notice Board.

A. Debautz
Joint Director (Admn) - III
R. D. & O. (Ministry of Railways)
Manak Nagar, Lucknow - 226011

VAKALATNAMA

1/19

G.K.Srivastava

VERSUS

O.P.Jain, Director General, RDSO

No. 32 of 1992

I/We, the undersigned, do hereby nominate and appoint Shri **ANIL SRIVASTAVA**, Advocate, Registration (Enrolment) No. U. P. 1208/84, B-9, Sector H, Near Sangam Crossing, Aliganj Ext.,

Lucknow-20 and Shri..... Advocate(s)

to be counsel in the above matter, and for me/us and on my/our behalf to appear, plead, act and answer in the above Court, Tribunal or any Appellate Court or any Court, Tribunal to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents, whatsoever, in connection with the said matter arising therefrom, and also to apply for and receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other executions, warrants or orders and to conduct any proceeding that may arise thereout, and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of town; then, and in such an event my/our said advocate(s) shall not be bound to appear before the court and if my/our said advocate doth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED :


(ANIL SRIVASTAVA) Advocate

Advocate


Signature of Client..... (O.P.Jain)

Director General
Research, Designs & Standards Organisation
Ministry of Railways
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(AS)

PRELIMINARY OBJECTIONS

IN
REGISTRATION O.A.No.342 of 1989(L)

G.K.Srivastava Applicant.

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

....

The counsel for the respondents begs to raise the following preliminary objection, which may be decided before taking up the case on merits.

(1) Whether this original application is barred by time as prescribed in section 20 of the Central Administrative Tribunal Act No.13 of 1985 ?

Anil Srivastava
(Anil Srivastava)
Advocate
(Counsel for respondents)

Filed today
Lucknow,
Dt. 7. 1. 1991.

*For Anil Srivastava
Anil Srivastava
7-1-91.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Civil Misc. Application No. of 1991

AS2

In
Registration O.A.No.342 of 1989(L)
G.K.Srivastava Applicant.
Vs.
Union of India and others..... Respondents.

Application for condonation of delay in filing Counter
Reply and recalling of Order dated 14.5.1990

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 14.5.90 there was delay in preparing the Counter reply as some old records 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.14.5.90 may be recalled and delay in filing counter reply may kindly be condoned and the same may kindly be taken on records.

Lucknow,
Dt. 7.1.1991.

RESPONDENT.

डॉ निवेश क्षापता - ।
अनुसंधान अभिकल्प और भाजक संगठन।
कैल संग्रालय, लखनऊ - 226011

(P-3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

COUNTER REPLY ON BEHALF OF RESPONDENTS.

IN

Registration No. 342 of 1989 (L)

G.K. Srivastava ... Applicant.

Vs.

Union of India & 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 the Research, Designs and Standards Organisation, Ministry of Railways, Lucknow solemnly state as under :-

1. That the official above named is presently posted as Dy. Director/Estt.I in the Office of the Research, Designs and Standards Organisation (hereinafter called as RDSO) Lucknow and has been duly authorised on behalf of Respondents for filing the instant reply. The above named official has perused the relevant available records relating to the instant case and has also gone through the Petition under Section 19 of the Central Administrative Tribunal Act, 1985 filed by the Applicant alongwith Annexures under reply and has understood the contents thereof and thus is fully acquainted with the facts and circumstances of the case stated herein below :-

गुरु
ज्ञ निदेशक स्थापना - 1
शत्रुघ्नीन अभिकल्प और मानक संस्था
गोप राजधानी, लखनऊ - 226011

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2. That before giving parawise 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 for appreciating the controversy involved in the instant petition. They are as under :

a) That Shri G.K. Srivastava, the applicant was originally appointed as Khalasi on adhoc basis w.e.f. 5.9.66 and on regular basis in scale Rs.70-85 w.e.f. 12.11.66. Subsequently he was promoted as Laboratory Helper in scale Rs. 80-110 (AS) w.e.f. 15.6.73. As a result of IIIrd Pay Commission's recommendations, the following pay scales have been allotted to the categories held by the Applicant :-

<u>S.No.</u>	<u>Designation</u>	<u>Old Pay scale</u>	<u>New Pay scale</u>
1.	Khalasi	70-85	196-232
2.	Semi-skilled worker	75-110	210-290
3.	Lab.Helper	80-110	210-270

As per Recruitment & Promotion Rules, prior to 1.1.78 the posts of Lab Helpers were filled by promoting the staff as under :

- i) Semi-skilled Workers scale Rs.75-110 with 1 year experience.
- ii) Jamadar(Peon) and Daftry scale Rs.75-95 with 1 year experience.
- iii) Khalasi in scale Rs.70-85 working in the Metallurgical & Chemical and Research Directorate, provided they have rendered at least 3 years service in these Directorates.

Eventhough the pay scale attached to the post of Lab. Helper prior to IIIrd Pay Commission(Rs. 80-110) is higher than the pay scale of Semi-skilled Worker

scale

महाराष्ट्र लोक सभा
महाराष्ट्र विधान पौर सानक लोगांव

scale Rs.75-110, the pay scales as a result of Third Pay Commission have been revised and the Semi Skilled workers have been allotted the higher scale of Rs.210-290 and the Lab. Helpers have been allotted the scale of Rs.210-270. Since the pay scale of Semi Skilled workers is higher than the pay scale of Lab. Helper the petitioner was promoted as Semi Skilled worker w.e.f. 29.1.81. During 1982, Railway Board issued orders reclasifying the posts of Semi Skilled workers scale Rs.210-290 as Skilled workers in scale Rs. 260-400 with retrospective effect i.e. 1.8.78. During 1974 some posts of Semi Skilled workers in Electrical Maintenance Section had fallen vacant and as per then existing Recruitment & Promotion Rules only Khalasis were eligible for promotion to the post of Semi Skilled worker. Since no Khalasi was found eligible a recruitment from amongst the casual labours was made and in that recruitment six casual labours were empanelled and accordingly they were appointed during 1974. Since the petitioner was working as Lab. Helper in scale Rs. 80-110 (i.e. higher than the scale of Rs. 75-110 of Semi Skilled worker) the petitioner was not considered in that recruitment. As such all the six staff who were appointed during 1974 have become seniors in the category of Semi Skilled worker to the petitioner who was promoted as Semi Skilled worker w.e.f. 29.1.81. Since all the six staff were working in Semi Skilled grade as on 1.8.78, they have been allotted the reclasified skilled grade of Rs. 260-400 w.e.f. 1.8.78 and the petitioner has been given the reclasified skilled

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ज्यू निदेशक स्थापना - ।
अनुसंधान अभियान और मानव विकास
केन्द्र संग्रहालय, लखनऊ - 226011

grade w.e.f. 29.1.81 i.e. from the date of promotion as Semi Skilled worker. Since the category of Lab Helper is lower than the category of Semi Skilled worker w.e.f. 1.1.73 as a result of Third Pay Commission's recommendations the question of fixing the seniority ~~list~~ by taking into consideration the services of the applicant as lab helper does not arise in respect of the petitioner. Since the applicant was promoted as Semi Skilled worker w.e.f. 29.1.81, the question of fixing his seniority over and above S/Shri Autar Singh, Ram Chander, Inderpal Singh, Daulat Ram, Ram Krishan, Anil Kumar Chakraborty and Satya Pal who were promoted/appointed during 1974 does not arise.

The parawise comments are as under :-

3. That the contents of paras 1 and 2 of the application do not call for comments, as these are matters of record.
4. That in reply to the contents of para 3(i) of the application it is submitted that the petitioner's representation dated 19.5.88 was received in RDSO through Shri Ashwani Kumar, Member, Rajya Sabha, New Delhi's letter dated 2.6.88. The matter was examined and it was found that the benefits of reclassification already given to the petitioner w.e.f. 29.1.81 ^{is} in order as per extant orders. Shri Ashwani Kumar, Member/Rajya Sabha was also replied vide letter No. APD/488 dt. 16.6.88. Regarding another representation dated 2.2.89, the said representation is from RDSO Class III Staff Association and not from the petitioner. However, the same representation was received in Railway Board through Shri

Pramod Kumar, Member/Rajya Sabha's letter dt. 20.2.89. Necessary comments/position on the matter was also supplied to Railway Board from time to time vide RDSO's letters No. APD/488 dt. 6.4.89, 1.6.89, 6.10.89, 14.12.89, 19/22.1.90. The matter is still under consideration of the Railway Board. In the above circumstances it may be seen that the Applicant did not send his representation to RDSO though the representation was addressed to RDSO but chose to get them forwarded through the Hon'ble M.Ps.

5. That in reply to the contents of para 3(ii)(a) of the application, it is stated that the Petitioner's turn has not yet come as per his seniority position for promotion as Skilled Fitter Grade-I. As such there is no question of denial of his promotion.

6. That in reply to the contents of para 3(ii)(b) of the petition it is stated that the matter regarding extending benefits of reclassification from 1.8.78 in the post of Skilled Fitter Grade-III is still under consideration of the Railway Board.

7. That the contents of para 4 of the application do not call for comments.

8. That in reply to the contents of para 5 of the application, it is submitted that the claim of the petitioner is time barred as he would have moved the competent court during 1984 itself when the seniority list was published. Moreover he did not represent his case before the Director General within the prescribed

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मंत्रीपत्र लाखना ।
प्रधानमंत्री परिषद और राज्य सभा ।
दिनांक 12.12.1990

time limit of one month from the date of issue of seniority list (copy at Annexure-I of the application). As such the petition is liable to be dismissed on this score alone.

9. That the contents of para 6(1) of the application, are admitted.

10. That the contents of para 6(2) of the application are denied. In reply thereof it is submitted that the post of Semi Skilled Fitter scale Rs. 75-110 is lower than the post of Lab. Helper, scale Rs. 80-110 and was to be filled from the category of Khalasi as per Recruitment & Promotion Rules in force at that time. Whereas the petition was working as Lab. Helper in scale Rs.80-110 i.e. other than Khalasi and higher than the post of Semi Skilled Fitter, as such there was no question of his being considered for the post of Semi Skilled Fitter at that time (A copy of Recruitment & Promotion Rules for the post of Semi

Annexure C-1 Skilled worker is annexed and marked as Annexure C-1).

In view of the above circumstances, Shri Avtar Singh, Khalasi was promoted as Semi Skilled Fitter/Mechanical scale Rs. 75-110(AS) w.e.f. 19.8.74 as a result of passing departmental trade test vide Staff Posting Order No. 268 of 1974. Remaining employees viz. S/Shri Ram Chander, Inder Pal Singh and Daulat Ram were appointed as Semi Skilled Fitter/Mechanical scale Rs. 75-110 in 1975 as a result of Direct Recruitment held on 27.9.74 and dated 4.10.74 and results notified vide Staff Notice No. Rectt/ RT/SS Fitter(Mech.)/EFS/74 dated 31.10.74 (Copy annexed Annexure C-2 and marked as Annexure C-2).

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11. That in reply to the contents of para 6(3) of the application it is stated that the petitioner was in the category of Lab Helper whereas the staff mentioned in the petition were Semi Skilled Fitters. Hence there was no question of either seniority or confirmation between them.

12. That the contents of para 6(4) of the application are emphatically denied. In reply it is stated that there is no such order from the Railway Board that for fixation of inter-se-seniority in respect of both the categories of Semi Skilled Worker and Lab Helper, as both the categories are entirely different in all respects. The petitioner was however given the benefits of reclassification w.e.f. 29.1.81 i.e. from the date he has taken over the charge of Semi Skilled Worker in terms of Railway Board's letter No. E(I&A)1-82/JC/1 dt. 13.11.82.

13. That in reply to the contents of para 6(5) of the application it is submitted that Shri K.C. Paul, Temporary Lab Helper was holding the post of Semi Skilled Worker substantively as on 1.8.78. As such the reclassification benefits from 1.8.78 were extended to him. Likewise Shri K.C. Elutechan was holding the post of Semi Skilled Fitter w.e.f. 30.12.62 and as such the reclassification benefits from 1.8.78 were extended to him.

14. That in reply to the contents of para 6(6) of the application it is submitted that all the posts of Semi Skilled workers in scale Rs. 210-290 in RDSO were reclassified as Skilled Workers in scale Rs. 260-400 (but not abolished) with retrospective effect from 1.8.78. All



अ. नियुक्ति स्थापना - ।
अनुसंधान प्रभिकल्प और ग्रान्ट क. संग्रह
लौ. दंगल, दिल्ली - 226011

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the incumbents of Semi Skilled posts were reclassified as Skilled workers w.e.f. 1.8.78. Since the petitioner was promoted as Semi Skilled Fitter w.e.f. 29.1.81, the benefits were extended to him w.e.f. 29.1.81 in terms of Railway Board's letter No. E(P&A)1-82/JC/1 dt. 13.11.82

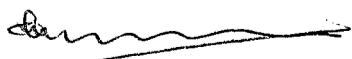
Annexure C-3 (Copy annexed and marked as Annexure C-3).

15. That in reply to the contents of para 6(7) of the application it is submitted that the seniority list annexed to the petition pertains to Skilled Fitter (Mechanical) in scale Rs. 260-400(RS) but not for the category of Semi Skilled Fitter (Mechanical). The employees whose names are indicated at S.Nos 1 to 3 of the said seniority list were promoted/appointed as Semi Skilled Fitters earlier than the petitioner in the first instance and later on promoted to Skilled category under reclassification w.e.f. 1.8.78. The Petitioner was also promoted as Semi Skilled Fitter in the first instance and later on promoted as Skilled Fitter w.e.f. 29.1.81 under reclassification scheme.

16. That the contents of para 6(8) of the application do not call for comments.

17. That in reply to the contents of para 6(9) of the application it is submitted that in the Seniority list notified vide Staff Notice No.A/ES/8/6 dated 12.2.85, the name of the applicant was shown at S.No.3 in the category of Skilled Diesel Fitter cum Driver, Gr.III scale Rs.950-1500 and not in the category of Skilled Fitter (Mechanical). (A copy of the seniority list is annexed and marked as Annexure C-4).

Annexure C-4



एस लिवेशक स्थापना - १
सनुसंधान अधिकार्य और मानक संगठन
देल्ही अंतर्राष्ट्रीय, लखनऊ - 226011

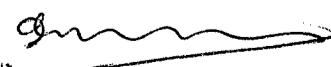
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18. That in reply to the contents of para 6(10) and 6(11) of the application it is submitted that prior to the Third Pay Commissions recommendations Semi Skilled workers in scale Rs. 75-110 were considered for promotion to the post of Lab Helpers in scale Rs. 80-110. After Third Pay Commission's recommendations Khalasis and Lab Helpers were considered for promotion to the post of Semi Skilled Workers as the scale attached to the post of Lab Helper, scale Rs. 210-270 is less than the scale of Rs. 210-290 attached to the post of Semi Skilled workers. Further there was no order from Railway Board regarding assignment of inter-se-seniority of the two categories viz. Lab. Helper and Semi Skilled as alleged by the petitioner. Moreover the petitioner opted for the post of Semi Skilled worker and promoted to that post w.e.f. 29.1.81 and thereafter he was promoted as Skilled Worker in scale Rs. 260-400. Accordingly the petitioner was replied vide letter No. APD/488 dt. 23.2.88 (a copy of which is annexed and marked as Annexure C-5).

Annexure C-5

19. That the contents of para 6(12) of the application are emphatically denied. As already stated earlier the employees referred to in this para were promoted/appointed earlier than the petitioner and the petitioner was promoted as Semi Skilled worker w.e.f. 29.1.81 only.

20. That in reply to the contents of para 6(13) of the application it is submitted that the petitioner's representation dated 19.5.88 addressed to the Director General, RDSO/Lucknow was received in this Organisation through Shri Ashwani Kumar, Member, Rajya Sabha, New Delhi's letter dated 2.6.88. The representation was examined and



क्षमित्रसङ्ग स्थापना - ।

चन्द्रसंधान अधिकार्य और मानक संगठन

द्विंद्र शंकराचार्य, लखनऊ - 226011

A/R

it was observed that Recruitment & Promotion Rules prevailing at that time did not provide the channel of promotion from Lab Helper to Semi Skilled Fitter and there was also no provision for promotion to the post of Skilled worker on the inter-se-seniority basis among Lab Helper and Semi Skilled Worker, Further the said Recruitment & Promotion Rules were revised vide Office Order No. 10 of 1977 and Lab Helpers were provided their promotion avenue to the post of Semi Skilled Worker instead of Lab Assistant/Lab. Field Attendant scale Rs. 110-180/260-430 as earlier existed. With this provision the petitioner was promoted as Semi Skilled Fitter/Mechanical in the first instance and thereafter as Skilled Fitter in scale Rs. 260-400 w.e.f. 29.1.81 under reclassification scheme.

21. That the contents of para 6(14) of the application are denied and the petitioner is put to strict proof thereof.

22. That in reply to the contents of para 6(15) of the application it is stated that the representation dt. 2.2.89 from Class III Staff Association/RDSO was received through Shri Pramod Kumar, Member Rajya Sabha in Railway Board's office. Necessary comments called for by the Railway Board were submitted to the Railway Board and nothing has been heard in the matter from the Railway Board.

23. That in reply to the contents of para 6(16) of the application it is stated that the grounds made out in this petition are devoid of any merits and the petition is liable to be dismissed.

अ. विश्वास (संग्रहीत)
अनुसंधान अधिकारी और विवरण देने
के लिए, दिनांक: 10.01.2023

A/C

24. That the contents of paras 7 & 8 do not call for comments as these are matters of record.

25. That in reply to the contents of para 9 of the application it is submitted that the reliefs sought in this petition are not admissible to the petitioner and the petition is liable to be rejected.

26. That the contents of paras 10, 11, 12, 13 & 14 do not call for comments as these are matters of record.

Dated: 4.1.91
7

Dinesh
(S. BHATIA)

उष्ण निदेशक आपना - 1
अनुसंधान अभियान और वातक संगठन
देल संग्रालय, लखनऊ - 226011

VERIFICATION

I, S. Bhatia son of Late Shri U.C. Bhatia aged about 55 years presently working as Dy. Director/Estt-I in the office of Research Designs and Standards Organisation, Lucknow do hereby verify that the contents of paragraph 1 is true to my personal knowledge and paragraphs 2 to 22, 24 and 26 of this reply are based on the information derived from the perusal of the relevant records of the case and paragraphs 23 and 25 are believed to be true on legal advice and that I have not suppressed any material fact.

Place: LUCKNOW

Dated: 4.1.91
7

Dinesh
(S. BHATIA)

उष्ण निदेशक आपना - 1
अनुसंधान अभियान और वातक संगठन
देल संग्रालय, लखनऊ - 226011

R & P Rules prior to 1.1.78

Annexure C-1

ARMY

Semi-Skilled Worker (Fitter Mechanical)

Scale Rs.75-110.

i) Method of Recruitment

Normally by promotion on seniority-cum-suitability basis from Khalasi scale Rs.70-85 working in Electrical Maintenance. If none, is found suitable the post will be filledup by selection from Casual workers who have completed a minimum of six months continuous service in the trade concerned on the date specified. Failing the above the post shall be filled by obtaining men from other Railways or open market.

ii) Age limit for direct rectt.

18-25 years.

iii) Minimum qualifications.

(a) for departmental candidates Two years service as Khalasi, scale Rs.70-85 (AS) in the Electrical Maintenance Section.

(b) for direct rectt.

i) Must be literate and able to read Hindi and English words.

ii) Must be able to read foot rule.

iii) Must be able to use inside and outside callipers, feeler gauge, inside and outside micrometers and a square.

iv) Must be able to read simple drawing.

v) Must be able to chip and file and use the common hand tools pertaining to his trade.

vi) Must have the knowledge of the names and functions of various parts of the machines and plant with which he connected.

vii) Must know the maintenance and repair faults of pumps and other auxiliary equipment.

viii) Preference will be given to I.T.I. Certificate holders in the trade concerned.

iv) Channel of Promotion

Shall be eligible for promotion as Skilled Worker (Fitter Mechanical) scale Rs.110-180 in the Electrical Maintenance Section.

Om

क्षेत्रीय निदेशक स्थापना - 1
अनुसंधान अभियान और सातक योगालय
ले. संग्रामवाद, लखनऊ - 226011

R/45
Annexure C - 2

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

RDSSO

NOTICE

As a result of recruitment for the post of Semi-skilled Fitter (Mechanical), scale Rs.210-290(RS) held on 27-9-1974 & 4-10-1974, for Electrical Maintenance Section of RDSSO, from amongst the casual labours have been granted temporary status and are working in the trade concerned in EMS, the following six candidates have been placed on the panel for the post of Semi-skilled Fitter (Mechanical), scale Rs.210-290. Their names have been arranged in order of merit as given below giving weightage to the length of service rendered by them in the trade concerned as casual labour.

S.No.	Name of the candidate	Father's name
1.	Shri Ram Chander Yadav	Shri Ram Gopal Yadav
2.	" Inder Pal Singh	Harbhajan Singh
3.	" Daulat Ram	S/ caste Billa Ram Singh
4.	" Ram Krishan	Ram Bux
5.	" Anil Kumar Chakraborti	Jagabandhu Chakraborti
6.	" Satya Pal	Laxman Das.

The above panel will remain current till exhausted.

This has the approval of Director Standards (Electrical).

(M.P. Srivastava)
Asstt. Director (Admn. & Trg.)

Sil.

Copy-11,

Date: 31-10-1974.

No. Recd/RT/RS/SS Fitter (Mechanical)/EMS/74).

DISTRIBUTION : (1) SO(E-IV). (2) Notice Board.

नोट संख्या: ए. जी. / अनुर्धन अभिक्ष लैन अफ्स लोस्ट दिनांक: 28/12/1932

पर्सनल

विषय: रेलवे दारिगार वर्षाचारियों का पुनर्गठन-
अद्युत इंद्रियालूप्रदारियों को राहत।
XXXXXXP1 Ac 32
33

उपर्युक्त विषय पर रेलवे बोर्ड दे दिनांक 13.11.82 के पत्र नं. ३३ (पीएच्यू) 1-82/जेसी/। नी प्रतिलिपि इच्छनार्थी व आवश्यक वर्धावारी देतु सलान है। बैनिष्ठा दे बोर्ड दे उद्दिश्यों दे समुचित दनुषालन है लिये उपर्युक्त विषयार्थी नामित दिया ज्या है।

संलग्न: यथोक्त ।

(दृष्टि दुमार)

उपनिदेशक/प्रशासन

क्रितरण:संनिदेशक/वित्त, उपनिदेशक/व्यापार, नगर इंजीनियर,
जल/व्यापार, -१, ३, ४, भर्ती, गोपनीय, पात्र, कल्याण शाखा, प्रशासन
सृजनात्मक तथा चतुर्थ श्रेणी वर्षाचारी संसोधियेशन, सभी अधिकारी एवं उनकी दोहरी व्यापारी वर्षाचारी सभी अधिकारी, यदि तो हो तो तो ।

हाँ ० हाँ ० यहाँ

70/स्ट. 4/9/382संसदीय विधायिका6/7
Need. on 3.1.836/1/83

- vi) The higher fixation on the basis of the above re-classification will be currently effective from 1.1.1982.
- vii) Employees, who retired/resigned prior to 1.1.1982 the date from which the higher fixation would be effective, and would be covered under these orders, will be entitled to proforma fixation from 1.8.1973 for the purpose of their pension and post-retirement benefits. These employees will also be eligible for pro-rata lumpsum payments for the period they were in service after 1.4.1980, subject to the ceiling amounts already mentioned,
- viii) The initial allotment of semi-skilled grade to un-skilled staff and skilled grade to semi-skilled staff in terms of these orders will be on the basis of seniority-cum-suitability without the eligible staff being subjected to any further trade test.
- ix) There will be no change in status-quo in regard to skilled and semi-skilled grades, which are not specifically covered by these orders. These trades will continue to remain in the existing classification/scale of semi-skilled, artisan or non-artisan, as the case may be,

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

4. In the skilled trades as mentioned in the enclosed List No. I for which there is no corresponding semi-skilled trade, if BT^m posts in semi-skilled grade have been created in such trades by the Railways/Production Units as working posts and not as Trainee posts, in terms of Board's letter No. E(NG)58/CEP/15 dated 26.5.1965 they will be upgraded to skilled grade under these orders. Similarly, those BT^m posts in semi-skilled grade created on the Railways/Production Units in those skilled trades where there are corresponding semi-skilled grades already existing, will be correctly designated after re-classification in accordance with the work performed.

- iv) Cupolaman, Cupolaman-incharge, Moulder, Mouldingmachines Operator, Molten Metal Carrier, Fettler, Core Maker.
- v) Dolly man, Rivetter, Rivetter(wagon).
- vi) Painter, Painter(Brush hand), Liner, Sign Writer, Polisher(French), Polisher(rough).
- vii) Cabinet Maker, Carpenter, Coach Builder, Log Marker, Machinist(Wood), Pattern Checker, Pattern Maker, Planer, Saw Doctor, Saw Mechanic, Saw Sharpener, Timber Marker.

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

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

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

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

....5/-

1/8/85 Annexure C-4 Fr. 90
AUG

Government of India
Ministry of Railways
Research Design & Standards Organisation

Manak Nagar
Lucknow-11

No:A/ES/8/6

Dated: 12/2/1985

Sub: Seniority list of Electrical Maint. Sections' staff as on 1/4/1984.

A copy of the seniority list of the staff of Electrical Maintenance Section as on 1/4/1984 is sent herewith for information and guidance of all concerned.

- i) The staff concerned may be directed to note the entries against their names and sign in token of their having seen the entries.
- ii) The representation, if any, from the staff concerned should be submitted through proper channel to the Section Officer/Asstt.IV within one month of the issue of this list.

DA: As above.

M. Lal
(M. Lal)
Section Officer/Asstt.IV

Distribution

14/2/85

- 1.SPA/DSE
- 2.JDSE-G
- 3.DDSE/EM (with 5 spare copies)
- 4.EFO - 5 spare copies. He may please arrange to circulate the seniority list amongst all the staff working under him for their information and guidance.
- 5.SO/Asstt.I
- 6.A-4/1
- 7.RDSO Class-III Staff Association
- 8.Notice Board.

.....

D

1. *Asstt. Secy. (RDSO)*
2. *Asstt. Secy. (RDSO)*

चौ निवेशक स्थापना - ।
मनुसंपात्र अभिकल्प और सांकेतिक
कै भवान्य, बड़दहड़ - २२८०।।

Office
23/1

Annexure C-5

for 109

(AS)

APD/488

23/2/88

MEMORANDUM

With reference to his representation dated 30/7/86 and 25/1/88, Shri Gopal Krishan, Sk.DFCD, Gr.III is informed that his case regarding assigning seniority to him over S/Shri Avtar Singh, R.C.Yadav, Inder Pal Singh and Daulat Ram etc. in the category of Sk.Fitter/M, Gr.III in EMS was re-examined by the competent authority and it was found that he has no cause of grievances regarding his seniority position already assigned to him in the category of Sk. Fitter/M, Gr.III and Sk.DFCD, Gr.III. He is further informed that the details of the above case were already shown and explained to him on 23/3/87 by JDA-III. He is also informed that no further reference on this subject will be entertained.

DA:Nil

(M. Balasubramanian)
For Director General

OK/ *[Signature]*
23/2/88

Shri Gopal Krishan,
Sk.DFCD, Gr.III,
EMS, RDSO,
Lucknow.

उप निदेशक स्थापना - 1
बहुसंधान अधिकार और सानक विभाग
रेल मंत्रालय, लखनऊ - 226011