

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 79 of 1999 (4)

Name of the parties Jai Narain Sareen

Applicant.

Versus.

Union of India and others Respondents.

Part A.B.C.

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Certified that no further action is required to be taken
and that the case is fit for consignment to the
Record Room (D)

checked

AK
93/6/2011

Anuradha
5/5/92

Recd

P.Tu -

12/9/89

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Sensitivity

Registration No. 79 of 1989 (L)

APPLICANT(s) Sri Nasrin Saxena

RESPONDENT(s) Union of India

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 ?	Two 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.D./Postal Order for Rs.50/-	yes DD 827959 dt. 10.4.89 (50/-)
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No.

(2)

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? N.A.

12. Are extra copies of the application with Annexures filed ? No.

a) Identical with the Original ? —

b) Defective ? —

c) Wanting in Annexures —

Nos. pages Nos ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? No

14. Are the given address the registered address ? Yn

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

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 ? Yn

a) Concise ? Yn

b) Under distinct heads ? Yn

c) Numbered consecutively ? Yn

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

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

19. Whether all the remedies have been exhausted. Yn

dinesh

May be listed before
Court on 12/4/89

Register
RTH

Submitted
10/4/89

S.O. (JUD)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 79 of 1989 (L)

APPELLANT
APPLICANT

Jai Narain Saxena

DEFENDANT
RESPONDENT

VERSUS

Union of India

No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
12.4.1989.	<p>Hon'ble Mr. Ajay Johri, A.M., <u>Hon'ble Mr. D.K. Agarwal, J.M.</u> Heard. Admit. Issue notice to the opposite parties to file their reply by 12.5.1989. Rejoinder affidavit, if any, may be filed by 23.5.1989. List this case for final hearing on 30.5.1989.</p> <p>The prayer for interim relief, which is in the nature of seeking final relief at the interim stage, is rejected.</p>	
30/5/89	<p>J.M</p> <p style="text-align: right;">A.M</p> <p>No sitting adjourned to 18/7/89 for orders.</p>	<p>O/R 12.4.1989.</p> <p>Notices issued to the opposite parties by Regd post.</p> <p>OR Notices fixing 30.5.89 for hearing have been issued to the parties under regd cover on 12.4.89. Neither reply nor any undelivered regd cover have been returned back submitted for order.</p>
18.7.89	<p>No sitting adjourned to 22.8.89 for orders.</p> <p style="text-align: right;">B.O.C.</p> <p>OR No reply filed submitted for order.</p>	

10.9.89 No sitting adjourned to 5.11.89

L
21/1

5.11.90

Has till Mr. D.K. Agarwal. TM.
" MR. M.V. Pandkar. AM.

(PA)

Due to resolution of Bar Association
Case is adjourned to 7.12.90

7.12.90

No sitting Adi to 1.2.91.

(P)
Boc

(P)

2.91 -

No sitting Adi to 11.3.91.

(X)

11.3.91 -

No sitting Adi to 23.4.91.

R
RA notified
21/4/91

23.4.91
D.R.

Both the parties are
present today. Counsel
for the applicant desire
to file R.A. by 15/5/91.
case is listed on 15/5/91
for filing R.A.

R.A. filed
21/4/91

6

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

....

Registration O.A. No. 79 of 1989

Jai Narain Saxena Applicant.

Versus

Union of India and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

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

By means of this application, the applicant challenges the validity of the order dated 11.4.1988 and the letter dated 9.12.1987 altering the seniority position of the applicant on the post of M.S.M. Grade III to M.S.M. Grade-I. The applicant was initially appointed as Signal Khalasi on 10th July 1959 in the Northern Railway, Division. The applicant was thereafter sent for training vide order dated 4.3.1968 for the post of M.S.M. Out of 27 persons only Sri Chunni Lal, Sri Jata Shanker Bhatt and Sri Zamil Ahmad along with the applicant ~~pass~~ passed the test while rest of 23 persons including Sarvasri Hazari Lal, Jagdish Prasad Bhargava, Sant Ram and Ganga Bishun failed in the test. The applicant successfully passed the training course on 11.7.1968. Sri Hazari Lal, Jagdish Prasad Bhargava, Sant Ram and Ganga Bishun could pass the trade test for M.S.M. Grade III on 29.4.1968, 28.3.1968, 29.4.1968 and 18.7.1970 respectively. It appears that vide order dated 13.3.1970 was passed reverting the applicant from the post of M.S.M. III to the post of relieving Khalasi for M.S.M. retaining the juniors to the applicant namely Hazari Lal, Jagdish Prasad Bhargava, Sant Ram, Ganga Bishun who had not only ~~pass~~ passed the test much after the applicant but were also promoted to the post of M.S.M. III.

after the applicant. The applicant being aggrieved of the aforesaid order of reversion, filed a Writ Petition before the Hon'ble High Court, Lucknow Bench, Lucknow, which came up for consideration along with other petitions. It appears that the applicant's application was dismissed and other petitions are allowed. All the aforesaid junior persons were however retained and allowed to work on the post of M.S.M.III which the applicant was reverted from the post of M.S.M. III to relieving Khalasi for M.S.M. unreasonably. The court held in the judgment dated 24.11.1960 that the applicant can succeed only against Hazari Lal on the basis of applicability of paragraph 320(b) of the ~~the~~ Railway Establishment Manual. As only one post was available, the senior most among the applicants can alone succeed. Dwarika Prasad is senior most among the applicant inter-se. The applicant was assigned seniority on the post of M.S.M. Grade-I w.e.f. 26.9.1979 on which date the ~~said~~ seniority was due to the applicant. Before fixing the seniority of the applicant, appropriate opportunity was afforded to all concerned and thereafter, the seniority list was circulated vide letter dated 23.2.1987 placing the name of the applicant at serial No. 26 which was later on confirmed as such. The applicant was shocked to receive a show cause notice dated 9.12.1987 after about 4 years issued by the respondent no.4 whereby the applicant was apprised that the seniority of the applicant on the post of M.S.M. Grade-III was proposed to be revised and as such the applicant was asked the ^{to apply for} proposed change. Indeed the respondent no.4 was incompetent to issue such a notice dated 9.12.1987. Opening the settled question of seniority fixation on the post of M.S.M. Grade-III, when the applicant is functioning on

- 3 -

the post of M.S.M. Grade-I was wholly without jurisdiction, yet the applicant filed a representation before the respondent no. 4. The aforesaid representation of the applicant was rejected by the respondents on 11.4.1988 without assigning any reason.

2. It is stated by the respondents in their written statement that the applicant was assigned seniority from the date of passing of trade test dated 22.4.1986. In terms of para-136 of the Indian Railway Establishment Manual, actually the applicant's seniority should have been fixed keeping in view of the substantive seniority of Khallasi and he was advised accordingly vide letter dt. 9.12.1989.

3. In view of the facts stated above, the applicant's seniority has been reverted which has been admitted by the respondents themselves in their counter affidavit and his representation has also been rejected by the respondents on 11.4.1988 by which the seniority of the applicant was altered. By staying the operation of the impugned order dt. 11.4.1988, the respondents ~~were~~ restrained not to take away any benefit from the applicant in pursuance of this impugned order, and respondents ~~were~~ also directed not to disturb the seniority of the applicant. It is open to the respondents, if some modification has taken place regarding the seniority, it should be done in accordance with law and the respondents will hear all these persons and decide the matter within 3 months taking into consideration the legal position and ~~over~~ observations made in this judgment. The application is disposed of with the above terms. Parties to bear their own costs.

Amulya S
Member (A)
Dt: 9.12.1991
(n.u.)

L
Vice-Chairman

430

Main Copy

In The Central Administrative Tribunal,

Circuit Bench, Lucknow.

Civil Misc. Petition (M.P.) No 565 of 1990 (L)

In Re:

Registration (O.A.) No. 79 of 1989

J.N. Saxena and Others.....Applicants.

Versus

U.O.I. and Others.....Respondents.

Fixed For 29.10.90

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER REPLY.

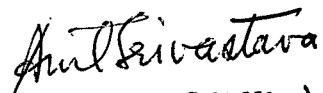
That delay in filing Counter Reply is not intentional or deliberate but due to administrative and bonafide reasons which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice, delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow.

Dated: 10.9.90


(ANIL SRIVASTAVA)
ADVOCATE

P.T.
S.S.
20/9

Counsel for Respondent,

AYO

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) Application No. 79 of 1989

Fixed For 29.10.90

Jai Narain Saxena Applicant.

Versus

Union of India & Others Respondents.

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, R N Tiwari working as
Asstt. Personnel officer in the office of
Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow do hereby solemnly affirm
and state as under:-

1. That the official abovenamed is working under the respondents and is impleaded as respondent no. 4 and is fully conversant with the facts and circumstances of the applicant's case and has been authorised by the respondents to file this counter reply on their behalf.
2. That the contents of paras 1 to 3 of the original application do not call for reply.

That the reply of contents of para 4 of the original application are as below:-

3. That the contents of para 4(1) of the original application do not call for reply.

Asstt. Personnel

AY

- 2 -

4. That the contents of paras 4(2) to 4(7) of the original application are admitted.
5. That the contents of paras 4(8) to 4(10) of the original application are also admitted and it is submitted that the applicant was assigned seniority above the said persons namely S/Shri J.P. Bhargav, Ganga Bishun, Sant Ram and Hazari Lal in compliance of the judgement dated 24.11.80 passed by the Hon'ble ~~Exhibition~~ High Court, Lucknow Bench, Lucknow in writ petition No. 620 of 1987.
6. That ~~the~~ in reply to the contents of para 4(11) of the original application, it is stated that the applicant had already been assigned seniority above S/Shri J.P. Bhargav, Ganga Bishun, Sant Ram and Hazari Lal in compliance of the ~~in compliance of~~ the Hon'ble High Court's judgement dated 24.11.80.
7. That the contents of para 4(12) of the original application are denied. The applicant was not promoted and reverted several times for the post of Mechanical Signal Maintainer (M.S.M.) Grade-III as alleged.
8. That in reply to the contents of para 4(13) of the original application it is stated that the applicant ^{was} promoted as Mechanical Signal Maintainer Grade-III on 6.2.73 and he continued on the said post till 1.8.78.

Ass'tt
Smt

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AY2

- 3 -

9. That the contents of paras 4(14) to 4(19) of the original application are admitted so far it is matter of record but rest of the contents of the paras are denied.
10. That the contents of para 4(20) of the original application are admitted.
11. That the contents of paras 4(21) to 4(23) of the original application are admitted so far it is matter of record but rest of the contents of the paras are denied.
12. That the contents of para 4(24) of the original application are denied and it is submitted that the applicant was assigned seniority from the date of passing of trade test dated 22.4.86. In terms of para 136 of Indian Railway Establishment Manual, actually the applicant's seniority should have been fixed, keeping in view of the substantive seniority of Khallasi and he was advised accordingly vide letter dated 9.12.89.
13. That the contents of paras 4(25) to 4(27) of the original application are not admitted, as stated. In the Seniority list circulated vide letter No. 847E-III/I/Sig./MSM dated 2.11.89, *Asstt* *Ref* all the said persons were placed below the applicant and they have not superceded the applicant as alleged.

- 4 -

14. in reply to
That/the contents of para 4(28) of the original application so far it is matter of record is admitted but rest of the contents of the para are denied.

15. That the contents of paras 4(29) to 4(30) of the original application are not admitted. The applicant has been correctly assigned his seniority and it will not have any adverse effect on the further promotion and seniority of the applicant from the present working post.

16. That the grounds mentioned in the para 5 of the original application are misconceived, vague, irrelevant, illegal and not applicable to the instant case.

17. That the contents of paras 6 and 7 of the original application do not call for reply, but however, it may be stated that a similar application i.e. O.A. No. 149 of 1987, Mathura Prasad & others Versus Union of India and others have already been dismissed by this Hon'ble Tribunal at Allahabad on 31.8.88, a copy of which has been filed as Annexure No. R-2 to this reply.

18. That in reply to the contents of paras 8 and 9 of the original application , it is stated that the applicants are not entitled to any

Ass'tt
JL

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Aug

- 5 -

relief rather this application itself is liable to be dismissed with costs in favour of the answering respondents and against the applicants.

19. That the contents of para 10 to 12 of the the original application do not call for reply.

fsl
Ass. T

Lucknow

Dated: 10.9.90

V E R I F I C A T I O N

I, the official above named do hereby verify that the contents of para 1 of this counter reply is true to my personal knowledge and those of paras 2 to 19 of this counter reply are believed by me to be true on the basis of records and legal advice.

Lucknow

Dated: 10.9.90 fsl
Ass. T

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 79 OF 1989

fixed for 15/5/91

Jai Narain Saxena Applicant

VERSUS

Union of India and others Respondents.

REJOINDER REPLY TO THE COUNTER REPLY OF
THE RESPONDENTS,

1. That the contents of paras 1, 2 and 3 of the Counter Reply (hereinafter referred to as Counter) need no comments.

2. That the contents of para 4 of the Counter need no comments as the contents of para 4.2 to 4.7 of the application have been admitted.

3. That the contents of para 5 of the Counter need no comments as the contents of para 4.8 to 4.10 of the application have been admitted. Nevertheless it is submitted that vide Annexure-2 to the application the seniority of the applicant is being changed and fixed in terms of para 316 of the Indian Railways Establishment Manual against the

*Filed Subjical
Jai Narain
24/4/91*

*R
Filed today
24/4/91*

Jai Narain

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judgment dated 24.11.1980 ~~and~~ of the Hon'ble High Court, Lucknow Bench, Lucknow which is illegal, arbitrary and unwarranted.

4. That the contents of para 6 of the Counter need no comments as the contents of para 4.11 of the application have been ~~demanded~~ admitted, but since the position is being changed vide Annexure-2 to the Application arbitrarily, the instant application has been filed.
5. That the contents of para 7 of the Counter are denied as incorrect while those contents of para 4.12 of the Application are reiterated as correct. The Applicant was promoted and reverted several times to the post of M.S.M. Grade III and ultimately he was promoted on regular basis to this post on 6.2.1973.
6. That the contents of para 8 of the Counter need no comments as the contents of para 4.13 of the application are reiterated as correct.
7. That the contents of para 9 of the Counter need no comments to the extent the contents of para 4.14 to 4.19 of the application have been admitted while rest of the contents of para under reply are denied as incorrect. As no specific denial has been given by the answering Respondents, hence it is not possible

ABDULKARIM

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for the applicant to furnish categorical reply.

8. That the contents of para 10 of the Counter need no comments as the contents of para 4.20 of the application have been admitted.
9. That the contents of para 11 of the Counter need no comments to the extent the contents of para 4.21 to 4.23 of the Application have been admitted. The rest contents of para under reply are denied.
10. That the contents of the para 12 of the Counter are denied as incorrect while those contents of para 4.24 of the Application are reiterated as correct. It is further stated that once the seniority of the applicant had already been settled, there was no reason to unsettle the same by an Officer of lower rank. The question of applicability of para 136 of Indian Railways Establishment Manual is absolutely irrelevant and uncalled for and misconceived. It is further stated that the applicant did not pass any trade test on 22.4.1980 as alleged. It has not been disclosed as which trade test was passed by the applicant on 22.4.1986. More over the contents of para

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under reply are in anti-thesis to the contents of para 6 of the Counter. The letter dated 9.12.1987 contained in Annexure No. 2 to the Application was absolutely illegal, unwarranted and misconceived. There is no letter dated 9.12.1989 as stated in para under reply.

11. That the contents of para 13 of the Counter are denied to the extent they are contrary to the contents of para 4.25 to 4.27 of the Application which are reiterated as correct while rest contents of para under reply are denied as incorrect. It is further stated ^h that of course the said persons have been placed below the applicant in the seniority list circulated vide letter dated 2.11.1989, yet the applicant has been served with the letter 11.4.1988 contained in Annexure-1 to the Application which has yet not been recalled or cancelled by dint of which the applicant has been placed below the aforesaid persons.

12. That the contents of para 14 of the Counter need no comments to the extent the contents of para 4.28 of the Application has been admitted while rest of the contents of para under reply are denied as incorrect.

J. B. SAXENA

Aug

13. That the contents of para 15 of the Counter are denied as incorrect while those contents of para 4.29 and 4.30 of the Application are reiterated as correct. The Respondents are themselves not following the seniority position given to the applicant and circulated ~~wide~~ a letter dated 2.11.1989 as referred in para of the Counter.

14. That the contents of para 16 of the Counter are denied as incorrect while those contents of para 5 of the application are reiterated as correct. The grounds urged ~~by~~ are well tenable in the eye of law and the application deserved to be allowed with cost.

15. That the contents of para 17 of the Counter are denied as incorrect while those contents of paras 6 and 7 of the Application are reiterated as correct. It is further stated that the said judgment dated 31.8.1988 referred as Annexure-R2+ to the Counter has not been supplied to the applicant hence the applicant is not in a position to reply the same.

Appendix
16. That the contents of para 18 of the Counter are denied as incorrect while those contents of paras 8 and 9 of the Application are reiterated as correct. The applicant is entitled for the relief prayed for and the application deserves t

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be allowed with cost.

VERIFICATION

I, Jai Narain Saxena, aged about 51 years, son of Sri Munshi Babu Ram, resident of C-1895, Mini L.I.G. near Rajaji Puram, Lucknow, do hereby verify that the contents of paras 1 to 16 of this Rejoinder reply are true to my knowledge. Nothing material has been suppressed and no part of it false.

Lucknow Dated:
1990.

Jai Narain
APPLICANT.

[Signature]
ADVOCATE.

AT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Case No. 79 OF 1989 (L)

Jai Narain Saxena

Union of India and others

VERSUS

Applicant

Respondents

I N D E X

SL.
NO.

DESCRIPTION OF PAPERS

PAGE NO.

FIRST COMPLILATION

1. Application

IMPUTED ORDERS

2. Annexure - 1 Annexure - 1 1 - 19

Altering the seniority of the Applicant. 20 - 00

3. Annexure - 2 Letter dt. 9.12.87 21 - 00

SECOND COMPLILATION

4. Documents relied upon

Annexure - 3 Chart showing the names of men Trade tested. 22 - 00

5. Annexure - 4 Judgment of the Hon'ble High Court dated 24.11.1980. 23 - 25

6. Annexure - 5 Order dated 22.4.83 fixing the seniority position of the Applicant. 26 - 00

7. Annexure - 6 Result of MSM Gr. I. 27 - 00

8. Annexure - 7 Seniority list and its covering letter dated 23.2.1987. 28 - 29

9. Annexure - 8 Representation dt. 30 - 00
Power (Vakalatnama) 31 - 00

LUCKNOW DATED:
APRIL 10 1989

Shri.../s/
(D. P. SRIVASTAVA)
COUNSEL FOR THE ADVOCATE
COUNSEL FOR THE APPLICANT.

Central Administrative Tribunal

Circuit Bench, Lucknow IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Date of Filing 10.4.89 CIRCUIT BENCH, LUCKNOW

Date of Receipt by Post.....

List before Court on 12-4-89

Deputy Registrar (J)

Case NO.

79

OF 1989

U7

RTM

Jai Narain Saxena, aged about 51
years, son of Sri Munshi Babu Ram,
resident of C-1895 Mini L.I.G.,
near Rajaji Puram, Lucknow,

presently working as M.S.M. (Mechanical Signal Maintainer) Grade I,
Northern Railway, Lucknow.

..... applicant

VERSUS

1. Union of India through its General
Manager, Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, Hazratganj,
Lucknow.

3. Senior Divisional Personnel
Officer, Northern Railway,
Hazratganj, Lucknow.

4. Assistant Personnel Officer,
Northern Railway, Hazratganj,
Lucknow.

..... Respondents.

DETAILS OF APPLICATION

1. Particulars of the order against
which the application is made.

J. Saxena
The application is being made against
the order dated 11.4.1988 and the letter
dated 9.12.1987 passed by the Respondent

No. 4 altering the seniority of the applicant. A true copy of the aforesaid order
dated 11.4.1988 and the letter dated 9.12.87

are made as Annexures-1 and 2.

1.1. The seniority of the applicant has been altered vide order dated 9.12.1987 is made as Annexure-2.

2. 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.

3. Limitation:

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

4. Facts of the Case:

4.1 That by way of the instant application the petitioner challenges the validity of the order dated 11.4.1988 and the letter dated 9.12.1987 altering the seniority position of the applicant on the post of M.S.M. Grade III to M.S.M. Grade I. True copies of the aforesaid order dated 11.4.1988 and the letter dated 9.12.1987 are being filed herewith as Annexures Nos. 1 and 2 to this application.

4.2 That the applicant was initially appoint-

Prerna
ANNEXURES-1 & 2

AIO

ed as Signal Khalasi on 10th July 1959 in
the Northern Railway, Division Lucknow.

4.3 That while the applicant was performing
his duties as Signal Khalasi he made an
application for being selected to the post
of M.S.M. in pursuance of a publication
issued to that effect. The applicant there-
after appeared in the test held on 27.3.1967
to 30.3.1967 and was selected.

4.4 That the applicant was thereafter sent
for training vide order dated 4.3.1968 for
the post of M.S.M.

4.5 That along with the applicant as many as
26 candidates also appeared in the aforesaid
test for the post of M.S.M. It is worthwhile
to point out that out of total 27 persons only
Sri Chunni Lal, the applicant, Sri Jata
Shanker Bhatt and Sri Zamil Ahmad could only
pass the test while rest of the 23 persons
including Sarvasri Hazari Lal, Jagdish Prasad
Bhargava, Sant Ram and Ganga Bishun failed in
the test. For the sake of ready reference a
Chart showing the names/relative seniority
position of men trade tested with their result
for the year 1967 is being filed herewith as
Annexure-3 to this application.

(A)

4.6 That the applicant successfully passed the training course on 11.7.1968.

4.7 That the applicant was thereafter promoted to the post of Mechanical Signal Maintainer Grade III vide order dated 19.11.1968.

4.8 That it is pertinent to mention that Sarvasri Hazari Lal, Jagdish Prasad Bhargava, Sant Ram and Ganga Bishun could pass the trade test for M.S.M. Grade III on 29.4.1968, 28.3.68 29.4.68 and 29.4.68 respectively and these persons were later on promoted as M.S.M. III on 15.2.1969, 3.3.1971, 16.3.1971 and 18.7.70 respectively.

4.9 That thereafter an order dated 13.3.70 was passed reverting the petitioner from the post of M.S.M. III to the post of relieving Khalasi for M.S.M. retaining the juniors to the applicant namely Hazari Lal, Jagdish Prasad Bhargava, Sant Ram, Ganga Bishun etc. who had not only pass the test much after the applicant but were also promoted to the post of M.S.M. III after the applicant.

4.10 That being aggrieved of the aforesaid order of reversion the applicant filed a Writ Petition No. 620 of 1970 before the

Malikana

(A2)

Hon'ble High Court, Lucknow Bench, Lucknow.

The Hon'ble High Court was pleased to hold that the applicant was senior to Sri Hazari Lal who was impleaded as an Opposite Party in the aforesaid Writ Petition but as the vacancies were not available the applicant could not be adjusted on the higher post. A true copy of the judgment of the Hon'ble High Court dated 24th November 1980 is being filed herewith as Annexure-4 to this application.

ANNEXURE-4

4.11 That obviously Sri Jagdish Prasad Bhargava, Sant Ram and Sri Ganga Bishun were subsequently promoted to the post of M.S.M. III along with Sri Hazari Lal and as such the applicant was the senior most among Hazari Lal, Jagdish Prasad Bhargava, Sant Ram and Gang Bishun.

4.12 That all the aforesaid junior persons were however retained and allowed to work on the post of M.S.M. III while the applicant was reverted from the post of M.S.M. III to relieving Khalasi for M.S.M. unreasonably. Any way during the pendency of the aforesaid Writ Petition the applicant was temporarily promoted and reverted several times against

pend on

(B13)

the fortutious vacancies of the M.S.M. III and he was also paid the salary for the post of M.S.M. III.

4.13 That the applicant was lastly promoted on regular basis against a clear existing vacancy of M.S.M. III on 6.2.1973 and he continued on the said post of M.S.M. III thereafter till 1.8.1978 when he was again promoted to a clear vacancy of M.S.M. II on account of his meritorious work.

4.14 That it is relevant to point out that on the date of the judgment in the aforesaid Writ Petition i.e. on 24.11.1980 the applicant was functioning on the higher post of M.S.M. Grade II.

4.15 That the ladder of promotion goes upward from the post of M.S.M. III to M.S.M. II and then from M.S.M. II to M.S.M. I.

4.16 That however the said Hazari Lal who was promoted as M.S.M. III on 15.2.1969 was directly promoted to M.S.M. Grade I on 26.9.79. Similarly Sri Sant Ram who was promoted to M.S.M. Grade III on 16.3.1971 was also directly promoted to M.S.M. Grade II on 1.8.78 was subsequently promoted to the post of M.S.M. Grade I on 25.10.1980 while Sri Jagdish Prasad Bhargava

Jagdish Prasad

AIY

who was promoted to M.S.M. Grade III post on 3.3.1971 was promoted to M.S.M. Grade II on 1.8.1978 and thereafter the M.S.M. Grade I on 3.10.1980. Sri Ganga Bishun could, however be promoted to the post of M.S.M. Grade II on 1.8.78 and thereafter on 1.1.1984.

4.17 That the applicant was not promoted from the post of M.S.M. Grade II to the post of M.S.M. Grade I because of the aforesaid pending Writ Petition, although he was assured that he would be promoted to the post of M.S.M. Grade I with effect from the due date.

4.18 That thereafter the matter was represented before the Divisional Railway Manager for considering the case of the applicant as the applicant was wrongly reverted from the post of M.S.M. Grade III to the post of Relieving Khalasi for M.S.M., although the vacancies were available. More over the applicant was promoted to the post of M.S.M. Grade III against a clear vacancy on 19.11.68 while juniors to the applicant Sri Hazari Lal, Sri Jagdish Prasad Bhargava, Sri Sant Ram and Sri Ganga Bishun, who failed in trade test in the year 1967 in which the applicant was passed again appeared in another trade test

passing

(A5)

held in the year 1968 in which they succeeded and consequently they were given promotion to the post of M.S.M. Grade III in the years 1969, 1970 and 1971 as aforesaid. In any of the circumstances they cannot supersede the applicant. The Divisional Railway Manager having examined the case of the applicant allowed him seniority over Sri Hazari Lal and below Sri D.P. Gupta in the seniority list of M.S.M. Grade III. A true copy of the order dated 22.4.1983 fixing the seniority position of the applicant in compliance of the order of Divisional Railway Manager to that effect

ANNEXURE-5

is being filed herewith as Annexure-5 to this application. It is however being made clear aforesaid that before the said seniority of the applicant was fixed, all the effected persons including Sri Hazari Lal were issued notices to submit their objections and after considering the entire merit of the case the highest authority of the Division had passed the order in favour of the applicant fixing his seniority on the basis of his passing the trade test and promotion in a clear vacancy in accordance with law.

4.19 That the applicant thereafter was trade tested for the post of M.S.M. Grade I

J. S. Alexander

PL

for the first time in the year 1985 and was declared successful vide order dated 19.1.85. Earlier to it the applicant was not given any opportunity to appear in the trade test owing to the reason that the aforesaid Writ Petition was pending and therefore the opportunity to pass the trade test for the post of M.S.M. Grade I could only become available to the applicant only in the year 1985. A true copy of the result declaring the applicant passed in the trade test held for the post of M.S.M.

ANNEXURE-6

Grade I is being filed herewith as Annexure-6 to this Application.

4.20 That thereafter the applicant was promoted to the post of M.S.M. Grade I on 30.1.1985.

4.21 That it is also worthwhile to mention that the Divisional Railway Manager, the Respondent No. 2 having examined the case found that the applicant was wrongly not afforded an opportunity to be promoted to the post of M.S.M. Grade I, although he was fully eligible and senior to those who were given that opportunity. If the petitioner would have given his due opportunity at appropriate time for being promoted to the higher post he would

PL

AT

have been promoted to the higher post as he has cleared the trade test in one attempt. There was no fault of the applicant in any manner whatsoever and as such the applicant was assigned seniority on the post of M.S.M. Grade I with effect from 26.9.1979 on which date the said seniority was due to the applicant. Before fixing the seniority of the applicant appropriate opportunity was afforded ^{hereafter} to all concerned and the seniority list was circulated vide letter dated 23.2.1987 placing the name of the applicant at serial number 26 which was later on confirmed as such. A true copy of the aforesaid seniority list along with its covering letter dated 23.2.1987 is being filed herewith as Annexure-7 to this

4.22 That although the Chapter of fixing seniority was closed as back as in the year 1983 when the final orders were passed by the Divisional Railway Manager, the Respondent No.2 fixing the seniority of the applicant over Sri Hazari Lal and below Sri Dwarika Prasad as contained in Annexure-5 to this application yet the applicant shocked to receive a show cause notice dated 9.12.1987 after about 4 years issued by the Respondent

Jaswinder

AD

No. 4 whereby the applicant was apprised that the seniority of the applicant on the post of M.S.M. Grade III was proposed to be revised and as such the applicant was asked to submit his objections/representation against the proposed change. Indeed the Respondent No. 4 was ~~still~~ incompetent to issue such a notice dated 9.12.1987, a copy of which has already been filed as Annexure-2 to this application. Opening the settled question of seniority fixation on the post of M.S.M. Grade III, when the applicant is functioning on the post of M.S.M. Grade I, yet the applicant filed his objections remanding the Opposite Party No.4 that the matter has already been settled as back as in the year 1983 and there was no justification for opening the stale question at this juncture. A true copy of the representation made by the applicant is being filed herewith as Annexure-8 to this Application.

ANNEXURE-8

PLS AX DNG

4.23 That thereafter the aforesaid representation of the applicant was rejected vide order dated 11.4.1988 without disclosing any rhyme or reason for rejecting the same. No justification to alter the applicant's seniority on the post of M.S.M. Khalasi has been mentioned

AIQ

A true copy of the aforesaid Order dated 11.4.80 which has been impugned to this application has already been filed as Annexure-1 to this application.

4.24 That once the seniority of the applicant has already been settled by the Divisional Railway Manager, the Respondent No. 2 it cannot be revised or altered by the Respondent No. 4 who is an officer of lower rank. The impugned notice contained in Annexure-2 to this application is therefore wholly without jurisdiction and void in the eye of Law.

4.25 That it is crystal clear from the facts narrated herein above that Sri Hazari Lal, Sri Jagdish Prasad Bhargava, Sri Sant Ram and Sri Ganga Bishun were failed in the trade test held in the year 1967 in which the applicant was declared successful. These persons could pass the trade test after about more than 1 $\frac{1}{2}$ years in a fresh trade test held subsequently and therefore they cannot be made senior to the applicant in any manner whatsoever.

4.26 That it is also worthwhile to point out that the applicant was given promotion to the post of M.S.M. Grade III earlier to the aforesaid persons and as such these persons cannot supersede the applicant under any provisions of law.

Pls. fax on 29

20

4.27 That it is well settled principle of law that the person who passes the trade test earlier is senior to the person who pass the trade test later on. The said persons have passed the trade test held afresh in the year 1968 hence they cannot calim any benefit of seniority over the applicant.

4.28 That the said show cause notice, contained in Annexure-2 to this application has been issued altering the seniority of the applicant while he was functioning on the post of M.S.M. Grade I. The applicant has already been given seniority and other benefits with effect from 26.9.1979 and his pay in the post of M.S.M. Grade I has also been accordingly fixed and is presently enjoying the same.

4.29 That in case the said altered seniority is implemented the applicant will not only go down to the aforesaid juniors but will also be reverted to the next lower post. Sarvashri Hazari Lal ~~████████~~ had already been given benefits of promotion directly from the post of M.S.M. Grade III to the post of M.S.M. Grade I illegally.

Annotations

4.30 That as the vacancy position on the post of M.S.M. Grade III was not clearly

pointed out by the Respondents ~~is~~ before the Hon'ble High Court and the mistake was later on rectified before the Respondent No. 2, as 220 E/II/1/MSM III & PP No 72 mentioned in office file No. PP-20, the applicant's seniority position has correctly been fixed on the post of M.S.M. Grade III, II and I and there is no occasion to alter the same.

5. Grounds for relief with legal provisions:

- i) Because the applicant's seniority has already been fixed and settled by the Divisional Railway Manager, the Respondent No. 2 as back as in the year 1983, hence the Respondent No. 4 the lower authority, cannot issue any notice to alter the seniority of the applicant dismentaling the orders passed by the Respondent No. 2. As such the notice dated 9.12. 1987 contained in Annexure-2 is wholly without jurisdiction and void ab initio.

- J. Pedraza*
ii) Because the applicant is presently functioning on the post of M.S.M. Grade I and is enjoying all the benefits of the same. He is looking for the next promotion

(A22)

on the higher post and hence altering his seniority position on the lower post of M.S.M. Grade III is highly misconceived and in anti thesis to the settled canons of the seniority.

iii) Because the applicant is enjoying the seniority position of the post of M.S.M. Grade I and there is no relevancy to change his seniority position on the lower post of M.S.M. Grade III at this juncture.

iv) Because the Respondents are stopped in the eye of law to open the stale question which has already been settled by the highest officer of the Division.

v) Because the applicant had passed the trade test held during 27.3.1967 to 30.3.67 and was also promoted as such to the post of M.S.M. Grade III against a clear vacancy on 19.11.1968. The other persons whose names have been referred in the body of the application had not only failed in the trade test of the year 1967, but could only pass the trade test held a-fresh in the year 1968.

President

As such these persons cannot be made senior to the applicant.

vi) Because it is well settled principle of law

that a person who passes the trade test earlier is senior to a person who passes the trade test later on.

vii) Because it has already been held by the Hon'ble High Court that the applicant's case is governed by paragraph 320(b) of the Railway Establishment Manual and as such he is senior to Sarvashri Hazari Lal, Jagdish Prasad Bhargava, Sant Ram and Ganga Bishun.

viii) Because the action of the Respondent No.4 in altering the seniority of the applicant is wholly arbitrary, malafide and unwarranted in the eye of law.

ix) Because the applicant could not be promoted earlier at appropriate time owing to the fault of the administration for which the applicant cannot be made to suffer.

x) Because the action of the Respondents is wholly perverse to the statutory provisions contained in Railway Establishment Code, Manual and all other principles pertaining to seniority besides in contravention of the provisions of Part III of the Constitution of India.

12/8/1978

6. Details of the remedies exhausted:

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

7. Matters not previously filed or pending with any other court:

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

8. Relief(s) sought :

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs:-

1) The impugned order dated 11.4.1988 contained in Annexure-1 and notice dated 9.12.1987 contained in Annexure-2 may kindly be set aside.

2) to issue such other order or direction restraining the Respondents not to alter the seniority position of the applicant as settled vide

Passionate

order dated 22.4.1983 contained in Annexure-5 to the applicant and has fixed in the seniority list contained in Annexure-7 to the application and further direct the Respondents to continue to give all admissible benefits to the applicant as usual.

- 3) to pass any other order or direction which this Hon'ble Court/Tribunal deems just and proper in the circumstances of the case.
- 4) to allow the application with cost.

Grounds for reliefs

Same as mentioned in para 5 above.

9. Interim order, if any prayed for:

Pending final decision on the application, the applicant seeks the following interim relief:

That this Hon'ble Tribunal may kindly be pleased to stay the operation of the impugned order dated 11.4.1988 contained in Annexure-1 to this application altering the seniority position of the applicant and further restrain the respondents not to take away any benefit from the applicant in pursuance of this impugned order during the pendency of the case and allow the applicant to continue as usual.

prakasw

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post-Card or Inland letter, at which intimation regarding the date of hearing could be sent to him.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee:

POSTAL ORDER - DD 827959. of Rs. 50/- only.
Dated 10/4/89. Issued by High Court Post Office.

12. List of enclosures : As per Index.

VERIFICATION

I, Jai Narain Saxena, son of Sri Munshi Babu Ram, aged about 51 years, working as M.S.M. GR. I, in the office of Divisional Railway Manager, Hazratganj, Lucknow, resident of C-1895, Mini LIG near Rajaji Puram, Lucknow, do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and that I have not suppressed any material fact.

Date: April 10 1989
Place : Lucknow.

Signature of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1989

Jai Narain Saxena Applicant
VERSUS
Union of India and others Respondents.

ANNEXURE - 1

NORTHERN RAILWAY

No. 220E/II-I/MSM III

Divisional Office,
Lucknow. Dt. 10.4.88.

The E.I./I&II/LKO,
The CSI/W/BSB,
The SI/E/BSB, SI/PBH, PRG,
The SI/E&W/FD, SI/C/LKO,
The Sr. DSTE/LKO,
The Divl. Secy., NRMU/URMU/LKO.

Sub:-Re-assignment of seniority to Shri Jai
Narain Saxena, MSM/I/LKO.

....

As no new facts had been brought by Shri
Jai Narain Saxena, MSM/I in his representation and as such
the proposed seniority issued under this office letter no.
220E/II-I/MSM III dated 9.12.87 has been treated as final.

Asstt Personnel Officer,
Lucknow.

Copy to Shri J.N. Saxena, MSM/I under CSI/I/LKO.

present

8/5/88

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1989 OF 1989

Jai Narain Saxena Applicant

VERSUS

Union of India and others Respondents.

ANNEXURE - 2

No. 220E/II-I/MSNIII

NORTHERN RAILWAY

Divisional Office,
Lucknow. Dt. 9-12-87.

The CSI/I/LKO, C.I.L.L.7

The CSI/U/BSB,

The SI/J/BSB, SI/PBH, PRG,

The SI/EuW/ED, 31/C/LKO,

The Sr. DSTE/LKO,

The Divl. Secy., UPMU & NRMU/LKO. , SWLS/umw

Sub:-Re-assignment of seniority to Shri Jai Narain
Saxena MSM Gr.I.

Shri Jai Narain Saxena was assigned his seniority
from the date of passing the trade test vide this office notice
of even no. dated 22.4.86. Actually his seniority should have
been fixed keeping in view of his substantive seniority of
Khalasi in terms of para 316 of IRM. As such it is proposed
to review his seniority in the category of MSM Gr.III issued
vide this office letter no. 847E/II-I dated 22.9.75
over Shri J.S. Bhatt item no. 79 and below Shri Ram Nath item
no. 75, cancelling this office letter of even no. dt. 22.4.83.

The representation if any against the proposed
change may please be sent to this office within one month
from the date of issue of this letter after which the
seniority will be treated as final.

Asstt. Personnel Officer,

Division Lucknow.

Copy to Com. I.T. S. Saxena MSM Gr.III
under C.S.T. Lko.

J. Narain
Saxena

All
Done

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. _____ OF 1989

Jai Narain Saxena Applicant
VERSUS
Union of India and others Respondents.

ANNEXURE - 3

Names/relative Seniority position of men
Trade listed with their result in early 1967.

S. No.	Name (in seniority) Do App't.	Date of trade	Test	result	at s no.
(1)	Sh Badri	13.3.51	30.3.67	Failed	165
(2)	Raw Devan	21.11.55	do —	Failed	172
(3)	Ganga Rd	15.12.55	do —	Failed	179
(4)	a Brijnath	5.2.57	do —	Failed	167
(5)	Malinrao	7.2.57	do —	Failed	176
(6)	<u>Magaribeh</u>	5.6.57	do —	Failed	169
(7)	a Jagdish Rd	20.7.58	do —	Failed	156
(8)	Sant Ram	5.9.58	do —	Failed	180
(9)	Ganga Bishnu	14.9.58	do —	Failed	173
(10)	Chennabeh	9.10.58	do —	<u>Passed</u>	157
(11)	Raw Bali	20.11.58	do —	Failed	162
(12)	Banwarlal	4.2.59	do —	Failed	161
(13)	Dekha	5.2.59	do —	Failed	168
(14)	Iswar Lal	9.5.59	do —	Failed	155
(15)	Hardeo Rd	22.5.59	do —	Failed	168
(16)	<u>Jai narain</u>	10.7.59	do —	<u>Passed</u>	170
(17)	Malabir Rd	11.7.59	do —	Failed	164
(18)	Gala Shuker	17.7.59	do —	<u>Passed</u>	158
(19)	Samil Ahmed	27.7.59	do —	<u>Passed</u>	181
(20)	Raw Nalchitra	13.11.59	do —	Failed	175
(21)	A. Bhattacharya	13.11.59	do —	Failed	174
(22)	Raw Kishanwan	18.11.59	do —	Failed	171
(23)	Abdul Raheem	5.12.59	do —	Failed	173
(24)	Kamlabeh	8.1.60	do —	Failed	166
(25)	Raw Singh	20.2.60	do —	Failed	163
(26)	Tilak Raw (1.6.60)	1.6.60	do —	Failed	159
(27)	Bundu Rd	5.7.60	do —	Failed	158

128/1000

128/1000

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO.

OF 1989

Jai Narain Saxena *Applicant*
VERSUS
Union of India and others Respondents.

ANNEXURE - 4

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.

Writ Petition No. 620 of 1970
Jata Shenkar Bhatt, K. S. Saxena and an others Petitioners.
Versus

The Divisional Superintendent, Northern Railway Lucknow
and others Opp. Parties

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA.

LUCKNOW DATED. 24.11.1980.

Hon. K. S. Varma, J.

Hon. K. N. Goyal, J.

(delivered by Hon'ble K. N. Goyal, J.)

These two writ petitions are directed against an order of reversion whereby the three petitioners have been reverted from the post of Mechanical Signal Maintainer Grade III to the post of Khalasi. The contention of the three petitioners is that they were senior to other officials who have been retained on the higher post and have not been reverted.

The two petitioners in writ petition No. 620 of 1970 are Jata Shenkar Bhatt and Jai Narain Saxena. They were appointed as Khalasis in July, 1959 and they passed trade test on 7-9-1969 whereby their suitability for the higher post was certified. The petitioner in writ petition No. 682 of 1970, namely, Dwarika Prasad was appointed as Khalasi in September, 1959 and he passed the trade test on 23-9-1965.

All the three petitioners were promoted to the higher post after having passed the trade test. The promotion was not on a permanent basis but was in non-fortuitous vacancies.

In the case of Dwarika Prasad his promotion took place on 10.1.1966 while the other two petitioners were promoted in 1968 and 1969.

As against this, respondent Hazari Lal who is respondent no.8 in writ petition No. 682 of 1970 and respondent no.9 in writ petition No.620 of 1970 was appointed as Khalasi earlier than these three petitioners but he passed the trade test only in March, 1969. He was thereafter promoted in non-fortuitous vacancy in February, 1969. On the basis of these dates it has been contended by the petitioners that they were senior to Hazari Lal by virtue of their having qualified on earlier trade tests and having got promoted in non-fortuitous vacancies before any subsequent test was held. Reliance has been placed on paragraph 320(b) of the Indian Railway Establishment Manual.

The learned counsel for the Union of India and the authorities concerned has placed reliance, on the other hand, on paragraph 316 of the same Manual. That paragraph, to our mind, does not apply to the case as it relates to different dates of trade tests when such different dates could be treated as one continuous examination. It has not been suggested that the trade tests at which the petitioners qualified in 1965 and 1967 respectively could be treated as one continuous examination which continued till 1969 at which the respondent Hazari Lal qualified. In these circumstances paragraph 316 of the Manual is clearly not applicable and paragraph 320(b) of the Manual is attracted and all the three petitioners must be held senior to Hazari Lal.

Initially the petitioners had challenged the seniority given to one Badri as well, but the said Badri appears to have retired during the pendency of the writ petitions. Accordingly, no relief can be claimed by the petitioners so far as Badri was concerned.

In the writ petitions, objection has also been taken against the promotion of Latafat Hussain, Rajdeo, S.W.Hussain and Umrao Singh. THESE four persons were promoted in 1964. The contention of the petitioners is that these respondents, were though senior to the petitioners, were not qualified at the time of their promotions as they had not fulfilled the qualification relating to the requisite length of experience. We are not, however,

-10-

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prepared to entertain this plea because their promotion had taken place in 1964 while these writ petitions were filed in 1970 as those promotions were not challenged for a period of six years and as in the meantime these respondents had already acquired experience on the higher post, the petitioners cannot be permitted to urge that the promotion of these respondents should be nullified merely on the ground that at the time when they were promoted in 1964 they had not fulfilled the qualification relating to length of experience. The petitioners themselves were not even eligible for promotion at that time.

Accordingly, the petitioners can succeed only against Hazari "al on the basis of applicability of paragraph 320(b) of the Manual. As only one post was available, the senior-most among the petitioners can alone succeed. Dwarika Prasad is senior-most among the petitioners inter se.

In the result, writ petition No. 620 of 1970 is dismissed while writ petition No. 662 of 1970 is allowed and a writ of mandamus is issued to the Union of India to treat the petitioner as senior to Hazari "al. The order of reveration, Annexure 1 to the writ petition, in so far as it relates to Dwarika Prasad the petitioner in this case, is hereby quashed. No order as to costs.

Sd./-K. S. Verma.

Sd./-K. N. Goyal.

Dt. November 24, 1980.

15/12
10/12

TRUE COPY 15/12

Mr. Justice,
Copy to the Bar Section
High Court, Lucknow Bench
LUCKNOW

Mr. Justice
Copy to the Bar Section
High Court, Lucknow Bench
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO.

OF 1989

26
R.M.

Jai Narain Saxena

.....
VERSUS

Applicant

Union of India and others

Respondents.

ANNEXURE - 5

Northern Railway.

Divl. Office,
Lucknow. Dt. 22.4.1983.

No. 220E/ILJ/MSM-III.

The Divisional Secretary,
N.R.M.U.,
Near Guards Running Room,
Charbagh, LUCKNOW.

Sub:- Fixation of Seniority of Shri Jai Narain Saxena MSM.

Reff:- Asstt. Divl. Secretary's D.O. No. HRM/54/224 Dt. 4.5.82
to DRM/LKO.

Seniority case of the above named has been examined by DRM/LKO
in detail.

Shri Jai Narain Saxena has been assigned seniority over
Shri Bazaar Lal and below Shri Dwarika Pd. Gupta in the seniority
list of M.S.M. grade III circulated vide this office letter
No. 847E/ILJ/ Dt. 22.9.75.

Jai Narain
For Divl. Railway Manager,
Lucknow.

Copy to Shri Jai Narain Saxena MSM Grade II under SI-I/LKO
for information.

JNS. 22.4.83.

Re Shastri

(A34) 27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1989

Jai Narain Saxena

.....
VERSUS

Applicant

Union of India and others

Respondents.

ANNEXURE - 6

Northern Railway

Divisional Office,
Lucknow, dated 10.1.85

No. 9415/II-I/82

The Signal Inspector I & II/LKO.

The DSTE/LKO.

Sub:- Result for the post of H.M. Grade I in
Scale P.380-560(R.S.).

Please find herewith the result of H.M. Grade I in
Scale P.380-560(R.S.). Their names have been arranged in order
of seniority. The staff concerned may be informed accordingly.

S.no.	Name	Present Post for Designation & Station or onings	which trade tested	Remarks
1.	Shri Pradeep K. H.M. Grade I under S/I/LKO.	H.M. Grade I under S/I/LKO.	P.380-560(R.S.)	Passed
2.	Shri Jai Narain Saxena	H.M. Grade I under S/I/LKO.	-do-	Passed

(Signature)
Administrative Officer (C)
Lucknow

KTC
JPS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1989

Jai Narain Saxena Applicant
VERSUS
Union of India and others Respondents.

ANNEXURE - 6

Northone Railway

Divisional Office,
Lucknow, dated 10.1.85

No. 341/E/II-I/PS/1/82

The Signal Inspector I & II/LKO.

The DSTE/LKO.

Sub:- Result for the post of MS Grade I in
Scale P.300-560 (RS).

Please find herewith the result of MS Grade I in
Scale P.300-560 (RS). Their names have been arranged in order
of seniority. The staff concerned may be informed accordingly.

S.No.	Name	Present Designation	Post for which trade tested.	Station of posting	Remarks
1.	Shri Dwarika Pd. MS-II-OR	MS-II-OR under S/I/L.	MS Grade I under Scale P.300-560 (RS)		Passed.
2.	Shri Jai Narain Saxena	MS-II-OR under S/I/LKO.	-do-		Passed.

Asstt. Personal Officer (C)
Lucknow.

KLC
Dated

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 1989

Jai Narain Saxena Applicant
VERSUS
Union of India and others Respondents.

ANNEXURE - 7

NORTHERN RAILWAY.

No: 847 E/II9/MSM-I

Divisional Office,
Lucknow, Dt/-23/2/87.

The SI I & II LKO.
The SI(E) (W) BSB, FD.
The SI/RBL, PBH.
The SI/C/LKO.

Copy to DSTE/LKO, Secretary URMU & NRMU/LKO.

Sub :- Provisional seniority list of MSM Grade I
in scale 1320-2040 (NS).

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The provisional seniority list of MSM Grade I in scale
1320-2040 (NS) is sent herewith for information of all con-
cerned staff. The objection/representation against this seni-
ority list if any my please be sent within one month from the
date of issue of this seniority list. If no objection/rep-
resentation is received within specified period, this provisional
seniority list will be treated as final.

Jai Narain

for Sr. Divl. Personnel Officer,
Lucknow.

23/2/87

AC/20/87

PROVISIONAL SENIORITY LIST OF MSM GRADE I
Rs 1320 - 2040 ILLUSTRATION DIVISION

SANCTIONED SIKHISM : 52 (ALL PERTAINING)

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Sl/Slip	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Abdul Alim	Abdul Salim	SI (W)	BJB	17.4.29	6.5.51	NSN -I	1320-2040	8.1.75	No					
2. Banarsi	Samjhawan	SI (C)	Lko	8.6.29	4.4.52	NSN -I	1320-2040	15.5.75	S/C					
3. J.N. Varma	Matadeen	SI (T)	Lko	1.12.38	4.5.57	MSN -I	1320-2040	19.4.74	No					
4. Satpal Singh	R.S. Singh	SI (W)	BSB	16.3.38	4.6.57	MSN -I	1320-2040	1.8.78	No					
5. Adya Pd.	Santoo Singh	SI (E)	Fd.	14.6.29	8.9.52	MSN -I	1320-2040	1.8.78	No					
6. Iddo	Israel	SI (R)	Rbl.	30.1.30.	20.1.49	;	1320-2040	16.9.79	No					
7. Murarilal	Pancham	SI (P)	BSB	28.5.32	18.11.52	;	1320-2040	1.8.78	No					
8. Gharaoo	Ram Svaroop	SI (I)	Lko.	7.6.31	1.1.53	;	1320-2040	1.8.78	No					
9. A.A. Ansar1	A.A. Ansar1	SI (I)	Lko.	29.9.41	10.5.60	;	1320-2040	1.8.78	No					
10. R.K. Ghosh	T.G. Ghosh	SI (E)	PSB	3.12.35	20.11.56	;	1320-2040	1.8.78	S/C					
11. Kalloo	Penoham	SI (I)	Lko.	16.3.30	21.11.55	;	1320-2040	1.8.78	No					
12. Latafat Hu.	Liaqat Hussain	SI (I)	Lko.	4.5.42	5.4.62	;	1320-2040	1.8.78	No					
13. Kashi Nath	Ram Lochan	SI (W)	BSB	20.1.32	5.2.59	;	1320-2040	1.8.78	No					
14. S.W. Hussain	Mubark Hussain	SI (I)	Lko.	14.2.39	1.7.63	;	1320-2040	1.8.78	No					
15. Sent Ram	Ram Bharosay	SI (W)	FD	4.6.35	23.6.59	;	1320-2040	1.8.78	No					
16. Trivani	Bhikha	SI (I)	Lko.	1.7.35	18.12.56	;	1320-2040	1.8.78	No					
17. Ram Jug	Ram Balli	SI (E)	FD	2.11.34	25.11.58	;	1320-2040	1.8.78	No					
48. J. S. S.														
18. R.K. Ghosh	G.R. Ghosh	SI (R)	REL	5.3.35	29.11.58	;	1320-2040	23.12.79	No					
19. Jardish Pd.	Ram Pati	SI (L)	Lko	19.6.35	22.5.59	;	1320-2040	29.9.79	No					
20. E.D. Fransis	J. Rransis	SI (I)	Lko	16.2.35	6.6.55	;	1320-2040	26.10.79	No					
21. Ram Dulargy	SI (W)	Neeraj Singh	PSB	20.11.35	8.12.56	;	1320-2040	20.10.79	No					
22. ChndraDev	Ram Rekha Ram	SI (E)	BSB	7.8.42	11.6.65	;	1320-2040	1.8.78	S/C					
23. Ram Kresh	Bhagirathi	SI (F)	RS	10.3.36	20.11.56	;	1320-2040	20.4.79	No					
24. Suraj Balli	B.C. Sonker	SI (I)	Lko	15.10.32	13.2.59	;	1320-2040	20.4.80	No					
25. Dwarika Pd.	Ram Saroop	SI (I)	FD	16.1.35	23.11.59	;	1320-2040	26.9.79	No					
26. J.N. Saxon	B.R. Saxena	SI (I)	Lko	15.7.35	10.7.59	;	1320-2040	26.9.79	No					
27. Hajari Lal	Badri Narain	SI (E)	DSB	3.9.37	5.6.57	;	1320-2040	26.9.79	No					
28. J.C. Majumdar	S.C. Majumdar	SI (E)	DSB	1.1.36	14.2.57	;	1320-2040	21.9.79	No					
29. A.A. Banerjee	A.K. Binejee	SI (E)	PSB	1.1.40	14.3.70	;	1320-2040	21.9.80	No					
30. Md.Iqbal Khan	A.H. Khan	SI (W)	DSB	3.8.46	14.3.70	;	1320-2040	21.9.80	No					
31. S.B. Ziarath	Shambhu Nath	SI (F)	PSB	4.8.41	16.3.70	;	1320-2040	3.10.80	No					
32. P.S. Tripathi	U.S. Tripathi	SI (I)	Lko	15.1.42	20.2.70	;	1320-2040	8.10.80	No					
33. J.P. Bhargawa	R.P. Bhargawasi	SI (I)	Lko	18.1.59	18.7.58	;	1320-2040	25.12.80	No					
34. Santram	Churcharan	SI (I)	Lko	12.1.33	5.9.58	;	1320-2040	25.12.80	(3.10.80)					
35. Chunnial	Peerey Lal	SI (I)	Lko	20.7.35	9.10.58	;	1320-2040	25.12.80						
36. Budhu Lal	Mahadev	SI (I)	Lko	6.2.37	30.10.58	;	1320-2040	MSN -I	MSN -I					
37. Raphunath	Nesal	SI (W)	FL	28.6.31	23.6.50	;	1320-2040	1.1.84	1.1.84					
38. Shambhu	Shriman	SI (E)	FD	1.3.32	15.12.56	;	1320-2040	1.1.84	1.1.84					
39. Ram Satkoo	Sukhoo	SI (W)	DSB	2.1.30	16.1.57	;	1320-2040	1.1.84	1.1.84					
40. Sumbhunath	Chiriao	SI (W)	FD	9.3.35	20.10.58	;	1320-2040	1.1.84	1.1.84					
41. Rajdev	SI (C)	Lko	1.5.41	20.5.64	;	1320-2040	1.1.84	1.1.84						
42. G.M. Khan	Babu Khan	SI (I)	Lko	6.11.42	14.3.70	;	1320-2040	1.1.84	1.1.84					
43. Ganga Bishun	Puttial	SI (I)	Lko	1.12.38	14.7.58	;	1320-2040	1.1.84	1.1.84					
44. Ram Lakhan	Sunder Ram	SI (W)	BSB	1.9.33	5.2.59	;	1320-2040	1.1.84	1.1.84					
45. Sahdeo	SukhNain	SI (E)	FD	30.1.38	5.2.59	;	1320-2040	1.1.84	1.1.84					
46. J.S. Bhatt	S.P. Bhatt	SI (I)	Lko	1.7.37	17.7.59	;	1320-2040	1.1.84	1.1.84					
47. K.P. Singh	B.N. Singh	SI (E)	BSB	3C.1.39	19.11.59	;	1320-2040	1.1.84	1.1.84					
48. Khairoo	Sahib Dern	SI (E)	FD	7.6.31	22.10.58	;	1320-2040	1.1.84	1.1.84					
49. Ram Balli	Bishashwar	SI (E)	FD	9.9.35	20.10.58	;	1320-2040	1.1.84	1.1.84					
50. Asin Kumar	Seeft	SI (E)	BSB	1C.8.47	1.10.73	;	1320-2040	1.1.84	1.1.84					
51. Ishwar Lal	Rametey	SI (I)	Lko	26.1.39	5.9.59	;	1320-2040	1.1.84	1.1.84					
52. Kamta	Ram Bhrasey	SI (P)	BSB	9.3.31	1.1.84	;	1320-2040	1.1.84	1.1.84					

Progress

Bel
S. S.

(54)

Dated: 23.2.1987

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. OF 1989

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Jai Narain Saxena Applicant
VERSUS
Union of India and others Respondents.

ANNEXURE - B

三三

१. अमान महान रोग मुक्तियर,
३ तरुण दुर्लभ रैत्यं,
४ विविक्त ।

प्र० ३८ माध्यम ।

ચિહ્નય : - ચિહ્ન નં. 220 ફ/11-1/એમ એટ એમ kkl ગાફ/9-12-87

तिथि : जुलाई २२-४-३३ नंबर ५३०८ अंतर्गत उत्तर राजस्थान
 दूसरा (लाप्तानांक) नंबर ६२०२६८२ दूसरा २५.१.१०

फिरौरन 'F - यूएफ' ने 320 "ली0" पैराग्राम
फिल्म ने भी एक लाइनेट लिंग्यात के ग्राहार पर मान्य
उच्च स्थाया और उच्च स्थाया 'लारा' की लाली लात से पूर्व घरिष्ठता
का लाग प्राप्त ही चुला है जह १० बी० औ० ६बी०६ द्वारा
उमारा अरिष्ठता जै ३१६ पैराग्राम 'महा स्थीकारा' गया है
फिरौरन मान्य उच्च स्थायाया ने फिरस्त फिल्म आ गी है।

अतः फ्रैंस ने फ्रांस भवने लैते तथा मान्य न्यायालय
का आकर एवं हुए बमारी विरुद्धता को बहात रखा। क्योंकि
कोई को अब बाधा लेने से न्यायिक तथा गैलिक संविधानक
विधिकारी का हरन नहीं है। अतः बमारी प्रार्थना को स्वीकार
करें।

गोपनीय अधिकारी का नाम और जिम्मेदारी विवरण
प्रमाणित करना चाहिए।

ફિલોગ્યો

१ लालराधन सज्जीना १
एम०इ०स०एम० १६-।
३२ दृष्टि लालराधन

ਅੰਗੁਸ ਸਾਹ ਅੰਗੁਸ ਰਾਹ
ਅੰਗੁਸ ਸਾਹ ਸਾਹ ਅੰਗੁਸ ਰਾਹ

✓ 27c

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In the Central Administrative Tribunal, Allahabad
ब अधिकारित धाराम् Circuit Bench, Lucknow. महोदय

वादी अपीलान्ट

श्री डॉ. J.N. Saxena

Applicant वकीलतनामा



एप्लिकेशन

O.A. No. - - 1979(2)

पादी (अपीलान्ट)

Shri Naren Saxena
पनाम न्यू
Applicant
प्रतिवादी (ऐप्पेलेट)
Union of India & others
लम् पेशी पी सां
Respondent
मूलदामा ११ रु.
द० मुफद्दमा

ठपर लिखे मुकद्दमा में अपनी ओर से श्री ३०० पी० श्रीवास्तव एडवोकेट
एवम् श्री ३०० पी० श्रीवास्तव, एडवोकेट
द६७, पुराना महानगर निफट फातिमा अस्पताल, लखनऊ-२२६००२ महोदय

नाम अदालत	मुकद्दमा नं०	उपलब्ध
नाम अदालत	मुकद्दमा नं०	करीबी

जो अपना वकील नियुक्त करके प्रतिज्ञा (इकारार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ ऐरवी व जबाब देही व प्रश्नोंतर करें या कोई कागज वालिम फरें या लीटावें या हमारी ओर से छिगरी द्यारी करावे और उपया वसूल परें या कुलहनामा व इकबाल दावा कथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या फोई उपया दमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल पिया हुआ उपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) दस्तीब से लेते या दंच नियुक्त करें—वकील महोदय द्वारा की गई उप सम्पादनवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार कर देता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पेरोफार को मेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफा मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पफालतमामा लिख दिया प्रमाण रहे और समय पर फ़ाम आये।

Accepted

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

प्रिमीप

प्रमुख

सन् १०

५०

