

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: 24/11/94

Case Title O.A. NO. 75 1989(L)

Name of Parties.

M. P. Shekhar Applicant

versus
Union of India Respondents.

PART-A

Sl. No.	Description of Documents	Page
1-	Check-List	A 1
2-	Order Sheet	A 2 AS
3-	Final Judgement (26-2-93)	A 6 A 7
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8-	Rejoinder ^{OR} Affidavit	743

PART -B

~~13/11 - 17/11~~

The case is fit for record room.

Part -C

~~17/11~~~~C 801~~

Certified that no further action is required. The case is fit for consignment to record room.

Section Officer

Court Officer

Incharge

~~16/11/94~~

Signature of Deali Assistant.

(RN)

Recd
23/11/94~~16/11/94~~
checked 24/11/94

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. of 1989

APPLICANT (s) M.P. Shetkar

RESPONDENT(s) Union of India and another

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 ?	Four sets have been filed
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by Helvach

(1) A.2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 75 of 1989(L)

APPELLANT
APPLICANT

M. P. Shekher

DEFENDANT
RESPONDENT

VERSUS
Union of India and Others

No or order and date	Brief Order, Mentioning Reference if necessary.	How complied with and date of compliance
3.4.1989.	<p>Hon'ble Mr. Justice Kamleshwar Nath, V.C., Hon'ble Mr. D.S. Misra, A.M. Admit. Issue notice to respondents to file reply within four weeks. Rejoinder may be filed within ten days thereafter.</p> <p>Regarding interim relief issue notice and list for orders on 15.5.1989. In the meantime, while making promotions, if any, to the Class II posts in question one post shall be kept in reserve pending further orders of this Tribunal.</p>	O.R. 7.4.1989.
15-5-89	<p>Hon. K. J. Ramam, A.M.</p> <p>Due to sudden death of Sri Jagdish Swaroop - Ex. Solicitor General of India the Lawyers have abstained from attending Court.</p> <p>The Case is According by Adjourned to 1.8.89 for orders.</p> <p style="text-align: right;">LDR AM</p>	<p>Notices issued to opposite parties by Regd. Post</p> <p>OR 7/4 Notices were issued to the repts. on 24.4. through regd. Post. Notwithstanding any undelivered regd. Cover have been return back as far submitted for order</p> <p style="text-align: right;">RPS 217</p>

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. 75/89(L)

REGISTRATION No. 198 of 198.

APPELLANT
APPLICANT

M.P. Shekhar

DEFENDANT
RESPONDENT

U.O.I. & ors

VERSUS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	Hon' Mr. D.K. Agrawal, J.M. <u>Hon' Mr. K. Obayya, A.M.</u>	
18/10/89	Shri J.P. Mathur, counsel for the applicant and Shri Arjun Bhargava, counsel for the respondents are present. Counsel for the respondents wants wants time to file counter affidavit. Allowed. Let the counter affidavit be filed within four weeks to which the applicant may file rejoinder, if any, within two weeks thereafter. List this case on <u>21-12-89 for orders/hearing as the case may be.</u>	
21/12/89	Hon' Mr. Justice Kamleshwár Nath, V.C. <u>Hon' Mr. K. Obayya, A.M.</u> Shri J.P. Mathur, learned counsel for the applicant has sent an adjournment application. Shri Arjun Bhargava counsel for Opposite parties requests for and is allowed to file counter affidavit within four weeks to which the applicant may file rejoinder, if any, within two weeks thereafter. List this case for <u>orders on 1-2-90.</u>	<p style="text-align: center;">A.M.</p> <p style="text-align: center;">(sns)</p> <p style="text-align: center;">J.M.</p> <p style="text-align: center;">OK</p> <p style="text-align: center;">No reply filed submitted for order</p> <p style="text-align: center;">L 21/12/89</p> <p style="text-align: center;">OK</p> <p style="text-align: center;">No reply filed</p> <p style="text-align: center;">A.F. order</p> <p style="text-align: center;">L 01/1/90</p>

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O.A. 75/89 (L)

AM

7.3.91
D.R.

Applicant's side is

absent. Mr. A. Bhargaw
appears for the respondent
and he moved an
application for extension
of time for filing counter.

Hence, this case is listed

before me on 27.3.91
for filing counter.

27.3.91
D.R.

Both the parties are absent
today. Counter has not been
exchanged. Respondent
to file counter reply
by 25.4.91. ✓

25.4.91
D.R.

None appeared for the
both side. Counter has
not been filed till today.
Respondent to file it
by 31/5/91. ✓

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O.A. 75/89 (L)

14.2.92
D.R.

AS

15.2.93. - No sitting of D.B. Case
is only to 20/2/93

2 Applicant's side is
present. Respondent
to file counter by
7/5/92.

7.5.92

Applicant's side is
present. Respondent
to file counter by
6.8.92

D.R.

6.8.92

Both the parties are present.
But Counter has not been filed
till to day. Place Before
the Hon'ble Bench for further
Orders on. 26.8.92

26.8.92

Case not reached.
Adj'd 15/9/92

15.

OR
S.F.O
26.8.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO

75

1989 (L)

T.A. NO

199 (TL)

Date of Decession

26.2.93

M. P. Shekhar

Petitioner

Advocate for the
Petitioner(s)

V E R S U S

Union of India, G.O.

Respondent

Advocate for the
Respondents

Q.D.R.A.M

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

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

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

Vice-Chairman / Member

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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. No: 75 of 1989

M.P.Shakhar Applicants.

Versus

Union of India & ors. Respondents.

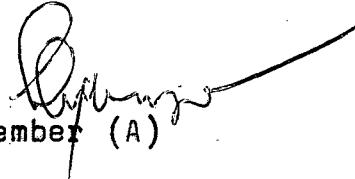
Hon'ble Mr. Justice U.C.Srivastava, V.C.

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

In this application the applicant has prayed for quashing of the reversion order dated 21.3.1989 and made a prayer that he may be allowed to continue on the post of Assistant Controller of Stores at Alambagh Lucknow. The applicant who was class III employee was working as senior Clerk and because of his seniority he was promoted to the post of Assistant Controller of Stores Alambagh Lucknow vide order dated 13.8.1987 on adhoc basis. It was mentioned in the order itself that the promotion of the applicant was temporary and adhoc and he will not be entitled to this promotional post in preference to his seniors. It appears that the applicant continued to work and thereafter a selection test for filling "75% quota in group 'B' service for the post of ACOS took place. The applicant was not selected and other persons were selected. In order to accommodate the selected persons, the applicant had to be reverted and that's why the order order was passed. In view of the

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facts, the applicant was not holding the said post and the selection took place in which he participated. As he was not selected he had to be reverted. As he had worked for more than two years it was desirable that he should have been given one more opportunity before reverting him. But as ^{the} reversion order had been carried ^{out} into effect, no purpose has ^{been} served in staying the said order, but the application is dismissed with the direction that the respondents will give one more opportunity to the applicant as early as possible and in case he succeeds in the same, his case for the promotional post will again be considered.


Member (A)


V.C.

Lucknow Dated: 26.2.93

(jlw)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT 1985.

M.P. Shekhar

Applicant

versus

Union of India and another..... Respondents

I N D E X

S.No.	Description of documents filed upon	Pages
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1.	Application*	1 - 9
2.	Annexure No. 1	10- 11
3.	Annexure No. 2	12
4.	Annexure No. 3	13 -22
5.	Annexure No. 4	23- 24
6.	Annexure No. 5	25 -27
7.	Vakalatnama	28

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Applicant

For use in Tribunal's Office.

Date of filing:

or

Date of receipt by post

Registration No.

Signature for registrar

Filled on 31/3/89
Noted on 31/3/89
Received by J.P. Bhattacharya
31/3/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

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O.A.NO. 75 OF 1989 (U)

MAHENDRA PRATAP SHEKHAR, aged about 53 years,
son of late Sri Shiv Nath Prasad,
resident of 559/Kha/258, Sri Nagar, P.S.
Krishna Nagar, Lucknow.

..... Applicant

Versus

1. UNION OF INDIA, Through Secretary
Ministry of Railway, New Delhi.

2. GENERAL MANAGER (P) Northern Railway
Baroda House, New Delhi.

..... Respondents

APPLICATION UNDER 19 OF CENTRAL ADMINISTRATIVE
TRIBUNAL ACT.

1. Particulars of applicant: Mahendra Pratap Shekhar
son of late Sri Shiv Nath Prasad, aged about
53 years at present Assistant Controllers
of Stores, Office of the Controller of Stores
Northern Railway, Alambagh, Lucknow and
resident of 559/Kha/258, Sri Nagar P.S.
Krishna Nagar, Lucknow.

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2. Particulars of respondents:

- 1) Union of India, through Secretary Ministry of Railway, New Delhi.
- 2) General Manager (P) Northern Railway Baroda House, New Delhi.

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

The application is made is against the following orders:-

- i) Order No. 89/1 R.S.S./89 -Annexure No. 5
- ii) Date: 21.3.1989
- iii) Passed by General Manager (P) Northern Railway, Baroda House, New Delhi.
- iv) Subject in brief: The applicant has been reverted to the post of D.S.K.P. through the impugned order without disciplinary proceeding although the applicant afficate on the post being Adhoc promotee contineously for more than 19 months.

4. Jurisdiction of the Tribunal : The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation: The applicant further declares that the application is within limitation Prescribed in Section 21 of the Administration Tribunal Act 1985.

6. Facts of the case :

- A) That the applicant after selection through

Railway Commission joined as Assistant on 5.4.1958.

B) That subsequently the applicant posted as Senior Clerk with effect from 3.9.1976.

C) That after due selection and after declaring the applicant as passed candidate, the applicant was appointed on promotion on the post of Depot Store Keeper Grade III, and has subsequently was given Grade II and Grade I also.

D) That the applicant being Senior on the post of Depot Store Keeper in the office of the Dy. Controller of Store Alambagh, Lucknow was promoted to the post of Assistant Controller of Store Alambagh Lucknow by an order dated 13.8.1987 on Adhoc basis. The applicant joined on the promotion post on 21.8.1987 (Annexure No. 1 is the true copy of the order of the promotion dated 13.8.1987).

E) That in the order of appointment it was mention that the promotion has been approved by the opp. party no. 2. Further in the order it was not provided to appear in the suitability test for becoming a regular promotee and the applicant was made to believe that his promotion was after considering him fit for promotion and the applicant was not required to passed suitability test.

F) That it is relevant to mention here that the work and worth of the applicant was and is upto the mark and on one occassion the services of the applicant were recognised good and for this the

applicant was given a letter of appreciation (Annexure No. 2 is the true copy of letter of appreciation dated 1.9.1986).

G) That through a notice dated 30.11.1988 the opp. party no. 2 announce for holding a selection test for filing the 75% quota in group 'B' service for the post of ACOS and for this invited application among the candidate named in annexure-A with the notice to appear in the test on 24.12.1988 at New Delhi and in the Annexure the name of the applicant was also shown, which was a surprise to the applicant but the applicant did appear in the test to avoid any controversy (Annexure No. 3 is the true copy of notice dated 30.11.1988).

H) That it is relevant to mention here that the applicant belong to reserved catagory of Schedule Caste being Chamar by Caste.

I) That the notice dated 30.11.1988 has no mentioned of the post reserve for the reserved catagory although the notice mention 30 posts against the 75% quota as such it was presumed that the test was against the post available the general candidates and some post are reserved for the reserved community as per the policy contained in the Boards order of the years 1973, which extends the policy of reservation to the post of Class-I and Class-II Catagories including the promotions over the same.

J) That the applicant was declare fail in

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the test conducted on 24.12.1988 and against the same the applicant represented the opp. party no.2 to give the prevelage available to Schedule caste candidates as the applicant considered that no relaxation has been accorded to the applicant in the test as declared by the Board and to give benefit of satisfactorily completion of 18 months on the promotion post to the satisfaction of the Higher Authority, as the applicant was apprehending a reversion order on account of failure in the test. (Anhixpe no.4 is the copy of representation dated 15.2.89).

K) That it is relevant mention of that Board from time to time issue direction that the Schedule caste candidates shall be provided with adequate training for preparation of the test and may not be reverted but to continue on the post to avoid harrassment and for proper representation of the community in Government Employment!

L) That it is pertinent to mention here that the applicant has not been provided in any training for preparation of test, in defiance of the Board's order and has been treated as general candidate consequently the applicant was declared failed and has to face harrassment.

M) That the applicant has knowledge that on various occasion the opp. party no. 2 and the Deputy Controller of Store has allowed the Schedule Caste candidates on that failure to pass the test and those have afficated on the promoted post continuously for more than 18 months, particularly the case of " Padam Lal " is cited who has been

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retained being Schedule Caste Candidate even on his failure to clear the test.

N) That the opp. party no. 2 through the order of posting dated 21.3.1989 reverted the applicant from the post of Assistant Controller of Stores on Class-III Post, hence this application among other on following grounds. (Annexure A-5 is the true copy of order dated 21.3.1989)

Grounds

(i) Because the applicant has after appointment on Adhoc Promotion on the post of Assistant Controller of Stores, has completed more than 18 months and is entitled for the benefit given by the Board's order dated 21.1.1966 and 5.12.1972.

(ii) Because the order of reversion is against the Board's order dated 25.1.1976 which has been again communicated through letter dated 9.8.1982 which provide the following direction:

(iii) Because the reversion of the applicant is punitive in nature and against the imperative of Article 311 of Constitution of India and against the Boards Order.

(iv) Because the denial of proper training before the test and relaxation as provided by the Government is the defiances of the

Boards order and is an harrasment to the applicant.

(v) Because the impugned order is against the imperative of Article 14 and 16 of the Constitution of India.

7. Details of remedies exhausted:

The applicant as on declaration of unsuccessful in the test for selection on the post of A.C.O.S represented through representation dated 15.2.1989 and has not received any reply in the same regarding representation against reversion it is mention that the matter is urgent and requires the attention of this Hon'ble Tribunal as such the applicant has not made representation against this order;

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 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.

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9. Relief:

(a) That the Hon'ble Tribunal may please by way of writ, order or direction quashed the order of reversion dated 21.3.1989 placed at Annexure No. 5.

(b) That the Hon'ble Tribunal may please by way of writ, order, or direction, directed the opp. parties to allow the applicant to continue on the post of Assistant Controller of Stores in the Organisation.

(c) That any other writ, order or direction the Hon'ble Tribunal may be deemed fit be pass in favour of applicant.

(d) That the cost of the application be awarded.

10. Interim order:

That pending final decision of the applicant prays for issue of interim order, thereby staying the impugned order dated 21.3.1989 to the effect of stay of reversion of the applicant to Class III post in the interest of justice otherwise the applicant would be put to irreparable loss and mental agony or may pass any other suitable order in the interest of justice.

11. Particulars of the Postal Order:

SPN N. DD 827911, dated 31.3.1989
4 issued by High Court Bench Post Office, Lucknow

12. List of Enclosures:

1- Annexure No. 1

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2- Annexure No. 2

3- Annexure No. 3

4- Annexure No. 4

5- Annexure No. 5

VERIFICATION:

I, M.P. Shekhar son of late Sri Shiv Nath Prasad aged about 53 years working as Assistant Controllers of Store in the office of Controller of Store, Northern Railway, Alambagh, Lucknow resident of 550/Kha/258, Sri Nagar P.S. Krishna Nagar, Lucknow hereby verify that the contents of paras... H.3.6.a... to 6.m.7.m.8.m.9.m.10.m.11.m.12.m.13.m.14.m.15.m.16.m.17.m.18.m.19.m.20.m.21.m.22.m.23.m.24.m.25.m.26.m.27.m.28.m.29.m.30.m.31.m.32.m.33.m.34.m.35.m.36.m.37.m.38.m.39.m.40.m.41.m.42.m.43.m.44.m.45.m.46.m.47.m.48.m.49.m.50.m.51.m.52.m.53.m.54.m.55.m.56.m.57.m.58.m.59.m.60.m.61.m.62.m.63.m.64.m.65.m.66.m.67.m.68.m.69.m.70.m.71.m.72.m.73.m.74.m.75.m.76.m.77.m.78.m.79.m.80.m.81.m.82.m.83.m.84.m.85.m.86.m.87.m.88.m.89.m.90.m.91.m.92.m.93.m.94.m.95.m.96.m.97.m.98.m.99.m.100.m.101.m.102.m.103.m.104.m.105.m.106.m.107.m.108.m.109.m.110.m.111.m.112.m.113.m.114.m.115.m.116.m.117.m.118.m.119.m.120.m.121.m.122.m.123.m.124.m.125.m.126.m.127.m.128.m.129.m.130.m.131.m.132.m.133.m.134.m.135.m.136.m.137.m.138.m.139.m.140.m.141.m.142.m.143.m.144.m.145.m.146.m.147.m.148.m.149.m.150.m.151.m.152.m.153.m.154.m.155.m.156.m.157.m.158.m.159.m.160.m.161.m.162.m.163.m.164.m.165.m.166.m.167.m.168.m.169.m.170.m.171.m.172.m.173.m.174.m.175.m.176.m.177.m.178.m.179.m.180.m.181.m.182.m.183.m.184.m.185.m.186.m.187.m.188.m.189.m.190.m.191.m.192.m.193.m.194.m.195.m.196.m.197.m.198.m.199.m.200.m.201.m.202.m.203.m.204.m.205.m.206.m.207.m.208.m.209.m.210.m.211.m.212.m.213.m.214.m.215.m.216.m.217.m.218.m.219.m.220.m.221.m.222.m.223.m.224.m.225.m.226.m.227.m.228.m.229.m.230.m.231.m.232.m.233.m.234.m.235.m.236.m.237.m.238.m.239.m.240.m.241.m.242.m.243.m.244.m.245.m.246.m.247.m.248.m.249.m.250.m.251.m.252.m.253.m.254.m.255.m.256.m.257.m.258.m.259.m.260.m.261.m.262.m.263.m.264.m.265.m.266.m.267.m.268.m.269.m.270.m.271.m.272.m.273.m.274.m.275.m.276.m.277.m.278.m.279.m.280.m.281.m.282.m.283.m.284.m.285.m.286.m.287.m.288.m.289.m.290.m.291.m.292.m.293.m.294.m.295.m.296.m.297.m.298.m.299.m.300.m.301.m.302.m.303.m.304.m.305.m.306.m.307.m.308.m.309.m.310.m.311.m.312.m.313.m.314.m.315.m.316.m.317.m.318.m.319.m.320.m.321.m.322.m.323.m.324.m.325.m.326.m.327.m.328.m.329.m.330.m.331.m.332.m.333.m.334.m.335.m.336.m.337.m.338.m.339.m.340.m.341.m.342.m.343.m.344.m.345.m.346.m.347.m.348.m.349.m.350.m.351.m.352.m.353.m.354.m.355.m.356.m.357.m.358.m.359.m.360.m.361.m.362.m.363.m.364.m.365.m.366.m.367.m.368.m.369.m.370.m.371.m.372.m.373.m.374.m.375.m.376.m.377.m.378.m.379.m.380.m.381.m.382.m.383.m.384.m.385.m.386.m.387.m.388.m.389.m.390.m.391.m.392.m.393.m.394.m.395.m.396.m.397.m.398.m.399.m.400.m.401.m.402.m.403.m.404.m.405.m.406.m.407.m.408.m.409.m.410.m.411.m.412.m.413.m.414.m.415.m.416.m.417.m.418.m.419.m.420.m.421.m.422.m.423.m.424.m.425.m.426.m.427.m.428.m.429.m.430.m.431.m.432.m.433.m.434.m.435.m.436.m.437.m.438.m.439.m.440.m.441.m.442.m.443.m.444.m.445.m.446.m.447.m.448.m.449.m.450.m.451.m.452.m.453.m.454.m.455.m.456.m.457.m.458.m.459.m.460.m.461.m.462.m.463.m.464.m.465.m.466.m.467.m.468.m.469.m.470.m.471.m.472.m.473.m.474.m.475.m.476.m.477.m.478.m.479.m.480.m.481.m.482.m.483.m.484.m.485.m.486.m.487.m.488.m.489.m.490.m.491.m.492.m.493.m.494.m.495.m.496.m.497.m.498.m.499.m.500.m.501.m.502.m.503.m.504.m.505.m.506.m.507.m.508.m.509.m.510.m.511.m.512.m.513.m.514.m.515.m.516.m.517.m.518.m.519.m.520.m.521.m.522.m.523.m.524.m.525.m.526.m.527.m.528.m.529.m.530.m.531.m.532.m.533.m.534.m.535.m.536.m.537.m.538.m.539.m.540.m.541.m.542.m.543.m.544.m.545.m.546.m.547.m.548.m.549.m.550.m.551.m.552.m.553.m.554.m.555.m.556.m.557.m.558.m.559.m.560.m.561.m.562.m.563.m.564.m.565.m.566.m.567.m.568.m.569.m.570.m.571.m.572.m.573.m.574.m.575.m.576.m.577.m.578.m.579.m.580.m.581.m.582.m.583.m.584.m.585.m.586.m.587.m.588.m.589.m.589.m.590.m.591.m.592.m.593.m.594.m.595.m.596.m.597.m.598.m.599.m.599.m.600.m.601.m.602.m.603.m.604.m.605.m.606.m.607.m.608.m.609.m.609.m.610.m.611.m.612.m.613.m.614.m.615.m.616.m.617.m.618.m.619.m.619.m.620.m.621.m.622.m.623.m.624.m.625.m.626.m.627.m.628.m.629.m.629.m.630.m.631.m.632.m.633.m.634.m.635.m.636.m.637.m.638.m.639.m.639.m.640.m.641.m.642.m.643.m.644.m.645.m.646.m.647.m.648.m.649.m.649.m.650.m.651.m.652.m.653.m.654.m.655.m.656.m.657.m.658.m.659.m.659.m.660.m.661.m.662.m.663.m.664.m.665.m.666.m.667.m.668.m.669.m.669.m.670.m.671.m.672.m.673.m.674.m.675.m.676.m.677.m.678.m.679.m.679.m.680.m.681.m.682.m.683.m.684.m.685.m.686.m.687.m.688.m.689.m.689.m.690.m.691.m.692.m.693.m.694.m.695.m.696.m.697.m.698.m.698.m.699.m.699.m.700.m.701.m.702.m.703.m.704.m.705.m.706.m.707.m.708.m.709.m.709.m.710.m.711.m.712.m.713.m.714.m.715.m.716.m.717.m.718.m.719.m.719.m.720.m.721.m.722.m.723.m.724.m.725.m.726.m.727.m.728.m.729.m.729.m.730.m.731.m.732.m.733.m.734.m.735.m.736.m.737.m.738.m.739.m.739.m.740.m.741.m.742.m.743.m.744.m.745.m.746.m.747.m.748.m.749.m.749.m.750.m.751.m.752.m.753.m.754.m.755.m.756.m.757.m.758.m.759.m.759.m.760.m.761.m.762.m.763.m.764.m.765.m.766.m.767.m.768.m.769.m.769.m.770.m.771.m.772.m.773.m.774.m.775.m.776.m.777.m.778.m.779.m.779.m.780.m.781.m.782.m.783.m.784.m.785.m.786.m.787.m.788.m.789.m.789.m.790.m.791.m.792.m.793.m.794.m.795.m.796.m.797.m.797.m.798.m.799.m.799.m.800.m.801.m.802.m.803.m.804.m.805.m.806.m.807.m.808.m.809.m.809.m.810.m.811.m.812.m.813.m.814.m.815.m.816.m.817.m.818.m.819.m.819.m.820.m.821.m.822.m.823.m.824.m.825.m.826.m.827.m.828.m.829.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(वादी) अपीलान्ट श्री M.P. Shekhar
प्रतिवादी (रेस्पान्डेन्ट) श्री वकालतनामा



M. P. Shekhar

वादी (अपीलान्ट)

वनाम
Union of India & other

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा सन् १९ पेशी की तारीख १९ ई०

ऊपर मुकद्दमा में अपनी ओर से श्री T. P. Mathur Advocate

J. K. Chaurasia Advocate

एडवॉकेट/वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुनहानामा या इकबाल दावा तथा अपील व निगरानी हमारी और से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने वा हमारे हस्ताक्षर युक्त (दस्तखत) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया किया कि प्रमाण रहे और समय पर काम आवे।

Chak
हस्ताक्षर

साक्षी गवाह साक्षी (गवाह)

Accepted
दिनांक ३। महीना ३ सन् १९६९ ई०

Accepted
Santosh Chak

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985

A 19

M.P. Shekhar Applicant

Versus

Union of India and others Respondents

I N D E X

S.No.	Description of documents relied upon	Pages
-------	--------------------------------------	-------

1.	Application	1-9
2.	Annexure No. 1	10-11
3.	Annexure No. 2	12
4.	Annexure No. 3	12.22
5.	Annexure No. 4	23-24
6.	Annexure No. 5	25-27
7.	Vikalatnama	28

Applicant

For use in Tribunal's office

Date of filing
or

Date of receipt by post

Registration No.

Signature for Registrar

A 20

न्यायालय सेन्ट्रल एडमिनिस्ट्रेटिव दिव्यनुल सर्किट बैच लखनऊ।

एम.पी.शेखर

प्रार्थी,

बनाम

यूनियन आफ इण्डिया आदि

प्रतिवादीगण

अनेकजर नं०।

उत्तररेलवे

प्रधान कार्यालय बड़ौदा हाउस
नई दिल्ली।

॥ सूचना ॥

आर.सं. 87/आई.आर.एस.एस. ३३५

निम्नलिखित नियुक्ति एवं स्थानान्तरण के आदेश तत्काल जारी किए
जाते हैं:-

१। श्री अमृत लाल बोराना, छार सहा० भंडार नियंत्रक/जोधपुर
को बीकानेर स्थानान्तरित करके सहा० भंडार नियंत्रक/ बीकानेर के पद
पर श्री राधे श्याम के स्थान पर लगाया जाता है। श्री राधेश्याम की
नियुक्ति के आदेश पहले जारी किये जा चुके हैं।

२। श्रीमती फुलेश्वरी करेजी, डी.एस.के.पी./जोधपुर को तदर्थ
रूप से द्वितीय श्रेणी में पदोन्नति करके सहा० भंडार नियंत्रक/जोधपुर
के पद पर श्री अमृत लाल बोराना के स्थान पर लगाया जाता है।

३। श्री जुलियन रावत, अधीक्षक/ जगाधरी चर्कीाप को तदर्थ
रूप से द्वितीय श्रेणी में पदोन्नति करके सहा० भंडार नियंत्रक / शकुर बस्त
के पद पर श्री किशन सिंह के स्थान पर लगाया जाता है। श्री किशन
रेल सेवा से निवृत हो गए हैं।

४। श्री एम.पी.शेखर डी.एस.के.पी. /लखनऊ को तदर्थ
रूप से द्वितीय श्रेणी में पदोन्नति करके सहायक भंडार नियंत्रक/
आलमबाग लखनऊ के पद पर श्री राजीव कुमार व्यास के स्थान पर
लगाया जाता है। श्री राजीव कुमार व्यास की नियुक्ति के आदेश
पहले जारी किये जा चुके हैं।

उपरोक्त आदेशों में मद संख्या 2,3 तथा 4 में द्वितीय

True copy attested
Signature AD

श्रेणी में पदोन्नति के आदेशों को महाप्रबन्ध संस्कार तथा नियुक्ति के

2 पर

2.

121

आदेशों को भंडार नियंत्रक का अनुमोदन प्राप्त है।

नोट:- । श्रीमति फुलेश्वरी करेजी, श्री जुलियन रावत तथा श्री एम.पी.

शेखर का द्वितीय श्रेणी में पदोन्नति गुद्ध रूप से तदर्थ तथा अस्थाई है। भक्ति
में वे अपने बरि. अधिकारियों के विरुद्ध इस प्रकार की पदोन्नति के पास
नहीं होगे।

2. श्रीमति फुलेश्वरी श्री जुलियन रावत तथा श्री एम.पी. शेखर की द्वितीय
श्रेणी में पदोन्नति निर्धारित डाक्टरी परीक्षा उत्तीर्ण करने पर निर्भर
करती है।

3. उपरोक्त परिवर्तनों के संबंध में जारी सूचनायें इस कार्यपालिय को जारी भेजे।

अजीत सिंह ।

कृते महाप्रबन्धक । छा. ०५

दिनांक । ३०.८.१९८७

सं० ९४०ई/१८x१११/ई। ए

प्रतिलिपि सूचनार्थी एवं आवश्यक कार्यवाही हेतु:- ।. वि. सौ. एवं मु. ले.
अधि. १ई. जी. १/प्र. का. 2. उप भंडार नियंत्रक /आलमबाग लखनऊ
जगाधरी शक्ति बस्ती जोधपुर 3. बिल कलर्क/ई। ए अनुभाग

4. जिला भंडार नियंत्रक/बीकानेर

प्रतिलिपि सूचनार्थी:- ।. सभी विभागाध्यक्ष को उनके वै० सहायकों द्वारा।

2. म. रे. प्र. /उ. रे. झावाहाबाद दिल्ली मुरादाबाद लखनऊ जोधपुर
पिरोजपुर बीकानेर। 3. उप भंडार नियंत्रक/शक्ति बस्ती जोधपुर

4. बरि. ले. अधि. १वर्ष्याल । आलमबाग लखनऊ, जगाधरी

5. मुंडल भंडार नियंत्रक/चारबाग लखनऊ 6. मुख्य जन संपर्क अधिकारी/
एस.ई. रोड. नई दिल्ली

7. अपर मुख्य सतर्कता अधिकारी. ओ. एस.डी. । आई.आर।, सचिव/
महाप्रबन्धक 8. ए.डी.जी.एम. , अपर मु.का. अधिकारी, अपर
महाप्रबन्धक । तक. । व । परि. । प्र.का.

9. श्रीमति फुलेश्वरी करेजी .डी.एस.के.पी. /जोधपुर ।०. श्री छूलन
रावत, अधि. /जगाधरी वर्ष्याल

।।. श्री एस०. पी० शेखर, डी.एस.के.पी. /लखनऊ

।।।. अमृत लाल सहा. भंडार नियंत्रक/जोधपुर।

True copy attested
Finalized
Chall

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

O.A. NO. 22 OF 1989

M.P. Shekhar Applicant

Versus

Union of India and another..... Respondents

ANNEXURE NO. 2

KALI SHANKER

Dy. Controller of
Stores, Northern
Railway, Alambagh
Lucknow.

No. S/35/RW/Amv

1 Sep. 1986

Shri M.P. Shekhar,
Sr. DSKP/POH/AMV.

Alambagh Depot achieved a sale of Rs. 10.4 crores in the financial year 85-86 which was more than the targets set by Hd. Qrs. /Board.

Your contribution towards achievement has been appreciated and a group award sanctioned by G.M., N.Rly. to this effect.

This letter is being issued to you as a recognition of your good services and I expect that this will enthuse you further in achieving better targets in the coming financial year.

sd/-
(Kali Shanker)

TRUE COPY

affested
J. S. Mathur
Adv.

Chas

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
SURCIT BENCH LUCKNOW.

A 23

M.P. Shekhar

.....

Petitioner

Versus

Union of India and others..... Opp. parties

ANNEXURE NO. 3

NORTHERN RAILWAY

Head quarters Office
Baroda House New Delhi.

No. 752-E/82-XVII (EIA)

Dated: 30.11.1988

The DRMs, N.Rly, ALD-BKN-DLI-JU-FZR-LKO-MB & UMB.

The D/Controller of Stores, AMV/LKO-SSB-JU-JUDW (Const)
K.Gate, DLI.

The C.E/Const. K.Gate, Delhi. Asstt. Secy. (Conf'd)
B/House, NDLS.

The CAO/RCF, Kapurthala, SPO/HQrs. Office, CAO/COFMOW
Tilak Bridge.

The COS/HQrs.

Sub: Selection for promotion to Group 'B' service
for the post of ACOS against 75% quota.

It has been decided to hold selection for
promotion to Group 'B' service as Assistant Controller
of Stores in the Stores Department against 75% quota,
to form a panel of 30 persons. The staff listed in
Annexure 'A' who are eligible to appear at the
selection may be advised to appear in the written
test to be held at 10.00 hrs. on 24.12.1988 in Room
No. 339, 341 & 341-A IIIrd Floor of Annexure-I,
Baroda House, New Delhi. spare copies of this office
Notice are being sent and a copy thereof may be
delivered to each candidate and acknowledgement
taken on Annexure 'D' while Sr. DPO/DPO/APO concerned

Ches

True copy attested
J. Malhotra
Adv.

....2/

will process and co-ordinate, it will be the responsibility of the concerned Executive Officers to ensure that copy of this notice is delivered to each candidate and acknowledgements of the candidates sent to Sr. DPO/LPO/APO who will forward the same to this office in a D.O. Cover.

2. The candidates are required to indicate within 10 days their willingness/ unwillingness to take the selection, in the form given at Annexure 'C'. The willingness/ unwillingness should be submitted by the candidates within 10 days on the prescribed form to their Executive Officers, who will forward the same to Sr. DPO/DPO/APO for onward transmission to this office. It is the candidates responsibility to advise his/her willingness/unwillingness to take the selection within the prescribed period and failure in respond or provide the intimation within 10 days will be treated as unwillingness in his/her part to take the selection.

2. Annexure 'B' contains the reserve list carrying the names of extra eligible employees who would be called for the written test in the event of drop out of employees constituting the field. A copy of this notice may also be delivered to each of the persons listed in the reserve list and their acknowledgements obtained on the form given in Annexure 'D' and sent to this office. It will be the responsibility of the Executive Officers concerned to ensure that this notice also is delivered to each of the persons included in the reserve list and their acknowledgements obtained and forwarded to Sr. DPO/IPO/

Chsl

True copy checked
J. P. Mukherjee
Adm. Asst.

.....3/

APO who will forward the same to this office, depending on the position of unwillingness reported or non-receipt of any information, employees from the reserved list would be called to extant of drop outs for taking the selection in supplementary examination within a short notice.

4. The selection will comprise of written test and viva-voce test. Only those candidates who qualify in the written test will be called to appear for viva-voce,

5. That staff who indicate their willingness to appear at the selection from Annexure 'A' from the reserve list and who are called to take the selection, may be spared to take the written test on 24.12.1988 and no candidate should be held back on administrative grounds.

6. The absence of staff from the written test on Medical grounds will only be condoned in cases, where the Medical Certificates is issued by Railway Divisional Medical Officers and the same bears the specific remarks that the fact was known to him that the candidate has to appear in the selection.

7. The candidates are required to bring their own pens, ink, scales, rubber etc. and only answer book will be supplied by this office.

8. The staff transferred to another office should be intimated at his new address immediately.

Chsl

True copy
Attested
General ...4/

A 26

9. In case any eligible candidate has been transferred to any other office or proceeded on deputation, a copy of this notice must be delivered to him immediately by the concerned Executive Officer who will obtain acknowledgement, as stated above.

DA/ As above

For General Manager (P)

Copy forwarded for information and necessary action to:

1. Sr. Supdt./ Printing Press, Shakurbasti for immediate publication in the Northern Railway Gazette.
2. Electric Chargeman/ Hd. Qrs. He should make arrangements for opening the lights in Room No. 341, 341-A & 339 Annexe-I on 24.12.1988.
3. IOW/HQrs, New Delhi, He will arrange water supply in the toilets of 2nd floor, Annexe-I Baroda House.
4. Supdt. E(1)/HQrs. Office. He is requested to depute one daftry and one Peon for the selection on 24.12.1988.
5. Sr. Hindi Officer, B House, New Delhi. He is requested to book one Hindi Translator for the selection on 24.12.1988 to report to PA/COS at 8.00 hrs. sharp.
6. Supdt./Copy Branch, Baroda House, New Delhi He is requested to book one Typist (Hindi) for the selection on 24.12.1988 to report to PA/COS at 8.00 hrs. sharp.
7. Supdt. Genl, B House, New Delhi. He is requested to book one Gestetner Operator to make out copies and to report to PA/COS at 8.00 hrs. sharp on 24.12.1988.

*One copy attached
for other 5/*

Chk

- 5 -

A27

8. Janitor/ HQ. He is requested to book two watermen and keyman to report to APO(G) on 24.12.1988 at 8.00 hrs. sharp.
9. Medical Supdt. N.Rly, ALD-BKN-DLI-FZR-JU LKO-NB & UMB.
10. C.H. S/N Rly. Central Hospital, New Delhi and Charbagh- Lucknow.

Ques

True Copy :
~~checked~~
Information ADV

List of candidates called to appear in the selection
of assistant Controller of stores (CivII) against
75% quota. 20

Sl.No.	Name S/Sri	SC/ ST	Desig nation	Place of working	Remarks
1	2	3	4	5	6
1.	M.N.Mazumdar	SC	DSKP-I	SSB	
2.	Ram Chander	SC	Offig. ACOS/HQrs HQrs	Office	
3.	Gopal Parasad	SC	-do	do.	
4.	Luxman Singh	SC	Supdt.	AMV-LKO	
5.	Rajinder PalGarg	-	Supdt	SSB	
6.	Smt.Phuleswari	ST	Offg.ACOS	JU	
7.	Hans Ram	-	DSKP-I	Depd.SSB	
8.	Jullan Rawat	ST	Offg- SOS/JUDR	JUDW	
9.	M.s. Rith Topoho	ST	Supdt.	Hd.Qrs.	
10.	Singara Ram	SC	do	HQrs.	
11.	Sawran Kumar	-	Supdt.	SSB	
12.	Surender Singh Dang	-	do	SSB	
13.	Lala Ram	SC	Supdt.I	SSB	
14.	Smt.Grace Tirkey	ST	Supdt	HQ	
15.	Raj Pal Sethi	-	Supdt.	SSB	
16.	Ram Chander	SC	Supdt.	SSB	
17.	Smt. Dayamani	ST	Supdt.	JU	
18.	S.K.Kapoor	-	Supdt.	SSB	
19.	R.R.Subha Rao	-	Supdt.	SSB	
20.	Shanti Swaroop	-	Supdt.	SSB	
21.	Ram Das Batra	S	Supdt.	HQ	
22.	Hari Kishan Meondra		Supdt.	JU	
23.	Bhim Sen	-	Supdt.	JU	
24.	H.L.Malik		Offg.ACOS	SSB	
25.	Ajit Singh		Supdt.	SSB	
26.	R.K.Misra		Supdt.	SSB	
27.	Shiv Nath Joshi		Supdt.	SSB	

Chall

True Copy Attested
J. S. Malhotra
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28. Tilok Raj	SC	Offg ACOS	HQ
29. Mela Singh	SC	Supdt.	SSB
30. B.D.Ram	SC	DSKP-I	LKO
31. C.N.Verma		Supdt.	SSB
32. Om Parkash	ST	Supdt.	SSB
33. Pyare Lal	SC	DSKP-I	LKO
34. M.P.Shekhar	SC	Offg. ACOS	LKO.
35. S.D.Arrena		DSKP-I	LKO
36. M.P.S.Sagar	SC	DSKP-I	LKO
37. A.K.Murmur	ST	DSKP-I	LKO
38. J.L.Anand	-	Supdt.	HQ
39. Ram Karan Balmiki	SC	DSKP-I	LKO
40. K.M.Gupta		DSKP-I	JU
41. Gyeti Ram Bhalya	SC	Offg-ACOS	SSB
42. V.K.Berry	SC	do	JUDW
43. Trilok Chand	SC	DSKP-I	SSB
44. S.B.Dusia	SC	DSKP-I	SSB
45. A jun Hembra	ST	Supdt.	SSB
45. Gandhi Ram Bhardwaj		Supdt.	SSB HQ
47. Darshan Lal		DSKP-I	SSB
48. Kailash Nath Sharma		Supdt.	HQ
49. B.S.Saxena		DSKP-I	LKO.
50. O.P.Manocha		Supdt.	HQ
51. C.L.Arora		DSKP-I	SSB
52. M.N.Kalra		DSKP-I	do.
53. R.P.Miglani		DSKP-I	dp
54. Ram Dhani	SC	DSKP-I	do LKO
55. Darshan Singh		DSKP-I	do
56. S.A.Naseem		DSKP-I	do
57. R.N.Gupta		Supdt.	do
58. V.D.Ahija		Supdt.	do
59. P.L.Das	SC	Supdt.	do
60. R.B.Sharma		Supdt.	LKO

True copy attested
J. P. Malhotra
Adv.

Cull

61. G.S.Lal	SC	Supdt.	LKO
62. V.K.Lal Chandani		Supdt.	do
63. Satya Prakash	SC	Supdt.	do
64. Prem Prakash Sharma		DSKP-I	SSB
65. Puran Chand	SC	Supdt.	do
66. R.S.Verma	SC	Supdt.	do
67. Ram Kishore		Supdt.	JU
68. Shyam Lal Agarwal		Supdt.	do
69. Vishnu Purahit		DSKP-II	do
70. Lalla Ram		DSKP-I	do
71. R.D.Sudhakar	SC	Supdt.	HQ
72. Tareseem Singh		Supdt.	do
73. Chitan Prakash		Supdt.	do
74. Neki Ram		do	do
75. Laxman Das		do	do
76. Mulk Raj		do	do
77. Dharam Singh	SC	Supdt/HQ	RCF/Kapurthala
78. Inder Singh		DSKP-I	SSB
79. B.M.Handa		DSKP-I/EKO	Wkg in COFMDW
80. N.K.Bhagat		DSKP-I	SSB
81. R.C.Chopra		DSKP-I	do
82. V.N.P.Singh		Supdt.	LKO
83. Mohan Singh		Supdt.	JU
84. B.M.Singh		DSKP-I	LKO
85. Shiv Kurat Lal		Supdt.	HQ
86. Baldeo Rak Papneja		Supdt.	HQ
87. Nand Kishore		do	LKO
88. Parmeshwar Deen	SC	do	LKO
89. Mool Raj Kumar		DSKP-I/SSB	SSB
90. Vishan Dass		DSKP-I/SSB	Working in COFMC
91. Dau Lal Joshi		DSKP-I	JU
92. M.K.Paul		DSKP-I	LKO
93. Jai Singh		DSKP-I	EKO/JU
94. Onkar Singh		DSKP-I	EKO do
95. Mahnangoo Dass	SC	Supdt.	LKO
96. Smt. Gasinta Tirkey	ST	Supdt.	HQ

Chitr

True copy
altered
Janakirao

AS/

Reserve list carrying the names extra eligible
employees to be called in the event of dropping out
of employees constituting the field of eligibility.

1. Bharat Singh	-	Supdt.SSB	SSB
2. Hukum Chand	-	Supdt/SSB	SSB
3. R.D.Khanna	-	do	do
4. M.P.Saxena	-	Supdt.LKO	LKO
5. R.L.Batra	-	Supdt/HQ	LKO
6. Shyam Prakash Srivastava	-	Supdt/SSB	SSB
7. KK.Bagga	-	Supdt.LKO	LKO
8. G.G.Sanyal	-	Supdt/LKO	LKO
9. L.J.Sonkhusrey	ST	Supdt./LKO	LKO
10. Bhagmal	SC	Supdt/HQ	HQrs.
11. Amrit Lal	SC	SCKP-I/JU	JU
12. Lal Chand	SC	DSKP-II/JU	JU
13. Chottey Lal	SC	DSKP-II/LKO	LKO
14. R.D.Jatava	SC	Asstt.Supdt Hqrs.	HQ
15. Gurdeep Singh	-	SDKP-II/TSO/HQ	BSQ
16. Hansu Ram	SC	SDKP-II/LKO	LKO
17. Dhaneshwar Dass	SC	BSBBSBBSB Asstt,Supdt/HQ	HQ
18. Pishoree Lal Bali		Asstt.Supdt /HQ	Hq
19. Fateh Narayan	-	AS/HQ	HQ
20. O.P.Khanna	-	do	do
21. Ealdev Kishan Tola	do		do
22. Madan Lal	A.S./HQ		Working in MTP
23. Suresh Chand Chopra	do.		-
24. I.C.Tyagi	-	SDKP-II/BSO TSO/GZB	
25. M.L.Mehta	-	SDKP-II/LKO	LKO
26. Raj Mangal Prasad	-	SDKP-II/LKO	LKO
27. R.C.Dhanuk	SC	DSKP-II/LKO	LKO
28. Latoori Singh	SC	DSKP-II/LKO TSO/GZB	
29. Kishan Lal	-	DSKP-II/LKO	LKO
30. Beni Prasad	SC	DSKP-II/SSB	SSB

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31. K.K.Arora	SC	DSKP-II/SSB -SSB
32. K.K.Sharma		DSKP-II/SSB-SSB
33. Gopi Chand		DSKP-II/SSB-SSB
34. Baleshwar Upadhyay		DSKP-II/SSB-SSB
35. Om Parkash Malhotra		DSKP-II/SSB- SSB CF/Kapurtha
36. M.P.Singh	-	DSKP-II/SSB- SSB Under Const K.Gate
37. Indera Swaroop		DSKP-II/SSB Under Const/SSB
38. Ballbhadr Sharma	do	SSB
39. Baij Nath	do	do COPMOW
40. Baldev Raj Sharma	do	SSB
41. Kirshan Lal	do	SSB
42. Karnail Chand	SC	DSKP-II/SSB SSB
43. Jeha Nand	-	do
44. Mirender Swaroop Sharma	do	do
45. M.R.Ranjan	do	do
46. P.P.Singh	do	do
47. T.D.Mishra	DSKP-II/LKO	LKO
48. C.S.Chauhan	DSKP-II/LKO	LKO
49. G _a nesh Lal	DSKP-II/TSO	TSO/GZB
50. Sukh Dayal Kapoor	DSKP-II-TSO	do

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True copy attested
J. General A/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

M.P.Shakher Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO.4

To Through: Proper Channel:

The General Manager (P)

N.Rly. Hd. Qrs, Office,

Baroda House,
New Delhi:

Through: DY,COS/NRLY,AMV/LKO & COS/MRLY,
New Delhi.

Sir,

Sub: Selection for the post of ACOS (Group-B)
Service through Departmental Competitive
Examination.

Ref: Your Office Notice No. 752-E/82 XI/II
E/A Dated: 08.2.1989.

Most respectfully and humbly I have to
submit few lines for your kind consideration.

Sir, I have completed about 31 years service
in the railways with entire satisfaction of my
superiors for which never adverse remarks have been
entered in my service record.

Sir, I am officiating as ACOS since 21.8.87
thus completed about 18 months with full satisfaction
of my officers for which appreciation has been given
to me.

Further I beg to mention here that :

I am S.C. candidate and some privileges
under policies of Govt. of India are available to
the down trodden and depressed classes, but I think

*altest true copy
S. P. Shakher*

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this relaxation has not been considered and it appears that I am deprived off in this selection.

I, therefore, request your goodself to kindly review my case sympathetically and re-consider above points and give me a chance to serve you better in future.

I, hope my appeal will get your due consideration.

Thanking you Sir,

Dated: 15/2/1989

Yours faithfully

(M. P. Shekhar)
Officiating ACOS
Under DY.COS/NRLY, AMV, Lko.

TRUE COPY ^{arrested}

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न्यायालय सेन्ट्रल इमिनेंट्रेटिव ट्रिब्युनल सर्किट बेन्च, लखनऊ

ASS.

एम०पी० शेखर

.....प्राथी

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यूनियन बैंक आफ इण्डियन आटिं प्रतिवादीगण

अनेकजर नं०- ५

उत्तर रेलवे

प्रधान कायालिय

उत्तर रेलवे

बड़ौदा हाउस

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सूचना

आर तः89/आई0आर0स्त0स्त0/89

दिनांक : 21.3.89

उपरोक्त नियुक्ति के आदेश जारी किये जाते हैं : -

।- श्री हंस राज डी.एस.के.पी./टी.एस.ओ./प्र० कार्यालय को द्वितीय श्रेणी में पदोन्नत कर के सहायक अंडार नियन्त्रक/ई0प्र०कार्यालय के नवसुनित पद पर लगाया जाता है ।

2- श्री लाला राम डी.एस.के.पी. /।/श्कूर बस्ती /को द्वितीय श्रेणी में पदोन्नत करके प्र० कार्यालय में स्थानान्तरित किया जाता है और सहायक भंडार नियन्त्रक/प्र०कार्यालय के रिक्त पद पर लगाया जाता है ।

3- हरि किंशन मुन्दङ्गा अधीक्षक/जोर्ध्युर श्री एस०एन०दुर्गल के स्थान पर लगाया जाता है ।

4- श्री एस०एन०दुर्गल के कार्य मुक्त होने पर शक्ति बस्ती स्थानान्तर किया जाता है और श्री आर०सी० अग्रवाल के स्थान पर लगाया जाता है श्री अग्रवाल रेल सेवामुक्त हो चके हैं ।

5- श्री तिलक राज सहायक भंडार नियन्त्रक/आई0सी0/प्र०कार्यालय को 20. ३. ८९ ते रेगिस्टर किया जाता है।

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- 6- श्री जे०स्ल० आनन्द अधीक्षक/प्र०कार्यालय को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/डीजल के नवसूचित पद पर लगाया जाता है ।
- 7- श्री के०स्ल० गुप्ता डी०स्स०के०पी०/जोधपुर को द्वितीय ब्रेणी में पदोन्नत करके लखनऊ स्थानान्तरित किया जाता है । और सहायक भंडार नियन्त्रक/वारबाग लखनऊ के विक्त पद पर लगाया जाता है ।
- 8- ज्योति राम दीहिया सहायक भंडार नियन्त्रक/मुगलसराय को 20.३.८९ से रेगुलर किया जाता है ।
- 9- श्री बी०के०बैरी सहायक भंडार नियन्त्रक/जगाधरी कार्यालय को 20.३.८९ से रेगुलर किया जाता है ।
- 10- सहायक भंडार नियन्त्रक/सिसलेन्यस/प्र०कार्यालय के पद को तदर्थ आधार पर सिंगल शाप जिया बाद स्थानान्तरित किया जाता है और श्री गांधी राम भारद्वाज अधीक्षक/प्र० कार्यालय लो द्वितीय ब्रेणी में पदोन्नत करके गाजियाबाद स्थानान्तरित करके सहायक भंडार नियन्त्रक/सिंगल शाप/गाजियाबाद लगाया जाता है ।
- 11- श्री कैलाश नाथ शर्मा अधीक्षक/प्र० कार्यालय को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/सैल/प्र०कार्यालय के नवसूचित पद पर लगाया जाता है । यह पद दिनांक 1.४.८९ को भरा जाएगा ।
- 12- श्री आर.पी. मिगलानी डी.सस.के.पी. शक्तिरबस्ती को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/डीजल/शक्तिरबस्ती श्री एच.स्ल.मौलिक के स्थान पर लगाया जाता है । श्री मौलिक को तृतीय ब्रेणी में पदावनत किया जाता है ।
- 13- श्री एम०स्ल० कालरा डी०स्स०के०पी० शक्तिरबस्ती को द्वितीय ब्रेणी में पदोन्नत करके प्र०कार्यालय में स्थानान्तरित किया जाता है और सहायक भंडार नियन्त्रक/सिंगल/प्र० कार्यालय के पद पर लगाया जाता है श्री राम चन्द्र को तृतीय ब्रेणी में पदावनत किया जाता है ।
- 14- श्री राम धनी डी.सस.के.पी. । लखनऊ को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/आलमबाग लखनऊ श्री एम०पी० शेखर के स्थान पर लगाया जाता है श्री एम०पी० शेखर को तृतीय ब्रेणी में पदावनत किया जाता है ।
- 15- श्री सत्य प्रकाश डी.सस.के.पी. शक्तिरबस्ती को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/शक्तिरबस्ती आबीक्षन/प्र०का० श्री गोपाल प्रसाद के स्थान पर लगाया जाता है । श्री गोपाल प्रसाद को तृतीय ब्रेणी में पदावनत किया जाता है ।
- 16- श्री सस.बी.घृसिया डी.सस.के.पी. जालन्धर कैन्ट को द्वितीय ब्रेणी में पदोन्नत करके सहायक भंडार नियन्त्रक/डीजल/लुधियाना के पद पर श्री बी.सस.गिल के स्थान पर लगाया जाता है । श्री गिल के स्थान नियुक्ति के आदेश बाद में जारी किये जाएंगे ।

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महा प्रबन्धक का अनुमोदन तथा पद स्थानान्तरित को अपरा महाप्रबन्धक का अनुमोदन प्राप्त है ।

नोट : - नवसूचित पद रेल मंत्रालय के पत्र संख्या ८८८/१३ीसी/१२-२७ स्टोर्स दिनांक ८.१२.८८ द्वारा मंजूर हुए हैं ।

उपरोक्त अधिकारियों के पदोन्नति उनके द्वारा डाक्टरी जांच कराने पर ही लागू होंगी । एवं उनके विषय कोई अनुर्गात्मक कार्यवाही न चल रही हो ।

हस्ताक्षर अपठनीय ,

कृते महाप्रबन्धक ॥ कार्मिक ॥

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In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

OA No. 75 of 1989

M.P. Shekhar

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Applicant

Versus

Union of India and another

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Respondent.

Reply on behalf of the Respondents

8/2
Para 1: Needs no reply, except that he is presently working on the post of Depot Store Keeper Grade I in Scale 2000-3200(RPS)

Para 2: Needs no reply.

Para 3: That in reply to the contents of paragraph 3, the issue of Order No.89/1 R.S.S./89 dated 21.3.1989 as contained in annexure 5 passed by General Manager (P) Northern Railway is not denied. Rest of the contents are denied. It is stated that the applicant was working purely on adhoc basis on a selection post, as such he was rightly sent back to the substantive post of D.S.K.P. on he having not passed the selection.

Para 4: Needs no reply.

Para 5: Needs no reply.

Para 6: That in reply to the contents of paragraph 6(A), it is stated that he was appointed through Railway Service Commission and posted as Temporary Clerk on 5.4.1958.

Para 6(B): Needs no reply.

Para 6(C): Needs no reply.

Para 6(D): That in reply to the contents of paragraph 6(D) of the application, the issue of order dated 13.8.87 as contained in Annexure No. 1 to the application posting the application on adhoc basis to the post of Assistant Controller of Stores Alambagh Lucknow where he joined on 21.8. 1987. Rest of the contents are denied.

Para 6(E): That in reply to the contents of paragraph 6(E) of the application, it is not denied that the appointment of the applicant to the post of ACOS on adhoc [redacted] basis was approved by the opposite party no. 2, since no appointment on adhoc basis could be made without their approval, as the post was a headquarter controlled post. Rest of the contents are denied. It is stated that the post of ACOS is a selection post for entry into Class II post from Class III and assertions made by the applicant about the alleged assurance are incorrect, as no such assurance can be given against rules. It is therefore incorrect for the applicant to say that he was not required to pass the selection. In fact he appeared in the selection held and failed.

Para 6(F): That the contents of paragraph 6(F) of the application are irrelevant for the decision of the case. Issue of letter of appreciation is not denied.

Para 6(G): That in reply to the contents of paragraph 6(G) of the application, issue of notice dated 30.11.1988 by the GM(P) Northern Railway New Delhi for holding a selection test for filling of 75% in Group 'B' service for the post of ACOS, as contained in Annexure No.3 is not denied.

Para 6(H): Needs no reply.

Para 6(I): That the contents of paragraph 6(I) of the application as stated are denied. It is stated that the selection was to be held for 30 posts against the 75% quota and rules for selection, in regard to the application of roster points was to be adhered to. As such allegations to the contrary are incorrect to the knowledge of the applicant.

Para 6(J): That in reply to the contents of paragraph 6(J) of the application, it is not denied that the applicant failed in the selection test and after selection he was to be reverted to his substantive post of DSK Grade I, in view of the applicant working on the post of ACOS purely on adhoc basis.

It is further submitted that the roster point was from 17 to 40 and 1 to 6. Out of which point 22, 28, 36 and 1 was reserved for scheduled caste candidates and points 17, 31 and 4 for scheduled tribes candidates. Thus in forming the panel of 30, 4 posts were reserved for scheduled caste and 3 for scheduled tribes candidates. A provisional panel of 21 was declared vide Office order

No. 752E/82/XVI/Eia dated 21.3.1989 as contained in Annexure no.5 to the application. Out of 21, 6 candidates belong to scheduled caste against 4 reserved.

It is also stated that entire vacancy could not be filled as only 21 candidates had passed.

Para 6(K): That in reply to the contents of paragraph 6(K) of & (L): the application, it is submitted that as stated above, out of 21 panelled candidates, 6 candidates belonged to scheduled caste against 4 entitlement. hence there was proper representation. It is submitted that the 6 selected/candidates passed the test on their accord and without asking for any training etc. Such pleas cannot be taken after the selection test had been held and he without any protest/alleged imparting of training etc. taking part in the selection.

Para 6(M): That the contents of paragraph 6(M) of the application are vague. Unless the particulars of Padam Lal are given no reply can be called for from the respondents. Even the place of Dy. C.O.S. is not mentioned.

Para 6(N): That in reply to the contents of paragraph 6(N) of the application, it is correct that on the posting of a selected candidates, the applicant has been reverted, as he had not been able to qualify in the selection held.

None of the grounds are tenable under law.

Para 7: That in reply to the contents of paragraph 7 of the application, it is stated that no such representation is available on record. Even for arguments sake, it is considered that a representation was given, there was no need for a reply in view of the fact that the applicant himself admits that he was working on adhoc basis and on his failure to pass the selection, he was to be reverted.

Para: 8: Needs no reply.

Para 9: Denied. The applicant is not entitled to any relief and the application is liable to be dismissed with costs.

Para 10: That in reply to the contents of paragraph 10 of the application, it is submitted that in view of what has been stated above, the application is itself liable to be dismissed and as such the applicant is not entitled to any interim relief.

Para 11: Needs no reply.

Para 12: Needs no reply.

Kurukshetra
New Delhi

dated: 8.1.93

Ag. I.L.
Respondents. 87

Verification.

I, Ragini Yechury working as dy. Secy (S/o G)

in the Northern Railway, Baroda House New Delhi, duly authorised and competent to sign and verify this reply, do hereby verify that the contents of paragraph 1 to 12 of this reply are based on information derived record/application, which is believed by me to be true. Signed and verified this

8th day of Jan 1993 at New Delhi.

Ag. I.L.
Respondents. 87

Central Administrative Tribunal
Lucknow Bench, Lucknow.

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ORDER SHEET

M. Shukla, U.O. 16th D.A./T.A. No. 75/29 A (42)

Date / Office Report A

Order

26/2/93

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SFO
26/2/93

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