

A1

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE CA NO. 91/89 (L) OF 190

Name of the Parties S.K. Srivastava

Versus

Union of India Others

Part A, B and C

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C. file

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So ()

Rechecked
23-2-12
m

Total 304
06-02-1999

Particulars to be Examined

Endorsement as to result of examination

1. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - 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 ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
 - a) Concise ?
 - b) Under distinct heads ?
 - c) Numbered consecutively ?
 - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

yes
 yes
 yes
 —
 —
 No.
 yes
 yes
 NA
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 yes
 No.
 yes

dinesh/

May be listed
 before court
 on 18-5-89.

27/4/89
 S.C.(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

91/89(L)
REGISTRATION No. _____ of 198 .

APPELLANT
APPLICANT

S.K. Srivastava

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18/5/89	No sitting. The case is adjourned to 28/6/89 for admission. (sns) CM	
28/6/89	Hon' Mr; Justice K. Nath, V.C. <u>Hon' Mr. K.J. Raman, A.M.</u> A question of limitation has arisen in this case. The relief clause refers to certain orders of September, 1983. The applicant should indicate how this application is within limitation. The applicant is given opportunity to file supplementary affidavit to make ^{out} the case of the application having been filed within the period of limitation. List this case for <u>amission on 31/7/89.</u> <i>[Signature]</i> A.M. <i>[Signature]</i> V.C. (sns) <u>Hon. Justice K. Nath, V.C.</u> The learned counsel for the applicant files supplementary affidavit in compliance of the order dated 20-6-89 filed before the Bench for admission on 4-9-89. <i>[Signature]</i> V.C.	<i>[Handwritten note:]</i> In compliance of Court's order dt. 20/6/89 the supplementary affidavit has been filed by the applicant on 21/7/89. <i>[Handwritten note:]</i> Case is not submitted for admission 21/9

9/1/89 (C)

:: 2 ::

Ab

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

1/1/90

Hon. Justice K. Iyath, VC
Hon K. Obayya, Jm.

Shri K. B. Srinastava for the applicant
and Shri Anil Srinastava for opposite
parties 1 to 3 are present. Notices
issued to OPs 5 to 8 & 10 have been
received back unserved. The
applicant's Counsel says that opposite
party No. 5 has gone on deputation to
Dubai and that the rest of the opposite
parties are still working under the
DRM, ducknow. These persons may
be served through DRM ducknow.
Let a letter be addressed to DRM
ducknow enclosing notices meant
for opposite parties 5 to 8 & 10 with
direction to have those notices served
upon the respective persons, submit return
on behalf of OPs 1 to 3. Rejoinders may
be filed within three weeks. The applicant
will take steps for service on opposite
parties 5 to 8 and 10 within a week
whereupon the office will issue letters/notices
to the DRM, ducknow as indicated
above. The rest of the opposite parties
are presumed served. ~~the court~~ will proceed
ex parte against them. The case be
listed for orders on 16/2/90.

of
Notices of
repts No 5, 6, 7
8 & 10 have been
return back with
Postal remark
No Undelivered
notices have been
return back of
other repts.
No reply has
been filed
submitted for
order

28/1/90

Am

VC

22/1/90

OR
Notices were
issued through
D.R.M.

Neither counsel
rept nor any
reply has been
filed
No reply
C.P.O.

inshy

91/89(C)

188

14.5.1990

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

Shri. Anil Srivastava, learned counsel for
the respondents request for one week's time for carrying
out the order dated 24.4.1990 in regard to the service
of the order to the respondents.

The case may be listed on 17.10.1990 for order.

Deo
J.M.

Deo
A.M.

17.10.90

No sitting A.M. to 19.11.90

19.11.90

Hon. Mr. Justice K. Math VC
Hon. Mr. M.M. Singh - AM.

On the request of both
the parties case is adj to
23.11.90.

M. H. L.
AM.

Deo
VC

MP 633/90 (C)
till today
L
24/11

OK
4c for the Applicant
MP 633/90 (C) till today
Summons of documents

S.R.O

23.11.90

Case not reached Rajouram to
9.1.91 for order.

L
24/11
L
14/11

1.9.91

Hon. Mr. D.K. Agrawal J.M. Boe.
Hon. Mr. K. obayya AM

Shri K.P. Srivastava counsel for applicant and
Shri A. Srivastava counsel for respondent are
present. M.P. NO 633/90 taken up. Counsel
for respondent directed to produce the records.
List for hearing @ 1.4.91.

AM

Deo

A10 OA 911

23.1.92

Mo. Sing of D.B. adj to 27.1.92
2

SR
4c for the official
has incorporated
amendment.
No reply filed
S.F.H

23/1

27.1.92 - Hon Justice U.C. Srivastava - V.C.
Hon Mr. A.B. Gorthi - AM

Argument heard. Judgement
Reserved.

✓

↓
AM

V.C.

31.1.92

Hon Justice. U.C. Srivastava - V.C.
Hon Mr. A.B. Gorthi - AM

Judgement pronounced

Today in open Court

by Hon. A.B. Gorthi AM.
in presence of Sri K.P. Srivastava
Counsel for applicant and Sri A. Srivastava
Counsel for respondents.

✓

↓
AM.

V.C.

2

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. No. 91 of 1989

S.K. Srivastava

Applicant

versus

Union of India & others

Respondents.

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

(Hon. Mr. A.B. Gorthi, Adm. Member)

The applicant in this case is aggrieved by a system adopted by the Northern Railway, whereby the training period for the departmental candidates selected for promotion to the post of Station Master/Assistation Station Master/Assistant Yard Master against the 10% quota was reduced from 3 years to one year whereas it continued to be 3 years for direct recruits like him selected against the 15% quota. The applicant, therefore, prays that he will be assigned seniority over those departmental candidates (respondents 4 to 13) who were promoted after one year's training only.

2. The applicant was selected as Traffic Assistant against the 15% quota and allotted the direct recruits and joined the training course at Chandausi on 14.7.83 and after completion of 3 years training, joined the Lucknow Division of Northern Railway on 25.11.86. Para 123 of the Indian Railway Establishment Manual reads as under:

A/2

"123. Recruitment- Traffic apprentices are recruited to fill a maximum of 25% of annual vacancies for appointment in the categories of Section Controllers/Asstt. Station Masters. Asstt. Yard Masters and Traffic Inspectors in scale of Rs 250-380.

Qualifications:

(a) Age: between 20 and 24 years.

(b) Education: a University degree.

Training: Stipend Rs 205-7-219. Candidates will be required to undergo training for a period of three years in the various area schools and on the line at important stations, on running trains and on the yards, & c.

Channel of promotion:

They will be eligible for promotion to supervisory posts rising to Rs 450-575"

The aforesaid 25% quota was bifurcated in 1972 as 15% for direct recruits and 10% for Graduates from the department. Respondents 4 to 13 who were selected in the 10% quota vide Lucknow Division Letter dated 27.9.83 (Annexure A-5) were detailed to attend P-29 B ^{course} grades with effect from 7.12.83. They completed training on 6.12.84, contrary to the provisions of para 123 of the Indian Railway Establishment Manual

Manual. Apart from this, the applicant was selected as a Traffic Apprentice on 14.6.82 whereas respondent No. 4 to 13 were selected for training vide Annexure A-5 dated 27.9.83. The applicant, thus, contends that he should have been assigned seniority over respondents Nos. 4 to 13.

2. The respondents at the very outset objected to the application on the ground that it is barred by time. We are however, satisfied that the applicant came to know of the disparity in the training periods of the direct recruits and the departmental candidates sometime in 1988 only and hence this application filed in 1989 cannot be said to suffer on account of delay or laches.

3. The reply filed on behalf of Railway Administration shows that the Railway Board, decided in 1972 that 10% of the vacancies in the category of section Controllers, S.M., A.S.M. and A.Y.M.? would be filled in through the departmental competitive examination from Class III non-

under his control as stipulated in rule 124 of the Indian Railway Establishment Code, Volume I. Further the General Manager, vide paras 117(A) of the I.R.E.M. has been empowered to prescribe any promotional courses and their duration. ~~is~~ Accordingly, the General Manager, Northern Railway prescribed the duration of 12 months training for the departmental staff against the 10% quota. As regards seniority, the respondents have stated that it counts from the date when the training ^{ee} ~~ing~~ after completion of the training joined the post not from the date when he reports ~~from~~ ^{for} the training in terms of para 302 of the I.R.E.M. The respondents, thus, contend that the applicant who completed the training and joined his post in 1986, ~~again~~ ^{cannot} claimed seniority over those departmental candidates who completed their training and assumed the promotional post of Station Master/Trains Inspector/Section Controller in 1984.

4. There can be no dispute that the direct entry candidates are fresh recruits whereas the departmental candidates are those who have had some exposure to the working of the various departments of the railways. We, therefore, see, how, the fixation of different periods of training for ^{the} two streams can be said to be either unfair or unjust. It is seen from the record that the question of fixation of adequate period of training was ^{-ed} ^a subject to the critical

examination before a decision was taken, that a period of 12 months of training would suffice. As regards inter-se seniority between the direct recruits and the departmental candidates, the learned counsel for the applicant has vehemently contended that under no circumstances, departmental candidates selected ^{at} ~~for~~ ^{time as} the same ~~of~~ that of direct recruits should be given seniority over the ~~applicant~~ direct recruits as has been done in the instant case. The learned counsel for the respondents has drawn our attention to para 302 of I.R.E.M. which reads as under:

"302. Unless specifically stated otherwise, the seniority among the incumbents of a post in a grade is governed by the date of appointment to the grade. The grant of pay higher than the initial pay should not, as a rule, confer on a railway servant seniority above those who are already appointed against regular posts. In categories of posts partially filled by direct recruitment and partially by promotion, criterion for determination of seniority should be the date of promotion in the case of a promotee and date of joining the working post in the case of a direct recruit, subject to maintenance of inter-se seniority of promotees and direct recruits among themselves. When the dates of entry into a grade of promoted railway servants and direct recruits are the same, they should be put in alternate positions, the promotees being senior to the first direct recruits maintaining inter-se seniority of each group"

A/b

In addition, the respondents have drawn our attention to an advance correction slip No. 121 dated 4.2.81 to para 102 in Chapter 1 section B, Sub section 1 which provides that seniority ^{would be} being assigned only with effect from the date of joining on the post in the case of direct recruits and from the date of promotion in the case of a promotee irrespective when the vacancies against which they been recruited/promoted arose.

5. Seniority is an incidence of service, ~~and~~ and rules or other relevant administrative instructions prescribed the method of its computation. It has to be reckoned in accordance with the same. In the instant case, we are not convinced that there has been any violation of any rule or other instructions in the matter of either reducing the period of training in respect of the departmental candidates or in the matter of computation of seniority of the direct entry of Traffic Apprentices vis-a-vis the departmental candidates selected for promotion against their respective quotas. The application, cannot, therefore succeed and is hereby dismissed. Parties to bear their own costs.


A.M.


V.C.

Lucknow Dated: 21-1-92

Shakeel/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
LUCKNOW CIRCUIT.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

S.K.SRIVASTAVA -----

Applicant

Versus

UNION OF INDIA AND OTHERS ---

Opposite parties

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S. K. Srivastava

SIGNATURE OF THE APPLICANT

*Filed
1/12/85
ext*

IN THE CENTRAL ~~TRIPLEX~~ ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

LUCKNOW CIRCUIT

Date of Filing 27.4.89

Date of Receipt by Post 18.5.89

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

S.K.SRIVASTAVA----

GA No. 91/89 (L)

Applicant

Versus

UNION OF INDIA AND OTHERS ---

Opposite parties

~~Compila~~ INDEX

Compilation No.2

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3.	<u>Annexure No. 3</u> Photo-stat copy of Railway Board's letter dated 15.5.87 in connection with period of training.	15 to 16
4.	<u>Annexure No. 4</u> Photo-stat copy of letter NO. 752-E/5-1/Selection/10% dated 31.7.82 for selection of Traffic Apprentice against 10% issued by DPO/N.Railway/Lucknow.	17
5.	<u>Annexure No. 5</u> DPO/N.Rly/Lucknow letter NO.752-E/5-1/Selection/10% dated 27.9.83 the result of selected persons against 10% quota (photo-stat copy)	18
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7.	<u>Annexure No. 7</u> Photo-stat copy of the application of the applicant dated 11.4.88 in connection with correct assignment of seniority.	20 to 21
8.	<u>Annexure No. 8</u> Photo-stat copy of the General Manager/ N.E.Rly letter NO. Kaa/210/4/Traffic Apprentice/Vibhagiya dated 9.4.84 in connection with 3 years training for Traffic Apprentices selected against 10% quota.	

S.K. Srivastava
SIGNATURE OF APPLICANT

18/5/89
27/4/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

GA. No 91 of 89 (L)

Amr
Conced Shri Suresh Kumar Srivastava son of
or Shri K.P. Srivastava, aged about 36 years *Station Master*
as per under station superintendent,
Car order Northern Railway, Lucknow. Applicant.
dt 18/11/91

Versus

1. Union of India through *Secretary*,
General Manager, Northern Railway,
Headquarters Office, Baroda House,
New Delhi.
2. Secretary, Railway Board, Rail Bhawan,
New Delhi.
3. Divisional Railway Manager,
Northern Railway, Hazratganj, Lucknow.

.... Respondents.

DETAILS OF THE APPLICATION:

1. Name Suresh Kumar Srivastava.
2. Father's name Shri K.P. Srivastava.
3. Designation *Station Master*
Assistant Station Master,
4. Place of work. Under station superintendent,
Northern Railway, Lucknow.
5. Address for service of notices. Under station superintendent,
Northern Railway, Lucknow,
under Divisional Railway-
Manager, N. Railway, Lucknow.

PARTICULARS OF THE RESPONDENTS:

- i) Union of India through General Manager, N. Railway,
Headquarters Office, Baroda House, New Delhi.
ii) Secretary, Railway Board, Rail Bhawan, New Delhi.
iii) Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.

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

Relief is not being sought against any order but
for a direction to the respondents to fix the seniority
of the applicant over and above those persons who were
selected for the post of Station Masters and T.Is and
Section Controllers vide Divisional Personnel Officer,
Northern Railway, Lucknow's letter No. 752E/5-1/selection/
10% dated 27.9.83 and 26.11.1983. *Amr, A-5 to A-6*

Contd....2.

and its consequential benefits to the applicant.

4. SUBJECTS IN BRIEFS:-

i) That the applicant was selected as Traffic Apprentice against 15% Direct Quota (25% quota) as per Establishment Manual Para 123, by the Railway Service Commission, Allahabad vide letter No.RSCA/NR/5 dated 14.6.1982.

ii) That the applicant was booked for Chandausi Course on 13.7.1983 and the applicant joined the training on 14.7.1983.

iii) That the applicant joined his duties ~~in~~ ^{on} ~~14.7.1983~~ ^{16.7.1983} as per G.M. & Rly. letter ~~August, 1986~~ ^{16.7.1983} after completion of 3 years training under No 2206/172 - XV/Recd. dt 2.8.1986
Divisional Railway Manager, N. Railway, Lucknow.

iv) That as per Para 123 of the Establishment Manual which is reproduced below, the Traffic Apprentices recruited against 25% Quota (^{15%} 15% to be recruited directly through Railway Service Commission and 10% from the Departments who were graduates) had to undergo training for 3 years.

Para 123 of the Establishment Manual:

Recruitment: Traffic Apprentices are recruited to fill a Maximum of 25% annual vacancies for appointment in the categories of Section Controllers/Asstt. Station Masters, Asstt. Yard Masters and Traffic Inspectors in scale Rs. 250-380."

Qualification: (a) Age between 20 and 24 years.

(b) Education: a university degree.

Training: Stipend Rs. 205-7-219. Candidates will be required to undergo training for a period of three years in the various area schools and on the line at important stations, on running trains and on the yards etc.

Channel of Promotion: They will be eligible for promotion to Supervisory post rising to Rs. 450-575."

v) That as per decision of the Joint Consultative Machinery 1972 only the 25% Quota was bifurcated as 15% Direct from Railway Service Commission and 10% from Graduates working in the Department, but their training period is 3 years as per Para 123 of the Establishment Manual, quoted above. ^{under provision} ~~and~~ note 131 of Indian Railway Establishment Code volume 2

vi) That a circular was issued by the D.P.O., N.Railway, Lucknow, vide his letter No. 752E/5-1/Selection/10% dated 31.7.1982 for the selection for the post of A.S.M./S.M./AYM in grade Rs. 455-700/Section Controller grade Rs. 470-750 against 10% Graduate Quota. Photo-stat copy of the circular is attached.

vii) That the persons selected against 10% Quota vide D.P.O., N.Railway letter No. 752E/5-1/Selection/10% dated 27.9.83 on the basis of notice issued by the Divisional Personnel Officer, N.Railway, Lucknow were sent for P-29B Course vide D.P.O., N.Railway, Lucknow letter No. 752E/5-1/Selection/10% on 26.11.1983, completed their training in December, 1984 after completion of one year training and Seniority was assigned to them ^{Respondent No 4 to 13} ~~from 1983~~ over and above the applicant which is irregular and illegal.

viii) That the persons selected against 10% Graduate Quota, should have been sent for training for 3 years and in this way their training is completed by 6.12.86 whereas the applicant directly recruited against 15% Quota in grade Rs. 455-700 has completed the training in July, 1986 and thereby the applicant becomes senior to all those persons selected against 10% Quota of which the result was declared on 27.9.83 by the Divisional Personnel Officer N.Railway, Lucknow. Not only this, but the applicant becomes senior over those persons who were selected against 10% Graduate Quota by the Department vide D.R.M. letter No. 752E/5-1/selection/10% dt. 2.13.8.1984. These

persons were sent for training for 1 year's course in August, 1984.

ix) That the Railway Board have never amended the Establishment Rules in curtailing the training period of 25% (15% from direct and 10% against graduate quota from the Department). *Respondent 4 to 13*

x) That the persons selected against 10% quota and assignment of seniority to them ^{before} ~~and then promotion in the board~~ after completion of one year's training is quite illegal and contrary to the Statutory Rules.

xi) That the other Railways excepting the Northern Railway are giving training to the employees selected against 10% quota as Traffic Apprentice from the Department for 3 years. A Photo-stat copy of the G.M., N.E. Railway letter No. dated 9.4.84 is enclosed for ready reference.

xii) That the applicant represented for fixation of seniority over and above the employees selected against 10% Graduate Quota (Traffic Apprentice) from the Department in the year 1983 and 1984, on 11.4.1988 which was received in the Office of Divisional Railway Manager, Northern Rly. Lucknow on 14th April, 1988. A Photo-stat copy of the representation is also enclosed. *Respondent 4 to 13*

xiii) That inspite of the representation the seniority of the applicant has not been fixed over and above the persons selected against 10% quota in the year 1983 and 84 but the applicant was informed verbally that the applicant had been placed below all those persons in grade 425-640 as Asstt. Station Master whereas the

applicant was selected as Traffic Apprentice in grade

Rs. 455-700.

6332-738

xiv)

That not fixing the seniority of the applicant

according to the statutory Rules enunciated in Establish-

ment Manuals over and above the persons selected against

*Amended by
Correspondence
as per order
of 18/11/84
Master with
effect from 13.5.89*

The applicant has been promoted in grade 425-640 and has been posted as Station Master.

Respondent 4 to 13

10% Quota from the Department, is again illegal, arbitrary and against the principles of natural justice.

4. JURISDICTION OF THE TRIBUNAL:

That the Applicant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATIONS:

That the ~~applicant~~ applicant further declares that the application is within the limitation prescribed under section 21 of the Tribunal's Act 1985.

6. FACTS OF THE CASE:

1. That the applicant was selected as Traffic Apprentice against direct recruitment quota of 15% in grade Rs.455-700, out of 25% Quota by the Railway Service Commission Allahabad vide letter No.RSCA/NR/5 dated 14.6.82. A photo-stat copy of the said letter is annexed as Annexure No.A-1.
2. That the applicant joined Chandausi Training School to attend 3 years course on 14.7.83.
3. That the applicant joined his duties under respondent No.3 ^{vide G.M.-N.Rly letter No 220 E/172-XV/Actt. Dt 31 August, 1986} after completing 3 years training.
4. That the applicant gave his option for posting as T.I. but was not posted and the respondent No.3 posted the applicant as Assistant Station Master in grade Rs.455-700 under station Superintendent, N.Rly., Lucknow and the applicant joined his duty without prejudice. Photo-stat copy of the application is annexed as Annexure No.A-2.
5. That the Traffic Apprentices had been recruited to fill a maximum of 25% annual vacancies for appointment in the categories of section Controllers, Assistant-

= 6 =

Station Masters, Assistant Yard Masters and Traffic Inspectors in scale Rs.250-380 upto 1972 and these posts were recruited through Railway Service Commission as per Establishment Manual Para 123 of the Indian Railways.

6. That the qualifications of the Traffic Apprentices are University Degree and they will have to undergo training for a period of 3 years as laid down in Para 123 of the Indian Railways Establishment Manual.

7. That the Traffic Apprentices are eligible for promotions to Supervisory posts rising to Rs.450-575 as per Para 123 of the Indian Railways Establishment Manual. This para of the Manual is reproduced below:-

" Recruitment- Traffic apprentices are recruited to fill a maximum of 25% of annual vacancies for appointment in the categories of section Controllers/Asstt.Station Masters, Asstt.Yard Masters and Traffic Inspectors in scale Rs.250-380.

Qualifications: a) Age- Between 20 and 24 years.
b) Education- A University Degree.

Training: Stipend Rs.205-7-209. Candidates will be required to undergo training for a period of three years in the various area schools and on the line at important stations, on running trains and on the yards.&c.

Channel of promotion: They will be eligible for promotion to supervisory posts rising to Rs.450-575."

8. That the Railway Board has again stressed vide their letter No.E(NG) II/84/RC3/15(AIR) New Delhi dated 15.5.87 issued by Deputy Director Establishment(N) Railway Board to General Managers all Indian Railways-sub para(iii) of para 2 and sub-para (viii) of para 2 that the existing quota of 15% ^{from} for open market recruitment

A25

= 7 =

and 10% for departmental candidates will continue to apply and in future the period of training for Traffic Apprentices also will be two years as against 3 years as is the case at present. A photo-stat copy of the annexed as said letter is annexure No. A-3.

9. That after the decision at Joint Consultative Meeting in 1972 10% out of 25% Traffic Apprentices were to be recruited by the Department from amongst eligible graduate candidates on the basis of written examination and their training was for 3 years as per Manual. On the basis of this the applications were invited for selection for the post of Station Master/ Asstt. Station Masters and Asstt. Yard Masters in grade Rs. 455-700 and section controllers and Grade 500-470-750 vide D.R.M., N.Rly., Lucknow letter No. 752E/5-1/ selection/10% dated 31.7.1982. Photo-stat copy of the said letter is annexed as Annexure No. A-4.

10. Out of 10 persons ^{to} 1,8 and 2 persons ^{Respondents 4 & 13} were selected as T.I., Station Master and Section Controllers respectively and none was selected as Asstt. Station Master ^{and AYM} as advertised vide DPO/N.Rly., Lucknow letter No. 752E/5-1/selection/10% dated 27.9.83. Photo-stat copy of the letter is annexed as Annexure No. A-5.

11. That the above 10 persons ^{Respondents 4 & 13} selected against 10% quota were sent for training P.29 B Course for one year with effect from 7.12.83 vide D.P.O., N.Rly., Lucknow letter No. 752E/5-1/selection/10% dated 26.11.83. Photo-stat copy of the letter is annexed as Annexure No. A-6.

12. That the above 10 persons mentioned in the letter quota in para 11 above completed their training for one year on 6.12.1984 which is irregular and against the statutory rules. They should have

Contd.. .8.

undergone the training for 3 years which completes on 6.12.1986 and they should have been assigned seniority from 7.12.1986.

13. That the applicant has given his representation to respondent No.3 for assignment of his seniority over and above the above mentioned 10 persons on ^{Respondent No. 4/1. 4.8.8} but there was no response. Photo-stat copy of the representation is annexed as Annexure No.A-7.

14. That in other Railways the Traffic Apprentices recruited by the Department against 10% Quota are being sent for 3 years training but the respondents ~~No. 2 and 3~~ ^{NO} are not following the statutory Rules, and assigning the seniority of those 10 persons against the Rules. Photo-stat copy of the General Manager, N.E. Railway letter No. ^{9.4.85} ~~210/4/51.244.1811/84~~ Dated 9.4.85 is enclosed as annexure No.A-8.

15. That the applicant was selected as Traffic Apprentice on 14.6.82 and Departmental Candidates were selected on 27.9.83. In this way also the applicant is senior to the Departmental Candidates being selected in earlier panel as per Para 306 of Indian Railways Establishment Manual.

16. That the applicant is senior to all those 10 persons as per Annexure No. ^{A-5} ~~Respondent No. 4/1. 4.8.8~~ because the departmental candidates would have completed the training on 6.12.1986 instead of 6.12.84 and the period of training was not at all curtailed.

17. That the training of departmental candidates selected against 10% quota for Traffic Apprentices is not a promotional course at all.

18.

GROUNDS

Respondent 4 & 13

1. Because the candidates selected Traffic Apprentices against 10% quota from amongst the eligible departmental candidates in 1983 did not go undergo the training for 3 years as per rules and respondent No. 3 got them trained for one year's course and the respondents No. ~~2 and 3~~ ¹ thereby committed gross irregularity in fixing the seniority of the applicant below the persons selected against 10% quota.

2. Because the respondents committed gross error and irregularity and illegal action in assigning seniority to the departmental candidates from the date of announcement of the panel i.e. 27.9.83 and put them over and above the applicant thereby the respondents have violated the statutory rules. Annexure No. A-5

Respondent 4 & 13

3. Because the applicant has undergone training for three years whereas the departmental candidates selected in the later panel did not undergo the training for 3 years as per Indian Railways Establishment Manual.

Respondent 4 & 13

4. Because the training period of the Traffic Apprentices against 10% quota has not been curtailed exclusively for them.

5. Because the assignment of seniority to the departmental candidates over and above the applicant is illegal, unconstitutional and clear violation of statutory rules. Para 123 and 306 of the Indian Railways Establishment Manual are cited.

Respondent 4 & 13

6. Because the respondent No. ~~2 and 3~~ ^{is} ~~are~~ not competent to make any rule or guidelines for their Railway contrary to the statutory rules as mentioned in para 158 of the Establishment Code Volume No. 1 and the action of the respondent No.

~~2 and 3~~ to assign seniority to the applicant below the selected persons (departmental candidates) vide D.P.O.N. Railway letter NO. 752-E/5-1/Selection/10% dated 27.9.83, Annexure A-5.

Respondent 4 & 13

7. DETAILS OF THE REMEDIES EXHAUSTED - The applicant declares that he availed of all the

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remedies available to him under the relevant service rules etc. The applicant represented for assignment of seniority over and above the 10 persons ^{Respondent 6-13} selected by respondent No. 3 on 27.9.83 against 10% quota but there was no response.

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

9. RELIEFS SOUGHT:-

In view of the facts mentioned in para 6 above the applicant prays as under:-

1. to issue order or direction in the nature of mandamus directing the respondents to assign seniority over and above the 10 persons ^{Respondent 6-13} selected against 10% quota on 27.9.83 vide D.P.O/N.Railway/Lucknow's letter NO. 752-E/5-1 / Selection/10% dated 27.9.83 and all consequential benefits including promotion with retrospective effect to the applicant as the applicant is entitled for correct seniority over them and promotion etc. being senior to the persons mentioned in the above list Annexure No. A-5

10. INTERIM ORDER IF ANY PRAYED FOR- NIL

11. Particulars of postal order in respect of the application fee.

1. Number of Indian Postal order DD 841316
4
2. Name of the issuing Post office G.P.O Lucknow
3. Date of issue of postal order 25-4-89
4. Post Office at which payable, Head Post Office, Allahabad.

A28

= 11 =

12. List of Enclosures:

from Annex A-1 to Annex-A-8

✓ The one and only
came out as per
Verification. *Carroll di 9/11*
kl

I, Suresh Kumar Srivastava, son of Sri K.P.

Srivastava, aged about 35 years working as *Station Master* ~~Asstt. Station-~~

~~Master~~ under Station Superintendent, Northern Railway,

Lucknow, resident of ML 131, Block 'Cha', Moti-Jheel, 1

Colony, do hereby verify that the contents of

paras 1 to 12 are true to my personal knowledge and

believed to be true on legal advice and that I have not

suppressed any material fact.

S. K. Srivastava
Signature of Applicant.

Lucknow.

Dated: 26.4.1988

A30

(12)

In the Court of Central Administrative Tribunal
Allahabad Lucknow Circuit

व अवलत भीमान

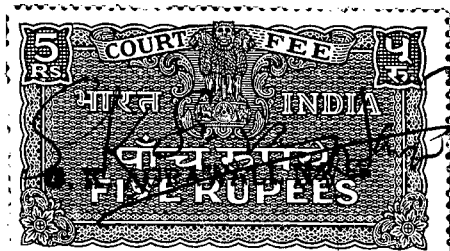
महोदय

[वादी] अपीलान्त

श्री

प्रतिवादी [रैस्पॉण्डेंट]

वकालतनामा



वादी (अपीलान्त)

S.K. Srivastava

वकालतनामा *India and others*
प्रतिवादी (रैस्पॉण्डेंट)

नं० मुकद्दमा

सम्

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

K. P. Srivastava Advocate

वकील

Moti Ghose Colony Lucknow

महोदय
एडवोकेट

नाम अवलत	नाम प्रतिवादी
मुकद्दमा नं०	
नाम पेशी	

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

हस्ताक्षर

MC 131 Block (C)

साक्षी (गवाह)

Moti Ghose Colony
Lucknow

महोदय

सं १२ ई०



Before Central Adm Tribunal
Lucknow Circuit - Allahabad (12) (13)
SK Srivastava vs MGR and others

रेल सेवा आयोग,
19 सरदार पटेल मार्ग,
इलाहाबाद

Annex. A-1

पंजीकृत डाक द्वारा

सं०- रे०से०आ०टो०/टी०ए०स०/३०रे०/५

दिनांक 14.6.1982

श्री S. K. Srivastava अनुक्रमिक..... 11454.....

इस आयोग के नियोजन सूचना व संहिता 2/29-80 के
अर्न्तगत उत्तर रेलवे में रूपया USS-200 सं०वे० के वेतनमान में
Trafic Apprentice के पद के लिए आपने जो
आवेदन - पत्र भेजा था उसके सम्बन्ध में आपको सूचित किया जाता है :-

1. जहाँ तक लिखित परीक्षा/साक्षात्कार परीक्षा का सम्बन्ध है, आपने
अर्हता प्राप्त कर ली है, लेकिन आप की अन्तिम नियुक्ति महा -
प्रबन्धक/कार्मिक, उत्तर रेलवे, प्रधान कार्यालय, बड़ौदा हाउस,
नई दिल्ली द्वारा होगी, जो कि आप की नियुक्ति पत्र समुचित
समय पर भेजेगे ।

रूपया इस सम्बन्ध में इस कार्यालय से आगे पत्र व्यवहार न करें ।

सहायक सचिव

माँड/-



A32 Before Central Adm Tribunal Allahabad (43)
Lucknow Circuit -
S. R. Srivastava vs UOI and MWS S. NO 79/17

To. The Dir. - P. Manager
A. P. Lucknow

Annex-A-2

Sir,

with due respect I beg to
approach your good self that after
completion of my training at CH as
Traffic Apprentice, that I have been
posted as ASM/BBK. Due to my
pressing domestic concerns,

It is requested that I may
kindly be posted either at ~~Alamnagar~~
Alamnagar or Lucknow for which I
shall ever remain grateful to you
I will ~~join~~ without prejudice ~~thank~~ you.

25/11/86

A. P. M.

25/11

Yours faithfully

S. R. Srivastava.

R. T. A. CH
S. R. Srivastava

K. S. S.

Advocate

A33

Before Central Adm Tribunal Allahabad (44/15)
Lucknow circ. No. 14-3
Sd/- Smt. Lata V. B. Rao and others
~~Ann-A~~

Copy of Railway Board's letter No. E(NG)II/84/RC3/15(AIRF) New Delhi dt. 15-5-87 from Deputy Director Establishment(N) Railway Board to the General Manager, All Indian Railways and others.

Sub:- Recruitment of Traffic/Commercial Apprentices.

...

In terms of existing rules/orders on the subject, 25% of the vacancies in the scales Rs. 455-700/470-750(RS)/1400-2300/1400-2600(RP) in the category of Commercial Inspectors and in the operating categories of Station Masters, Yard Masters, Traffic Inspectors and Section Controllers are filled by recruitment of Commercial and Traffic Apprentices. Out of this, 15% is filled by direct recruitment from the Open market and 10% by limited Departmental Competitive Examination from amongst serving graduates in the Traffic and Commercial Departments (other than ministerial staff) below the age of 30 years. The minimum qualifications prescribed for recruitment of Traffic/Commercial Apprentices is a University Degree (with Law as additional qualification for Commercial Apprentices) Diploma in Rail Transport and Management from the Institute of Rail Transport is an additional desirable qualification.

2. The questions relating to recruitment of Traffic/Commercial Apprentices, the scales in which such recruitment should be made, the qualifications and period of training etc. have been under review by the Railway Board for some time past. As a result of such review the Board have decided as under:-

- i) The scheme of recruitment of Traffic and Commercial Apprentices should continue.
- ii) In future, the recruitment of these Apprentices should be made to grade Rs. 550-750/1600-2660(RP). Traffic Apprentices absorbed in the cadre of section Controllers in scale Rs. 470-750/1400-2600(RP) will be fixed at starting pay of Rs. 1600/- on absorption. The recruitment of Traffic Apprentices may be suitably staggered in view of sub-para (viii) below.
- iii) The existing quota of 15% for open market recruitment and 10% for departmental candidates will continue to apply.
- iv) The qualification for recruitment will continue to be graduation except that in the case of Commercial Apprentices, the additional qualification of a degree in Law will not be necessary. Diploma in Rail Transport and Management from the Institute of Rail Transport, New Delhi, will be a desirable qualification.
- v) The recruitment from the open market will be through a separate examination and not combined with the recruitment of Senior Clerks, Guards, etc. as at present.
- vi) The examination will be held on date(s) different from the examination held for other graduate categories of Senior Clerks, Guards, ASMs, etc.

.....2/-

Signature
Sd/-

A34

Before Central Adm Tribunal Mahesh

Lucknow Circuit -

Ann-A-3.

SK Srinivasan vs RGS and others

vii) The standard of examination will be higher than is the case of present having regard to the fact that recruitment will be in a higher grade.

viii) In future the period of training for Traffic Apprentices/ also will be two years as against three years as is the case at present.

ix) Commercial Apprentices will be recruited also for posts in scale Rs.550-750/1600-2660(RP) in the commercial group, e.g. for posts of Chief Booking Clerk, Chief Parcel clerk, Chief Goods Clerk, etc.

x) The syllabus for training of Traffic as well as Commercial Apprentices will be recast and updated with a view to broad-basing it so that Apprentices of one Department get adequate training relevant to the other Department also.

xi) A wider exposure to Traffic and Commercial Apprentices after absorption should be arranged by each Railway Administration partly by exchanging Apprentices in one stream with those in other streams and partly by recasting the avenues of advancement in scale Rs.600-900(RS)/2000-3200(RP) and above.

xii) Apprentices already under training will be absorbed only in scale Rs.455-700(RS)/1400-2300(RP) or 470-750(RS)/1400-2600(RP), as the case may be for which they have been recruited.

xiii) No recruitment in scale Rs.455-700(RS)/1400-2300(RP) will henceforth be made except to the extent panels have already been received by Railway Administration from the Railway Recruitment Boards in the case of open market quota and panels have already published in the case of departmental quota.

xiv) For recruitment notified upto 31-12-1990, the upper age limit for serving Traffic/Commercial Apprentices who have been recruited in the scale Rs.455-700(RS)/1400-2300(RP) and 470-750(RS)/1400-2600(RP) including those who are undergoing training, will be raised as under as against the upper age limits applicable as per extant order:-

a) for candidates appearing in the Departmental Competitive Examination.....50 years.

b) for candidates appearing against open market direct recruitment quota under age relaxation applicable to serving employees..... 45 years

The above concession in age will not be available to other serving graduates in the Traffic and Commercial Departments who will be volunteering/opting for the respective quotas in the normal course. In their case normal rules regarding relaxation in age limit for serving employees will only apply.

[Signature]
[Signature]
 Principal

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(2)

also note that no further chance will be allowed for submission of application and as such it is in their own interest to submit applications within a specified period positively.

Senior subordinate/TIs should see that applications received by them must be submitted to this office by the target date without fail.

Staff applying may please note that date for written test will be fixed ~~in future~~ and this should be taken as notice thereof. X

Hindi version will follow.

X just after

Security of applications

(S.N. Misra)

Divisional Personnel Officer,
Lucknow.

KP/22/7.

~~Note ① No post of TI was advertised in this notice~~
~~② No Reference of RTA (Deptt)~~

A3) Before central Adm Tribunal Allahabad
Lucknow circuit
S/S Invas Lata vs Uog and others

(17)
(18)

RAILWAY

Annex-A-5

No. 752E/5-1/Selection/10%.

Divisional Office,
Lucknow. Dt. 27.9.83.

SM/DO, RST.
SM/DO, MLJ, SM/DO, BSO, MCP.
SM/LBH,
SM/TKO.
Dr. GMC/Lobby IKO.
SM/TKO, BSO, PD, FPH, ZVN, PEG, PBL.

Sub:- Selection for the post of SMs/ASMs/AYMs/TIs/
SCNLS in grade Rs. 455-700(RS) against 10%
graduate quota.

As a result of the selection held for the above posts
on 2.2.83, 17.4.83 & 29.6.83, the following staff found suitable
for the posts shown against each have been placed on the pro-
visional panel of 10% graduate quota in accordance with
their merit position in respective categories:-

T.I.

S.No.	Name	Designation.	Category earmarked.
1.	Shri R.F.Gupta	ASM/LAJ.	T.I.

STATION MASTER.

2.	Shri N.S.Umami	ASM/MLJ	S.M.
3.	Shri Rajendra Pd. Singh	ASM/BKSA	S.M.
4.	Shri J.R.Maurya	ASM/PD	S.M.
5.	Shri S.J.Singh	LR/ASM/LKO	S.M.
6.	Shri S.S.Singh	ASM/DELO	S.M.
7.	Shri D.K.Kharey	ASM/ICP	S.M.
8.	Shri Gyan Prakash Srivastva	ASM/LBH.	S.M.

Section Controller,

9.	Shri Vinod Kumar	TNC/LKO	SCNL.
10.	Shri Krishna Pd.(SC)	TNC/BSB	SCNL.

The above staff should note that the retention of their
names on the panel is subject to their work remaining satisfactory during
the currency of the panel and qualifying P-29A & B courses. More fact
that their names have been placed on the panel is no guarantee that
they will be offered the post for which selected.

Above staff are required to pass P-29 A/B course for which it
should be taken as notice & they should be ready to attend ZTS/CH
for above course as & when arranged.

(K.K.Mehta)
for Divil. Personnel Officer
Lucknow

RK

A38

Before Central Adm Tribunal Allahabad (18)
Lucknow circuit
SIS Srivastava vs HOG and others (19)
Ann. A-6

Northern Railway
Divisional Office
Lucknow. Dt. 26.11.83

NO: 259E/5-1/Selection/10%

SS/LKO, BSB FD
SM/LLJ, MLJ BKSA DELO, LBH
TI/LKO FD PBH SLN REL, PRG
CHC/LKO

Sub:- P-29B course

The following staff are booked to attend P-29B course w.e.f. 7.12.83. They must be spared without fail advising this office.

In case any one does not attend & qualify the said course, they will not be considered for promotion.

1. Sri R.P. Gupta ASM/LLJ for TI/455-700
2. Sri M.S. Usmani ASM/MLJ for SM/455-700
3. Sri R.P. Singh ASM/BKSA -do-
4. Sri J.R. Maurya ASM/FD -do-
5. S.J. Singh LR/ASM/LKO -do-
6. S.S. Singh ASM/DELO -do-
7. D.K. Khare LR/ASM/LKO -do-
8. G.P. Srivastava ASM/LBH -do-
9. Vinod Kr. TNC/LKO for SCNL/470-750
- MO: Krishna Prasad TNC/BSB -do-

In case any one reports sick near about the above course, he should not be allowed duty but spared to see Sr.DOS/LKO for further action. TI/CHC/LKO, SS/LKO, BSB FD should ensure compliance of these orders and see that all these staff are spared without fail.

Handwritten: humed
for Divl. Personnel Officer
Lucknow

Copy Principal ZTS/Chandauli.

Handwritten: 25/11
25.11.83

Handwritten signatures and initials:
25/11
25.11
K. S. Singh
D. S. Singh

A39 Before central Adm Tribunal Allahabad (19) (20)
Lucknow circuit -

To Sd/- Surasani H. S. and others

The Divl. Railway Manager.,
Northern Railway,
Lucknow.

Answer A-2

Sub ject: Correct assignment of my Seniority.

Sir,

With due respect I beg to say that I was selected as Traffic Apprentice by Railway Service Commission, Allahabad against 25% (15% direct) quota in 1982 and joined the Training Course at Chandausi in July 1983. I completed the training course for a 3(three) years. I reported for duties as per Posting order to the Office of the DM Lucknow in August 1986 after completion of three years course.

As per orders of the Railway Board and Establishment Manual Para 123 the three years Training course are imparted to the Traffic Apprentices against the 25% quota, the break up of which is given below:-

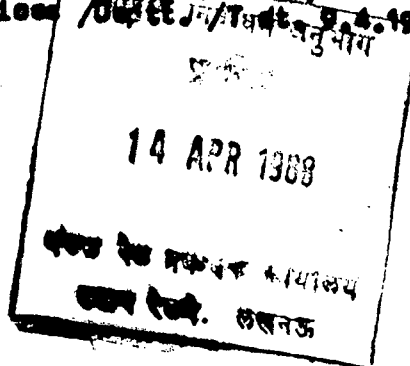
1. 15% to be recruited directly by Railway Service Commission.
2. 10% to be selected by department.

~~Now come 25%.~~ These Traffic Apprentices as mentioned above have to undergo training for three years course at Chandausi. Now the Training Course has been reduced to two years instead of three years as per Railway Board Order No. S(MG)11/84/RC3/15(AIR) New Delhi dated 15.5.1987. This order will come into force from 15.5.1987.

According to DPO/N.Rly., Lucknow letter No. 757E/5-1/Selection/10% dated 27.9.1983 the Traffic Apprentices selected against 10% quota by Deptt. were posted as T.I & Sec. CN Ls, & Station Masters in Grade Rs. 455-700 immediately and subsequently they were sent for training vide DPO/N.Rly/LKO letter No. 752E/5-1/Selection/10% dated 26.11.1983, Photo state copy of the letters are enclosed.

These departmental candidates completed only one year Training course instead of three years Training course as laid down by the Railway Board as per Establishment Manual para 123. They completed training in December 1984. After completion of one year training they joined as Traffic Apprentices as per posting orders vide DPO/N.Rly/LKO's letter No. 752E/5-1/Selection/10% dt. 27.9.1983. Had these persons completed three years training they should have been posted after ~~November 1986~~ December 1986, whereas I have joined my duties in July 1986 after completion of three years training. Accordingly I ranked senior to all those persons mentioned in the DPO letter No. 752E/5-1/Selection/10% dated 27.9.1983.

The training for three years course to the Traffic Apprentices against 25% (10% departmentally) quota are being done by other Railways. The N.E.Rly. as per orders of the Railway Board and Establishment Manual para 123 (copy of the NE Rly. General Manager's letter No. K/210/4/Traffic Apprentices / Deptt. / Lucknow dated 2.4.1984 is enclosed for ready reference.



Tom C. H.
A. S. H.
K. S.

p.t.o...2.

Advo. Ch.

AYO Before Central Adm Tribunal Allahabad
Lucknow Circle (21)
S. C. Srivastava VS HOG and others Ann - A-7

-12:-

I, therefore request you kindly assign my Seniority with subsequential benefits over and above the Traffic Apprentices selected departmentally mentioned in the above D.P.O/M.R/Lucknow's letter No. 752E/5-1/Selection/104/ dated 27.9.1983., which would be justice to me. In office.

Thanking you,

Yours faithfully,

Dated: 11.4.1988.

(SURESH KUMAR SRIVASTAV)
ASM/LKO.

For my
notice
K. S. Srivastava
Advocate

Before Central Adm. Tribunal
Lucknow Bench

Sh. Suresh Chandra Singh

कार्यालय महाप्रबन्धक(का०)

गोरखपुर

दिनांक १.५.८५

A41

16

म र प्र(आ०)

प०३०१०/३३३३३३३३

विषय: - विभागीय ट्रॉफिक अपरेटिस 425-455 के संभरण हेतु
लिमिटेड विभागीय परीक्षा ।

सन्दर्भ: - आप का पत्रांक ई/१/२२७/४/या प्र/८४ दि० २३-२-८४

रेल परिषद का पत्रांक ई(एन जी)११-७२ आर आर १/१८ दि० १८-३-७२ के अनुसार विभागीय विभाग के तृतीय श्रेणी के स्नातकों (लिपिक वर्गीय कर्मचारियों को छोड़कर) जो निर्धारित आय सीमा (अब ४० वर्ष) को आयु के हों, उनको लिमिटेड विभागीय परीक्षा के आधार पर विभागीय ट्रॉफिक अपरेटिस का पद भरा जाय ।
रेल परिषद के पत्रांक ई(एन जी)११-७३ पी एम १/२११ दि० ८-११-७३ के अनुसार लिमिटेड विभागीय परीक्षा प्रतियोगिता के आधार पर लेकर पदों को भरा जाय । परीक्षा उसी प्रकार ली जाय जैसा प्रवर लिपिक को सुयोग्यता परीक्षा १०% पदों के लिए रेल परिषद के पत्रांक पी सी/६०/आर टी पी ३/१ दि० २०-१२-६१ में निर्दिष्ट है । नामिका की मेरिट पोस्टेशन के अनुसार बनाई जाय ।

परीक्षा के लिए दो प्रश्न पत्रों में पहला अंग्रेजी तथा दूसरा विभागीय ज्ञान
२- केवल ३३०-५६० वेतनमान के का पदों अपितु सभी ट्रॉफिक अपरेटिस कर्मचारों (केवल लिपिक वर्गीय कर्मचारियों को छोड़कर) जो वेतनमान ४५५-७००/४७०-७५० से नीचे के ग्रेड में हैं और ग्रेजुएट हैं तथा ४० वर्ष से कम आयु के हैं परीक्षा में सम्मिलित किए जा सकते हैं ।

३- यह पद प्रशिक्षण का है, पदोन्नति के लिए नहीं है, इसमें तीन वर्ष का प्रशिक्षण कोर्स निर्धारित है । अतएव बोर्ड के उस संस्था सम्बन्धी पत्र के प्रिक्लिप में नहीं आता है ।

इसके अलावा आप के कार्यालय के श्री वी के सिंह, प्रवर लिपिक(परिचालन) ने आवेदन प्रस्तुत किया है कि प्रवर लिपिक जी ट्रॉफिक अपरेटिस, कोविंग, गुडस परिक्षाएं पास कर ही उन्हें ट्रॉफिक अपरेटिस को विभागीय परीक्षा में शामिल किया जाय ।
उन्हें सूचित कर दिया जाय कि रेल परिषद के पत्रांक ई(एन जी)११-७२- आर आर १/१८ दि० १८-३-७२ के अनुसार इस पद के लिए लिपिक वर्गीय कर्मचारी उपयुक्त पात्र नहीं हैं ।

OS (copy)

दिनांक १५/५/८५

APC (11)

१५/५/८५

कृते महाप्रबन्धक(का०)

महाप्रबन्धक(का०)

का०

पारमल

A42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 91 of 1989(L)

B E T W E E N

S.K. Srivastava Applicant.

versus

Union of India and others Respondents.

Fixed For : 1.1.90

COUNTER REPLY ON BEHALF OF RESPONDENTS 1 to 3

I, J.N. Srivastava working as
Assistant 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 fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the respondents 1 to 3 to file this counter reply on their behalf.;

That before giving parawise reply to the contents

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J. N. SRIVASTAVA
Assistant Personnel Officer
N. R. LUCKNOW.

of this application, it is stated that the actual cause of action accrued to the applicant in the year 1983, as would be evident from para 3 of the application itself but the applicant did not explain any delay for the same while preferring this application nor any application or prayer for condonation of delay has been made. In view of the above, the answering respondents crave leave of this Hon'ble Tribunal to raise the following preliminary objection which may be decided before taking up this case on merits.

PRELIMINARY OBJECTIONS

"

"Whether this application is barred by time/limitation".

3. That the contents of paras 1 to 3 of the application do not call for comments.
4. That there is no need to give separate reply to the contents of para 4 of the application as the same would be covered under reply of para 6 of the application hereinbelow.

JN
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

5. That the contents of para 5 of the application is categorically denied. This application is not within the limitation prescribed under section 21 of the Tribunal Act 1985.

That before giving reply to the contents of paras 4 and 6 of the application it is necessary to state the following facts in brief-

6. That it may, at the very outset, be stated that after the issue of the Indian Railway Establishment Manual in 1968, the provisions of para 123 of the Manual were superceded through Railway Board's letter No. E(NG) III -72 RRI/18 dated 18.3.72 as is evident through Railway Board's letter No. E(NG) I-73/PMT/211 dated 8.11.73, docketted under General Manager (Personnel) Northern Railway letter No. 220 E/72Pt.IX Rectt. dated 27-11-73, a copy of said letter is being enclosed as Annexure No. C-1 to this reply.

Annexure C-1

7. That the subsequent communication of GM(P), Northern Railway through their letter No.757-

E/103(EIB) dated 22.7.75 will make the situation

(J. N. SRIVASTAVA)
Assistant Secretary
N. R. LUCKNOW

explicit in as much as the 25% quota was bifurcated into two groups namely 15% Traffic Apprentices and 10% Departmental candidates. The methodology spelt out under GM(P) letter dated 22.7.75 will reveal that 10% graduate quota staff were to be promoted through limited departmental competitive examination from amongst the serving Class III non-ministrial candidates. A copy of GM(P) letter dated 22.7.75 is enclosed as Annexure C-2 to this reply.

Annexure C-2

8. That it is also pertinent to state that in accordance with the provisions made under rule 123 and 124 of IRE Code volume-1, 1985 edition, the GM's of Indian Railways as well as the Railway Board have full powers to make rules with regards to Railway Servants in Group 'C' and 'D' under their control. It is also worthwhile to indicate that in terms of para 117(a) of IREM the General Manager have been empowered to prescribe the various promotional courses and its duration.

Even
Contrary
IREC?

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

The aforesaid ~~question-~~ provisions were reiterated through Railway Board's letter No. E(NG)I-86-PMI/4 dated 27.4.85. A copy of Railway Board's letter dated 27.4.85 is enclosed as Annexure No. C-3 to this reply.

Annexure C-3

9. That the question of evolving/prescribing a promotional course for 10% vacancies in the transportation department had arisen in 1976. The GM(P), Northern Railway, had intimated to various Divisions through letter No. 757-E/103/EBI dated 18.3.76 that a syllabus was under compilation in consultation with the Principal Zonal Training School, Chandausi, and the staff selected against 10% graduate quota may be booked for training courses accordingly.

10. That thereafter, the GM(P), Northern Railway, had issued a detailed programme and its duration through letter No. 757-E/102-1(EBI) dated 17.4.76. A copy of GM(P) letters dated 18.3.76 and 17.4.76 are enclosed as Annexure C-4 and C-5 respectively to this reply.

Annexure C-4 and C-5

(J. K. SRIVASTAVA)
Assistant Personnel Officer
N. K. DICKINSON

.....b

11. That so far the question of evolving a training programme for Traffic Apprentices was concerned the duration of each phase/course was also evolved by the GM(P), letter No. Northern Railway, as is evident from GM(P) letter No. 220 E/172-14(Rctt) dated 7.7.81. A copy of GM(P) letter dated 7.7.81 is enclosed as Annexure No.C-6 to this reply.

Annexure C-6

12. That it is also not out of place to mention here that the seniority over a particular post in a particular grade of a person who has successfully completed/passed the training course, if a training course is so prescribed is counted only from the date when he actually joins the said post in the said grade. A person who joins a particular post earlier after successful completion of his training course will be senior to those persons who join that post at later stage.

That reply to the contents of para 6 (as well as of para 4 ~~particul~~ pertaining to 'Subject In

Jy Brief') of the application are as below.-
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW

13. That the contents of the para 6(1) of the application are misleading hence not admitted. The applicant was recruited as Traffic Apprentices for absorption in various streams of the transportation branch against 15% direct recruitment quota only.

14. That the contents of para 6(2) of the application are admitted and it is stated that the course for Traffic Apprentices was arranged at Zonal Training School Chandaushi from 13.7.83 to 12.7.86.

15. That in reply to the contents of para 6(3) of the application, it is stated that after completion of the training, the applicant was directed to report for duty on Moradabad division of Northern Railway through GM(P), New Delhi letter No. 220E/172-XV(Rectt) dated 14.7.86.

A copy of GM(P) letter dated 14.7.86 is enclosed as Annexure No.C-7 to this reply.

Subsequently, GM(P) had modified the order dated 14.7.86 (Annexure No.C-7) and decided

Annexure C-8

to allot Lucknow Division to the applicant through letter No-220E/172-XV(Rectt) dated 8.8.86, a copy of which is enclosed as Annexure No. C-8 to this reply. The applicant WAS POSTED AS ASM at Lucknow station in Grade Rs.455-700(RS) against 15% quota for Traffic Apprentices. The applicant had joined as Assistant Station Master at Lucknow Station on 27.11.86.

16. That the contents of para 6(4) of the application are misleading and false and as such are denied. In fact there was no provision for calling any option from any Traffic Apprentices and as such no option was ever called. The Traffic Apprentices were to be posted in either of the streams namely ASM/AYM/TI etc. in Grade Rs. 1400-2300 (RPS) against prescribed 15% quota of newly recruited Traffic Apprentices. There was no vacancy of Traffic Inspector against 15% direct recruitment quota at that time and as such

Jm some of the Traffic Apprentices were posted
 (J. N. SRIVASTAVA)
 Assistant to the Officer
 N. R. 11

as SCNL, AYM etc. Since the applicant was earmarked as ASM in Grade Rs. 1400-2300(RPS) against 15% prescribed quota of Traffic Apprentices, it was his duty to join his assignment.

17. That in reply to the contents of paras 6(5), 6(6) and 6(7) of the application, so far it is a matter of record is admitted but rest of the contents are denied. The correct position has also been explained in preceding paras 6 to 12 of this reply.

18. That in reply to the contents of para 6(8) of the application, it is stated that the letter dated 15.5.87 contained in Annexure A-3 to this application is not applicable in the instant case as the same is a new policy evolved by the Railway Board and which has been given effect after the date of its issuance hence it is quite irrelevant so far this case is concerned.

19.
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. K. ...

That in reply to the contents of para 6(9) of


the application so far it is a matter of record is admitted but rest of the contents are denied.

20. That in reply to the contents of para 6 (10) of the application it is stated that the panel of 10% graduate quota was notified through letter dated 27.9.83, a copy of which is being filed as Annexure No. C-9 to this reply. This panel was drawn in accordance with the provisions contained under GM(P), Northern Railway, PS No. 6196, a copy of which is enclosed herewith as Annexure No. C-10 to this reply.

Annexure C-9

Annexure C-10

21. That in reply to the contents of para 6(11) of the application, it is stated that the written tests for the combined departmental selection for the posts of SMs/ASMs/SYMs/TIs/SCNLs in Grade Rs. 455-700 (RS)/470-750 (RS), against 10% graduate quota were held on 2.1.83 and 17.4.83. The viva voice of the successful staff was held on 29.6.83. The panel was notified through DPO/Lko letter No. 752-E/5-1 Selection-10%


(J. N. SRIVASTAVA)
Assistant Secretary
N. R. LUCKNOW.

dated 27.9.83, a copy of which is already been

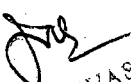
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Annexure No.C-9

Enclosed as Annexure No. C-9 to this reply.

The staff borne on the panel of various posts announced on 27.9.83, were booked to attend the prescribed course at Zonal Training School, Chandausi through DPO/Northern Railway, Lucknow's letter No. 752-E/5-1/Selection-10% dated 26.11.83, a copy of which is enclosed as Annexure No.C-11 to this reply. They were imparted training of 12 months duration in consonance with the stipulations made under GM(P)'s, Northern Railway letter dated 17.4.76, Annexure No. C-5 to this reply. After successful training they were posted on the working posts and were allowed to reckon their seniority in the absorbing cadre from the date of joining in that cadre, in terms of instructions contained under para 302 of IREM. The contention of the applicant for assignment of his seniority over the 10% graduates quota staff is baseless and has no bearing in view of the fact that the applicant had completed his training only on 12.8.86 and as such the question of assigning him seniority from an earlier date to that of his joining does not arise.

Annexure C-11

 The applicant was absorbed as Assistant Station
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

Master in Grade Rs.455-700(RS)/1400-2300(RPS) on 27.11.86 against 15% prescribed quota for direct recruits and as such he has been assigned seniority, in the cadre of ASM in Grade Rs. 455-700(RS)/1400-2300(RPS), from the date of his joining, keeping inter-seniority intact amongst the other Traffic Apprentices absorbed as ASM. It is worthwhile to indicate that the seniority of the applicant has been regularised in the cadre of ASM in Grade Rs. 455-700(RS)/1400-2300(RPS) in accordance with the provisions embodied under para 302 of IRTM. Since he was absorbed as ASM against 15% prescribed quota, he shall reckon his seniority in the cadre of ASM only and as such he can not claim his seniority over the SMs/AYMs, TIs and SCNLs, who were empanelled and earmarked as such on the panel formed against 10% graduate quota on 27.9.83.

22. That the contents of para 6(12) of the application are misleading hence not admitted. The graduate quota staff were imparted training of one year duration in accordance with the

Jm syllabus evolved by GM(P), Northern Railway,
 (J. N. SRIVASTAVA)
 Assistant Personnel Officer
 N. R. LUCKNOW.

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through annexure No. C-5 of this reply. The applicant had completed his prescribed training on 12.8.86 and had joined in the cadre of ASM in Grade Rs.455-700(RS) on 27.11.86 against 15% prescribed quota for direct recruitment and as such he shall compute his seniority only from the date of his joining in the cadre of ASM in Grade Rs.455-700 (RS), keeping inter-se-seniority amongst the other similarly absorbed Traffic Apprentices as ASM.

23. That the contents of para 6(13) of the application are not admitted as stated. As per applicant's own admission vide para 4 (XIII) of the application, he had been verbally informed about the correct position.

24. That the contents of para 6(14) of the application are denied being irrelevant and not applicable to the instant case. As per rules, it is the sole discretion of the General Manager of the concerned Railways to evolve or formulate a policy in respect of promotional courses/

[Signature] training of class III and class IV employees
 (J. N. SRIVASTAVA)
 Assistant Personnel Officer
 N. R. LUCKNOW

(group 'C' and group 'D' staff) working under him and to prescribe its duration according to their own suitability and working condition.

The policy so formulated by a General Manager of a particular Zonal Railway is not binding in other Zonal Railways.

25. That the contents of paras 6(15) and 6(16) of the application are categorically denied. The correct position has already been explained in the preceding paragraphs.

26. That the contents of para 6(17) of the application are denied being false and misleading. The course evolved for 10% graduate quota is a promotional Course because it is meant for serving staff of transportation branch.

27. That the grounds 1 to 6 of the application are all irrelevant, baseless, vague, illegal and not applicable to the instant case.

28. That the contents of paras 7 and 8 of the application do not call for comments.

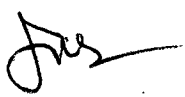
29. That in reply to the contents of para 9 of the

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

application it is stated that in view of the facts and reasons stated in this reply, the applicant is not entitled to any such relief and this application itself is liable to be dismissed with costs in favour of the answering respondents.

Lucknow;

Dated-1.1.90

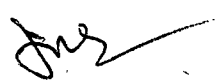

(J.N. Srivastava)
Assistant Personnel Officer,
N. R. LUCKNOW.
Northern Railway, Hazratganj,
Lucknow.

VERIFICATION

I, the official abovenamed do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and those of paras 2 to 29 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow:

Dated-1.1.90


(J.N. Srivastava)
Assistant Personnel Officer,
N. R. LUCKNOW.
Northern Railway, Hazratganj,
Lucknow.

Annexure No C-1

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Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

No. 220E/72 Pt. IX/Rectt.

27/11 Dated:-

11/73.

The DSS DLI FZR ALD LKO MB JU & BKN.

Sub:- Fillingup vacancies of Traffic Apprentices and
Commercial Apprentices.

--oo00oo--

A copy of Railway Board's letter No. E(NG)I-73/PMI/211
dated 8/11/73 is sent herewith for information and
necessary action.

DA/as below.

Gm. Singh
for General Manager (P)

Copy to H.C.(Eib) & (Eic), Baroda House, New Delhi
for information and necessary action.

..

Copy of Railway Board's letter as referred above.

Sub:- As above.

Reference Board's orders contained in letter No.
E(NG)III72RRI/18 dated 18th March, 1972 according to
which 10% of the vacancies of Traffic and Commercial
Apprentices in grade Rs. 205-280 should be filled on the
basis of the limited departmental examination. The Board
desire to clarify that the said limited departmental
examination should be held on the pattern of competitive
examination held for fillingup posts of Senior Clerks
in scale Rs. 130-300 against 10% quota in accordance with
the instructions contained in their letter No. PC60/RTP3/1
dated 20/12/61. The final panel should be drawn there-
after according to the merit position assigned by the
Selection Committee.

True Copy

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. K. LOCKNOW

NORTHERN RAILWAY

Headquarters Office,
Baroda House,
New Delhi.

No. 757E/103(E1B).

Dated

22/7/1975.

The Divisional Superintendents,
N.Rly. DLI, FZR, MB, ALD, LKO, KAN & JU.

Subj:- Roster for promotion of staff against 10% vacancies of the
vacancies reserved for departmental candidates.

The Railway Board vide their letter No. E(NG)II72 RRI/18 dated March, 1972 circulated vide this office letter No. 21 E/103-Pt.XI(Recd) dated June 72 decided that 10% of the annual vacancies in the category of Section Controllers, SAs & AYs grade Rs. 470-700 or 455-700 be filled in through a departmental competitive examination from Class III non-ministrial staff who are graduates and less than 33 years. The procedure to be adopted for this departmental competitive examination has since been issued vide this office letter of even number dated 11.9.74.

The vacancies against the prescribed quota of 15% for Traffic Apprentices and 10% for departmental competitive test may be worked out on the basis of the roster given below and maintained on each division for each category separately (i.e. Section Controllers grade Rs. 470-700), SAs & AYs grade Rs. 455-700(Rs).

- 1st. Vacancy (Traffic App).
- 2nd Vacancy Ranker.
- 3rd Vacancy -do-
- 4th vacancy -do-
- 5th vacancy Against 10% Departmental test.
- 6th vacancy Ranker.
- 7th vacancy -do-
- 8th vacancy -do-
- 9th vacancy Traffic App.
- 10th vacancy Ranker
- 11th vacancy -do-
- 12th vacancy -do-
- 13th vacancy Traffic App.
- 14th vacancy Ranker.
- 15th Vacancy -do-
- 16th Vacancy -do-
- 17th Vacancy Against 10% departmental test.
- 18th Vacancy Ranker.
- 19th Vacancy -do-
- 20th Vacancy -do-

In partial modification of the existing instructions, it has been decided that the departmental test on all the Divisions will be held simultaneously so that uniformity in the standard is maintained. The question papers will be set up in the Hd. Qrs. Office and sent to the Divisions. The evaluation of answer books on every division will be done by the officer nominated by the Hd. Qrs. Office. Thereafter the selection will be processed by the selection board nominated by the Railway Board at each Divisional Superintendents.

Assistant
N. R. L...

CONFIDENTIAL

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The selection Board will consist of Divisional Superintendent Officer and two other Sr. Scale Officers to be nominated by the Divisional Superintendent, with the exception that out of the two senior scale officers one will be nominated by Hd. Qrs. Office for the purpose of evaluation of written answer books.

Supervised
vide SN 71

The selected candidates will be required to pass the relevant promotion course before they are posted against a working posts.

(J.K.Thapar)
for General Manager(P)

Copy forwarded for information to:-

1. The General Secy. NRMU, 115-E, Babar Road, New Delhi.
2. The General Secy. URMU, 166/2, Panchsain Road, New Delhi.
3. PA/CUPS.

True Copy
Jr

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

पत्रांक: ई/844/0/ई34/330. उत्तर रेलवे

लखनऊ मण्डल के सभी अधिकारी,

कार्मिक शारदा के सभी सम्बन्धित,

लखनऊ मण्डल के सभी वरिष्ठ अधिकारी,

मण्डल सचिव - एन.आर.एम. यू. एवं थु.आर.एम. यू.।

मण्डल कार्यालय
लखनऊ.

दिनांक - 10-9-87

विषय:- पूर्वपेक्षित पदोन्नति सम्बन्धी पाठ्यक्रम।

देश मंत्रालय का पत्रांक ई (एनजी) 1-85-पी एम.आई/4
दिनांक 27-4-85 की प्रतिलिपि जो महा प्रबन्धक (कार्मिक) 502
वडा हा हाऊस नई दिल्ली के पत्र सं. 844 ई/16-VIII-5-
ई-आई-पी. दिनांक 15-7-85 के अन्तर्गत प्रेषित है, की
प्रतिलिपि सूचनाएँ एवं आवश्यक कार्यवाही हेतु
प्रेषित है।

श्री के. श्रीवास्तव,

कृते वरिष्ठ मण्डल कार्मिक अधिकारी,
लखनऊ।

Copy of Rly. Board's letter No.E(NG)I-86.PMT/4 dated 27.4.85 is reproduced below:

Sub: • PRE-REQUISITE PROMOTIONAL COURSE:

In terms of extant provisions in the Indian Railway Establishment Manual, the General Managers may prescribe requisite promotional courses passing of which is a pre-requisite condition for promotion to a grade in cadre. It was reiterated in this Ministry's letters No.E(NG)I/76/PMT/219(pt) dated 31.5.77, 19.11.77 and 2.9.78 that wherever promotion courses have been prescribed, the passing of the same should be a pre-requisite for further promotion and no exemption should be given from passing such courses. It was also stipulated that the staff should be advised well in advance of their promotions, and of the need for them to pass the pre-requisite promotional courses and whenever staff are booked for any promotional training course, they should be relieved immediately.

2. The matter regarding promotional courses came up for a review recently. In this context, the Ministry desire to reiterate their existing instructions referred to above, for strict compliance. It is emphasised that passing of promotional courses wherever prescribed is obligatory for promotion to the concerned grades and no laxity should be allowed in this regard.

Please acknowledge receipt

....

True copy
J. N. SRIVASTAVA
Assistant Personnel Officer
R. LUCKA

Ab1

④

72

18/13/76.

Comp. Selection of staff against the vacancies in the transportation Dept. raising of staff.

Continued
on page

10/20/13

Very forwarded for information to M.O. 14/11/72 (100/11/72) is reference
The D.O. No. 1/1/75-100/11/72 dt. 12.2.75.

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

⑤

A62
78

Annexure No C-5

10 APR 1976

Northern Railway,
HEADQUARTERS OFFICE
B. House, New Delhi.

No. 757E/102-1(SIB)

Dt. 17 April 1976.

The Principal,
Zonal Training School,
Chandauli.

Subj:- Training programme and syllabus for staff to be promoted as Jr. Transportation Supvrs. & Sec. Controllers against 10% graduate quota.

Ref:- Your DG letter No. 52/P/T/2 dated 21.10.75.

The question of prescribing a syllabus for training of Staff selected against 10% Departmental test in Transportation Deptt. was under consideration. The following Scheme of training has been approved by the Chief Operating Supdt:-

- | | |
|--|----------|
| 1. Theoretical Training | 3 Months |
| 2. Practical Training as | |
| (i) Asstt. Station Master | 1 " |
| (ii) Guard/TMC | 1 " |
| (iii) A YM | 2 " |
| (iv) Section Controller | 1 " |
| (v) With Dy CHC Stock/Dy CHC 10 hrs. | 15 days |
| (vi) With CHC/PRC/TLC | 15 days |
| 3. 3rd Phase of Theoretical Training - 2 months. | 1 Month |
| Total Duration 12 Months. | |

The above is a Broad pattern of training and the necessary syllabi will be laid down by Principal/ZTS for the two phases of the training in the School.

2. During the various stages of practical training on the Divisions efforts will be made to put them on independent charge in a few posts (as far as possible) which are different from the posts earlier held by the staff.

3. P/ZTS may ensure that necessary knowledge on current Comm. topics like "Claims", Marketing & Sales are added up to in the list of subjects to be taught during School training.

4. Section Controller

(J.K. Thapar)

Copy forwarded for information and necessary action to the
Divl. Supdt DLI FZR ALD LKO MB JU & BKN.

All Acme clear EIB.

JP

True copy

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

उत्तर रेलवे

प्रधान कार्यालय

बड़ौदा हाउस

नई दिल्ली ।

30-6-81 को क्षेत्रीय प्रशिक्षण स्कूल चम्बैली में अपने पहले चरण स्कूल प्रशिक्षण को पूरा करने पर निम्नलिखित ट्रेडिंक अप्रेंटिस ग्रेड 455-700 (सं.वे.) संलग्न प्रशिक्षण कार्यक्रम के अनुसार अगे के प्रशिक्षण के लिए उनके नाम के अगे दिये गये मण्डलों में निम्नित किये जाते हैं। कृपया उन्हें तदनुसार भेज दिया जाय ।

क्र.सं० नाम

आवंटित मण्डल

1- श्री अरविन्द बनर्जी

~~सुराबाद~~ लखनऊ

2- श्री सुरेन्द्र नारा सिंह

इलाहाबाद

3- श्री मो० असलम खॉ

इलाहाबाद

4- श्री अवतार अहमद वासकी

इलाहाबाद

5- श्री जफर अहमद

सुराबाद

6- श्री बियाज अहमद

बी का नेर

7- श्री सलोषा कुमार

दिल्ली

8- श्री सुबोध कुमार जैन

दिल्ली

9- श्री मोहन पाण्डेय

फिरोजपुर

10- श्री सैयद क़जेर अहमद

बी का नेर

11- श्री विजय कुमार खेलासा

जोधपुर

12- श्री शैला मो० अली अंसारी

फिरोजपुर

13- श्री अनिल कुमार कुलश्रेष्ठ

फिरोजपुर

14- श्री अलन्द प्रकाश

फिरोजपुर

15- श्री राजकिशोर (अ.जा.)

दिल्ली →

16- श्री रमेशचन्द्र (अ.जा.)

दिल्ली

17- श्री शंकरलाल (...)

फिरोजपुर

18- श्री राजेन्द्र प्रसाद (...)

बी का नेर

19- श्री सुरेन्द्र सिंह (अ.म.जा.)

बी का नेर

20- श्री जगदीश लाल मीना (अ.म.जा.)

जोधपुर

21- श्री देवोवरीता चटर्जी (अनुसूया आधार) लखनऊ →

22- श्री अनिल कुमार शर्मा (...)

इलाहाबाद

True copy
J. N. SRIVASTAVA
Assistant Personnel Officer
N. R. LUCKNOW.

A64

...2

नोट: उपरोक्त क्रम संख्या 9 पर नामांकित श्री श्रीमोहन पाण्डे, को प्रशिक्षण के प्रथम चरण

(आइटम 11 एवं 111) हेतु इलाहाबाद मंडल को भेजा जाता है। इसका शेष प्रशिक्षण कार्यक्रम फिरोजपुर मण्डल पर हो होगा। जिसके लिये इसे इलाहाबाद मण्डल के प्रशिक्षण के उपरान्त फिरोजपुर मण्डल को भेज दिया जाएगा।

उपरोक्त प्रशिक्षण इस कार्यालय में दिनांक 1-7-81 से 7-7-81 तक आदेशों की प्रतीक्षा में रहे।

संख्या 220-ई/172-14(भर्ता)

7/7/81

कृते महप्रबन्धक(काओ)

दिनांक

7-7-81

***मंडल प्रतिलिपि सूचना के लिये प्रेषित:-

- 1- मंडल रेल प्रबन्धक, इलाहाबाद, लखनऊ, फिरोजपुर, जोधपुर, बीकानेर, दिल्ली और मुरादाबाद
- 2- प्रधानाचार्य/देशीय प्रशिक्षण केन्द्र चम्पैसरी।

सिंह/7/7/81

True copy
JMS

(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

A65 3

Syllabus of training for Traffic Apprentices on Railways and its sequences.

- i) A suitable school course covering the duties of A.S.M. (inclusive of those of Guards) in respect of train working & coaching (Commercial) at but excluding more telegraphy. 4 months
- ii) Picking up with a guard or different types of trains. 1 month
- iii) Working as a guard independently with different types of trains mostly pick up and shunting goods trains & Parcels expresses. 5 months
- iv) Referaher course combined with a course in goods working. 3 months
- v) a) Working as A.S.M. at medium traffic station. 2 months
- b) Working as Asstt. Station Master at a large station. 2 months
- vi) a) Working as Asstt. Yard Master for a medium traffic yard. 2 months
- b) Working as Asstt. Yard Master at a large traffic Yard. 2 months
- vii) Senior Transportation Course at the School. 3 months
- viii) Learning the duties of a station master at a Large station under the station Masters. 1 Month
- ix) Learning the work of an Inspector under Inspector. 3 Months
- x) Learning the work in the Control Office (Examination in the Divisional/District Office) 1 Month
- xi) Working as a Section Controller in different offices. 4 months
- xii) Learning the work of a Dy. Chief Controller and Chief Controller under them and final examination (Written during the last month). 3 months

36 Months.

Provided the recruit has given ample proof of the possession of the necessary traits for being a successful Controller. viz foresight, quick judgement. Quick decision and coolness etc etc. If not fit for the control side, he should continue as Relieving Inspector or a Yard Man in equivalent grade.

OPJ
7.7.81

True copy
Jm
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

Annexure No C-7

Abb

1

HEADQUARTERS OFFICE
BARODA HOUSE NEW DELHI

Dated 14 July, 1986

NO:220-E/172-XV(Rectt)

The Divil. Railway Managers,
Northern Railway,
DLI, LKO, MB, BKN, JU, ALD & FZR.

SUB:- Rectt. and Training of Traffic Apprentice grade
Rs.455-700(RS) Training from 13.7.83 to 12.7.86.

....

On completion of their training on 12.7.86, the
following Traffic Apprentice grade Rs.455-700(RS) are
posted on the divisions as indicated against their names.
They may please be spared & directed to their respective
divisions for further instructions.

S/SH.

<u>S.NO.</u>	<u>NAME</u>	<u>DIVN. ALLOTTED</u>
1.	Nagina Singh	LKO
2.	Sunil Kumar Singh	MB
3.	Jagdamba	DLI
4.	Kailash Kumarojha	DLI
5.	Iqtiyar Ahmed Ferooqe	MB
6.	Ram Sukh	DLI
7.	Ashaan Safique	MB
8.	Waheed Uddin	MB
9.	Mohd. Masood	MB
10.	Syed Tariq Masood	MB
✓ 11.	S.K. Srivastav	MB
12.	Nihaz Ahmad	MB
13.	Ravi Prakash Srivastav	G. Control BKN
14.	Ashok Kumar Tiwari	DLI
15.	Sagir Uddin	MB
16.	Malik Nasim Ahmad	DLI
17.	Gopal Krishna	MB
18.	Mahmood Ali	MB
19.	Gulam Salyadain Hasmi	MB
20.	Jamaluddin Khan	MB
21.	Sudhir Kumar Tiwari	MB
22.	Praveen Kumar	MB
23.	Mohd. Khaliullah	MB
24.	Surendera Prasad Tiwari	MB
25.	Ravindra Kumar Arora	MB
26.	Navinchand Srivastava	BKN
27.	Mohd. Naseem	MB
28.	Muinuddin Qirashi	MB
29.	Shamim Ahmad Khan	

....2/-

True copy
Jm
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. TUCKER.

(73)

30.	Jammal Singh (SC)	BKN
31.	Vinod Kumar Saroj (SC)	BKN
32.	Sahadeo Prasad (SC)	BKN
33.	Phoolchand Basare (SC)	DLI
34.	Jagdish Prasad (SC)	MB
35.	Dinesh Chandra (SC) ⑨	JU
36.	Hira Lal S.C. ⑨	MB
37.	Sri Prakash Gautam S.C. ⑩	BKN
38.	Rameshwar Dayal Meena (SC)	DLI
39.	Tika Ram Hemji, Kekhera (ST)	MB
40.	Udai Singh Meena (ST)	

[Signature]
For General Manager (P)

Copy to Principal, ZTS/Chandauli for information and necessary action.

दिनांक 12-7-86 को प्रशिक्षण समाप्त होने के पश्चात उपरोक्त यातायात प्रशिक्षकों को उनके नाम के आगे लिखित मंडलों में नियुक्त किया जाता है। कृपया इन्हें कार्यमुक्त कर के प्रशिक्षण समाप्त होने के बाद उनके मंडलों को अंतिम कीर्तवाही हेतु भेज दिया जाये।

True copy
[Signature]

(N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

NORTHERN RAILWAY

Headquarters Office,
Baroda House, N. Delhi.

No. 220-E/172-XV/Rectt.

Date 08-8-1986.

The Divl. Rly. Manager,
Northern Railway,
DLI LKO & BKNSub :- Rectt. and Training of the Traffic Apprentice
Gr. Rs. 455-700(RS) Training from 13.7.83 to 12.7.86.

In partial modification of this office letter of even number dt. 14.7.86 addressed to you and others, the following Traffic App. Gr. Rs. 455-700(RS) were previously allotted MB, DLI, BKN & JU divisions after completion of their 3 years training. They are now posted on the division as indicated against their names if they have not yet joined on the Divisions earlier allotted to them.

S.No.	Name of the candidate	Divn. previous allotted.	Divn. now allotted.
----- S/Shri -----			
1.	✓ Sunil Kumar Singh ✓	MB	LKO
✓ 2.	Jagdamba ✓	DLI	LKO AYM
✓ 3.	Iqtey ar Ahmad Farooque ✓	MB	LKO ASM
✓ 4.	Ram Sukh ✓	DLI	LKO ASM
5.	✓ Ashan Safique	MB	LKO
6.	Syed Tariq Masood ✓	MB	LKO ASM
✓ 7.	S.K. Srivastava ✓	MB	LKO AYM
✓ 8.	Ravil Parkash ✓	MB	LKO SCHL
9.	Mohd. Ali ✓	MB	LKO ASM
✓ 10.	Praveen Kumar ✓	MB	LKO
11.	✓ Surendra Prasad Tiwari ✓	MB	LKO
✓ 12.	Naveen Chand Srivastava ✓	MB	LKO AYM
✓ 13.	✓ Mohd. Waseem ✓	BKN	LKO
✓ 14.	Dinesh Chandra (SC) ✓	MB	LKO ASM
✓ 15.	Bira Lal (SC) ✓	JU	LKO
✓ 16.	Sri Prakash Gautam (SC) ✓	MB	LKO ASM
17.	Revinora Kumar Arora	MB	DLI
18.	Udai Singh Meena (ST)	MB	BKN

While posting of the candidates to specific places, first priority should be given to filling up of vacancies in the control offices.

This has the approval of C.P.T.S.

[Signature]
for General Manager(P).

Copy for information & necessary action to :-

The Divl. Rly. Manager/A. Rly. MB & JU & ALD

True copy
[Signature]

(S. K. SRIVASTAVA)
Asst. Secy. to Genl. Mgr.
N. Railway, Delhi.

Annexure No C-9

A69

No. 752B/5-1/Selection/10%.

Divisional Office,
Lucknow. Dt. 27.9.83.

SM/LLJ, LKJ,
SM/LLJ, LKJ, SM/LLJ, LKJ, LKJ,
SM/LLJ, LKJ,
CHC/IKO.
Dy. CHC/Lobby IKO.
TI/IKO, PSE, FD, FPH, PSE, PSE, RBL.

Sub:- Selection for the post of SMs/ASMs/AYMs/TIC/
SCNLS in grade Rs. 455-700(RS) against 10%
graduate quota.

As a result of the selection held for the above posts
on 2.2.83, 17.4.83 & 29.6.83, the following staff found suitable
for the posts shown against each have been placed on the pro-
visional panel of 10% graduate quota in accordance with
their merit position in respective categories:-

T.I.

S.No.	Name	Designation	Category earmarked.
-------	------	-------------	---------------------

1.	Shri R.P.Gupta	ASM/LLJ.	T.I.
----	----------------	----------	------

STATION MASTER.

2.	Shri M.S.Usmani	ASM/MLJ	S.M.
3.	Shri Rajendra Pd. Singh	ASM/BKSA	S.M.
4.	Shri J.R.Maurya	ASM/FD	S.M.
5.	Shri S.S.Singh	LR/ASM/LKO	S.M.
6.	Shri S.S.Singh	ASM/DELC	S.M.
7.	Shri D.K.Dharvy	ASM/HCP	S.M.
8.	Shri Gyan Prakash Srivastva	ASM/LEH.	S.M.

Section Controller.

9.	Shri Vinod Kumar	TNC/LKO	SCNL.
10.	Shri Krishna Pd.(SC)	TNC/BSE	SCNL.

The above staff should note that the retention of their
names on the panel is subject to their work remaining satisfactory during
the currency of the panel and qualifying P-29A & B courses. Mere fact
that their names have been placed on the panel is no guarantee that
they will be offered the post for which selected.

Above staff are required to pass P-29 A/B course for which it
should be taken as notice & they should be ready to attend ZTS/CH
for above course as & when arranged.

(K.K.Mehta)
for Divil. Personnel Officer
Lucknow.

RK

(J.N. SRIVASTAVA)
Assistant Personnel Officer
R. LUCKNOW.

6196

Serial No. 6196.—Circular No. 757-E/103(EIB), dated 11-9-1974.

Sub.—Channel of promotion of Transportation Staff.


As per the integrated channel of promotion of Transportation Department circulated vide this office letter No. 757-E/72-C(EIB)L, dated 28-11-72 based on Railway Board's letter No. E(NG)1172RRI/18 of March 1972, copy circulated vide GM(P)'s letter No. 220-E/172-Pt. XI(Recit.) of 00-6-72, 10% of the annual vacancies in the category of SM-AYM and Section Controller grade Rs. 250-380(AS) are to be filled in through a departmental competitive examination from Class III non-ministerial staff who are graduates and less than 33 years of age. It has been decided by the competent authority to adopt the following procedure for the purpose of conducting this competitive examination.

1. A selection consisting of a written test and viva-voce should be conducted for selecting the suitable hands from among those who apply and satisfy the requirements laid down.
2. The evaluation for this departmental examination will be on the following basis :—

(i) Professional ability	Written Test	50
	Oral	25
(ii) Personality address and leadership		10
(iii) Record of service		15
3. The staff may be arranged according to merit order obtained on the basis of aggregate marks.
4. The departmental examination may be conducted by the Divisions, working out the annual vacancies including the anticipated requirements for the year in the categories of SMs-ASMs and Section Controllers grade Rs. 250-380(AS) Rs. 470-380 (AS) and hold a combined examination. The panels may, however, be drawn separately for each of the category according to the requirement.
5. The departmental test may be held every year.
6. Roster may be maintained for filling up 10% vacancies by competitive test. First nine vacancies may be filled by staff through promotion against 90% quota and the 10th vacancy will be filled by the person from the panel drawn through departmental examination.
7. Reservation of S/C and S/T will be applicable in the above departmental test.

The Selection Board should consist of Divisional Personnel Officer and 2 other Senior Scale Officers to be nominated by the Divisional Superintendent.

(128)

True Copy

 (J. N. SRIVASTAVA)
 Assistant Personnel Officer
 N. R. LUCKNOW.

A71 42

Annexure No C-11

Northern Railway
Divisional Office
Lucknow, Dtd. 11.8.83

NO: 352E/5-1/Selection/10%

SS/LKO, BSB FD
SM/LLJ, MLJ BKSA DELO, LEH
TI/LKO FD PBH SLN RBL, PRG
CHC/LKO

Sub:- P-29B course

The following staff are booked to attend P-29B course w.e.f. 7.12.83. They must be spared without fail advising this office.

In case any one does not attend & qualify the said course, they will not be considered for promotion.

1. Sri R.P. Gupta ASM/LLJ for TI/455-700
2. Sri M.S. Usmani ASM/MLJ for SM/455-700
3. Sri R.P. Singh ASM/BKSA -do-
4. Sri J.R. Maurya ASM/FD -do-
5. S.J. Singh LR/ASM/LKO -do-
6. S.S. Singh ASM/DELO -do-
7. D.K. Khare LR/ASM/LKO -do-
8. G.P. Srivastava ASM/LEH -do-
9. Vinod Kr. TNC/LKO for SCML/470-750
10. Krishna Prasad TNC/BSB -do-

In case any one reports sick near about the above course, he should not be allowed duty but spared to see Sr.DOS/LKO for further action. TI/CHC/LKO. SS/LKO, BSB FD should ensure compliance of these orders and see that all these staff are spared without fail.

Copy Principal ZTS/Chandauli.

Humel
for Divl. Personnel Officer
Lucknow.

True copy
Jm
(J. N. SRIVASTAVA)
Assistant Personnel Officer
N. R. LUCKNOW.

192

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT LUCKNOW.

Registration No.OA/91 of 1989 L.

BETWEEN.

Shri S.K.Srivastava. Applicant.

AND

Union of India and others. Respondents.

IN
REJOINDER AFFIDAVIT.

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S.No.: Documents relied upon.	Page No.
1. Rejoinder.	1 to 14.
2. <u>Annexure R-1.</u> Photo-stat copy of the Printed Serial No.7894 issued by the General Manager, Northern Railway, New Delhi.	15
3. <u>Annexure No.R-2.</u> Photo-stat copy of the D.R.M., N.Rly., Lucknow letter No. 220 E 15-1/7 APPD dated 19.3.1990 Posting of Traffic Apprentices.	16
4. <u>Annexure No.R-3.</u> Photo-stat copy of Chief Operating Superintendent, N.Railway, New Delhi letter No.COPS/Misc./89 dated.31.8.89 add ressed to Sri Dal Chand, Member of Parliament.	17
5. <u>Annexure No: R-4.</u> Photo-stat copy of Printed Serial No.6085 issued by the General Manager N.Railway, New Delhi.	18
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Lucknow.

Dated: 7.4.90.

(S.K.Srivastava)
APPLICANT.

*Filed today
24/4/90*

ATB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Registration No:OA 91 of 1989 L.

BETWEEN

S.K.Srivastava, Applicant.

AND

Union of India and others Respondents.

REJOINDER OF S.K.SRIVASTAVA, THE APPLICANT.

I, S.K.Srivastava, at present working as Assistant Station Master under Station Superintendent, Northern Railway, Lucknow, do hereby solemnly affirm and state as under:-

1. That the contents of para 1 of the counter-reply needs no comments.
2. That in reply to para 2 of the counter, its contents are denied, and the contents of the affidavit filed as per orders of this Hon'ble Court are reiterated. It is submitted that the application filed by the applicant is not barred by time. The applicant joined his duties under respondent No.3 on 11.8.1986 after completing 3 years training course prescribed for the Traffic Apprentice. The applicant came to know about a letter as annexed to the application as Annexure No: A-5 sometimes in the first week of April, 1988 as mentioned in Para 7 of the affidavit which disclosed that the persons mentioned in the annexure A-5 are working in Higher Grades and have been termed as Senior to the Applicant. After this the applicant made a representation to the Respondent No.3 on 11.4.88 to Assign seniority over them. The cause of action accrued to the applicant in the first week of April, 1988 when the applicant came to know about Annexure No.A-5. The question

of accruing cause of action to the applicant in the year 1983 does not arise as the applicant was undergoing training at Chandausi and Lucknow Division was not allotted to the applicant till August, 1986.

3. That in reply to Para 3 of the counter, paras 1 to 3 of the application are reiterated.

4. That in reply to para 4 of the counter, the contents of the para 4 of the application are reiterated.

5. That in reply to para 5 of the counter, its contents are denied and the contents of para 5 of the application are reiterated.

6. That in reply to para 6 of the counter, its contents are denied as the same are misleading ^{may} and/create confusion to this Hon'ble Court. The case has been twisted in such a manner to prejudice the Hon'ble Court. The contents of para 6 of the application are reiterated. It is further submitted ~~in~~ ^{that} that the provisions of para 123 of Indian Railways

Establishment Manual have not been superseded by the

Railway Board letter Number annexed to the counter

as Annexure No: C-1. This annexure is only a

clarification of the Board's letter dated 18.3.72

regarding the pattern of the competitive examination

of Traffic Apprentices against 10% quota on the

Pattern of competitive examination for filling of

post of Senior Clerks in Scale Rs.130-300. In this

letter duration of Training period for persons

selected against 10% quota for Traffic Apprentices

Departmentally has not been reduced. The period of

training for 3 years for Traffic Apprentices for

15% + 10% departmental candidates has again been

confirmed in para 8 of the Railway Board letter

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Annexure No: A-3 by reducing the period of training from 3 years to 2 years for Traffic Apprentices with effect from 15.5.87. In other Railways the Departmental candidates selected on the basis competitive examination against 10% quota had to undergo 3 years training as is evident from General Manager, N.E. Railway, Gorakhpur letter Annexed as Annexure No: A-8 to the application. The period of training reduced by Chief Operating Superintendent, Northern Railway, as per Annexure No.C-5 to the Counter- reply is wholly illegal and contrary to the existing statutory rules laid down in Para 123 of the Indian Railways Establishment Manual. The General Manager can only make rules for his own staff if there is no such other order issued ~~and existing~~ by the Railway Board or the General Manager's orders are not in contravention of the Statutory Rules. The Chief Operating Superintendent's Orders in Annexure No.C-5 to the counter-reply contravenes the provisions of Para 123 of the Indian Railway Establishment Manual so far as the Training period for the Traffic Apprentices are concerned. It has further been stressed in the Railway Board's letter circulated under Printed Serial No. 7894 issued by General Manager, N.Railway, New Delhi, that existing provision for recruitment of Traffic Apprentices to the extent of 25% of the vacancies (15% through Railway Service Commission and 10% through Departmental test from existing graduate staff) should be fully expedited. In this letter also the Railway Board has not curtailed the period of training for 3 years, prescribed for R.T.As. The Photo-stat copy of the Printed Serial No. 7894 is annexed as Annexure No.R-1.

7. That in reply to para 7 of the counter, its

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contents are misleading, confusing hence denied. It is submitted that Annexure C-2 of the counter-reply is letter of the General Manager, Northern Railway, New Delhi, issuing instructions to his Divisions for conducting the Departmental Examination against 10% quota. This letter has not been issued by the Railway Board. The respondents¹¹³ have not submitted the copy of the Railway Board letter No.E(NG)/~~XXX~~ VI72 RR1/18 dt.18th March, 1972 in order to conceal the facts and contents of the letter. Had this letter being filed the secrets of the respondents¹¹³ might have come on the surface and before this Hon'ble Court. The relaxation in period of training for 3 years for R.T.As has never been issued by the Railway Board. The Railway Board has powers to reduce the duration of training and they have done in Para 2 VIII of Annexure A-3 of the petition. In this letter the Board have reduced the period of training from 2 years as against 3 years as is in the case at present on 15.5.87. The annexure C-2 to the counter has nothing to do with the period of training for 10% quota candidates.

8. That in reply to para 8 of the counter its contents are misleading and false hence denied. Para 123 of Indian Railways Establishment Code Vol.I lays down that the Railway Board have full powers to make rules or general application for Group C and D staff under their control and Para 124 of the said Code lays down that General Manager of the Railways have full powers to make rules with regard to Railway Servants in Group C and D under their Control provided they are not inconsistent with any Rule made by the President of India or the Ministry of Railways.

Thus statutory Rules exist and General Manager has no power to make any Rule in contravention of the Statutory Rules inunited in Para 123 of Indian Railways Establishment Manual. It is also very clear from Annexure No.A-3 to the petition that the Railway Board only reduced the period of training from 3 years to 2 years in 1987 and not before that date. It is further submitted that the Annexure No: C-3 of the counter-reply only relates to promotional course for Traffic Department recruited at the initial stage and not for Railway Traffic Apprentices.

9. That in reply to para 9 of the counter its contents are false and misleading; hence denied. It is further submitted that Annexure C-4 of the counter relates to the procedure for Departmental Competitive Examination as is evident from first para of the said letter and in second para it was the decision of the General Manager to give training to 10% Traffic Apprentices in a Special Course and Annexure C-6 filed to the counter reply indicates that Syllabus for Training for Traffic Apprentices on Railways is 36 months (3 years) ~~to~~ in different spheres and this annexure as is admitted by the respondent ~~to~~ by filing the same is in accordance with para 123 of the Indian Railway Establishment Manual which is applicable to staff selected against 10% Quota as Traffic Apprentices. Annexure C-4 of the counter has no bearing on the period of training of Traffic Apprentices

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10. That
/In reply to para 10 of the counter, its contents and annexures C-4 and C-5 are against the statutory rules; hence denied. Annexures C-4 and C-5 are the letters issued by the General Manager, Northern Railway, New Delhi, who has no power to issue orders contrary to the existing statutory rules.

11. That
/In reply to the contents of para 11 of the counter, its contents as stated are denied. It is submitted that the respondents^{No 3} have admitted by means of Annexure C-6 that syllabus of training for Traffic Apprentices (15% direct and 10% departmental) on Railways are prevalent and its sequences are for 36 months (3 years) which is exactly as per Statutory Rules. Annexures C-4 and C-5 filed by the respondents to its counter, contradicts Annexure C-6 of the counter. In face of Annexure C-6 the Annexures C-4 and C-5 of the counter stand nullified.

12. That in reply to para 12 of the counter, its contents are misleading and against the rules; hence denied. It is submitted that the respondents^{No 3} got the Traffic Apprentices selected against 10% quota from the Department on the basis of the letters Annexures C-4 and C-5 of the counter and did not follow the syllabus as shown in Annexure C-6 of the counter. The training of Apprentices against 10% quota pertaining to Lucknow Division stands nullified in face of Annexure C-6 of the counter, filed by the respondents. Thus the seniority of Traffic Apprentices selected against 10% quota vide Annexure C-9 of the counter can only be counted from the date of joining the working post after completion of 3 years training. The seniority given by the respondents

No 3 to these candidates on the basis of one year training is incorrect and illegal. as per Adv. Correlation Slip 132 P.S. No 8055 dated 14/11/84 by Genl Manager N.R. New Delhi

In addition to this as per para 303 (a) of the

Contd....

Indian Railway Establishment Manual, the seniority of the Candidates recruited through Railway Service Commission or by any other ~~Recruitment~~ Recruiting authority should be determined in order of merit obtained at the examination held at the end of Training period before being posted against working post. Accordingly the applicant ranks senior to the Traffic Apprentices shown in Annexure C-9 of the counter because the applicant joined his duties after completion of 3 years training in July/August, 86 whereas R.T.As shown in Annexure C-9 should have completed their training in December, 1986 on the basis of Statutory Rules. Moreover, as per para 306 of the Indian Railway Establishment Manual, the applicant was selected at an earlier selection than the candidates shown in Annexure C-9 of the counter, so the applicant is senior to those selected later as shown in Annexure C-9 of the counter.

13. That in reply to para 13 of the counter, its contents are misleading; hence denied. The contents of para 6 of the application are reiterated.

14. That para 14 of the counter needs no comments as has been admitted by the respondents.

15. That in reply to para 15 of the counter, only this much is admitted that applicant was posted on Moradabad Division and later on to Lucknow Division and rest of the contents are denied. It is further submitted that the applicant gave option for posting as T.I. at Lucknow against the vacancy of 15% direct recruitment quota on 11.8.1986 which was received in the Office of respondent No.3 on 12.8.86 as per Annexure D filed in the Honourable Court in the ends of justice. The respondent No.3 posted the applicant as Assistant Station Master which was not the proper

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category for the applicant. However, the applicant joined his duties without prejudice having all his rights and claims reserved as per Annexure No: E filed in the Honourable Court on 18.9.1989. The respondent No.3 adopted pick and choose policy and posted Sri Nagina Singh, Traffic Apprentice in the Applicant's Batch, who passed in the supplementary examination, as T.I. and not the applicant though the applicant is senior in Merit to the aforesaid man even then the Respondent No.3 did not consider the applicant's case for posting as T.I. Recently the Traffic Apprentices posted on this Division have not been posted as Assistant Station Master but have been posted as Yard Master and Section Controllers only. The persons who have been posted as Yard Masters and Section Controllers by the Respondent No.3, have better avenue of promotions in their channels. The applicant was wrongly posted as Assistant Station Master, which is not a supervisory post, inspite of the request of the applicant for posting as T.I. This has been done intentionally by the respondent no.3.

*though it is
absolutely clear from
the Annex C-6
of the Counter
filed by the
respondent.*

16. That in reply to para 16 of the counter, its contents are confusing, misleading and false and as such are denied. The contents of para 6(4) of the application are reiterated. It is further submitted that the Railway Traffic Apprentices are not posted as Assistant Station-Master. As per Annexure C-8 of the counter it is evident that first priority should be given to filling up of vacancies in the control office. It means that the option and priority is there and the applicant has been ignored even after issuing this letter by the General-Manager, N.Railway, New Delhi. The applicant figures at S.No:7 of Annexure C-8 of the counter in the merit list has been ignored and R.T.As at S.No: 8 and 12 of the same annexure have been posted as Section Controllers

[Signature]

Contd.....

and AYMS
 /respectively. According to this Annexure the applicant gave his priority for posting as T.I. as per Annexure D filed in the Honourable Court. The Railway Board had stated in Annexure No.A-3 of the application that the R.T.As are to be utilised as Station Masters, Yard Masters, Traffic Inspectors and Section Controllers. According to this also the Railway Traffic Apprentices are not to be utilised as Assistant Station Masters. The Respondent No.3 also adopted this order by posting Railway Traffic Apprentices in these categories and not in the Category of Assistant Station Master recently
 Annex. R-2 — which is evident from Annexure No.R-2. Shri R.S.Pandey, was working as Traffic Inspector against 15% direct quota so the question of 'no vacancy' of Traffic Inspector against 15% quota as stated in para 16 of the counter does not arise. Some interested person in the Personnel Branch of the Divisional Railway Manager's Office including one of the Officer earmarked the applicant for posting as Assistant Station Master by ignoring all norms laid down by the competent authorities and there is no such order to post the Railway Traffic Apprentices as Assistant Station Masters as is evident from Annexure A-3 filed with the application. It is also relevant to point out that the applicant represented the case to the Divisional Railway Manager N.Rly, Lucknow and Chief Operating Superintendent, Northern Railway, New Delhi and the Chief Operating Superintendent, Northern Railway, New Delhi asked for the comments from the Divisional Railway Manager, N.Rly., Lucknow but the same was kept in waste paper basket. The Photo-stat copy of the Chief Operating Superintendent, N.Railway, New Delhi letter No.COPS/Misc./89 dated 31.8.1989 addressed to Shri Dal Chand, Member of Parliament, is annexed as Annexure No: R-3.

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17. That in reply to the contents of para 17 of the counter, its contents are denied and contents of para 6(5), 6(6) and 6(7) of the application are reiterated.

18. That in reply to para 18 of the counter, its contents are denied, and the contents of para 18 of the application are reiterated. It is submitted that Annexure A-3 to the application has stated the existing orders also; so it is fully applicable in this case.

19. That in reply to para 19 of the counter, its contents are denied and the contents of paragraph 6(9) of the application are reiterated. It is submitted that the Railway Board vide their letter No.E(NG)II-81(RC)1/124 dated 25.8.81 circulated by the General Manager, N.Rly., New Delhi under his Printed Serial No. 7894 decided that the existing provision for Railway Traffic Apprentices in Grade Rs.455-700 to the extent of 25% of vacancies (15% through Railway Service Commission directly and 10% through Departmental Test from the existing graduate staff) should be fully exploited. Accordingly candidates selected against 10% quota will be termed as Railway Traffic Apprentices and all the statutory rules are applicable to them. Photo-stat copy of P.S.No:7894 is filed as Annexure No.R-4. Moreover, the respondent No.3 invited applications for 10% Railway Traffic Apprentices as per Annexure No.A-4 to the application on the basis of P.S.No: 6085. But when the result was declared the post of Traffic Inspector was manipulated though there was no vacancy. The vacancy was calculated for 2 years on the basis of P.S.No:6085 stated above. Photo-stat copy of P.S.No:6085 is enclosed as Annexure No: R-5.

Annex. RI

18/8/82

20. That in reply to para 20 of the counter, its contents are denied and contents of para 6(10) of the application are reiterated. It is further submitted that Annexure C-9 and C-10 of the counter are mis-leading and are not based on statutory rules, so it is not meant for the Traffic Apprentices. General Manager has no power to fill up the vacancy of the Transportation Department i.e. 90% be filled by staff through promotion and 10% vacancies be filled through departmental candidates on the basis of examination. In this way 100% vacancies to be filled as per this order. ^{No} ~~Now~~ vacancy will be left for R.T.As recruited against 15% directly. Thus the General Manager's letter is not applicable in R.T.A's case.

21. That in reply to para 21 of the counter, its contents are misleading, baseless and unfounded and against the statutory rules. Hence denied. The contents of para 6(11) of the application are reiterated. It is further submitted that 7 persons were placed on the panel as Station Masters as shown in Annexure C-9 of the counter whereas hardly 2 vacancies come against 10% quota for departmental Railway Traffic Apprentices, if all the 21 posts for the Station Masters sanctioned ^{for} ~~for~~ Lucknow Division were vacant on the date of announcement of the result shown in Annexure C-9 of the counter and departmental candidates did not complete training for 3 years so their seniority is to be determined from the date they complete 3 years training. Moreover one man was also placed on the panel of Traffic Inspector in the same Annexure, when no vacancy ~~post~~ of Traffic Apprentice was advertised. Para 302 of the Indian Railway Establishment Manual is not applicable to the Railway Traffic Apprentices. It has wrongly been quoted. The training imparted to the Railway Traffic Apprentices against 10% on the basis of letter of the General Manager, Northern Railway, ^{is} ~~are~~ against the statutory

A81

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Rules and the General Manager has no power to make any
 * rule against the existing orders of the Railway Board.
 The applicant was wrongly earmarked for the post of
 Assistant Station Master as already stated in foregoing
 paragraphs. The applicant joined his duties as A.S.M.
 under protest. Initial recruitment grade of the Railway
 Traffic Apprentices is Rs.455-700 so they are not to be
~~promoted~~ promoted in the higher grade in the cadre of
 Assistant Station Master and they have no chance of
 promotion in this cadre. Actually this grade i.e.
 Rs.455-700 is a promotional grade for the Assistant
 Station Masters recruited in the initial grade of
 Rs.330-560. *photo of R. B. D. M. C. - III / 80 / 403 / 19 dated 29.2.93*
Annex - R - 5 The Railway Traffic Apprentices who were
 posted as Traffic Inspectors, Section Controllers,
 Station Masters and Asstt. Yard Masters have got their
 channel of promotion in grade Rs.550-750 and above and
 whereas the Railway Traffic Apprentices posted as *Annex 8*
 Station Masters in grade Rs.455-700 have no chance of
 promotion in the higher grade. The seniority of the
 Railway Traffic Apprentices selected against 10% quota
 and 15% Quota should be combined and thus seniority
 is to be determined from the date they complete 3 years
 training in all spheres. In this way the applicant is
 senior to the candidates shown in Annexure C-9 of the
 counter as per para 303-(i) of I.R.E.M. with all conse-
 quential benefits including promotion and fixation.

22. That in reply ^{to} para 22 of the counter, its
 contents are mis-leading; hence denied. Para 6(12) of the
 application is reiterated. It is further submitted that
 the training period given to the candidates (R.T.A.s)
 shown in Annexure C-9 are in violation of statutory
 rules and the orders of the Railway Board and G.M. is
 not competent to make rules, contrary to the statutory
 rules. The posting of the applicant as A.S.M. has already

Contd.....

been disputed by the applicant by joining his duties under protest. It was the intention of some of the staff in the Personnel Branch as well as the interested officer to harm the applicant. It is proved from the glaring example that the Railway Traffic Apprentices who have joined this Division recently have not been posted as Asstt. Station Master. Copy of the order of the Divisional Railway Manager, N. Railway, Lucknow letter No. 220 E/57-1/T-AM-2 dated 19.3.199, is annexed as Annexure No. R-62 to this application.

23. That in reply to para 23 of the counter it is not disputed that the applicant was verbally informed about the seniority but the seniority list was neither shown nor the representation (Annexure No: A-7 of the application) was disposed off and its result intimated to the applicant.

24. That in reply to para 24 of the counter its contents are misleading and respondents have tried to confuse the Honourable Court; hence denied. The contents of para 6(14) of the application are reiterated. It is ~~fact~~ further submitted that the G.M. has no power to frame any rule which contravenes the statutory rules. The letter annexure A-8 of the application are based on paras of the Indian Railway Establishment Manual meant for Railway Traffic Apprentices whereas the G.M's letter are against the rules.

25. That in reply to para 25 of the counter, its contents are not admitted and the contents of the para 6(15) and 6(16) of the application ^{are} reiterated. It is further submitted that according to para 306 of the I.R.E.M., the applicant is senior to those R.T.A. selected later.

26. That in reply to para 26 of the counter its contents are false and misleading; hence denied.


It is further submitted that the course evolved for 10% graduate quota is not a promotional course. They are called Railway Traffic Apprentices as per Annexure R-1 and Annexure A-3 of the application.

27. That in reply to para 27 of the counter its contents are denied and the contents of grounds 1 to 6 of the application are reiterated.

28. That in reply to para 28 of the counter, it is not disputed.

29. That in reply to para 29 of the counter its contents are denied and contents of para 9 of the relief are reiterated.

Lucknow.
Dated: 7.4.90.

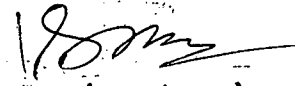

(S.K. Srivastava)
Applicant.

Verification.

I, S.K. Srivastava, do hereby verify that the contents of paras 1 to 26 of this rejoinder are true to my knowledge and those of paras 27 to 29 are believed by me to be true.

Signed and verified this 7th day of April, 90
at Lucknow.

Lucknow.
Dated: 7.4.90.


(S.K. Srivastava)
Applicant.

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Antup. R I

(15)

PS. No 7894

✓ Copy of Rly. Board's letter No. E (NG) II-81 (RC) I/124 dated 25-8-81

Sub.—Filling up of vacancies of Traffic/Commercial Apprentices.

At the General Manager's Conference held on 20-6-81, the question of revival of recruitment of RTAs was raised. The System of having RTAs was in vogue on a few Railway's only. The matter has been considered by the Board and it has been decided that the existing provision for recruitment of Traffic Apprentices in grade 455-700 (RS) to the extent of 25% of vacancies (15% through Railway Service Commission) directly and 10% through Departmental test from existing graduate staff, should be fully exploited. You are requested to take action accordingly.

क्रम सं० 7895, खं० 433-ई/48/पार्ट-II (ई-4) दिनांक 25-9-81.

विषय :—परिवार कल्याण कार्यक्रम नघु परिवार मानदण्ड को बढ़ावा देने के लिए रेल कर्मचारियों को प्रोत्साहन देना ।

NORTHERN RAILWAY

A88 Annex - R21

No. 220-E/5-1/T-App.II

Divisional Office,
Lucknow, Dt/- 19-3-90

Sr.DOS,DOS-I,II
AOS(M),(G) & AOS(Yd)/LKO
CHC/LKO
All Traffic Apprentices concerned.

Sub: Absorption of traffic apprentices,Gr.Rs.
1400-2300(RPS),training from 16.11.87 to
15.11.90/15.2.90.

Ref: 1.GM(P)/NDLS,letter No.220E/178-XVIII(Rectt)
dt.16.2.90 and 20.2.90.

2.220E/5-1/T-App.II dt. 7.3.90.

.....

In supersession to this office letter of even no. dated
7.3.90, the under noted T-Apps. gr.Rs.1400-2300(RPS),are hereby
earmarked for the category mentioned against each. The place
of posting has also been indicated against each.

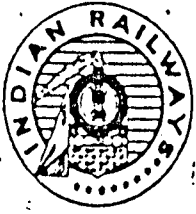
Name		Earmarked for the	Posted
		cader.	
1. Y.P.Tripathi	T-Apps.Gr.1400-2300	AYM Gr. 1400-2300	AYM/LKO
2. R.P.Upadhyay	-do-	-do-	-do-1400-2300
3. A.S.Pandey	-do-	-do-	-do-
4. Anil Kumar	-do-	SCNL Gr.Rs. 1400-2600	SGNL Under CHC/LKO
5. Arvind Kr.Singh	-do-	-do-	-do-
6. Anil Kr.Singh	-do-	-do-	-do-
7. M.M.Bhatt	-do-	-do-	-do-
8. Baboo Lal	-do-	-do-	-do-

This has the approval of DRM/LKO,

Divisional Personnel Officer,
Lucknow.

Copy to:

1. GM(P)/NDLS in ref. to his letter nos 220E/178-XVIII(Rectt)
dated 16.2.90 and 20.2.90.
2. Dealer E/5-2,



एन० पी० वर्मा,

CHIEF OPERATING SUPERINTENDENT
NORTHERN RAILWAY
BARODA HOUSE
NEW DELHI

अ.शा.पत्रसं०-८०५/मु.र./८९

दिनांक: ३१ अगस्त, १९८९.

प्रिय श्री जैन,

विषय:- श्री एन० के० श्रीवास्तव ट्रैफिक अप्रेटिस उ०रे०
लखनऊ को टी.आई. में पोस्ट करने के सम्बन्ध
में ।

संदर्भ:- आपका पत्र दिनांक ११/८/१९८९.

....

उत्तर रेलवे पर लखनऊ मण्डल के यातायात प्रशिक्षणार्थी
श्री एन० के० श्रीवास्तव की यातायात बिरीचक के रूप में नियुक्ति
से, सम्बन्धित, आपका पत्र यहाँ प्राप्त हो चुका है । इसकी हम
जांच करेगें तथा शीघ्र कुछ ही समय में आपको सूचित करेगें ।
(11/8/89)

भवदीय.

श्री डालचन्द जैन,
संसद सदस्य (लोकसभा),
३२ मीनाबाग, नई दिल्ली ।

(एन० पी० वर्मा)

प्रतिनिधि- श्री वी० के० अग्रवाल, डी.आर.एम. उत्तर रेलवे लखनऊ ।
श्री डालचन्द जैन संसद सदस्य लोकसभा से प्राप्त पत्र की
एक प्रति संलग्न है । कृपया पूर्ण विवरण भेजें ।

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Annex-A-4

Serial No. 6085.—Circular No. 831-E/63/2-X (EIV), dated 11-2-1974.

Sub.—Procedure for filling up Selection posts, Non-gazetted assessment of anticipated vacancies.

I. The Board have decided that the restrictions contained in their letters No. E(NG)62PM1/91, dated 10-7-64 and E(NG) I-68PM1/192, dated 5-1-72 circulated vide 'P' Branch Serial Nos. 2615 and 5538 regarding assessment of "anticipated vacancies in connection with selection posts, should be cancelled. (Authority.—Railway Board's letter No. E(NG)I-73PM1/294, dated 11-1-1974).

II. For the purpose of calculating existing and anticipated vacancies in respect of forming panels for selection posts, it has now been decided that the method for calculating existing and anticipated vacancies will be as follows :—

1. Take in to account existing vacancies plus retirements in the same category for the currency of panel in viz. next two years.
2. Vacancies vice persons selected (placed on the panel) in the higher grades the regular line or against ex. cadre posts, but not promoted yet.
3. Vacancies of staff recommended for being placed on deputation but who have not yet been spared.
4. Number of additional posts expected to be sanctioned in the next two years (to be given by the executive officer concerned).

III. After taking into account the existing and anticipated vacancies in the manner given above the total number of persons to be placed on the panel would be determined by adding 25% of the vacancies so assessed for unforeseen requirements.

IV. With the widening of scope for the assessment of anticipated vacancies it may now please be ensured that adhoc arrangements do not become a normal feature and duly selected candidates are available to the extent the vacancies are anticipated to occur.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 91 of 1989(L)

B E T W E E N

S.K. Srivastava Applicant.

versus

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

SUPPLEMENTARY COUNTER REPLY ON BEHALF OF

RESPONDENTS NO. 1 TO 3.

I, *Rajiv Vishore* working as

Assistant Personal 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 fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the respondents 1 to 3 to file this supplementary counter reply on their behalf .;

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IN REPLY TO REJOINDER FILED BY THE APPLICANT

2. That the contents of para 1 of the rejoinder do not call for reply.

3. That the contents of the para 2 of the rejoinder is denied and that of para 2 of the counter reply is reiterated as correct. It is further stated that it may, at the very outset, be stated that the applicant was recruited as Traffic Apprentice in the year 1983 through Railway Recruitment Board, Allahabad. The applicant was imparted three year's training at Zonal Training School, Chandausi in T-14 A & B Course, which is a prerequisite training for a Traffic Apprentice before posting on any of the Division on the Northern Railway, viz ALD, MB, LKO, BKN, FZR, JU and DLI etc as is evident from the Annexure-C-7 of the counter reply. It is further added that the applicant was likely to be posted at any of the divisions of the Northern Railway, in the various posts namely ASM, AYM,

T.I. etc against 15% prescribed quota. It is , therefore, obvious that the allotment of Lucknow Division to the applicant was not necessary and he could have been posted on any division of Northern Railway. In fact, the applicant was allotted MB division on his first posting through Annexure - C-7 of the counter reply. Subsequently, he was allotted Lucknow Division instead of MB Division through Annexure C-8 of the counter reply. The staff borne on the panel of 10% graduate quota were empanelled on 27.9.83 i.e. much before the joining of the applicant and they were put to work on the working post viz SM/AYM/TI/SGNL in the year 1984 and 1985 after completion of successful training i.e. P-29 A & B which was a prerequisite qualification for graduate quota staff. It is also worthwhile to submit that the various courses having nomenclature with alphabet 'T' denotes training for direct recruits whereas the course having specification with alphabet 'P' denotes promotional courses for departmental promotees. In this way the cause

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of action accrued to the applicant in the year 1983 or at the most as per applicants own statement on 11.8.86, even then this application is highly time barred.

4. That the contents of the paras 3,4 & 5 of the rejoinder are denied and those of paras 3,4 & 5 of the counter reply are reiterated as correct.
5. That the contents of the para 6 of the rejoinder is not admitted as stated but that of para 6 of the counter reply is reiterated as correct. It is further submitted that the provisions of para 123 of IREM (Indian Railway Establishment Manual) were made in 1968 and a plain reading of this para will reveal that initially 25% of posts, in the various supervisory posts of transportation branch, were kept reserved for the Traffic Apprentices, who were to be recruited through Railway Services Commission or now known as the Railway Recruitment Boards. Para 123 of

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IREM does not have any mention about the 10% graduate quota Scheme. Although the Board's letter no. E(NG) III 72 RRI/18 dt. 18.3.72, is not readily available but the subsequent circulations of G.M., Northern Railway that the Annexures C-1, C.2 of Counter reply and Railway Board's letter No. E(NG) I-87/SR-6/20 dt. 2.12.87 (now Annexure SG-1 with this reply) clearly stipulates that the 10% quota for serving graduates was introduced in 1972 by splitting the direct recruitment quota of 25% in 15% direct and 10% for departmental graduate. The Railway Board's letter dated ^{2.12.87} ~~27.02.87~~, further goes to say that bifurcation of 25% quota was done in pursuance to decisions taken in the departmental council of the Ministry of Railways under the Joint Consultative Machinery Scheme. It is also explicit that the nomenclature and the mode of recruitment of these two quotas are entirely different and staff selected against these two distinct quotas are imparted, entirely different training in

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view of the fact that the former group of staff (15%) is direct recruit from open market whereas the later group of staff (10% quota) is departmental employees having adequate and intimate knowledge of railway rules and its working. The mode of recruitment in the case of 15% direct recruits under the nomenclature of Traffic Apprentice is made from the open market whereas in the case of 10% graduate quota, the nomenclature is 10% limited departmental examination for ~~xx~~ serving graduates. The another major distinction in both these groups is that the recruitment of direct recruits against 15% Traffic Apprentice quota is always made for a particular zone, namely Northern Railway,, Central Railway,, etc. or for a pool of divisions but the selection against 10% graduate quota from amongst the serving graduates is done separately by each division without having any connection or coordination with other divisions or Railway Recruitment Boards.

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As regard the Annexure A-3 of the application, the training period of traffic apprentices was reduced by the Railway Board from 3 years to 2 years under a new formulated scheme for absorption in the higher grade i.e. Gr. Rs. 1600-2660 (RPS) and this scheme was made effective from 15.5.87 with the clear stipulation that Traffic Apprentice being imparted training before the cut out date i.e. 15.5.87 were to be absorbed in the lower grade of scale Rs. 1400-2300 (RPS). So far the question of duration of training period for departmental 10% graduates (Serving) is concerned, it was uniformly and judiciously framed by the G.M./Northern Railway., under the powers conferred on him under the provisions of para 117(a) of IREM and Para 123 of IRE Code Volume I, 1985 edition. It is pertinent to indicate that the evolution of syllabus and its duration for the 10% departmental graduates, who were selected on the different divisions of the Northern Railway separately during the last 14 years, was not violative of Para 124 of IRE Code Volume I. In fact, the G.M./Northern Railway has not reduced or curtailed

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the training period of Traffic Apprentices which was prescribed as 3 years under para 123 of IREM. The training period for 10% graduate quota staff, which had come into the existence in 1972, pursuant to the decision taken under J.C.M. Scheme, was nowhere prescribed by the Railway Board and as such the evolution of P-29 A & B Course and its duration under the powers conferred on him under 117 (a) of IREM, by G.M. (P), Northern Railway., was in the no way violative of para 124 of IREC Vol. I 1985 edition. The provisions of para 123 of IREM, 1968 edition were the broad principles which was further modified or bifurcated into 2 group having different nomenclatures. The Railway Board's letter dated 2.12.87 showing that the 25% quota was further bifurcated into 2 groups pursuant to the decision by the Ministry of Railways is enclosed as Annexure SC-1 with this reply. The Annexure C-4 & C-5 of the counter reply are, therefore, absolute and as such the

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syllabus and the duration of the training was judiciously formulated by the G.M./Northern Railway in exercise of the powers vested with him. Needless to mention that the syllabus was designed, keeping the working experience of the serving graduates who have adequate and intimate knowledge of Railway working, whereas the syllabus of T-14 A & B, which was prescribed by the G.M./Northern Railway, through Annexure C.6 of counter reply was framed keeping in view that the direct recruits need intensive theoretical and practical training before they are posted on the supervisory and responsible post. A copy of Railway Board's letter dated 2.12.87 is being filed herewith as Annexure No. SC-11 1 to this supplementary counter reply.

6. That the contents of the para 6 of the rejoinder is denied and those of para 7 of the counter reply is reiterated as correct. The Railway Board's letter 18.3.72 is not

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available, but clear inference can be drawn from Annexure C.1 & C-2 of the counter reply, that after issue of the IREM 1968 edition in 1968, 10% of vacancies of the various categories of transportation branch namely Sec. CNL, SM, ASM, AYM etc., out of a total of 25% initially ear-marked quota for Traffic Apprentices were allocated for departmental serving graduates and for which a specific methodology was enunciated through G.M.(P) P.S. No. 6196 (Annexure C-10 to the counter reply). A plain reading of Annexure SC-1 with this reply will make the situation crystal clear that the 25% quota of Traffic Apprentices was bifurcated into the two groups pursuant to the decision taken under the joint consultative machinery meeting held at the ministry level.

Since the G.Ms of Railways have been empowered to frame rules as well as the promotional courses and AVCS in exercise of

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the powers vested with them under Para 117(a) of IREM & Rule 124 of IRE Code Volume I 1985, the methodology & concept of other Railways do not have the binding effect on the G.M./Northern Railway. The Annexure C-5 & C-6 of counter reply were, therefore, deduced keeping in view the job requirements, past experience and working knowledge of the serving departmental graduates and newly recruited candidates. The action of the G.M./ Northern Railway in drawing the promotional course and specifying its duration under the Annexure C.5 & C-6 of counter reply is not violative of Para 123 of IREM of Rule 124 of IRE Code Volume I, 1985 edition. This action of G.M. / Northern Railway has also not hurt the case of applicant and the applicant would, therefore, reckon his seniority from the date of joining in the absorbing grade or cadre namely ASM in grade Rs.455-700/- 1400-2300 (RPS). So far the question ~~xxxxx~~ of assignment of seniority of 10% graduate quota staff is concerned they have also been

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assigned seniority in the absorbing cadre, for which they were specifically earmarked by the duly constituted selection board in terms of P.S. No. 6196 (Annexure C-10 to Counter reply) from the date of joining the working post. In both the cases principle embodied under Para 302 of IREM have correctly been applied. The applicant can not be placed above the graduate quota staff who had joined the various posts much earlier to the joining of the applicant. Since the respondent Nos 4 to 13 were allocated for the post of S.M. in grade Rs.455-700 (RS)/1400-2300 (RPS), they were placed below the SMs of grade Rs. 455-700(RS). 1400-2300 (RPS) who were empanelled as such on 1.8.1983. The applicant was allocated for the post of ASM in grade Rs.455-700(RS)/1400-2300 (RPS) against 15% prescribed quota of Traffic Apprentices, hence he was assigned his seniority from the date of joining in that cadre i.e. keeping the inter-seniority intact from amongst the similarly absorbed other Traffic apprentices as ASMs.

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The correct nomenclature of such staff is Traffic Apprentices and not RTA. The cadre of RTA was abolished in the year 1972. The applicant has placed reliance on G.M.(P)/Northern Railway, P.S. No. 7894, in order to paint a distorted picture before this Hon'ble Tribunal. The fact remains that the Railway Board had directed the G.Ms of Indian Railway to exploit the 15% quota of direct recruitment as well as 10% graduate quota. For a moment if it is presumed though not conceded that the 10% graduate quota staff are not treated as promotee, they cannot, on the other hand, be treated as direct recruits, because they are the ~~direct recruits~~ serving departmental employees having specific qualifications and are considered with age factor and subjected to limited departmental competitive examination by constituting a selection board and are placed on the panel strictly in order of merit. Such staff also have the working experience and as such they can not

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be kept at par with the directly recruited candidates insofar as their period of training is concerned.

7. That the contents of the para 8 of the rejoinder is denied and those of para 7 of the counter reply is reiterated as correct. It is further submitted that Annexure A-3 of the petition has no relevance with the controversy of this case. The railway board had reviewed the situation and decided to modify the existing scheme relating to the traffic apprentices and as such a new concept was brought in the existence with the provision that the traffic apprentices, recruited on and after 15.5.87, were to be absorbed in the grade of Rs. 1600-2660 (RPS) whereas Traffic Apprentices appointed/recruited prior to the cut out date as specified by the Railway Board, were to be absorbed in the lower grade i.e. in Gr. Rs. 1400-2300 (RPS).

8. That the contents of the para 9 of the

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rejoinder is denied and those of para 9 of the counter reply is reiterated as correct. The Syllabus and its duration for 10% ^{graduate} gradewise quota, (Annexure-C-4 & 5 to the counter reply) was evolved by the G.M.(P), Northern Railway whereas the syllabus and its duration for the directly recruited traffic apprentices was also evolved by G.M.(P), Northern Railway., in consen^{ce} with the provision of para 123 of IREM. Annexure C.4 of the counter reply is relevant as the same was issued by the G.M.(P) Northern Railway to all the ~~XREM~~ DRMs of Northern Railway., before evolving a uniform syllabus (A-C-5 of the counter reply) for entire Northern Railway. It is therefore, evident that Ann. C.4 & C-5 are for 10% graduate quota staff while Annexure C-6 was for traffic Apprentices recruited from open market.

9. That in reply to the contents of the para 10 of the rejoinder, it is stated that no

statutory rule has been violated Annexure-
C-4 & C-5 of the counter reply was correctly
issued by the G.M.(P), Northern Railway, in
exercise of the powers vested in him under
para 117(a) of IREM ^{and} para 124 of IRE Code
Volume I.

10. That in reply to the contents of the para
11 of the rejoinder, it is stated that the
applicant is trying to misguide this Hon'ble
Tribunal in respect of Syllabus and
the duration prescribed for the different
set of employees i.e. directly recruited
traffic apprentices and 10% departmental
serving graduates. In fact, both the groups
are different in ^{as} far as the mode of sele-
ction and past experiences are concerned.
It is reiterated that Annexure C-6 of counter
Reply was evolved by G.M.(P), Northern Railway
strictly in accordance with the provisions
embodied under Para 123 of IREM. It is note
worthy that para 123 of IREM laying the conc-
ept of traffic apprentices, does not have any

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mention about the 10% graduate quota scheme, which had come into the ~~the~~ existence in the year 1972 as it is evident from the Annexure SC-1 with this reply and other annexures viz C-1, C-2, C-4 of the counter reply. In fact, the 25% vacancies of Transportation department were bifurcated into two groups, pursuant to the decision taken in the joint consultative machinery meeting in the Ministry of Railways. The duration of the training of the traffic apprentices was kept 3 years and its syllabus was evolved by the GM(P) Northern Railway through Annexure C-6 of the counter reply in compliance to the original stipulations. As regards the evolution of the syllabus for the 10% departmental graduate staff, the GM (P) Northern Railway had exercised its power through Annexures C-4 & Annexures C-5 of the counter reply. This action of GM(P) Northern Railway was in consonance with the stipulation made under para 117 (a) of IREM and Para 124 of IRE Code

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Volume-I. It is also worthwhile to indicate that while doing so the GM(P) Northern Railway neither violated the provision of Para 123 of IREM nor rule 123 of IREM Code Volume-I.

11. That the contents of Para 12 of the rejoinder are false mischevious and misleading hence denied. The 10% graduate quota staff can not, in any view of the matter, be called as traffic apprentices and as such the seniority of traffic apprentices as well as 10% graduate quota staff and 75% promotee staff is to be reckened in terms of Para 302 IREM i.e. from the date of joining in the cadre. The applicant's hypothesis that 10% graduate quota staff should have been assigned seniority after the duration of 3 years is baseless, imaginary and has been placed before this Hon'ble Tribunal purely on presumption & assumption. The Para 303 of IREM is not applicable in this category of staff, Para 302 of IREM clearly stipulates the principle

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of seniority in the cadre the entry into which is made by directly recruits and promotee . The inter-se-seniority between the various groups is to be maintained. Since the 10% graduate quota staff had joined the working post much earlier to the joining of the applicant, the graduate quota staff, absorbed in the various streams, would always rank senior to the applicant.

12. That the contents of the para 14 of the rejoinder are denied and those of the para 14 of the ^{Counter reply} ~~contents~~ is reiterated as correct.
14. That the contents of the para 15 of the rejoinder are misleading, false and as such denied. The contents of para 15 of counter reply are reiterated and it is further stated ^{that} ~~that~~ there was no provision for calling any option from any traffic apprentices and as such no option was ever called. Since the Traffic Apprentices are to be posted in either of the streams namely ASMs/SCNL/Ayms

TI etc. in grade Rs. 1400-2300 (RPS/1400-
2660 against
~~2500 against~~ prescribed 15% quota, the
applicant was correctly posted as ASM in Gr.
Rs. 1400-2300(RPS) alongwith the other traffic
apprentices. The respondent No. 3 did not
adopt the pick and choose policy while
posting Shri Nagina Singh. In fact, Shri
Nagina Singh was allotted Lucknow Division
through Annexure C-7 of the counter reply.
A perusal of Annexure C-7 of the counter
reply will reveal that it was Shri Nagina
who
Singh/was only allotted Lucknow Division
amongst
against the other Traffic Apprentices. The
applicant, whose name was appearing at item
No. 11 of Annexure C-7 of the counter reply,
was earmarked for Moradabad Division.

Obviously , an resumption of Shri
Nagina Singh on Lucknow Division, he was posted
as Traffic Inspector in grade Rs.1400-2300(RPS)
against 15% prescribed quota, because he was
the only available traffic apprentices. On
that day and date, there was only one post of

Traffic ~~apprentices~~ Inspector coming into the share of Traffic Apprentices. Evidently, when the posting of some other traffic apprentices of Annexure C.7 of Counter Reply was changed through Annexure C-8 of the counter reply and traffic apprentices, who were allotted Lucknow Division, reported for duty, there was no other alternative but to post other traffic apprentices in other streams, Where vacancies were available against 15% prescribed quota. The applicant was, therefore, correctly posted as ASM in grade Rs. 1400-2300 (RPS) wherein he will reckon his seniority from the date of joining keeping the Inter-se-seniority intact amongst the other traffic apprentices posted as ASMs in grade 1400-2300. In fact, the posting of traffic apprentices are done in the various streams to the extent of 15% prescribed quota and it is the prerogative of the cadre controlling officer i.e. Sr. DOS to allot and earmark the streams, keeping in view the vacancies in the various cadres. It is

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incorrect allegation that recently posted traffic apprentices in the category of yard master and section controllers have better avenue of advancement. In fact every one has to progress in the allotted streams by virtue of the seniority in the absorbing cadre. It is further clarified that neither any option was required nor even called from the applicant. The applicant was correctly posted as ASM as per quota prescribed for traffic apprentices. No pick quota prescribed for traffic apprentices. No pick and choose policy was adopted regarding posting of Shri Nagina Singh.

14. That the contents of the para 16 of the rejoinder is categorically denied and that of para 16 of counter reply is reiterated. Annexure C-8 of the counter lays general guidelines. The vacancy position of staff varies from division to division and since there might be vacancies of controllers on various divisions of northern Railway,

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emphasis was made to exhaust the list in order to fill up the vacancies of Control Offices. On Lucknow Division, some traffic apprentices were posted in the control and some were posted as yard master while some were posted as ASM in grade Rs. 1400-2300 (RPS). The category of ASM is also an important category for safe running of trains. The posting of traffic apprentices was made by the cadre controlling officer as per his prerogative. In fact all the categories in question are the important for safe running of trains and as such postings were done as per requirement. The vacancy position and need of 1986 can not be questioned in face of vacancy position of 1990. It is reiterated that Annexure A-3 of the original application was issued on 15.5.87 and has been quoted by the applicant in order to misguide this Hon'ble Tribunal. The posting of the applicant in the category of ASM in Gr. Rs. 455-700 (RS) was in accordance with the existing provisions available at the time of posting

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of the application not only the applicant but other traffic apprentices, who were under training on 15.5.87 i.e. on the date of notification of Annexure A-3 of the application, were to be absorbed in grade Rs. 455-700/470-750 (1400-2300/1400-2600). The other allegations contrary to it are baseless. Although the reply sent to the Chief Optg. Superintendent, Northern Railway, New Delhi, is not readily available, the similar representation of the applicant dated 22.4.88 to 20.4.88 which was forwarded under the letter of Shri Brijendra Pal Singh Yadav, State Minister, Labour and Milk development, Uttar Pradesh, and which were received under H.Q.'s letter No. 145-E/C/50800/LR/RB/SSB dated 23.9.88, was replied under DPO/LKO letter No. 757E/S-1/SM-Misc/Loose dated 10-88/3.11.88. A photostat copy of DPO/LKO letter dated 3.11.88 is enclosed as Annexure No. SC-2 with this reply and the representation of the applicant dated 20.4.88 and 22.4.88, which were forwarded under State Minister, Labour and Milk development, Uttar Pradesh and which was received under H.Q.'s letter dated 23.9.88 is enclosed as Annexure No. SC-3 with this reply.

115. That the contents of the para 17 of the rejoinder is denied and the contents of para 17 of the counter reply are reiterated as correct.
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16. That the contents of the para 18 of the rejoinder is denied but the contents of para 18 of the counter reply are reiterated and it is further submitted that the applicant was posted as ASM on 17.11.86 against 15% prescribed quota and since the Annexure A-3 of the application was issued on 15.5.87 the scheme formulated by the Railway Board does not get attracted in the case of the applicant.

17. That the contents of the para 19 of the rejoinder is denied but that of para 19 of the counter reply is reiterated as correct. It is further submitted that the vacancies were calculated correctly and selection was held in accordance with the laid down procedure and allegations have no relevance with the relief sought. The seniority of 10% graduate quota staff with that of the ASMs can not be clubbed according to the imaginary concept of the applicant only. Moreover para 303(1) of IREM cannot be invoked in determining the seniority. The seniority, of the applicant is to be determined on the basis of provisions of para 302 of IREM.

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18. That the contents of the paras 20 to 29 are not admitted as alleged but those of corresponding paras 20 to 29 of the counter reply are reiterated as correct. It is further stated that the respondents have not violated any statutory rules wheresoever nor any one was interested to harm the the applicant. The applicant will reckon on his seniority from the date of his joining.

Lucknow:

Dated: 1.4.91

Rajiv Kishore
Rushore.

(DEPONENT)

Asstt. Personnel Officer
N. Rly. Lucknow

VERIFICATION

I, the ~~off~~ deponent named above do hereby verify that the contents of para 1 of this supplementary counter reply is true to my personal knowledge and those of paras 2 to 18 of this supplementary counter reply are believed to be true by me based on record and legal advice. No part of it is false and nothing has been concealed. So help me God.

Lucknow.

Dated: 1.4.91

Rajiv Kishore

DEPONENT

Rushore.

Asstt. Personnel Officer
N. Rly. Lucknow

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.E(NG)I-27/SRG/20

New Delhi, dated 2.12.1987.

The General Manager,
Northern Railway,
New Delhi.

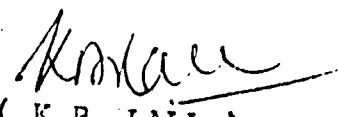
Sub: Assignment of seniority of SM/ASM selected
against 10% graduate quota - order of
Administrative Tribunal - Jodhpur in DA
No.42 of 1986 R.

Reference correspondence resting with your letter
No.757-E/103/EIB dated 6.11.1987, on the above subject.

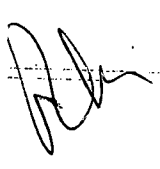
2. Pursuant to order dated 29.9.1986 of the Hon'ble
Central Administrative Tribunal, Jodhpur Bench in
DA No.42 of 1986 filed by Shri Vidya Sagar Yadav &
6 others of Jodhpur and Rikaner Divisions of your Railway,
Railway Board had nominated Director, Establishment(N)
to give a personal hearing and pass a speaking order.
The Speaking Order passed by the Director, Establishment(N),
Railway Board accordingly is sent herewith for being
communicated to the applicants.

3. Please acknowledge receipt.

DA:As above.


(K.B. LALL)
Joint Director, Estt.(N),
Railway Board.

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SPEAKING ORDER IN PURSUANCE OF ORDER DATED 29.9.86
PASSED BY HON. CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH IN O.A.No.42 of 1986 FILED BY SHRI VIDYA
SAGAR AND 6 OTHER EMPLOYEES OF JODHPUR AND BIKANER
DIVISIONS OF NORTHERN RAILWAY.

Pursuant to order dated 29.9.86 of the Central Administrative Tribunal, Jodhpur Bench in OA No.42 of 1986, I have considered the representation dated 24.10.86 submitted by Shri Vidya Sagar Yadav and 6 others (hereinafter referred to as applicants) after giving personal hearing to them on 16.10.1987. The representation given by the applicants on 16.10.87 after personal hearing has also been considered.

2.1. I find from the record that the facts of the case are that in Jodhpur and Bikaner Divisions of Northern Railway competitive tests to fill 10% vacancies in the Station Masters/ASMs grade Rs.455-700 reserved for graduate non-ministerial staff in Traffic (Transportation) Branch were held in 1982 and results were declared on 7.10.82 and 11.10.82 respectively. The selected candidates were sent for training (P-29B Course) at Zonal Training School (ZTS), Chandausi in March 1983. After completing the prescribed training in December 1983, they were posted to working posts of SMS/ASMs in scale Rs.455-700.

2.2. The Northern Railway Headquarter in their letter dated 19.7.85 issued instructions to Bikaner Division to the effect that in terms of Railway Board's letter No.PC-III-80 UPG/19 dated 23.4.84 the existing vacancies and the vacancies as a result of restructuring as on 1.8.83 may be filled from the panels for 10% graduate quota and 75% promotion quota and their seniority assigned in terms of para 15 Chapter III of IREM. The Bikaner Division assigned seniority to such of the applicants as belonged to that Division pursuant to the aforesaid instructions of the Northern Railway Headquarters. However, Northern Railway Headquarters, on representation from the affected staff, superseded their earlier orders and issued instructions in their letter dated 26.12.85 to the effect that in categories of posts partially filled by direct recruitment and partially by promotion, the seniority is to be reckoned from the date of joining the working post in the case of direct recruits and from the date of promotion in the case of promotees subject to maintenance of inter-se seniority of promotees and direct recruits amongst themselves in terms of Para 302 of IREM. It is against this order of the Northern Railway, namely, their circular dated 26.12.85 that the applicants who were posted against 10% graduate quota filed an application in the Central Administrative Tribunal, Jodhpur praying for quashing this circular and for assigning seniority to them over those promoted against restructuring vacancies w.e.f. 1.8.83 with proforma benefit from 1.8.82.

3. It is to be noted here till recently 25% of the

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- 11) The alleged failure of the Railway Administration to hold the competitive examination annually for filling up the vacancies against the 10% quota fixed for such examination and violation of Circular No. P.S.6196 requiring every 10th vacancy being filled by competitive test, resulted in delay in their promotion to scale Rs.455-700; but for such delay they would have been promoted to this grade earlier and thereby would have been senior to those promoted due to restructuring.
- 111) The vacancies against which they were selected pertained to the period much before they were called for the test against 10% competitive quota, and hence they should have been placed senior to those promoted against restructuring vacancies w.e.f. 1.8.83 with proforma benefit from 1.8.82.
- iv) The Railway Administration failed to depute them for the prescribed training immediately on their empanelment on 7.10.82 and 11.10.1982 indicating that they were sent for training only with effect from 8.3.83 contending that had they been sent for training immediately after empanelment ~~they would have completed the same on 28.7.83~~ and if further practical training had been commenced promptly followed by training in Chandausi Training School, they would have completed the same on 28.7.83 and thus would have been available for promotion before 1.8.83 getting seniority over those promoted against the restructuring vacancies according to modified selection procedure.
- v) The applicants have disputed the Railway Administration's contention that their selection for absorption in grade Rs.455-700 is against direct recruitment quota and not against promotion quota. They have argued that they should be treated as promotees and promoted against "existing and restructured vacancies in terms of Railway Board's letter dated 23.4.84 and allowed seniority over those who were promoted against restructuring vacancies with effect from 1.8.83 as they were available for such promotion on the basis of their empanelment before 1.8.83.
- vi) Northern Railway have allowed exemption from line training to the Section Controllers in the case of Shri Des Raj Yadav, Section Controller, Rewari. Similar exemption should be allowed to them. If this exemption

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seniority and there can be no "modified selection" in such a situation.

- i) In practice, delays in holding examinations against the limited departmental competitive quota could occur. Further, only 10% of the vacancies in grade Rs.455-700 in Traffic Categories were required to be filled by graduate quota from eligible serving staff, 15% from direct recruitment from open market and 75% by promotion from the lower grade. Be that as it may, the rules do not provide for assignment of seniority in such cases on the basis of the date on which the selection was due to be held.
- iii) Even if the selection had been held for filling up the 10% vacancies against the competitive quota as and when such vacancies arose it cannot be assumed that the applicants would have appeared in the selection and got empanelled. Further, the principle regulating seniority as enunciated in Para 302 of IREM read with ACS 121 dated 4.2.81 to Para 102 in Chapter I, Section B, sub-section 1 provides for seniority being assigned only w.e.f the date of joining the working post, in the case of a direct recruit, and from the date of promotion in the case of a promotee, irrespective of when the vacancies against which they have been recruited/promoted, arose. The applicants have been posted to working posts soon after completion of prescribed training and assigned/accordingly. ✓ /seniority
- iv) This contention of the applicants impliedly recognises that successful completion of the prescribed training is a pre-requisite for their induction in the grade Rs.455-700. Candidates selected against 10% graduate quota can be sent for training on availability of a particular training course at the Zonal Training School and subject to other administrative exigencies and constraints. Holding of the competitive examination and conducting of training courses cannot in practice be synchronised with arithmetical precision as conceived by the applicants, particularly when the Railway Administrations have to cater to requirement of staff be imparted to various categories of staff under their control within the available training capacity. The applicants cannot be given the benefit they have claimed on this score.

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NORTHERN RAILWAY.

Jaswant Rai,
D.F.O.

Divisional Office,
Lucknow, dated -10-83

3-11-88

D.O.No.757-E/5-1/SM-Misc/Loose.

My dear Smt. Mathur,

Sub:- Representation of Sri S.K.Srivastava,
Traffic Apprentice, ASM/N.Rly Traffic
Inspector and benefit of seniority.

Ref:- Your D.O.letter No.145-E/C/50800/LR/
RB/SSB dated 23.9.83.

The parawise comments on the representation of Shri S.K.Srivastava, ASM, working under SS/Lucknow in grade Rs. 1400-2300(RPS), which has been received through your D.O.letter No.145-E/C/50800/LR/RB/SSB dated 23.9.83, are given below in serial:-

1. The applications were invited from amongst the SMs/ASMs/WMIs/SCNLS in grade Rs. 455-700(RS)/470-750(RS)/1400-2300(RPS)/1400-2660(RPS) for the post of TI in grade Rs. 1600-2660(RPS). Shri S.K.Srivastava, who was earmarked as ASM on 18.9.86 in grade Rs. 1400-2300(RPS)(after completion of training of Traffic Apprentice of 3 years duration) against 15% direct Recruitment Quota of Traffic Apprentice, had tendered his candidature through his application dated 7.3.83. The post of TI in grade Rs. 1600-2660(RPS) is a non-selection post and was to be filled up on seniority-cum-suitability basis. Amongst the volunteers, who had submitted applications in response to this office notification dated 15.2.88, Shri S.K.Srivastava was not the seniormost suitable person. As such Shri Srivastava could not be placed on the select list announced through this office letter No.757-E/5-1/1/30 dated 4.11.80.

2. As already pointed out, the post of TI in grade Rs. 1600-2660(RPS) is a non-selection post and as such it was to be filled by seniority-cum-suitability basis. The suitability of the senior-most candidate was to be adjudged by perusal of records in accordance with the instructions contained in HQ's letter No.961-E/108/126/NRMU/E-Union dated 3.9.86. The channel of promotional chart as per Annexure I(attached with the representation of Shri Srivastava) which was circulated through this office letter No.757-E/85-V-XI(EIB) dated 13.3.79 had become redundant in face of GM(P) letter No.757-E/102-L(EIB) dated 19.9.80, circulated under this office letter No.757-E/5-1/1/30 dated 4.11.80.

3. As already mentioned in foregoing paragraph, the suitability for the post of Traffic Inspector in grade Rs. 1600-2660(RPS) was to be conducted by perusal of record of service in accordance with the directions contained in HQ's letter No.961E/108/126/NRMU/E-Union dated 3.9.86, no interview was to be held and Shri S.K.Srivastava, ASM/under, SS/Lucknow in grade Rs. 1400-2300(RPS), who had joined the cadre of ASM in grade Rs.1400-2300(RPS) only on 27.11.86 after completion of training, was sufficiently junior to S/Shri Parvez Ahmad, S.B. Singh, who had joined the cadre of SM/ASM in grade Rs.1400-2300(RPS)/455-700(RS) on 26-6-87 and 1-8-83 respectively.

Contd.....2.

recruited candidates from RRB, is 3 years (T-14A & B Course) whereas serving non-ministerial departmental graduates are required to undergo only 12 months theoretical and practical training (P-29A&B) course in terms of G.M.(P) letter No.757-E/107-I (EIB) dated 17.4.76.

8. The contents of this para are totally imaginary and are based on assumption and presumption of the applicant. Shri Pervez Ahmad, who was earmarked as SM grade Rs. 455-700(RS), was posted on the working post on 26-6-85 after completion of one year training (P-29 A&B) and as such he will reckon his seniority in grade Rs. 455-700(RS) from 26-6-85 in terms of instructions contained in Para 302 of IREM.

9. In absence of specific mention of name, no remark can be offered.

10. The applicant has ~~xxxx~~ enclosed Annexure III-A, which is a 20 point promotion roster for calculating the proper share of 10% graduate quota, 75% ranker and 15% Traffic Apprentice quota in a particular stream viz. ASM grade Rs. 455-700(RS). This roster was evolved by G.M.(P), N.Rly. only to assess the share of different groups and it was nothing to do with the seniority. The 20 point roster is a current account of mathematical calculation and it has no relivence with the seniority and further promotion in higher grades. Once a Traffic Apprentice is earmarked as ASM ~~xxxx~~, Sectional Controller or AYM etc. against 15% direct recruitment quota, according to requirement of 20 point roster he will reckon the seniority in absorbing grade from the date of joining in the cadre keeping his interse intact amongst themselves in terms of para 302 of IREM.

It is reiterated that the mechanism of 20 point roster which is a mode of mathematical calculation for assessing the share, has nothing to do with the seniority and further promotion.

11. The result of suitability test was notified to concerned offices. The G.M., N.Rly. is fully competent to evolve the different channel/promotional chart as well as to evolve the syllabus and its direction.

12. Summing up all the factors enumerated in ~~foregoing~~ foregoing paragraphs, it may be seen that the applicant was much junior in the zone of consideration and as such his name cannot be interpolated in the select list of T.I. grade Rs.1600-2660(RPS) and he is not due any consequential benefit as desired by him.

Since a copy of this representation was received in office directly, one copy of reply is also being sent to Shri S.K.Srivastava through Station Supdt., N.Rly., Lucknow.

Yours sincerely,

(Jaswant Rai)

Smt. Sharda Mathur,
Asstt. Personnel Officer (Gr)
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

Enclosure No. 503

9/7/ (V)

जिला प्रशासनिक लिफ्टे

उपमा. डी.एम. आर. से प्राप्त हुआ

तारीख 23.9.88 तक पहुंचना है

आर.एम.आर. (परिणाम)

जल रेंज
प्रमाण प्रमाणित
कृपया सुधर, यदि लिफ्टे

जब जा. का सं. 145-80/जी. 508,000

दिनांक 23.9.88

जि.जी. 23.9.88

विषय: -

विषय: -

427 H.K. Dixer

उपपुस्त विषय पर रिले पीछे से प्राप्त श्री...
1. पत्र/प्रमाणवेदन की एक प्रति मूल रूप में भेजी जा रही है। अनुरोध है कि इसके प्रत्येक पत्र के तत्पश्चात् में अपनी दिप्पकी वैसे ही माफ़े के
पूरे समय इस कार्यालय को तुरन्त भेजे जो उपर निर्धारित तारीख तक अवश्य पहुंच जाएं यदि कोई भी निर्धारित तारीख तक काल, भेजे
जा सके।

2. उपमा वह भी पत्रों कि क्या कार्रवाई अनुसंधित गति/प्रमाणित...
एवजी के रूप में कार्य कर रहा है।

3. यदि यह मामला मूलतः में प्रधान कार्यालय के किसी तहर्ष में गया हो तो उपमा का कार्यालय को भी तब तक मालूम...
का सिद्ध रूप से अपने करें ताकि उपपुस्त-संपिका संभाल करने में सुविधा हो।

4. कृपया संलग्न प्रमाणवेदन/पत्र अपने ऊपर से ताप इस कार्यालय को भेजें।

जल/मोटर (11)

211241 23.9.88

आदेश...
...
...

Handwritten signature

बुद्धेन्द्र पाल सिंह यादव,
राज्य मंत्री,
श्रम एवं दुग्ध विकास ।



11/5/

A129

S.No. 1

अशाओपओसं/38/रासं0/श्रम, दुवि/1988 ।

विधान भवन,
लखनऊ ।

दिनांक: अगस्त 10, 1988 ।

आदरणीय अध्यक्ष जी, आपकी प्रतिक्रिया को
acknowledged

मैं इसके साथ श्री शिव शंकर त्रिपाठी, राष्ट्रीय सचिव,
आल इण्डिया स्माल न्यूजपेपर्स एसोसियेशन, 122, रायल होटल,
लखनऊ का प्रार्थना पत्र संलग्न कर आपके पास भेज रहा हूँ जो
श्री एस0 के0 श्रीवास्तव । ट्रेफिक अप्रैन्टिस । सहायक स्टेशन मास्टर,
उ0 रे0, लखनऊ को यातायात निरीक्षक के पद पर प्रोन्नति एवं
वरिष्ठता दिये जाने के संबंध में है ।

मुझे यह बताया गया है कि श्री श्रीवास्तव से जूनियर
व्यक्ति को यातायात निरीक्षक के पद पर प्रोन्नति दी जा
चुकी है ।

अतः आदरणीय मंत्री जी से अनुरोध है कि कृपया
श्री श्रीवास्तव के मामले में सहानुभूतिपूर्वक विचारोपरांत उन्हें
यातायात निरीक्षक के पद पर प्रोन्नति के आदेश देने की कृपा
करें ।

सादर,
रेल वे मंत्री का कार्यालय
SECRETARY'S OFFICE
Dy. No. P.M.R. A-1269-88
Date 25/8

आपका,
संलग्नक: उपरोक्तानुसार । बुद्धेन्द्र पाल सिंह यादव

आदरणीय श्री महावीर प्रसाद जी,
उप रेल मंत्री,
भारत सरकार,
नई दिल्ली ।

A 130

All India Small Newspapers Association

आल इण्डिया स्माल न्यूजपेपर्स एसोसियेशन

Ref. No.

Dated: 9/8/1988

शिवशंकर त्रिपाठी,
राष्ट्रीय सचिव,
122, रायल होटल,
लखनऊ।

माननीय मंत्री जी,

विषय:- श्री एसओ केओ श्री वास्तव।टैफिक अप्पेंटिस।
सहायक स्टेशन मास्टर, उत्तर रेलवे, लखनऊ
का यातायात विरीडक, ग्रेड र० 1600-2660
के पैबल में समाविष्ट करवा तथा पूरी वरीयता

श्री सुरेश कुमार श्री वास्तव, ए०एस०एम०, चारबाग, उत्तर रेलवे, लखनऊ
का आवेदन-पत्र प्रेषित कर रहा हूं। दुर्भाग्यवश उनकी पदोन्नति के सवाय
इससे जूनियर की पदोन्नति विभागीय सभी नियमों की अवहेलना करके
कर दी गयी है। यह न्याय के लिये कई अपीलें विभाग में कर चुके हैं।
सीनियर सक्षम को अलग करके जूनियर की तरफकी करवा कहाँ तक न्याय
संगत है।

अतः आपसे अनुरोध है कि इससे जूनियर की तरफकी किस आधार
पर की गयी है इस तथ्य की जावकारी करके के साथ ही साथ इसको
न्याय दिनामे के आदेश पारित करके की कृपा करें। मैं आभारी हूँ कि कृपया
क्याही से मुझे भी अवगत करा दें। धन्यवाद।

भवदीय,

शिवशंकर त्रिपाठी।
शिवशंकर त्रिपाठी।

श्री महावीर प्रसाद
उप रेल मंत्री,
भारत सरकार,
नई-दिल्ली।

सेवा में,

माननीय प्रधानमंत्री,
भारत सरकार,
नई-दिल्ली।

विषय:-

मेरे पति श्री एस० के० श्रीवास्तव। टैफिक-अप्रेन्टिस। सहायक स्टेशन मास्टर,
लखनऊ का यातायात निरीक्षक ग्रेड स् 1600-2660 के पद पर समाविष्ट
करना तथा पूरी वरीयता देना।

महोदय,

सविनय निवेदन है कि मैं अपने पति श्री एस० के० श्रीवास्तव का प्रार्थना
पत्र, साथ में भेज रही हूँ। कृपया, लखनऊ ग्रेड स् 1600-2660 के पद पर समाविष्ट
करना तथा पूरी वरीयता देना। इस सम्बन्ध में
मैं श्री कुछ तथ्य नियम के सम्बन्ध में उजागर करती हूँ जो इस प्रकार है:-

11। मेरे पति इस्टेब्लिशमेंट मेनुअल के पैरा 123 के आधार पर 25 प्रतिशत
15 प्रतिशत सी.पी. ग्रेड + 10 प्रतिशत विभागीय ग्रेड के अन्तर्गत टैफिक अप्रेन्टिस
के पद पर 1982 में सेलेक्ट हुए थे। (जुलाई 1983 में टैफिक अप्रेन्टिस)

12। 25 प्रतिशत की टैफिक इस्टेब्लिशमेंट के पैरा 123 के अनुसार 3 वर्ष
होनी चाहिए। 15 प्रतिशत सी.पी. ग्रेड + 10 प्रतिशत विभागीय ग्रेड जिसे पूरी
भारतीय रेल इस आशा का पालन करता है, केवल उत्तर रेलवे को छोड़कर।

13। उत्तर रेलवे केवल उपरोक्त मेनुअल का 25 प्रतिशत में से 15 प्रतिशत
के ही भाग का पालन करता है (तीन वर्ष की टैफिक कराता है)।

14। 10 प्रतिशत भाग का उ०रे० केवल एक साल की टैफिक कराता है जो कि
भारतीय रेल के अलग नियम लागू करता है (मेनुअल के पैरा 123 के अनुसार नहीं)।

15। सब 1972 में जे०सी०एम० में यह फैसला हुआ था कि 25 प्रतिशत टैफिक
अप्रेन्टिस में 15 प्रतिशत की सी.पी. ग्रेड होगी तथा 10 प्रतिशत की विभागीय ग्रेड
होगी जिसकी टैफिक तीन वर्ष होगी।

16। उपरोक्त आदेश (आइटम नं० 5 का) सभी भारतीय रेल में लागू हो
गया केवल उत्तर रेलवे ने इसे पूर्ण रूप से लागू नहीं किया।

17। इस प्रकार उत्तर रेलवे के विशेष नियम के अनुसार 10 प्रतिशत विभागीय
ग्रेड की टैफिक केवल एक वर्ष की होवे लगी। अतः इसके अन्तर्गत:-

18। अच्छा होता कि मेरे पति बजाय 15 प्रतिशत के सी.पी. ग्रेड में टैफिक
अप्रेन्टिस सेलेक्ट होते— एक साधारण सहायक स्टेशन मास्टर ग्रेड स् 330-560 में
सेलेक्ट होते और केवल 6 माह की टैफिक कर ड्यूटी करते और प्रतिवर्ष 10 प्रतिशत
की विभागीय परीक्षा में उत्तर रेलवे के पी०एस० नं० 7836 के अनुसार 8 माह बाँकरी
पूरी करने के बाद एक वर्ष (कुल एक वर्ष की बाँकरी) 10 प्रतिशत विभागीय ग्रेड में
सेलेक्ट होकर केवल एक वर्ष टैफिक कर, लगभग दो वर्ष की तीन या चार माह में ही टैफिक
कर अप्रेन्टिस का कार्य पूरा कर— 15 प्रतिशत सी.पी. ग्रेड होवे वाले टैफिक अप्रेन्टिस से
वीरगढ़ हो जाते तथा उनसे कम पढ़ना भी पड़ता।

19। इस प्रकार यह भी ध्यान रखा कि - 2 सहायक स्टेशन मास्टर जो
330-560 में एक ही ब्रेड के और एक ही साथ के— इस दोनों में से एक ही समय में
एक 15 प्रतिशत के सी.पी. ग्रेड में सेलेक्ट हो जाये तथा दूसरा 10 प्रतिशत की विभागीय
ग्रेड में सेलेक्ट हो जाये तो— दोनों रेल कर्मचारी जो पहले से ही कार्यरत थे—एक
एक साल की टैफिक करे तथा दूसरा तीन साल की टैफिक करे जो सम्भवतः पूर्ण रूप से
मतलब है और इस्टेब्लिशमेंट के मेनुअल पैरा 123 के नियम के विरुद्ध है, और जो केवल
उत्तर रेलवे में ही लागू है— बाकी पूरे भारत में नहीं क्योंकि उत्तर रेलवे को
छोड़कर पूरे भारतीय रेल में 25 प्रतिशत की टैफिक 15 प्रतिशत सी.पी. ग्रेड + 10 प्रतिशत
विभागीय ग्रेड तीस साल। अतः उपरोक्त प्रकार के अनियमित नियम केवल
उत्तर रेलवे में ही लागू है।

18] उत्तर रेलवे के टैपिक अप्रिन्टिस की पदोन्नति हेतु जो नियम बनाया जाये 1-4-79 से लागू होना चाहिए उसमें लखनऊ मण्डल, उत्तर-रेलवे। एक बिराता मण्डल है जैसे पूरे भारतीय रेल में उत्तर रेलवे जोन टैपिक के सम्बन्ध में लखनऊ मण्डल है उसी भाँति लखनऊ मण्डल, उत्तर रेलवे। श्री महाप्रबन्धक, उत्तर रेलवे के नियम की वही मान्यता है। अर्थात् महाप्रबन्धक उत्तर रेलवे के 1-4-79 से पदोन्नति के लिये रोल्टर प्वाइंट बना रखा है जिसके अन्तर्गत 1, 9, 13वीं पद सीधे 15 प्रतिशत टैपिक अप्रिन्टिस के लिये है तथा 5वीं व 17वीं पर 10 प्रतिशत की विशिष्टता की शर्तों के लिये रखा है।

19] लखनऊ मण्डल उत्तर रेलवे में 1-4-79 से कोई पदोन्नति इस रोल्टर से नहीं की गयी है।

अतः प्रार्थिनी ने उपरोक्त तथ्य आपके सामने रखे हैं- कृपया इसे देखें तथा मेरे पति को पदोन्नति तथा पूरी वरीयता दिलाने का कष्ट करें।

मैं आपकी सदा आभारी रहूँगी तथा आपके लम्बी उम्र की कामना करती रहूँगी।

वन्द्यवाद,

दिनांक 22-4-88

प्रार्थिनी
सरोज श्रीवास्तव
। श्रीमती सरोज श्रीवास्तव ।

द्वारा- श्री राजेन्द्र मिश्रा,
अध्यापक- मारी गज, डिग्री कालेज,
मारी गज, अमेठी, उत्तर-प्रदेश।

प्रतिलिपि:-

- 1- श्री माधव राव सिन्धिया, रेल मन्त्री, भारत सरकार, नई दिल्ली।
- 2- महाप्रबन्धक, उत्तर रेलवे, बड़ौदा हाउस, नई दिल्ली।

11/61
APB3
113
The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sir,

Sub:- Interpolation of my name in the panel of Traffic Inspector Grade Rs.1600-2660(RP) announced in the month of April, 1988.

with due respect I beg to say the following:-

1. That the applicant, in pursuance of Notification made by N. vide your office letter No.757E/5-1/T.I.Selection/88 dated 15.2.1988 and its subsequent letter dated 19.2./1.3.88 had applied for his being placed on the panel of T.I. grade Rs.1600-2660 (RP).
2. That the selection for the aforesaid post of T.I. was to be made on the basis of seniority cum suitability as per G.M.(P)/NDLS Letter No.757E/85-V-XE(EIP) dated 13.3.79 (Photo copy attached). *Annexure I*
3. That the applicant has come to know that S/Shri Parvez Alam, S.P.Singh and Januma Prasad who are junior to the applicant have been placed on the panel of T.I. grade Rs.1600-2660(RP) in the 2nd week of April, 1988 without interview by means of pick and choose policy.
4. That there is nothing against the applicant to ignore him for being brought on the panel of T.I.
5. That the persons selected for the post of T.I. are sufficiently junior to the applicant and have no better claim over him.
6. That as per orders of the G.M./New Delhi vide letter No.757E/102-ZL(EIP) dated 19.9.1980 60% of the vacancies are to be taken from T.I. Cadre and 40% from ASM/SM/WMI/SCNL etc. The administration has selected 100% candidates from amongst ASMs/SMs Cadre which should be only 20% of the vacancies (Photo copy attached). *Annexure II*
applicant's
7. That as regards eligibility for the post of T.I. in Grade Rs.1600-2660(RP) it is to mention that the applicant is senior to Sri Parvez Alam who has been selected as Traffic Apprentice against 10% Quota Departmental and he has been sent for training for one year from August, 1984 and has been posted as S.M. As per orders of Railway Board and Establishment Manual Para 123, 25% Traffic Apprentice (15% Direct Recruittee + 10% Departmental) are required to undergo training for 3 years and on other Railways the above rules are being strictly followed (Photo copy attached). *Annexure III*
from 1984 onwards
8. That had Sri Parvez Alam been sent for 3 years training as per the prescribed rules mentioned in para 7, he would have been posted as S.M. in August, 1987. whereas he joined in July, 1986 after completion of 3 years training and the applicant therefore would rank senior to Parvez Alam & Traffic Apprentices selected against Departmental the month of September, 1983.

That as regards the above Traffic Apprentices, who went

10. That even if the administration observe and followed 20 Point Roster in terms of GM(P)/NDLS letter No.757E/102(E1B) dated 23.3.79 which came into effect with effect from 1.4.79 then 1,9th and 13th posts goes to direct recruited Traffic Apprentices. In this manner applicant was senior to Sri Pervez Alam, because the applicant was selected as Traffic Apprentice before Sri Alam. Copy of GM(P)'s letter referred to is enclosed. *Annexure I*
11. That the result of selection was not notified and only the candidates were informed.
12. That the Rules framed by the Railway Board and contained in Establishment Manual can not be superseded or modified by any authority lower than the Railway Board- the Rule framing authority, and which has the approval of President of India.
13. *may* Under the above circumstances the applicant's request will be considered favourably and his name is interpolated in the panel of T.I. grade Rs.1600-2660(RP) with all consequences benefits.

Hope to get justice from your benign hands.

Thanking you,

Yours faithfully,

Dated: 20/4/88

DAS

[Signature]
(Suresh Kumar Srivastava)
Traffic Apprentice
working as ASM,
under S.S./Lucknow

Copy to:

1. The General Manager(P), N.Railway, Paroda House, New Delhi
2. ~~the~~ Honourable Deputy Railway Minister, Rail Bhawan, New Delhi,

[Signature]
Asstt. Personnel Officer

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.
CIRCUIT LUCKNOW.

O.A.No: 90/1989 L.

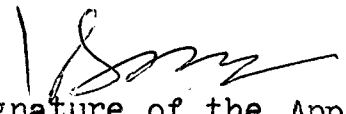
S.K.Srivastava Vs. U.O.I. and others.

SUPPLEMENTARY REJOINDER ON BEHALF OF THE APPLICANT.

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2. Annexure SR-1. G.M(P)/NDLS D.O.NO: 220E/1847/Pt.II (Rectt) dated 30.9.1985. issued to D.R.M., N.Rly., Lucknow in connection with posting of Senior Clerks in grade Rs.330-560 selected by G.M., N.Rly., NDLS after holding the examination.	16
3. Annexure No:SR-2. Photo copy of CPTS/N.Rly/NEW DELHI letter No.757E/61-XVII(E I 13) dt. 14.11.83 to Sr D.P.O., N.Rly., Lucknow in connection with channel of promotion chart of Traffic Staff.	17 to 18.

Lucknow.
Dated: 5/7/91


Signature of the Applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A.NO: 90 of 1989 L.

S.K.Srivastava Applicant.

versus

Union of India and others Opposite parties.

SUPPLEMENTARY REJOINDER ON BEHALF OF THE APPLICANT.

I, S.K.Srivastava, at present working as Asstt. Station Master under station Superintendent, Northern Railway, Lucknow, do hereby solemnly affirm and depose as under:-

1. That the contents of Para and 2 of the Supplementary counter needs no comments.

2. That the contents of Para 3 of the supplementary affidavit/counter are wrong, misconceived and misleading; hence denied. The contents of Para 2 of the rejoinder are reiterated as correct. It is respectfully submitted that the applicant was selected as Traffic Apprentice on 14.6.1982 -Annexure A-1 to the application, but not 1983 as stated by the Opposite Parties, by Railway Recruitment Board, Allahabad. The applicant was sent for 3 year's training at Zonal Training School, Chandausi in T-14, T-14-A and T-14-B and not T-14-A and B as stated by the Opposite parties. It is wrong that the Traffic Apprentices are utilised as Asstt. Station Master, Asstt. Yard Master and Traffic Inspector, but they are utilised in the categories of Station Masters, Yard Masters and Traffic Inspectors and Section Controllers as is evident from the contents of Annexure A-3 issued by the Railway Board. Now the grade of Rs.455-700 allotted to Traffic Apprentices has been changed to Rs.550-750

contd....2.

Filed today
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= 2 =

after 15.5.1987. The various Tribunals have allotted this grade to the Traffic Apprentices recruited even prior to 15.5.1987 and thereby the Traffic Apprentices in Grade Rs.550-750 can not be utilised as Ass-istant Station Masters. Had the Traffic Apprentices been utilised as Asstt. Station Masters the Railway Board would have definitely mentioned in the letter (Annexure A-3) as A.S.M. The Traffic Apprentices recruited in grade Rs.455-700 are not to be utilised as Assistant Station Masters because the recruitment grade of the Asstt. Station Master was Rs.330-560 and not Rs.455-700. The A.S.Ms recruited in grade Rs.330-560 are to be promoted in grade Rs.455-700 i.e. 455-700 is a promotional grade for the A.S.Ms in grade Rs.330-560 which is limited to them just as the post of Chief Booking Clerks, Chief Parcel Clerks and Chief Goods Clerks have been shown in item No.IV page 16 Annexure A-3. Similarly such things should have been given in the said letter for traffic apprentices also. The applicant was allotted Moradabad Division as has been shown in Annexure C-7 to the counter on the ground that the vacancies against 15% quota for traffic apprentices was kept secret by Lucknow Division and when the applicant was asked for his posting in Lucknow Division along with others then the Divisional Railway Manager, Lucknow intimated the General Manager, N.Railway, New Delhi about the vacancies and accordingly the applicant along with others was posted on Lucknow Division (Annexure C-8 of the counter). The staff recruited against 10% Graduate Quota on 27.9.83 by the Lucknow Division as stated is wrong because the serving employees recruited against 10% quota are also Traffic Apprentices. The qualification of Traffic Apprentices is graduate as laid down in Para 123 of the Indian Railways Establishment Manual, so the Traffic Apprentices against 15% quota and 10% Quota from the Department are covered under this Rule.

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= 3 =

The Traffic Apprentices recruited against 10% quota from amongst the serving Railway Employees were posted as section Controllers, Station Masters and Traffic AInspectors and were not posted as A.S.M.. Even prior to the completion of training in 1984, which is wrong because as per para 123 of I.R.E.M. and Annexure A-3 of the application, these serving employees recruited against 10% quota have to undergo 3 years training as in the case of 15% direct recruited Traffic Apprentices. The Opposite Parties have stated that "T" denotes for Direct, "P" denotes for Promotional course is ~~incorrect~~. ^{Accordingly this} Actually "T" denotes for 25% (15% direct + 10% Departmental). "P" Denotes for 75% serving employees (total comes to 100%). The course arranged for 10% Traffic Apprentices is only for P-29A and B which is wrong because the General Manager has no power to exercise the powers of the Railway Board. The G.M. can only make rules and prescribed courses to their own staff ^{ie 75%} provided it does not contravene any Rules made by the Railway Board. The Opposite Parties have stated that Traffic Apprentices recruited against 15% quota can be posted anywhere on the Northern Railway. Similarly this procedure should also be adopted in the case of Traffic Apprentices recruited against 10% quota and they can be sent on any Division of the Northern Railway. Annexure C-1 filed with the counter clearly states that the 10% of the vacancies of Traffic and Commercial Apprentices in grade Rs.205-~~and~~ 280 should be filled on the basis of the limited departmental examination. The Board desired to clarify that the said limited departmental examination should be held on the pattern of competitive examination held for filling up post of Senior Clerks in scale Rs.130-300 against 10% quota in accordance with the instructions contained in their letter No.PC60/RTP3/1 dated 20.12.1961. According to this the examinations

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are to be conducted by the General Manager of each Railways. Recently the examination of senior Clerks against 10% quota was conducted by the Headquarters Office and selected persons were posted on various Divisions. Similarly this practice and Rule is also applicable to the Traffic Apprentices recruited against 10% quota from amongst serving Railway Employees. The Photo-stat copy of the posting Order of the senior Clerks on various Divisions ~~now on~~ is enclosed as Annexure No: SR-1.

3. That in reply to para 4 of the Supplementary Counter, its contents are denied and the contents of paras 3, 4 and 5 of the rejoinder are reiterated as correct.

4. That in reply to para 5 of the Supplementary Counter, its contents are incorrect, mis-conceived and misleading; hence denied and the contents of para 6 of the rejoinder ~~is~~ are reiterated as correct. It is further submitted that Para 123 of I.R.E.M. made in 1966 is correct and it was slightly modified by the Railway Board by bifurcating the quota of Traffic Apprentices (15% direct and 10% from amongst the serving Railway Employees). This 10% quota for serving Graduate~~s~~ Employees was introduced in 1972 only. The opposite parties knowingly did not file the Railway Board letter No.E(NG) III 72 RBI/18 dated 18.3.1972 and have filed other letters even pertaining to the year 1973. Had the opposite parties filed the letter of 1972 the True Picture would have come on surface. It is further submitted that the detailed reply of para 5 maybe perused in para 2 above. The General Manager is not empowered to make Rules which contravenes the Rules already framed either by the Railway Board or embodied in statutory Rules. The Railway Board letter (Annexure A-1 to the Application) has only reduced the period of training from 3 years to 2 years for Traffic Apprentices (15%+10% quota).

Annexure No: SC-1 filed with ~~this~~ supplementary Counter has no bearing with the case as the Annexure is the disposal of the representation of the Traffic Apprentice -s selected against 10% quota, who claimed seniority over ~~75%~~ the staff promoted against 75% quota i.e. promotee. The applicant has claimed seniority over the staff selected against 10% quota and not against 75% quota. The North Eastern Railway has rightly given training to the staff selected against 10% quota for 3 years and this has not been rebutted by the Opposite Parties as wrong. Annexure No. 8 A-8 filed with the application is the proof of training. The Opposite Party has also stated that the direct recruits have lesser knowledge and the departmental candidates have more knowledge about the working. In this connection it is submitted that the Traffic Apprentices recruited against 15% Quota have to undergo training for 3 years in every field and they are promoted upto the grade of Rs.840-1040 ^{with out having any further training} whereas the staff promoted against 10% and 75% quota are only promoted in grade Rs.840-1040 ^{when they} after passing P-16A course. The appended chart shows that the A.S.M. who goes only five months training in the initial grade can be selected against 10% quota and undergoes training for one year as per G.M's order. In this way having a service of 1 1/2 years, the A.S.Ms, Guards and ~~T.N.Cs~~ TNCs can have seniority over the Traffic Apprentices who have undergone three years~~s~~ training. For instance if guards, ASMs and TNCs are appointed on 13.7.83 and complete their training as per schedule on 12.12.1983 and are selected against 10% quota and after completion of one year's training, they can be senior over Traffic Apprentices who were recruited against 15% quota on 13.7.83 and completed their training on ~~12.12.86~~ 12-7-86. Now this verbatim produced

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by the Opposite parties is ill-conceived and wrong.

Designation.	Initial training.	Traffic Apprentice trg.selec- ted against 10% quota.	Total training.
Trains Clerk.	21 days.	1 year	1 year & 21 days.
Guard.	1 month.	1 year.	1 year & 1 month.
Signaller.	1 month.	1 year.	1 year & 1 month.
Asstt. Station Master.	5 months.	1 year.	1 year & 5 months.

According to the above chart, the staff selected in the lower grade and again selected against 10% quota undergoing less period of training as shown above becomes senior to the Traffic Apprentices selected against ~~10%~~^{15%} quota and who goes training for 3 years. in every field. This is according to the version of the Opposite parties. The above rule framed by the General Manager is rather wrong and not judicious and against the order of the Railway Board. The above practice is not prevalent anywhere on any Railway except the Northern Railway. It is clearly laid down in Annexure A-3 filed with the application that the scheme of recruitment of existing quota of 15% for open market and 10% for departmental candidates will continue. Their qualifications and period of training are the same. Now the only modification which has been shown in this Annexure is that the recruitment against 25% quota is to be made in grade Rs.550-750 instead of 455-700 and their training will be 2 years and appointment of Commercial Inspectors in various posts have been made now. Now according to the Hon'ble decision of the Tribunal the Railway Board have allowed the grade of Rs.550-750 to the Traffic Apprentice recruited before 15.5.1987.

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The General Manager, Northern Railway has no power to reduce the period of training of Traffic Apprentices selected against 10% quota as the period of training for these staff has already been ~~141~~ prescribed for 3 years by the Railway Board as well as Embodied in the Establishment Manual.

5. That in reply to para 6 of the supplementary counter, its contents are only repetition in para 5 of the supplementary counter; hence denied. It is respectfully submitted that the first para of Annexure C-10 to the rejoinder is correct which is according to the orders of the Railway Board and the rest of the Paras were framed by the ~~Railway Board~~ General Manager, are wrong and mis-conceived; hence denied. Nothing has been mentioned about the Traffic Apprentices selected against 15% quota in this Annexure C-10. The applicant has been appointed by the General Manager as Traffic Apprentice and the applicant was posted as Asstt. Station Master by the Lucknow Division. No Training is required for the A.S.M. whereas the applicant is a trained Traffic Apprentice and is not to be utilised as A.S.M. It is the claim of the applicant to assign seniority over 10% Traffic Apprentices selected from amongst the serving employees. which is in accordance with Para 303a and 306 of Indian Railways Establishment Manual. The contents of Para 6 of the rejoinder are reiterated as correct.

6. That the contents of para 7 of the supplementary rejoinder are mis-conceived, misleading hence denied, and the contents of para 8 of the rejoinder are reiterated as correct. It is further submitted that Annexure A-3 of the petition ~~has~~^{is} very much relevant in the case. The letter has indicated

Contd.....8.

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that the scheme of recruitment of Traffic and Commercial Apprentice should continue and the qualification will be graduation and the period of training has been reduced from 3 years to 2 years. ~~am in the same manner~~

The first order was issued by the Railway Board as contained in Annexure No: C-1 filed with the counter and the latest order of the Railway Board is contained in Annexure A-3 filed with the application. Annexure C-2, C-5 and C-10 filed with the counter are the letters issued by the General Manager, Northern Railway which is against the orders of the Railway Board. General Manager has no power to frame rules in contravention of the orders issued by the Railway Board. Annexure C-6 filed with the application is the order of the Railway Board ⁷ regarding training for Traffic Apprentices. The contents of Para 8 of the rejoinder are reiterated as correct.

S.

7. That in reply to Para 8 of the counter, its contents are mis-conceived, misleading hence denied. Annexure C-4 and C-5 filed with the counter was only evolved by the General Manager(P), N.Rly., New Delhi, whereas Annexure C-6 filed with the counter is according to the orders of the Railway Board. The General Manager, Northern Railway, New Delhi is the only authority who violated the orders of the Railway Board in connection with the period of training prescribed for Traffic Apprentices (15% direct and 10% from the Department), and other Railways are observing the order of the Railway-Board in connection with the period of training prescribed for 3 years for 10% Traffic Apprentices selected from the Serving Railway employees. The Order of the General Manager, Northern Railway, New Delhi as contained in Annexure C-4 and C-5 filed with the counter are discriminatory and attracts article 14 and 16 of the Indian Constitution. The contents of para 9 of the ~~rejoinder~~ rejoinder are reiterated as correct.

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8. That in reply to para 9 of the S.Counter its contents are denied and contents of para 10 of the rejoinder is reiterated as correct. It is further submitted that Annexure C-4 and C-5 filed with the counter have been issued by the General Manager which is not applicable to the Traffic Apprentices (15% directly recruited and 10% from serving Graduate employees and is also against Para 124 of the Indian Railway Establishment Code.

9. That in reply to para 10 of the S.Counter, its contents are mis-conceived and incorrect and misleading hence denied, and the contents of Para 11 of the rejoinder are reiterated. It is further submitted that the matter has already been elaborated in Para 5 and 7 of this S.Rejoinder. The Annexure No: ~~XXXXXXXXXXXXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ C-1, C-2 and C-4 and C-5 filed with the counter are concerned, C-1 is the order of the Railway Board ~~XXXXXXXXXXXXXXXXXXXX~~ bifurcating the Direct Recruits as 15% + 10% and Annexure C-2 is a letter issued by the General Manager in connection with the working out the vacancies on the basis of roster given and maintained on each Division for each category separately. C-3 4 and C-5 are the letters issued by the General Manager which are against Para 123 of the Indian Railway Establishment Manual and the General Manager, N.Rly., has no power to deviate from the statutory Rules as well as orders of the Railway Board. Para 303 of the Indian Railway Establishment Manual is applicable in this category because the traffic apprentices (15% + 10%) are a special category of employees provided for in Rule 123 Chapter I of the Railway Establishment Manual. They are recruited with a view to provide a new thrust to the categories against which they will be absorbed on due completion of ~~XXXXXXXXXXXX~~

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Training. The General Manager, has exceeded his powers by issuing Annexure C-4 and C-5. In this way the General Manager, Northern Railway, who is the only authority on the Indian Railways who violated the provision of Para 123 of I.R.E.M.

10. That in reply to Para 11 of the S.Counter, its contents are mis-conceived and misleading; hence denied. It has been stressed by the Railway Board on various occasions and in various letters and even in Annexure A-3 filed with the application that the serving graduate employees selected against 10% quota are also traffic apprentices and they have to undergo three years training. Para 303^(a) of the I.R.E.M. is perfectly applicable to the applicant because the applicant was recruited as Traffic Apprentice and was appointed as such and the seniority of the applicant is to be assigned as per Para 303^(a) of IREM. The opposite parties have not stated specifically where Para 303 (a) of the IREM is applicable. They have concealed this fact. Para 302 of IREM is not applicable to the Traffic Apprentices who are sent for initial training. The Traffic Apprentices selected against 10% quota have to undergo 3 years training and they are also governed by Para 303^(a) of the IREM. The very glaring example is that Shri R.P.Gupta, was promoted twice even before the completion of 1 year's training for which letter No.757E/S-1/II/Part II dated 21.11.1984 and 11.10.87 issued by the Divisional - Personnel Officer, N.Railway, Lucknow, have been summoned and the Hon'ble Court has directed the opposite parties to file these letters at the time of hearing. The contents of para 12 of the rejoinder are reiterated as correct.

11. That in reply to para 12 of the S.Counter, its contents are denied and Para 14 of the rejoinder reiterated as correct. In the counter the opposite parties have admitted what has been stated in para 14 of the counter.

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12. That in reply to the contents of Para 14 of the S.Counter, its contents are misleading, false and misconceived and as such denied. The contents of Para 15 of the rejoinder are reiterated as correct. It is submitted that the Annexure C-8 filed by the Opposite Parties indicates that while posting of the candidates to specific places, first priority should be given to filling up the vacancies in the Control Office. It indicates that priority is to be given as per orders of the G.M. contained in Annexure C-8 filed with the counter, and on that basis the applicant gave an option for the post of T.I. The orders contained in Annexure C-8 filed with the counter by the Opposite Parties have not been complied with and the D.R.M. N.Rly., Lucknow adopted pick and choose policy. The undernoted charts will clearly show that pick and choose policy has been adopted by the D.R.M., N.Rly., Lucknow.

Seniority list as per para 303 (a) of IREM.

~~XXXXXXXXXXXXXXXXXXXX~~

Sl.No:	Name.	Merit Position of Chandausi.
1.	S/Sri I.A.Faruqi.	6 Posted as A.S.M.
2.	Dinesh Chandra,	-do-
3.	R.P.Srivastava,	10 Section Controller.
4.	Jagdsamba,	11 AYM
5.	S.T.Masood,	14 A.S.M.
6.	Parveen Kumar.	19 A.S.M.
7.	Ram Sukh,	21 A.S.M.
8.	S.K.Srivastava,	22 A.S.M.
9.	S.P.Gautam,	22 A.S.M. Now SCNL.
10.	N.C.Srivastava,	Passed in Supplementa-
		-y- A.Y.M.
11.	Mahmood Ali,	A.S.M.
12.	Nagina Singh,	A.S.M. T. J.
13.	Heera Lal,	A.S.M.

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Merit position of Railway Service Commission.

1.	S/Sri Nagina Singh.	2	T.I.
2.	Jagdimba.	4	AYM
3.	I.A.Farūqi	7	ASM
4.	Ram Sukh	8	ASM
5.	S.T.Masood.	13	ASM
6.	S.K.Srivastava	14	ASM
7.	R.P.Srivastava,	16	Section Controller.
8.	Mahmood Ali.	22	ASM
9.	Parveen Kumar.	28	ASM
10	N.C.Srivastava,	34	AYM
11.	Dinesh Chandra	44	-
12.	Heera Lal	45	ASM
13.	S.P.Gautam,	46	ASM/Now posted as Section Controller.

The opposite parties have stated in para 5 of the S. Rejoinder that traffic apprentices are posted on Supervisory and responsible post after completion of their training but this was not done. The supervisory posts are T.I., Yard Master, Station Master and Section Controller. The post of ASM is not supervisory because they have to work under the Supervisors like Station Master, T.I. and Section Controllers. Annexure C-8 filed with the counter reply is stated to be guidelines by the Opposite parties i.e. Divisional Railway Manager when the said list was prepared on the basis of merit of the Railway Service Commission, Allahabad. Though the said letter had been issued by the General Manager for strict compliance but the Divisional Railway Manager, Lucknow adopted pick and choose policy and did not follow the said annexure. It is evident from Annexure R-2 filed by the applicant that previously the D.R.M., N.Rly., Lucknow posted the employees mentioned therein as ASM

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on 7.3.1990 and later on posted them as AYM and Section Controller. It means that the Divisional Railway Manager, N.Rly., Lucknow did not disclose the vacancies on 7.3.90 and on special approach the D.R.M., Lucknow showed the vacancy of AYM and Section Controller just after 12 days. on 19.3.90. The 5 traffic apprentices in this letter were posted as Section Controllers meaning thereby that there were 30 vacancies in the Control Section from August, 1986 to February, 1990 occurred on account of wastage or retirements against which 13% traffic apprentices against 15% were available which is impossible. The total strength of Control Section is 56 and 6 posts are in grade Rs. 1400-2660. meaning thereby 5 out of 6 apprentices are against 15% quota and according to 10% quota only 3 posts can be filled on the basis of strength of 30. Annexure A-3 filed by the applicant is equally to be implemented by the G.M. as well as by the D.R.M., N.Rly., Lucknow. The opposite parties have not replied about Annexure R-3 filed by the applicant. Annexure No. SC-2 filed by the Opposite parties is a reply to Annexure No. SC-3 and this reply has not been received by the applicant till date. This has only been filed before this Hon'ble Court when the applicant approached this Hon'ble Court for justice. Had the reply to the representation of the applicant been given to the applicant, the applicant would have filed the application on the basis of that reply. Whatever the representations in connection with the seniority were made by the applicant no reply was given to the applicant as yet and put the applicant into dark.

13. That in reply to para 15 of the S. Counter its contents are denied and contents of para 17 of the rejoinder are reiterated as correct.

14. That in reply to para 16 of the S. Counter, its

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- 14 -

contents are denied and contents of para 18 of the rejoinder are reiterated as correct. The applicant was wrongly posted as ASM because ~~the~~ the applicant is Traffic Apprentice. Annexure A-3 filed by the applicant with the application is issued by the Railway Board and the previous orders and system applicable to the traffic apprentices were shown in that letter which was prevalent prior to 15.5.87 and that is why this letter is very important, and cannot be ignored by the Opposite parties.

15. That in reply to para 17 of the S.Counter, its contents are misconceived and misleading hence denied, and the contents of para 19 of the rejoinder are reiterated as correct. It is further submitted that Annexure A-4 was correctly issued because the selection against 15% quota and 10% quota is to be held every year, and Annexure A-5 filed by the applicant was declared according to the convenience of the opposite parties and Sri R.P.Gupta, ASM, Lalganj was posted as T.I. In this way the selection and posting as shown in Annexure A-5 filed with the application are wrong. Para 303(a) of the I.R.E.M. which is meant for traffic apprentices only is applicable to the applicant so far as the seniority is concerned because here ~~the~~ direct training is involved. Moreover, the traffic apprentices selected against 15% quota have not to pass P-16A course when they are promoted in grade Rs.840-1040 while the traffic apprentices selected against 10% quota by the Lucknow Division have to pass P-16A course when they are promoted in grade Rs.840-1040. This Annexure indicates that traffic apprentices selected against 15% quota have more knowledge than the traffic apprentices selected against 10% quota. A photo-stat copy of Channel of promotion

Contd....

A/50

- 15 -

for S.Ms and A.S.Ms is enclosed as Annexure SR-2.

16. That in reply to Para 18 of the S.Counter, its contents are denied, and contents of paras 20 to 29 of the rejoinder are reiterated as correct. It is further stated that the Opposite parties have violated the statutory rules and the Railway Board Orders. The applicant is entitled for seniority over and above the selected traffic apprentices against 10% quota as shown in Annexure A-5 filed with the application. The seniority of the applicant is to be determined in accordance with para 303 (a) ^{and Para 306} of the IREM. The annexure no. SC-1 filed ~~with~~ by the Opposite Parties has no bearing with the case of the applicant because the said letter is the disposal of the representation made by the traffic apprentices selected against 10% quota ^{who} ~~do~~ claimed the seniority over promotees.

LUCKNOW.


DEPONENT.

DATED:

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 16 of this Supplementary Rejoinder are true to my knowledge and legal advice, and no part of it is false and nothing has been concealed. So help me God.

LUCKNOW


DEPONENT

DATED:..

Northern Railway.

Annexure SR-

A151

Headquarters Office,
Baroda House,
New Delhi.

Confidential
D.O.No.220E/1843-Pt.II (Rectt)
September 29, 1985.

✓ The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sub: Selection to the post of Senior Clerks
Grade Rs 330-560 (RS) from amongst the
serving Graduates.

As a result of the selection held in this office on the basis of written test on 2.6.1985 followed by interviews on 14th and 16th August, 1985 from the serving Graduates against the quota reserved for them, six (6) candidates of your Division have been provisionally placed on the Panel and they have been posted on your Division as Senior Clerks Grade Rs 330-560(RS). Keeping in view of the vacancy position against the serving Graduates quota on your Division as advised to this office, 13 more selected Graduates Clerks from the above panel have been posted on your Division i.e. 6 from ALD Division, 4 from DCOS/AMV, 2 from Charbagh Shops and one from AMV shops and their names have also been incorporated in order of merit in the enclosed list i.e. item No.1, 3, 5 to 10, 12 to 14, 15 & 18.

It may please be ensured that these candidates are posted against the vacancies occurred upto 31.10.1983 and they were appointed prior to that date.

W. K. Singh

For General Manager (P)

*Encl: As above.

*# Tommy
Atesta
K. S.*

NORTHERN RAILWAY

Annexure SR-2

A.K. BHADURI
C.P.T.S.

Head Quarters Office
Parade House, New Delhi

D.O. NO 757 E/61-XVII (EIB) DT 14.11.83

My dear Raghoo Ram,

Sub: Channel of promotion chart of Traffic Staff

As a result of restructuring of cadre of Station Master/ASM's, yard staff etc, it has become necessary to review the existing channels of promotions of Traffic Staff. The existing and proposed channels of promotions charts are enclosed. There is a general demand that there should be no interpolation of categories in any of the cadre.

Keeping this in view comments on the proposed channel of promotion charts may be sent to the under signed by 25.11.83.

Yours Sincerely
sd/-

(A.K. BHADURI)

DA/BS above

Sri _____

Sr DGS

Copy forwarded for information and similar action to Sh. Raghoo Ram, D.P.O N.R.P. Lucknow.

Noted

Copy
attache
KH

A153

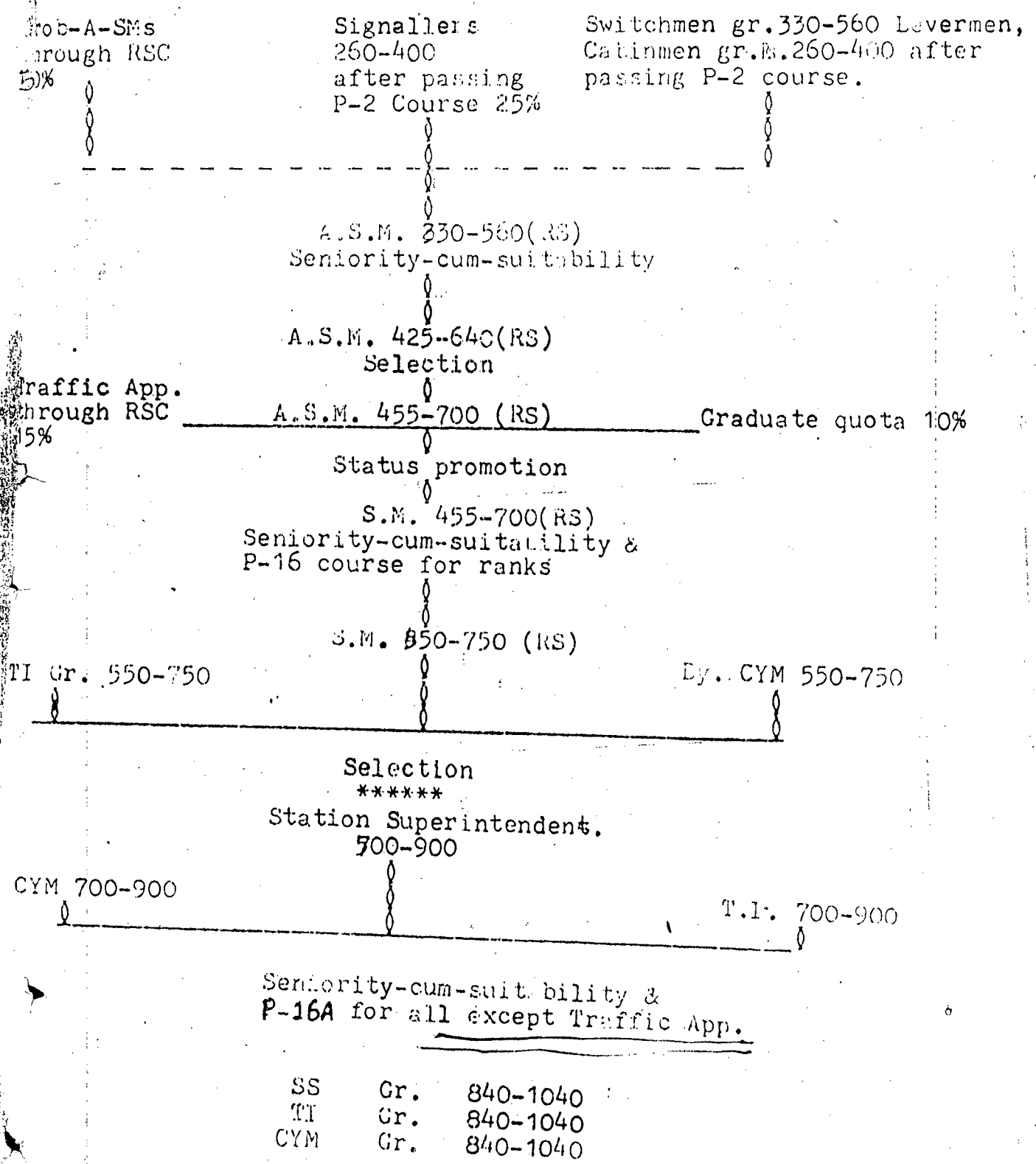
18

Item No. 289 Contd.

Annexure SR 2

This Channel is as under :

Proposed Channel of Promotion Chart of SMs/ASMs



3/2/2000
Same Day
Atty
K. A.

A/54

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW BENCH LUCKNOW.

S.K.Srivastava ... Applicant.

Versus

Union of India and others ... Opposite Parties.

REGISTRATION NO: 81 OA No: 91/ 89 L.

FIXED FOR 8.11.1991 for FINAL HEARING.

APPLICATION FOR AMENDMENT UNDER ORDER 6 RULE 17
READ WITH SECTION 151 OF THE C.P.C.

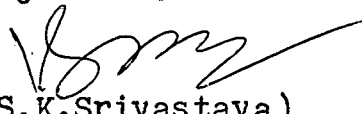
The applicant respectfully submits
as under:-

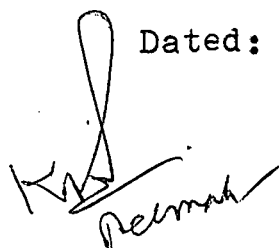
1. That the applicant has been fitted in grade Rs.550-750 (1600-2660 RPS) on the basis of the judgement of this Hon'ble Tribunal, Lucknow Bench Lucknow in case of Ram Sukh and others Vs Union of India and others passed in the month of ^{10 May} ~~June~~, 1991, and has been posted as Station Master with effect from 15.5.1987.

WHEREFORE it is prayed that this
Hon'ble Tribunal may be pleased to allow amendment
as shown in the enclosed Schedule in the
application in the ends of justice.

Lucknow.

Dated:


(S.K.Srivastava)
Applicant.


K.K. Bhatt
Recd

*Autopsy of
Applicant's Petition
K.K. Bhatt
recd & filed
8/11/91*

A/155

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW BENCH LUCKNOW.

S.K.Srivastava

.... Applicant.

Versus

Union of India and others.

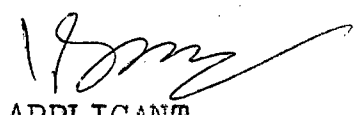
.... Opposite Parties.

REGISTRATION NO OA 91/89 L.

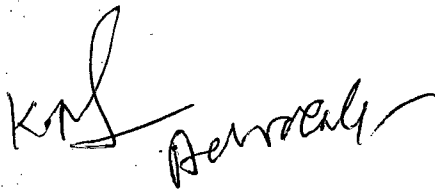
SCHEDULE OF AMENDMENT.

1. In line ~~No.~~ 3 of the details of applicant
" Assistant Station Master" be substituted by the word
" Station Master".
2. At S.No: 3 of details of application the word
"Assistant Station Master" be substituted by the word
"Station Master".
3. Page 4 at the end of line 8 of Para XIII the
sentence" The Applicant has been fitted in grade
Rs.550-750(1600-2660) and has been posted as Station Master
with effect from 15.5.1987" be added.
4. Page 5 Para 4 after the word Lucknow add
" the applicant has been fitted in grade Rs.550-750
(1600-2660) and posted as Station Master".
5. In verification clause the word"Assistant
Station Master" be substituted by the word "Station Master"

LUCKNOW


APPLICANT.

DATED:


KMS

A/57 18Cdy

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW CIRCUIT: LUCKNOW.

R

Registration No. 00 91/89L

S.K. Srivastava.

...

Applicant.

Versus

Union of India and others.

.....

Opp. parties./ Respondents

...

The following documents are filed herewith in support of the claim of the seniority by the applicant who ^{are} respondents nos 4 to 13

..

INDEX

<u>Sl.</u>	<u>Documents relied upon</u>	<u>Page No.</u>
------------	------------------------------	-----------------

1. Annexure a-1.

Photocopy of letter no. 844e-213/E-3-1/344A, dt. 8.7. issued by Divl. Rly. Manager. N. Rly. Lucknow. (Rly. Board Letter No. E/NG) 11/87/RR-1/21, dt. 27.11.90

2. Annexure a-2

A photostat copy of Rly. Board No. E/NG/SR. 6/35, (A) dt. 14.11.90, circulated by D.R.M. N. Rly. Lucknow. under his letter no. 847E/O/E-3-1/342 dated 8.7.91.

3. Annexure a-3

A photostat copy of D.R. M. Rly. LKO. letter no. 220E/5-1/T-App II/91, dt. 2.8.1991.

4. Annexure No. 344

a photostat copy of D.M.P.N. Rly. New Delhi, letter no. 755E/42 (EIB) dt. 22.7.88

14) Photo copy of letter no 752E/42 (EIB) dated 22/7/88

27.1.92.

K. J.
Counsel for Applicant.

A158

Page No. 2-1

(1)

उत्तर देते हैं

पत्र सं० ४४४६/२१३/३-१/३३४९

मंडल कार्यालय,
लखनऊ

संबन्धित मंडल पर सर्व सम्बन्धित ।
संबन्धित मंडल के सभी अधिकारी ।
संबन्धित मंडल के सभी वरिष्ठ अधिकारी ।
संबन्धित शाखा के सभी सम्बन्धित ।
संबन्धित सचिव/एन०आर०एम०यू० एवं यू०आर०एम०यू०।

मुद्रित क्रमांक: 10299

विषय:- विभिन्न पदों पर नियुक्ति के लिए
प्रारम्भिक प्रशिक्षण ।

रेल मंत्रालय के पत्र संख्या E(NG)11/87/RR-1/21 दि० 27/11/90
की प्रतिलिपि प्रोत्तम मध्यमक कार्यालय उत्तर प्रदेश बतौर हाउस रजिस्ट्रार दिल्ली के
पत्र संख्या 2202/262-XXX/11/RR-1/2005 दि० 14.1.91
के अन्तर्गत प्राप्त है की प्रतिलिपि उक्त संगठन सचिव गुप्ता मार्ग लखनऊ एवं आवश्यक
कार्यवाही हेतु प्रेषित की जा रही है ।

उक्त उल्लिखित रेलवे बोर्ड के पत्र :
दि० 30.6.87 की प्रतिलिपि सं० क्रमांक 9768 के अन्तर्गत भेजी जा चुकी है ।
25.11.88
संबन्धित योजक

कृते वरिष्ठ मंडल कार्यालय अधिकारी,
लखनऊ ।

म

MS
ML

A159

Amr, New, 13

Copy of Rly.Bd.'s letter No.E(NG)II/87/RR-1/21 dt/-27.12.90
from the Dy.Director Establishment(N)Railway Board, New Delhi
to the General Managers(P), N.Rly. & others.

F.S.NO.10299

Sub: Initial Training for recruits in various
categories.

.....
Attention is invited to Board's letters of even
number dated 30.6.1987 and 25.11.1988. Board have been
receiving proposals from various Railways for reduction
in the period of initial training and this matter regarding
delegation of powers to the General Managers in regard to
curtailment of period of training of non-gazetted categories
has been under consideration of the Board for some time.

After careful consideration of the matter Board
have decided that in supersession of their letter of even
number dt.30.6.87 and 25.11.1988 quoted above, the
General Managers may be delegated the power of curtailing
period of training of non-gazetted categories (whether as
apprentices or otherwise), in the exigencies of service,
ensuring that the prescribed tests/examinations mandatory
for successful completion of training are complied with.
On such curtailment of training, the trainees shall be posted
against the posts for which they have been recruited
as trainees/apprentices. They shall on such posting be
entitled to benefits as applicable to incumbents or such
posts except seniority and benefit of increment. Grant of
seniority and increments will continue to be regulated as
per ACS No.232-IREM forwarded under Board's letter
No.E(NG)I-88/646/42 dated 7.4.1982 and Board's letter
No.E(NG)I/86/CI/3 dated 2.3.1988-

These orders shall come into force prospectively from
1.12.1990.

....

A-19
12/8

A/60

Mym. 2-3 (3)

फं सं 847E/0/23-1/342

मंडल कार्यालय,

लखनऊ।

8/3/91

लखनऊ मंडल पर सर्व सम्बन्धित।

लखनऊ मंडल के सभी अधिकारी।

लखनऊ मंडल के सभी वरिष्ठ अधिकारी।

कार्मिक शाखा के सभी सम्बन्धित।

मंडल सचिव/एनओआरओएमओए एवं यूओआरओएमओए।

मुद्रित क्रमांक: 10889

विषय:- अराजपत्रित रेल कर्मचारियों की परिष्कृत
सम्बन्धी नियम।

रेल मंत्रालय के पत्र संख्या E/NG/S R. 6/35 (0) दि० 14/1/91
की प्रतिलिपि जो महा प्रबन्धक कार्मिक उत्तर रेलवे बडौदा हाउस नई दिल्ली के
पत्र संख्या 831E/25-V(E-4) दि० 20/12/90
के अन्तर्गत प्राप्त है की प्रतिलिपि उसके संलग्नक सहित सूचना मार्ग भेजें एवं आवश्यक
कार्रवाई हेतु प्रेषित की जा रही है।

हमसे उल्लिखित रेलवे बोर्ड

के पत्र संख्या E/NG 11/78FR6/

दि० 14.82 की प्रतिलिपि मु० क्रमांक 8055 के अन्तर्गत भेजी जा चुकी है।

संलग्नक यथोक्त

कृते वरिष्ठ मंडल कार्मिक अधिकारी,

लखनऊ।

ATG
MS

Albi 11/11/89 No 9-2 (13)

P.S.No.10326

Copy of Railway Board letter No.E(NG)I/89/SR6/35(a) dated 16.11.1990 from H.B.Lall, Joint Director, Establishment (N), Railway Board to the General Managers, All Indian Railways etc.

Sub: Rules regarding seniority of non-gazetted railway servants.

.....

Please refer to ACS No.132 circulated under Board's letter No.E(NG)I/78/SR6/42 dated 7.4.1982 wherein it was advised that in case the training period of a direct recruit is curtailed in the exigencies of service, the date of joining the working post in case of such a direct recruit shall be the date he would have normally come to a working post after completion of the prescribed period of training. Board wish to clarify that this provision would apply equally in the case of Inter Apprentices as also in the case of departmentally selected candidates against quota prescribed in certain categories to be filled by Limited Departmental Competitive Examination among serving eligible employees (such as 10% in the case of Traffic and Commercial Apprentices) as these selections are in the nature of direct recruitment. Necessary amendment to para 3.2 of Indian Railway Establishment Manual is separately being issued accordingly.

.....

ATC
Hry

2172-5-3

A162 *Imp No A-3* 13

⑥ *Shri S K Srivastava, M.L. 131 Moti Sheel Colony, Pandey ka Talab, Lucknow.*
Through Registered Dak

No:220E/5-1/T-App II/91.

Division of Traffic
 Lucknow, Dt./- 2

NOTICE

Pursuant to the judicial pronouncements in O.A.No.152/90, Ram Sukh & others Vs Union of India and others and O.A.No.79191, RP Upadhyay and others Vs Union of India & others, the under noted staff who were recruited as Traffic Apprentices for absorption in gr.Rs.1400-2300(RPS)/45-700(RS)/1400-2300(RPS)/470-750(RS) and subsequently, were absorbed as ASM/AYM/SCNL in gr.Rs.1400-2300(RPS)/455-700(RS)/1400-2600(RPS)/470-750(RS) ~~xxxxxx~~ in accordance with the scheme prevalent prior to the introduction of new Scheme under Rly.Bd.'s letter No.E(NG)11/84/RC3/15 dt. 15.5.87 are hereby allowed fitment in gr.Rs.1600-2660(RPS)/1400-2600(RPS) with all the consequential benefits w.e.f. 15.5.87 or from the date of completion of training, which ever is later as noted below against each. Since the category of ASM does not contain the grade Rs. 1600-2660(RPS), the petitioner, in both the Court cases as aforesaid, who were absorbed as ASM in gr.Rs.1400-2300(RPS) in accordance with the old scheme, are absorbed en masse in the category of Station Master in gr.Rs.1600-2660(RPS) with all the consequential benefits either from 15.5.87 or from the date of completion of training which ever is later, as the case may be. This has, however, been done in accordance with the new scheme introduced by Rly.Bd. w.e.f. 15.5.87 whereby allotting the share of T.Apps in the category of SM/YM/SCNL in gr.Rs.1600-2660(RPS)/1400-2300(RPS).

S.No.	Name	Present grade post where initially absorbed.	Post of fitment in gr.Rs.1600-2660(RPS)/1400-2600(RPS) with minimum pay available start of Rs.1600 PM, at Stn.	Consequential benefit of seniority & from.
-------	------	---	---	--

1.	2.	3.	4.	5.
S/	Shri			
1.	I.A.Farooqui	ASM, 1400-2300(RPS) presently working as Instructor DITS/LKO	Station Master in Gr.Rs.1600-2660(RPS) at KVG	@ 1600 PM 15.5.87
2.	R.P.Srivastava	SCNL gr.Rs.1400-2600(RPS), CHC/LKO	SCNL gr.Rs.1400-2600(RPS) with minimum start of Rs.1600/PM CHC/LKO	xxxxxx -do-
3.	Jagdamba	AYM Gr.Rs.1400-2300(RPS) under AOS(Yd) BSB	YM in gr.Rs.1600-2660(RPS) under AOS(Yd)/BSB	-do-
4.	Ram Sukh	ASM Gr.Rs.1400-2300(RPS) under SS/SLN	SM in gr.Rs.1600-2660(RPS) at SHNG	-do-
5.	Praveen Kumar	ASM Gr.Rs.1400-2300(RPS) under SS/PRG	SM in gr.Rs.1600-2660(RPS) at POF	-do-

ATC

P.T.O

A163

Ann. a-3 16

(2)

1.	2.	3.	4.	5.
6. ✓	S.K. Srivastava	ASM Gr. Rs. 1400-2300 under SS/LKO	SM ingr. Rs. 1600- 2660 (RPS) at KKAH	@ Rs. 1600/- wef 15.5.87
7.	N.C. Srivastava	AYM Gr. 1400-2300 under SS/LKO	YM ingr. Rs. 1600-2660 under SS/LKO	-do-
8.	Mahmood Ali	ASM Gr. 1400-2300 being utilised as SCNL on ad hoc basis under CHC/LKO	SM gr. Rs. 1600-2660 at NHN	-do-
9.	W.A. Khan	AYM ingr. Rs. 1400-2300 under AOS(Yd)/LKO	YM in gr. 1600- 2660 under AOS (Yd)/LKO	@ Rs. 1600/- wef 22.2.89
10.	Y.P. Tripathi	AYM Gr. 1400-2300 under AOS(Yd)/LKO	-do-	@ Rs. 1600/- wef 16.2.90
11.	A.S. Pandey	-do-	-do-	-do-
12.	R.P. Upadhyay	-do-	-do-	-do-
13.	Anil Kumar	SCNL in gr. 1400-2600 under CHC/LKO	SCNL in 1400-2600 with minimum start of 1600 under CHC/LKO	-do-
14.	Anil Kr. Singh	SCNL/LKO -do-	-do-	-do-
15.	M.M. Bhatt	SCNL/LKO -do-	-do-	-do-
16.	Arvind Kr. Singh	SCNL/LKO -do-	-do-	-do-
17.	Baboo Lal	-do-	-do-	-do-
18.	Ashok Chandra	ASM in gr. 1400-2300 under SS/HRN	SM gr. 1600-2660 (RPS) under at JTU.	@ Rs. 1600/- wef 7.8.

This has the approval of competent authority.

Movement should be advised promptly.

The dates shown against item no 9 & 10 are provisional.

(Rajiv Kishore)
for Sr. Divl. Personnel Officer,
Lucknow.

- Copy to: Sr. DOS, Sr. DSO, DOS-I, AOS(M), (G), (CHG), AOS(Yd)/LKO & BSB
SS/LKO & BSB
2. CHC/LKO, Ch. Instructor DTTS/LKO, SS/SLN PRG HRN
3. SMS/SHNG POF KVG KKAH NHN JTU

Contd.....3/-

RTG
KJ

(3)

4. Shri T.A. Farooqui, Instructor DTIS/LKO, Sh.R.P. Srivastava, SCNL/LKO, Jagdamba, AYM/BSB Ram Sukh, ASM/SLN Praveen Kr./ASM/PRG, 2xK, N.C. Srivastava, YM/LKO, Mahmood Ali SCNL/LKO, (Petitioners of OA No. 152/90)
5. W.A. Kah, AYM/LKO, Y.P. Tripathi AYM/LKO, A.S. Pandey, AYM/LKO R.P. Upadhyay, AYM/LKO, Anil Kr., SCNL/LKO, Anil Kr. Singh, SCNL/LKO M.M. Bhatt, SCNL/LKO, Arvind Kr. Singh, SCNL/LKO, Babu Lal SCNL/LKO Ashok Chandra, ASM/HRN (Petitioners of O.A No. 79/91)

Through

Regd. No. DAK

Shri S.K. Srivastava
avq, M.L

131

Moti Jheel

Colony

Pandey ka

Tola

In person

Shri S.K. Srivastava, ASM/LKO in ref. to his application dated 20.6.91 and 19.7.91 with the remarks that your fitment as SM in gr. Rs. 1400-2660 (RPS) along with the other petitioners has been made correctly in accordance with the judgement. As regards your option for the post of TI, it is intimated that neither there was any provision for calling for the options nor it was called for in order to allot particular stream to the Traffic Apps. So far the question of your allegation that others will get the better chance of promotion, it is informed that you will maintain inter-se-seniority w.e.f. 15.5.97 along with the other petitioners in ~~category~~ of the category of 1600-2660. It is also informed that further promotion ~~xxxxxx~~ to the post of SS/TI/Dy. CYM in gr. Rs. 2000-3200 (RPS) will be regulated on the basis of inter-se-seniority of SM/TI/YM of Gr. Rs. 1600-2660 (RPS) in accordance with the ABC introduced by GM(P)/N.Rly. through letter No. 757E/42 (EIB) dated 22.7.88.

7. CLA/LKO with the remarks that Rly. Advocate should be informed about the implementation of the judgement, Railway Advocate should ~~be~~ also be advised that in case of any litigation arising he will ensure his attendance.
8. GM(P)/N.Rly. Hd. Qrs. Office B. House, NDLS.
9. GM (Legal) -do-

Rest of this judgement

ATG
Hij

Copy No a-4 *AKS* *KKUail* *26/7/88* *YSE.*
NORTHERN RAILWAY

HEADQUARTERS OFFICE
BARODA HOUSE
NEW DELHI.

NO: 757-E/42(EIB)

DTD: 22 July '88

The Divl. Rly. Manager,
Northern Railway,
DLI, ME, LKO, ALD, UMB, FZR, EKN & JU.

The Genl. Secretary, NRMJ, 12, Chemsford Rd, N. Delhi.
The Genl. Secretary, URMJ, 166/2, Panchkuin Rd, N. Delhi.

SUB: Channel of promotion of Station Masters,
Traffic Inspectors and Yard Masters.

Consequent to the receipt of the new pay scales as a result of Fourth Pay Commission's recommendations w.e.f. 01.01.86, and Railway Board's instructions conveyed vide their letter No. E(NG)II/84/RC-3/15(AIRF) dtd: 15.5.87, regarding recruitment of Traffic/Commercial Apprentices against promotee and direct recruitment quotas of 10% and 15% respectively in grade Rs. 550-750(RS)/1600-2660(RPS) instead of grade Rs. 455-700 (RS)/1400-2300 (RPS), the existing channel of promotion of Station Masters, Traffic Inspectors and Yard Masters have been revised and one copy of the same is enclosed herewith for your information and necessary action. (Copy of Board's letter No. E(NG)II/84/RC-3/15(AIRF) dtd: 15.5.87 containing detailed instructions regarding recruitment of Traffic/Commercial Apprentices is also enclosed for ready reference).

Board's instructions issued vide their above mentioned letter regarding Traffic Apprentices who have already been recruited either through Railway Recruitment Board or through Departmental Selection Board or are undergoing training, will be absorbed only in scale of Rs. 455-700(RS)/1400-2300 (RPS) for which they have been recruited.

Railway Board's letter dated: 15.5.87, referred to above, also contains provision for Traffic Apprentices already recruited in old scale to be absorbed in these instructions, to improve their prospects by competing for higher grade (Rs. 550-750(RS)/1600-2660(RPS)) may be noted.

cc: 2/-

ATG
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Amr No 2-4

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For promotion to all grades instructions contained in Board's letter No. E(NG)I-85-PMI-13(RG) dtd: 19.2.87 circulated under this office letter No. 831-E/382/EIV dated: 03.03.87 (P.S.No. 9186) should be kept in view and strictly followed.

Combined Selection for the posts of S.S./T.I./C.Y.M. grade Rs. 2000-3200 (RPS) should be held by clubbing the vacancies on the basis of combined seniority of SMs/ITs/YMs grade Rs. 1600-2660(RPS).

The case regarding promotion to grade Rs. 840-1040(RS)/2375-3500(RPS) as SS/TI/CYM is subjective. These posts will, therefore, be filled after the case is finalised by the Court.

DA/As above.

FOR GENERAL MANAGER (P)

~~Amr No 2-4~~ ATC
KVS