

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

Case No. *AA* *OA 153/89*

CAUSE TITLE ..... OF .....  
NAME OF THE PARTIES *S. U. Kidwai* Applicant

Versus

*UOF* Respondent

Part A.

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CERTIFICATE

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

*File this file without check*

Check. Dated *22-12-11*

Counter Signed.....

*[Signature]*  
*23/12/11*

Section Officer/In charge

*[Signature]*  
Signature of the  
Deputy Assistant

A  
22/6/08  
K. Srinivas  
22/6/08

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 153 of 1989 (A)

APPLICANT(S) Shri. K. Srinivas & Others

RESPONDENT(S) Union of India

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	yes
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	All six sets have been filed.
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time?	yes
c) Has sufficient case for not making the application in time, been filed?	yes
4. Has the document of authorisation/ Vakalatnama been filed ?	yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Rs. 20/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	NA

A/2

A1

Particulars to be Examined

Endorsement as to result of examination

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

d/nesh/

Submitted before the Hon'ble Court on 20/6/09

Rajmishra  
20/6/09

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Case Title OA No 153/89(U) 19

Name of Parties.

S. V. Kidwai & Ors Applicant

U. O. I & Ors Respondents.

PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check-List _____	A1
2-	Order Sheet _____	A2
3-	Final Judgement <u>26.2.93</u> _____	A10
4-	Petition Copy _____	A16
5-	Annexure _____	A37
6-	Power _____	A36
7-	Counter Affidavit _____	A86-A101 & A123-A131
8-	Rejoinder Affidavit _____	A102 - A122 & A132 - A139
(B9)	Misc App 312/89 & Misc App 216/89(U) & Misc App 279/89 & M.A. No 214/91(U)	PART B A100 A168
		B169 - B332

~~...~~

Part - C

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

Section Officer  
Court Officer  
Incharge

*[Handwritten Signature]*  
22/1/94

Signature of Deali Assistant.

*[Handwritten Signature]*  
21/01/94

RN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. OA No. 153 OF 1989 (L)

APPELLANT  
APPLICANT

S.U. Kidwai & ors

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors

1

A2

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>30/6/89</p> <p>(1)</p>	<p>Hon' Mr. K.J. Raman, A.M. Hon' Mr. D.K. Agrawal, J.M.</p> <p>Shri L.P. Shukla, learned counsel for the applicant is present and heard. The learned counsel desires to rectify the application by getting the same signed by all the applicants and also for moving an application to file one application for four applicants. The request is allowed. The case be listed for admission on <u>3/7/89</u>.</p> <p><i>J.M.</i> J.M.</p> <p><i>A.M.</i> A.M.</p> <p>(sns)</p>	<p>OR Council for applicant has not complied with the orders of Hon'ble Court passed on 30.6.89.</p> <p>OR Application has been signed by all the four applicants in the last.</p> <p>Council for applicants has not filed any application for seeking permission for a single application.</p> <p>Subm. H.S. for admission.</p> <p><i>3/7</i> 3/7</p>
<p>3/7/89</p> <p>(2)</p>	<p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. K.J. Raman, A.M.</p> <p>Shri L.P. Shukla, learned counsel for the applicant is present. This application for permission to join all the applicants collectively is allowed.</p> <p><b>ADMIT.</b> Issue notice to respondents. Respondents are directed to file counter affidavit within four weeks, to which the applicant may file rejoinder, if any, within 2 weeks thereafter.</p> <p>In the matter of interim relief, issue notice and list this case for orders on <u>17-7-89</u>. Till that date the results of the selection process indicated in Annexure-A-10 dated 5-6-89 shall not be</p>	<p>OR Council for applicants has not filed any application for seeking permission for a single application.</p> <p>Subm. H.S. for admission.</p> <p><i>3/7</i> 3/7</p> <p><i>R.P. Pandey</i> Applicant 04/7/89</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

A3  
2  
A/S

O.A. No. 153/89(L)  
REGISTRATION No. \_\_\_\_\_ of 198 .

APPELLANT  
APPLICANT

S.U. Kidwai and ors

VERSUS

DEFENDANT  
RESPONDENT

Union of India and ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

④  
22/8/89

Hon' Mr. D.K. Agrawal, J.M.

Shri L.P. Shukla, counsel for the applicant is present. None appears for the respondents, but ~~although~~ information has been given that Shri A.N. Varma would be appearing for the respondents. Shri D.P. Srivastava has also appeared and requested for permission to file an application for impleadment of four affected persons. Let the application be filed in office and ~~get~~ numbered. Objections, if any, may be filed within a week. Thereafter, put up this case for orders on 13/10/89. The interim order passed earlier shall continue till that date.

*Jee*  
J.M.

⑤

12.8.89

(sns)

No. Selling Adj. to 22.12.04.  
Both the Counsel are present.

⑥

25/10/89

Hon. Justice K. Nath, J.C. 13/10

Shri D.P. Srivastava, junior of Shri O.P. Srivastava Counsel in Misc. Appn Nos 216/89 & 279/89 is present. Shri Om Prakash Muni Tapatni holdship brief for Shri L.P. Shukla for the applicant is present. Both the applications be listed for orders on 10/11/89; in the meantime the applicant will furnish copy of the objections, if any, to Shri O.P. Srivastava within a week.

OR  
CM. An No 279/  
89(L) filed by the learned counsel to the applicant Shri O.P. Srivastava for vacation of the interim order but not duly served copy. Date as was already fixed on 22.12.04 submitted for order.

24/10

Objection filed today

25/10

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

2/1/90

Hon' Mr Justice Kamleshwar Nath, V.C.  
Hon' Mr K. Obayya, A.M.

As requested by the learned counsel for the applicant list this case for orders on 5-1-90.

A.M.

V.C.

Cases submitted for order  
5/1/90

(sns)

5/1/90

Hon. Justice K. Nath, V.C.  
Hon. K. Obayya, A.M.  
C.M.A. No. 216/09  
C.M.A. No. 312/09

Heard the counsel for the parties on the question of ~~impleadment~~ ~~of the applicants~~ of C.M.A. No. 216/09 to this petition. We are of the opinion that the applicants may be fairly given an opportunity to contest the point in controversy, the application for impleadment is allowed. They may file a counter within two weeks to which the applicants may file rejoinders within two weeks thereafter. The O.P.s 1 to 4 files counter; the applicant may file rejoinders within two weeks thereafter. The case be listed for final hearing on 5/3/90.

OR  
Need for impleadment  
no any reply filed  
S.F. reply

Dinesh

A.M.

V.C.

OR 43  
Impleadment made today but no reply filed  
S.F. 0

(4)

OA 153/89 Co

AS

(B)

9.9.90

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

On the request of bali-  
Pabos Counsel the case is adjourned  
to 9.10.90 for hearing

M.M.L  
AM

VC

(16)

9.10.90

No sitting Act to 22.11.90

(17)

22.11.90

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

VC

CA/RA have  
exchanged a  
Partes No 5 to

On account of the death of  
Gen. P. C. Sharma Advocate whose  
cremation is likely to be made  
prayer for adjournment is made  
on behalf of Advocate, list for  
hearing on 7.2.91

No reply has  
been filed a belated  
of on 1 to 4

S.P.H

6/2/91 20/11

M.M.L  
AM

(10)

7/4/91

Counsel was not  
seen filed yet by  
1 to 4. Can be  
again listed &  
then counted &  
1 to 4 on 27/2/91  
None is present  
for 1 to 4 and appli-  
cant while Respondent

Sl. No.	Date	Office Report	Orders
		<p>13-89</p>	<p>Honr. Justice K. Math, J.C. <sup>1/4</sup></p> <p>Hon. K. Dayya, A.M.</p> <p>Sh. P. Shukla for applicant        &amp; D. P. Srivastava for opposite        correspondents 5 to 8 files        a copy of the judgment        dated 26-4-70 passed in        O. 41/70/89 by Patna        Bench of this Tribunal.        Counsel for both the parties        say that the case may        be taken up for final        hearing <del>on 27-8-91</del>        let the case come up        for final hearing on        27-8-91</p> <p><i>[Signature]</i>        A.M.</p> <p>28.9.91</p> <p>to settle up to 3.9.91.</p> <p>3.9.91 - Sh. Mr. S. K. Agrawal - J.M.        M. Mr. K. Dayya - A.M.</p> <p>Re-argument application of Shri        D. Srivastava counsel for respondent        is adjourned for        tomorrow.</p>

*[Signature]*

A7

X/9

4.9.91

Hon. Mr. D. K. Agrawal - J.M.  
Hon. Mr. K. S. Nayyar - A.M.

On the request of Shri

A. N. Varma, Counsel for respondents  
Case is adjourned to 21.10.91  
for hearing.

  
K.M.

  
J.M.

21-10-91

Mr. L. P. Shukla - Counsel for the Applicants  
Mr. D. P. Srivastava - Proxy Counsel for Mr.  
D. P. Srivastava, Counsel  
for the Respondents.

On the prayer of the learned  
proxy Counsel for respondents, may  
be listed for hearing on 24/10/91

  
(S.N. Prasad)  
Member (Judl.)

  
(Kanchal Kumar)  
Vice Chairman,

17.11.92

Hon'ble Mr. Justice U.C. Srivastava ✓  
Hon'ble Mr. K. Obayya DM

AD

A  
10

On the request of learned  
Counsel for applicant case  
is adjourned to 20.11.92

*[Signature]*  
DM

*[Signature]*  
✓  
u

Dated: 20.11.92

Hon'ble Mr. Justice U.C. Srivastava, VC  
Hon'ble Mr. K. Obayya, Member (A)

On the request of Sri Ravi Srivastava  
the case is adjourned to 9.12.1992.

*[Signature]*  
A.M.

*[Signature]*  
V.C.

(rta)

9.12.92

Due to absence of Counsel on side of  
applicant adjourned to 8.1.93

*[Signature]*  
Boe

8.1.93

Case not reached adjourned to  
3.2.93

*[Signature]*  
Boe

O.P.

S.F.H.

*[Signature]*  
6/11/93

3/2/93

OK

~~3.2.93~~

SPH

*[Signature]*  
Obayya

Hon'ble Mr. Justice U.C. Srivastava ✓  
Hon'ble Mr. K. Obayya DM

Sr Ravi Srivastava learned  
Counsel for applicant & Mr.  
A.N. Verma for respondent -  
Arguments heard. Judgment  
reserved.

*[Signature]*  
DM

*[Signature]*  
✓  
u

04 153/89C

A9

262-93

Handl. Mr Justice b.c. sm. D. V.  
Jaha. M. le chaye am

X  
//

Judgment. proposed body in  
M. after Cpt.

  
DM

  
K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

O.A. NO. 153 of 1989(L) 199 (L)

T.A. NO. \_\_\_\_\_ 199 (TL)

Date of Decession \_\_\_\_\_

S.U. Kidwai & Others ----- Petitioner.

-----  
Advocate for the  
Petitioner(s)

V E R S U S

Union of India & Others ----- Respondent.

-----  
Advocate for the  
Respondents

C O R A M

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

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

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

Vice-Chairman / Member

A/12

A10

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 153 of 1989(L)

S.U.Kidwai & Others . . . . . Applicants

Versus

Union of India & Others . . . . . Respondents

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

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

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

The applicants who are 4 in number, are employed in the N.E. Railway. The applicant No. 1 is a Chief Ticket Collector (C.T.C.), applicant no. 2 and 3 are Head Ticket Collector (H.T.C.) and the applicant no. 4 is Senior Ticket Collector (S.T.C.). In this application, they have challenged the distribution of post following the restructure of cadres and prayed that the orders contained in Annexure A-9, A-8, A-10 and A-11 be quashed and that the orders dated 1.8.1988 contained in Annexure A-4 be retained.

2. According to the applicants, the Ticket Checking Wing of the Commercial Branch consists of two groups, namely the Ticket Collector Group (T.C. Group), and the Travelling Ticket Examiner group (T.T.E. group). Recruitment is made at the level of Ticket Collector, which is the starting point and this post is common to both the groups. Thereafter by exercise of option, one can choose to remain in T.C. group or to go to T.T.E. group. Seniority in different groups is separate and avenues of promotion are also different. Promotion to higher cadre in both group are made by seniority, though at the later stage, there is also selection

Contd.. 2/-

A/13  
All

:: 2 ::

process. There are four promotion grades in each group.

In T.C. Group, these grades consist of senior Ticket Collector (330-560), Head Ticket Collector (425-640), Chief Ticket Collector (550-750), Chief Ticket Collector (Rs. 700-900). Similarly, in the T.T.E. Group, T.T.E. is on grade Rs. 330-560, Grade 'A' T.T.E. (Rs. 425-640), Divisional Travelling Ticket Inspector (Rs. 550-750), Chief Travelling Ticket Inspector (Rs. 700-900/-). The above pay scales are pre-revised, which were later revised as follows :-

T.C.	Rs. 950-1500/-
STC/TTE	Rs. 1200-2040/-
HTC/TTE 'A'	Rs. 1400-2300/-
CTC/DTTI	Rs. 1600-2660/-
CTC/CTTI	Rs. 2000-3200/-

As a result of restructure of cadres ordered by the Railway Board effective from 1.1.1984, posts at different level were upgraded by certain percentages. The total number of posts being 424 in both the groups. The grade of the upgradation was worked out as 21 posts in grade 700-900/-, 38 posts in grade 440-750/-, 113 posts in grade 425-640/-. 147 posts in grade 330-560, 79 posts in grade 260-400/- and 26 posts of Conductors in scale 425-640/-. Distribution of these posts was notified by D.R.M. on 17.10.1984, as a result of which the applicants no. 2 to 4 were promoted alongwith others to next higher grade in the T.C. group with retrospective effect i.e. from 1.1.1984 and arrears of pay etc. were also given. It is contended by the applicants that they were to be given further promotion. Applicant no. 1 who was Chief Ticket Collector was due to be promoted as Chief Ticket Collector and the applicant no. 4 was to be promoted as Head Ticket Collector. The Selections were called for for the post of

*e*

Contd..3/-

A/19  
A12

:: 3 ::

Chief Ticket Collectors and also Head Ticket Collectors. The applicants were eligible being senior in their grades, but the selection did not take place and the written examination was not conducted. Thereafter, by notification dated 31.3.1989, the distribution of posts on the basis of restructuring have been completely changed. As a result of this altered position, ~~the~~ the Ticket Collector group was put to disadvantage. They made representation in this regard, but of no avail. The impugned Railway <sup>administration</sup> distribution orders and also the consequent promotion orders Annexures, A-7, A-8, A-10 and A-11 are assailed on the ground that the orders are arbitrary, discriminatory and offending the Articles 14 and 16 of the Constitution and that favouritism has been shown to the other group namely T.T.E. group and the orders were passed without jurisdiction by Chief Commercial Superintendent and <sup>behest</sup> that this was done at the ~~behest~~ of the Union, which is represented by the T.T.E. group.

3. The application has been opposed by the Railway Administration and also the private respondents who have filed separate counter-affidavits. In the return, of the Railway Administration, it is pointed out that distribution of posts was considered in consultation with the union, with a view to avoid hardship to any group or grade and the total sanctioned strength in each group was taken into consideration in working out proportionate increase of posts for upgradation. It is also stated that at the entry level the post of T.C. is common to both the groups, that is a feeder post for promotion in both the lines, hence, the T.C. level posts were added proportionately to posts in both groups. Regarding selection it is stated that the selection could not be held, as the issue of re-fixation of cadre strength was in dispute

Contd...4/-

The private respondents stated that for purposes of restructuring 181 sanctioned posts in T.C. group were taken to calculate, number of posts to be stepped up. Sanctioned posts were one in 700-990/-, two in 550-750/-, 24 in Rs. 425-640/-, 43 in 330-460/-, and 111 in 260-460/-. In the T.T.E. group for the same grades, the posts were 1, 2, 49, 176, 15, total 243. The administration has denied that there has been any discrimination, the scheme was logically worked out and percentages was correctly applied. The private respondents also explained that what was worked out subsequently was correct and they have also given total calculation in their reply.

4. In the rejoinder, the applicants stuck to their initial stand and averred that subsequent changes should not have been brought out, once the posts for upgradation were notified.

5. We have heard the counsel of the parties. We have also perused the record. There is no dispute; so far as the number of posts are concerned, which is 424. This total represents the sanction strength in both the groups. It is also an admitted position that the posts of T.C. are common to both the groups. It is only thereafter the channel of promotion becomes different. Those who opted to go to T.T.E. side become T.T.Es. which is by promotion. The posts of T.T.E. correspond to grade of S.T.C. The principle followed was that upgradation was to be worked out taking into consideration the sanctioned strength of the posts in different grades as on 1.1.1984. Both the parties say that this principle was adhered to, but it would appear that the applicants' claim of total number of posts in the T.C. group which included Ticket Collector also, which is a common

File  
A  
16

:: 5 ::

cadre.

6. Initially some advantage appears to have been given to T.C. group. As the posts of higher grades are few, the competition and claims and counter claims have assumed importance and there is contest as to which group should have more posts. The administration appears to have considered various contentions and also the overall cadre strength in each group and proceeded to rework the posts for upgradation on the basis of sanctioned strength of posts as on 1.1.84. Also T.C. posts were common and in adding these posts to the strength of T.C. group there appears some wrong calculations were made. This anomaly seems to have been made good in fact it is pointed out by the respondents that after exclusion of T.C. posts there remain only 70 Posts in T.C. group against 228 total posts in T.T.E. group. There may be some difference of opinion with regard to the sanctioned posts but the position taken by the Railway Administration has to be accepted, in so far as the sanctioned strength of the posts are concerned, when the matter was raised by the union, their pleas were considered discrepancy in distribution of posts were noticed, hence revised upgradation orders were issued. These orders in some cases bring in marginal adjustments, but they cannot be said to be not based on correct working and application of percentage, laid down by Railway Board. The proceedings of the discussion also indicate that case should be taken<sup>not</sup> to upset the promotions already made in T.C. group. The promotees should be continued, even in excess of the quota, but only in future when vacancies arise, those vacancies instead of being filled in by T.C. group, should be transferred to T.T.E. group to the extent necessary to make good the shortfall in the number of upgraded posts, which will be available only to T.T.E. group. There appears to be an

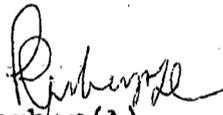
6

Contd..6/-

AIS  
A  
17

:: 6 ::

error in interpreting and working of percentage for upgradation. Obviously, all the posts of T.C. level cannot be added to T.C. group, as the posts at the level are common to both the groups i.e. T.C. group and T.T.E. group. In as much as whatever benefit was given to this group earlier that was not disturbed. It is always open to the administration to rectify anomalies and merely because certain changes now worked out are to the advantage of particular class of employees, such action can not be called as discriminatory. We do not see any reason to interfere in the matter, and as such the application deserves to be dismissed and it is dismissed. No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 26<sup>th</sup> 2, 1993.

(RKA)

A10

Central Administrative Tribunal  
Circuit Bench Lucknow

Date of Filing 29/6/89

Date of Receipt 29/6/89

Put up before this court on 29/6/89  
Admission

Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

O.A. No. 153 of 1989 (L)

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

I N D E X

1. Application.
2. Railway Board's letter dated 20.12.1983.
3. Notification dated 17.10.1984 issued by respondent No.4.
4. Letter dated 12.3.1988 from the General Secy. N.E. Rly. Mazdoor Union.
5. D.O. Letter dated 1.8.1988 of respondent No.2.
6. Notice dated 1.12.1987 issued by respondent No.4.
7. Notice dated 17.1.1989 issued by respondent No.4.
8. Notification dated 31.3.1989 issued by respondent No.4.
9. Letter dated 24/25.1.1989 containing the orders of respondent No.2.
10. Joint representation dated 29.5.1989.
11. Notice dated 5.6.1989 with a copy of wire.
12. Order dated 23/26.6.1989.

Filed on today  
noted for 30/6/89  
29/6/89

*[Signature]*

A17

4/19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Form-I  
(See rule 4)

Application under Section 19 of the  
Administrative Tribunals Act, 1985.

For use in Tribunals Office:

Date of filing : 29/6/89 (2)

Registration No. : 153/89 (L)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A. No. 153 of 1989 (L)

S.U.Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Application under Section 19 of the  
Administrative Tribunals Act, 1985.

DETAILS OF APPLICATION:

I. Particulars of the applicants:

- (i) Name of applicants : ) 1. S.U. Kidwai, aged about  
(ii) Name of father : ) 40 years, son of Sri  
(iii) Designation & office: ) Sami Uddin Kidwai,  
in which employed. ) Chief Ticket Collector,  
(iv) Office address : ) posted at Lucknow City  
Railway Station, N.E.  
Railway, Lucknow, under  
S.S. Lucknow City Railway  
Station, Lucknow.
2. S.K. Srivastava, aged  
about 55 years, son of  
late Kalisharan Lal  
Srivastava, Head Ticket  
Collector, at present  
posted at Lucknow Jn.,  
N.E. Railway, Lucknow,  
under S.S., Lucknow Jn.
3. R.S. Pandey, aged about  
44 years, son of Sri  
Ram Sufal Pandey, Head  
Ticket Collector, at  
present posted at Lucknow  
Jn., N.E. Railway,  
Lucknow, under SS Lucknow  
Jn.

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4. Smt. Sarla Jauhari, aged about 39 years, wife of late S.N. Jauhari, Senior Ticket Collector, at present posted at Lucknow Jn., N.E. Railway, Lucknow under S.S., Lucknow Jn.

(v) Address for service of : C/o Sri R.S. Pandey, Quarter No.T-17B, Railway Colony, Lucknow City, Lucknow.

II. Particulars of the Respondents :

- |   |   |  |
|---|---|--|
| (i) Name/or designation of respondents.   | } | 1. Union of India through the General Manager, North Eastern Railway, Gorakhpur. |
| (ii) Office address of respondents.       |   | 2. Chief Commercial Supdt., North Eastern Railway, Gorakhpur.                    |
| (iii) Address for service of all notices. |   | 3. Chief Personnel Officer, North Eastern Railway, Gorakhpur.                    |
|   |   | 4. Divisional Railway Manager (P), N.E. Railway Ashok Marg, Lucknow.             |

(5 to 8) the name of the impleaders are incorporated on the back of page No-1.

III. Particulars of orders against which application is made :

1. Order No.E/210/15/O/Pt.III/TTE/VI/GKP dated 24.1.1989 circulated by the respondent No.3  
25  
(Annexure No.A-8)
2. Notice No.E/III/59/4 /Pari-Va/Restru. dated 31.3.1989 issued by the respondent No.4  
(Annexure No.A-7)

Subject in Brief :

Against wrong and arbitrary distribution of up-graded posts in the two groups of Ticket Checking

Branch (Ticket Collectors and Travelling Ticket Examiners) jeopardising the promotions of the applicants, who belong to Ticket Collectors group.

IV. Jurisdiction of the Tribunal :

The applicants declare that the subject matter against which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

V. Limitation :

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

VI. Facts of the case :

1. That North Eastern Railway is one of the Zonal Railways in the Indian Railways and the applicants are the servants of that Railway.

2. That there are several branches in every Zonal Railway and the Commercial Branch is one of them. The applicants belong to Commercial Branch of North Eastern Railway.

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3. That Ticket Checking Wing is one of the cadres of Commercial Branch of the aforesaid Railway and that wing, at present, is divided in two groups namely the Ticket Collectors called as T.C. and Travelling Ticket Examiners called as T.T.E. for all purposes of seniority and promotions etc. in their respective groups within their sanctioned strength.

The applicants belong to T.C. group.

4. That initial appointment of staff of both the aforesaid two groups is made on the post of Ticket Collector grade Rs.260-400 (RS) (now revised to scale of Rs.950-1500) and at that stage, the staff so appointed is required to exercise their option as to which of the said two groups they would like to go for the purpose of their seniority and further promotions.

5. That the options of the applicants exist in the group of Ticket Collectors (T.C.).

6. That in the aforesaid two groups (T.C. and T.T.E.) are provided following channels of promotions in their respective groups :-

i) T.C. Group :

Ticket Collector grade Rs.260-400 (RS) (now (T.C.) revised to scale of Rs.950-1500)

Sr. Ticket Collector grade Rs.330-560 (RS) (now (Sr.T.C.) revised to scale of Rs.1200-2040)

Head Ticket Collector grade Rs.425-640 (RS) (now (Hd.T.C.) revised to scale of Rs.1400-2300)

Chief Ticket Collector grade Rs.550-750 (RS) (C.T.C.) (now revised scale of Rs.1600-2660)

Chief Ticket Collector grade Rs.700-900 (RS) (C.T.C.) (now revised to scale of Rs.2000-3200)

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ii) T.T.E. Group :

Ticket Collector grade Rs.260-400 (RS) (now (T.C.) revised to scale of Rs.950-1500)

Travelling Ticket Examiner (T.T.E.) grade Rs.330-560 (RS) (Now revised to scale of Rs.1200-2040)

Grade 'A' Travelling Ticket Examiner/ Conductor (T.T.E. Gr.'A'). grade Rs.425-640 (RS) (now revised to scale of Rs.1400-2300)

Divisional Travelling Ticket Inspector (D.T.T.I.) grade Rs.550-750(RS) (now revised to scale of Rs.1600-2660)

Chief Travelling Ticket Inspector (C.T.T.I.) grade Rs.700-900(RS) (now revised to scale of Rs.2000-3200)

7. That on the basis of options exercised by the staff while on the initial post of Ticket Collectors, they are promoted in their opted groups as per channel of promotion mentioned in para 6 above.

8. That on the relevant date that is 31.12.83/ 1.1.84, the sanctioned strength of the aforesaid two groups (T.C. and T.T.E.) was as under :-

<u>Grade</u>	<u>No.of post in T.G. Group.</u>	<u>No.of post in T.T.E. Group</u>
Rs.700-900 (RS)	1	1
Rs.550-750 (RS)	2	2
Rs.425-640 (RS)	24	49
Rs.330-560 (RS)	43	176
Rs.260-400 (RS)	111	15
Total :	181	243 = 424

9. That in the year 1983, up-grading, in the Ticket Checking Cadre effective from 1.1.1984, was received by the respondents from the Railway Board in the following manner vide Rly. Board's letter No.PC III/ UPG/19 dated 20.12.1983, a true copy of which is Annexure- No.A-1 to this application :-

Annexure A-1

Existing percentage prior to 1.1.84	Revised upgraded percentage w.e.f. 1.1.84	In grades
0.5%	5%	Rs.700-900(RS)
1 %	9%	Rs.550-750(RS)
15.4%	29%	Rs.425-640(RS)
53.9%	37%	Rs.330-560(RS)
29.2%	20%	Rs.260-400(RS)

10. That as a result of the aforesaid up-grading effective from 1.1.1984, the following number of posts were worked out in the Ticket Checking Cadre for being distributed in the aforesaid two groups (T.C. and T.T.E.) according to their group sanction strength as indicated in para 8 above:-

Grade	No. of posts worked out: in the Ticket Checking cadre (T.C. and T.T.E.)
Rs.700-900 (RS)	21 posts @ 5% of total strength of 424
Rs.550-750(RS)	38 posts @ 9% -do-
Rs.425-640(RS)	113 posts @ 29% of 398 posts
Rs.330-560 (RS)	147 posts @ 37% of 398 posts
Rs.260-400 (RS)	79 posts @ 20% of 398 posts
Rs.425-640 (RS) for Conductors.	26 posts.
Total	<u>424 posts.</u>

NOTE : The posts in grade Rs.425-640 (RS) has been worked on the total strength of 398 by excluding the 26 posts of Conductors (424-26) and 2 posts have been reduced to keep the sanction strength intact/unchanged. Accordingly the

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posts in grades 330-560 (RS) and 260-400 (RS) have been worked out on the strength of 398 posts. It is per policy of the administration.

11. That the respondent No.4 by his Notification No.E/III/59/4/Restru. dated 17.10.1984 distributed the posts in the aforesaid two groups (T.C. and T.T.E.) and in the year 1984 the applicant Nos. 2 to 4 were promoted alongwith others in the next higher grade in their T.C. group with retrospective effect and were paid arrears of pay with effect from 1.1.1984. A true copy of the said notification dated 17.10.1984 is being filed herewith as Annexure No.A-2 to this application.

Annexure-A-2

12. That against the distribution and calculation of posts made in the aforesaid two groups (T.C. and T.T.E.), the T.T.E. group, through their General Secretary, North Eastern Railway Mazdoor Union, made protest and claiming more posts in the group of T.T.E. on wrong principle represented to respondent No.3 vide Letter No.UPG/25 dated 12.3.1988, a true copy of which is being filed herewith as Annexure No.A-3 to this application.

Annexure A-3

13. That the respondent No.2 after full application of mind and considering the facts and circumstances of the case and the representation made by the Union and giving opportunities to the parties, decided the matter finally vide D.O. letter No.E/210/15/0/Pt.III/TTEE/VI dated 1.8.1988. By the said letter, the distribution of posts in the two groups (T.C. and T.T.E.) was confirmed as under :-



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<u>Grades</u>	<u>No. of posts given to T.C. group</u>	<u>No. of posts given to T.T.E. group</u>
Rs. 700-900 (RS)	9 posts @ 5% of the strength	12 posts @ 5% of the total strength
Rs. 550-750 (RS)	16 posts @ 9% "	22 posts @ 9% "
Rs. 425-640 (RS)	52 posts @ 29% "	61 posts @ 29% "
Conductor Gr. Rs. 425-640 (RS)	-	26 posts
Rs. 330-560 (RS)	40 posts @ 37% "	107 posts @ 37% "
Rs. 260-400 (RS)	59 posts	15 posts
Passengers Guide gr. Rs. 260-400 (RS)	5 posts	-
<b>Total</b>	<b>181 posts</b>	<b>243 posts = 424</b>

Annexure-A-4

A true copy of the said D.O. letter dated 1.8.1988 is filed herewith as Annexure No. A-4 to this application.

14. That from the facts mentioned in the foregoing para; it will be observed that equal distribution of the posts was made strictly in accordance with the total sanctioned strength of the two groups and no injustice, in any manner, was caused or discrimination made to any of the aforesaid two groups.

15. That the applicant No.1, who is working as Chief Ticket Collector, grade Rs.550-750 (RS), as per his seniority and after passing selection, is due to be promoted as Chief Ticket Collector grade Rs.700-900 (RS) against one of the existing vacancies in the T.C. group. Similarly, the applicant No.4, who is working as Senior Ticket Collector grade Rs.330-560 (RS), on the basis of test, is due to be promoted as Head T.C. grade Rs.425-640

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(RS) against one of the 23 existing vacancies of Head Ticket Collectors available in the group of Ticket Collectors. It may be mentioned that applicant No.1, by a notice No.E/II/205/Upgrading/T.C./85 dated 1.12.1987 issued by respondent No.4, was called to appear in the written test for the post as Chief Ticket Collector grade Rs.700-900(RS) scheduled to be held on 11.12.1987. Similarly the respondent No.4, in order to fill up the said 23 vacant posts of Head Ticket Collectors grade Rs.425-640(RS) in the T.C. Group, had issued a notice bearing No.E/11/254/Pradhan T.C./89 dated 17.1.1989 calling upon a number of Senior Ticket Collectors grade Rs.330-560(RS) for appearing in a written test scheduled to be held on 4.2.1989 for being promoted as Head Ticket Collector grade Rs.425-640(RS). The name of applicant No.4 was at serial No.10 in the list of candidates called for the said test. True copies of the said notices dated 1.12.1987 and 17.1.1989 alongwith the list of candidates called for the tests are being filed herewith as Annexure Nos. A-5 and A-6 respectively to this application.

Annexure-A-5  
Annexure A-6

16. That the respondents did not hold the aforesaid selection/test for the posts of Chief Ticket Collectors and Head Ticket Collector which was scheduled to be held as per notifications (Annexure Nos. A-5 and A-6) and no reason for not holding the tests was notified.

17. That thereafter the respondent No.4 by his notification No.E/111/59/4/Pari-Va/Restru. dated 31.3.1989 made it clear that on the basis of an informal meeting held between the representatives of North Eastern Railway

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Mazdoor Union and the respondent No.2 on 23.1.1989 the distribution of posts (received as a result of restructuring of Ticket Checking Cadre effective from 1.1.1984 vide Annexure A-1) which was already done between the two groups (T.C. and T.T.E.) as per Annexure No.A-4, had been changed. It was further mentioned in the said notification that the change was effected in pursuance of a letter No.E/210/15/0/Pt.III/TTE/VI dated 24/25.1.1989 containing the orders of the respondent No.2. The said notification dated 31.3.1989 is being filed herewith as Annexure No.A-7 to this application.

Annexure A-7

18. That subsequently, the applicants were able to manage a true copy of the aforesaid letter No.E/210/15/0/Pt.III/TTE/VI dated 24/25.1.1989 of the respondent No.2 which had altered the position with regard to distribution of posts already done as per Annexure No.A-4. A true copy of the said letter dated 24/25.1.1989 is being filed herewith as Annexure No.A-8 to this application.

Annexure-A-8

19. That a perusal of Annexure Nos. A-7 and A-8 reveals that the change made in the distribution of posts reducing the higher posts in T.C. group is wholly arbitrary, malafide, against the principles of Natural Justice and violative of Articles 14 and 16 of the Constitution of India. It is also without jurisdiction as the respondent No.2 was not at all competent to change the decision contained in Annexure No.A-4 which was already taken by his predecessor after due application of mind and considering the facts and circumstances of the case as well as the representation made by the Union (Annexure No.A-3) to this application.

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20. That it is further revealed from Annexure No. A-8 that the re-distribution of posts was made in a routine manner in an informal meeting without due application of mind and on the basis of representation dated 12.3.1988 (Annexure No.A-3) which was already considered and disposed of by the then Chief Commercial Supdt., North Eastern Railway, Gorakhpur vide Annexure No.A-4 to this application.

21. That it is further revealed from Annexure No.A-8 that in the aforesaid informal meeting held on 23.1.1989 only those members of the Union, who belong to T.T.E. group, were called and no opportunity to the staff of other group belonging to T.C. was afforded to represent their case. It may be mentioned that the applifants are not the members of the North Eastern Railway Mazdoor Union.

22. That it is further revealed from Annexure No. A-8 that the respondent No.2 accepted the suggestion of the aforesaid Union without recording any reason by a speaking order.

23. That as per decision arrived at in the informal meeting as contained in Annexure No.A-8, the original position with regard to distribution of posts, as assigned vide Annexure No.A-4 to this application, has been arbitrarily changed to the detriment of the T.C. group to which the applicants belong. The changed position is as under :-

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<u>Grades</u>	<u>No. of posts given to T.C. Group</u>	<u>No. of posts given to T.T.E. Group</u>
Rs.700-900(RS)	5	16
Rs.550-750(RS)	9	29
Rs.425-640(RS)	28	86 + 26 of conductors
Rs.330-560(RS)	40	106
Rs.260-400(RS)	15 + 5 of passengers Guide.	59
	<u>Total : 102</u>	<u>322 = 424</u>

It has further been decided in the aforesaid informal meeting that the staff of T.C. group already promoted as per position assigned in Annexure No.A-4 to this application would not be reverted, but in course to time, whenever any vacancy arises in higher grade posts in T.C. side by means of natural wastage etc. the same would be transferred to T.T.E. side to the tune, it is due to them as per changed position indicated above.

24. That since the aforesaid change and classification was clearly arbitrary and discriminatory, being based on no real and substantial distinction bearing a just and reasonable relation to the need, violative of Articles 14 and 16 of the Constitution of India, the applicants Nos. 2, 3, 4 and 9 others, by means of a joint representation dated 29.5.1989 challenged the validity of the impugned orders contained in Annexure Nos. A-7 and A-8 to this application. By a similar representation dated 29.5.1989, the applicant No.1 and 2 others also challenged the validity of the said orders on various grounds. The said representations are still pending and have not been

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Annexure A-9

disposed of by the respondents. A true copy of the said joint representation dated 29.5.1989 is filed herewith as Annexure No.A-9 to this application.

25. That on account of the afore-mentioned change and re-classification of the posts contained in Annexure Nos. A-7 and A-8, the respondents have transferred the higher post of T.C. group (given to it as per orders contained in Annexure No.A-4) to the group of T.T.E., and as such no test of the <sup>applicant</sup> application No.1 and applicant No.4 for the posts of Chief Ticket Collector grade Rs.700-900(RS) and Head Ticket Collector grade Rs,425-640 (RS) for which they were called vide Annexures A-5 and A-6 is being held.

26. That the respondents, by transferring the higher posts of T.C. group to the T.T.E. group and without disposing of the applicants' representations pending with them, have issued a notice bearing No.Ka/254/15/C.T.T.I/VI dated 5.6.1989 for holding the test of staff of T.T.E. group for the post of Chief Travelling Ticket Inspector grade Rs.700-900 (RS) (now revised to scale of Rs,2000-3200) on the dates mentioned below :-

- 24.6.1989 .. for written test
- 1.7.1989 .. for written test of the staff who were absent on 24.6.1989

A true copy of the aforesaid notice dated 5.6.1989 alongwith a true copy of wire dated 13.6.1989 issued by the respondent No.4 directing the staff under his control to appear in the test is being filed herewith as Annexure No.A-10 to this application.

Annexure-A-10



27. That applicant No.1, who was early eligible for selection and promotion to the post of Chief Ticket Collector in grade Rs.700-900 by virtue of notice dated 1.12.1987 (Annexure No.A-5) has been now deprived of his selection and promotion by the above notice dated 5.6.1989 by which the post of Chief Ticket Collector in T.C. Group has been transferred as Chief Travelling Ticket Inspector grade Rs.700-900 in the T.T.E. group.

28. That by another order dated 23/26.6.1989 in consequence to the earlier order dated 24/25.1.1989 and 31.3.1989, the posts of Head Ticket Collector, which were available to T.C. Group as a result of natural waste and were to be filled by selection/test by earlier notice dated 17.1.1989 (Annexure No.A-6) have been filled by T.T.E. Group without holding the selection/test w.e.f. 1.1.1984. These posts are indicated at serial No.2-22 in the aforesaid order. It is, however, indicated in the order that the promotees will not be entitled to arrears of pay on the posts w.e.f. 1.1.1984. A photostat copy of the order dated 23/26.6.1989 is filed as Annexure No.A-11 to this application.

Annexure A-11

29. That the posts of Divisional Travelling Ticket Inspector grade Rs.550-750 revised to scale of Rs.1600-2600 shown at serial No. 1 in the aforesaid order dated 23/26.6.1989 to which the <sup>applicant</sup> application No.2, presently working on the post of Head Ticket Collector, is entitled for promotion on the basis of his seniority, has been deprived and instead the same has also been assigned to T.T.E. group and filled up by promotion of one Sri V.N. Misra working as T.T.E. Grade 'A'.

*James*

30. That in case the aforesaid consequential orders dated 5.6.1989 (Annexure No.A-10) and 23/26.6.1989 (Annexure No.A-11) are implemented the applicants shall suffer irreparable loss and their chances of promotion and selection be jeopardised. Hence the implementation of the same deserves to be stayed.

31. That the orders contained in Annexure Nos. A-7 and A-8 are wholly illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India as the orders contained in Annexure No.A-4 still hold good and they are liable to be up-held.

VII. Relief Sought :

In view of the facts mentioned in para VI above, the applicants pray for the following reliefs:

- (a) That this Hon'ble Tribunal be pleased to quash the orders contained in Annexure Nos. A-7 and A-8 to this application and the consequential orders contained in Annexure Nos. A-10 and A-11 and uphold the orders contained in Annexure No.A-4.
- (b) Costs of the application may also kindly be awarded to the applicants.

G R O U N D S

- (a) Because the orders contained in Annexure Nos. A-7 and A-8 and consequential orders Annexure A-10 and A-11 to the application are purely arbitrary, illegal and discriminatory viola-

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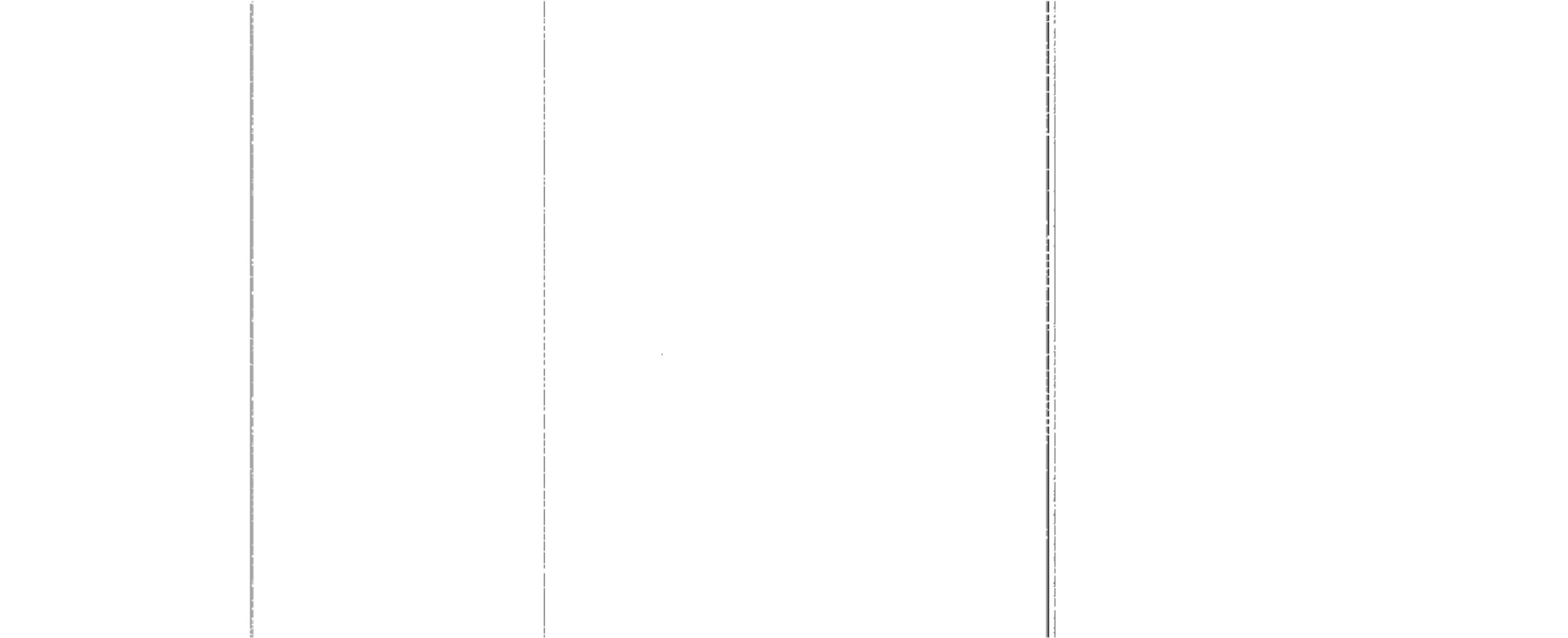
tive of Articles 14 and 16 of the Constitution of India.

- (b) Because the orders contained in Annexures A-7 and A-8 are based on favouritism and not on real and substantial grounds. They do not bear a reasonable and just relation to the need.
- (c) Because the orders contained in Annexures A-7 and A-8 have been passed by the respondent No.2 without jurisdiction. He had no authority to supersede, review or revise the orders of his predecessor in an informal meeting.
- (d) Because the orders impugned having been passed at the back of the applicants as well as the representatives of the T.C. Group are against the principles of Natural Justice.
- (e) Because the impugned orders are against established policy and principles as contained in Annexure No.A-4.
- (f) Because the <sup>im-</sup>impugned re-distribution of the posts has been done and the suggestion of the Union's representatives, who belong to T.T.E. Group, accepted by the respondent No.2 without passing any reasoned and speaking order, hence the same is arbitrary, malafide and illegal and unconstitutional.

VIII. Interim order, if prayed for :

Pending disposal of this application, the respondent may be restrained by this Hon'ble Tribunal from giving effect to the orders contained

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in Order

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in Annexure Nos. A-7 and A-8 and the posts transferred from T.C. Group to T.T.E. Group as per reclassification be not filled up by making promotion of the staff belonging to T.T.E. Group, particularly in terms of Annexure Nos. A-10 and A-11.

IX. Details of the Remedies exhausted :

The applicants declare that they have availed of all the remedies available to them under the relevant service rules etc.

X. Matter not pending with any other Court etc.

The applicants further declare that the matter regarding which the application has been made is not pending before any court of law or any other bench of the Tribunal.

- XI. Particulars of the Postal Order : *4 of Rs 501- each*
- 1. Number of Indian Postal Order *DD 783994, 783995*  
*4 783996, 783997*
  - 2. Name of the issuing Post Office *Aminabad, Lucknow*
  - 3. Date of Issue of Postal Order *29-6-89*
  - 4. Post Office at which payable *Allahabad*

XII. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

Verification

I, R.S. Pandey, aged about 44 years, son of Sri Ram Sufal Pandey, resident of Quarter No.T-17-B,

*[Handwritten Signature]*

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Railway Colony, Lucknow City, Lucknow, do hereby  
verify that the contents from paragraphs I to XII of  
this application are true to my knowledge and belief  
and that I have not suppressed any material fact.

(~~Signature~~)  
Signature of the applicant No.3.

मन्मथ झा  
(Applicant No.1)

मन्मथ झा  
(Petitioner No.4)

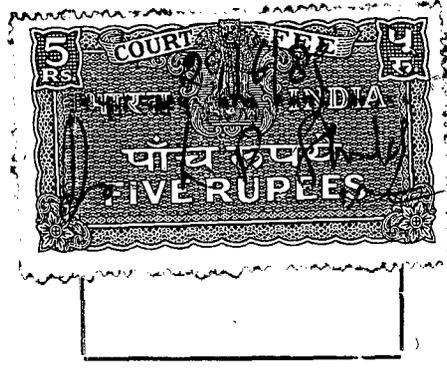
अ.म. अ.म. अ.म. अ.म. अ.म.

(Applicant No.2)

Vak...  
Counsel for applicant

ब अदालत श्रीमान्  
[वादी अपीलान्त]  
प्रतिवादी [रेस्पाडेन्ट]

In the Central Administrative Tribunal, Delhi <sup>महोदय</sup>  
का **वकालतनामा**



वादी (अपीलान्त)

S. O. Kuldwan and others  
बनाम प्रतिवादी (रेस्पाडेन्ट)  
Union of India

न० मुकद्दमा सन् पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री Dr. L. P. Shukla  
Avadh Bar Association <sup>वकील</sup>  
Comp. Bench, Delhi <sup>महोदय एडवोकेट</sup>

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करे या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करे और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी ( फरीकसानी ) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

शरणा सहित

25.11.2014  
साक्षी (गवाह) साक्षी (गवाह)  
हस्ताक्षर

दनांक ..... महीना ..... सन् १६ ई०

स्वीकृत Vaishampat Shukla

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Q.A. No. of 1989 (L)

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

List of Enclosures

Page Nos

1. Railway Board's letter dated 20.12.1983 1-8
2. Notification dated 17.10.1984 issued by respondent No.4. 9-11
3. Letter dated 12.3.1988 from General Secy., N.E.Rly. Mazdoor Union. 12-17
4. D.O. letter dated 1.8.1988 of respondent No.2. 18-21
5. Notice dated 1.12.1987 issued by respondent No.4. 22-25
6. Notice dated 17.1.1989 issued by respondent No.4. 26-30
7. Notification dated 31.3.1989 issued by respondent No.4. 31-33
8. Letter dated 24/25.1.1989 containing the orders of respondent No.2. 34-36
9. Joint representation dated 29.5.1989. 37-42
10. Notice dated 5.6.1989 with a copy of wire. 43-45
11. Order dated 23/26.6.1989. 46-48

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A38

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No

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

C.A. No. of 1989 (L)

S.U. Kidwari & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No.A- 1

(2)  
A39  
X  
M

GOVERNMENT OF INDIA  
(BHARAT SARKAR)  
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)  
(RAILWAY BOARD)

PCIII/80/UPG/19

New Delhi, dated 20.12.1983.

The General Managers,  
All Indian Railways,  
S.W., D.L.W. and T.C.P.

Sub: Cadre review and restructuring of non-gazetted  
grades.

Arising out of a demand made by the Staff Side in the  
Departmental Council (Railways) of the Joint Consultative  
Mechanism, the Ministry of Railways have decided that the  
following group 'C' categories should be restructured as  
indicated in the enclosed annexure :

- i) Controllers (Traffic Department)
- ii) Commercial Clerks/Weigh Bridge Clerks
- iii) Ticket Checking Staff
- iv) Enquiry-cum-Reservation Clerks
- v) Train Clerks
- vi) Staff of Data Processing Centre.
- vii) Traffic/Movement Inspectors.

For the purpose of restructuring, the cadre strength as  
on 1.1.1984 will be taken into account and will include  
Post Giver and Leave Reserve posts.

Staff selected and posted against the additional higher  
grade posts as a result of restructuring will have their pay  
fixed under Rule 2018-B(FR-22C)RII with effect from 1.1.1984.

4.1 The existing classification of the posts covered by  
these restructuring orders, as "Selection" and "Non-selection"  
as the case may be, remains unchanged. However, for the  
purpose of implementation of these orders, if an individual  
railway servant becomes due for promotion to only one grade  
above the grade of the post held by him, at present, on  
a regular basis, and such higher grade post is classified  
as a "Selection" post, the existing selection procedure  
will stand modified in such a case to the extent that  
the selection will be based only on scrutiny of service  
records without holding any written and/or viva voce test.  
Naturally, under this procedure, the categorisation as  
'Outstanding' will not exist.

4.2 In case, however, as a result of these restructuring  
orders, an individual railway servant becomes due for  
promotion to a grade more than one grade above that of  
the post held by him at present on a regular basis,  
the benefit of the modified procedure of selection as aforesaid

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will be applicable only to the first such promotion (if that post happens to be a 'Selection' post; the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-selection' posts (as the case may be).

4.3 The relaxation in selection procedure as aforesaid will, in any case, be applicable only to the vacancies existing as on 31.12.1983 and the vacancies arising on 1.1.1984 due to cadre restructuring in terms of these orders.

5. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

6. The selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 30.4.84.

7. In all the categories covered by this letter even though posts in higher scales of pay have been introduced as a result of restructuring, the basic function, duties and responsibilities, attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

8. While implementing these orders specific instructions given in the foot-note under each category in the enclosed Annexure should be strictly and carefully adhered to.

9. The Board desire that restructuring and posting of staff after due process of selection should be completed within a period three months from the date of issue of these instructions positively and compliance reported to the Board.

10. The Railways will carefully assess requirement of funds on account of this restructuring for 1983-84 and 1984-85 and include them in the RE 1983-84 and BE 1984-85 by Telegraphic advice to Adl. Director, Finance(B), Railway Board.

11. Hindi version will follow.

12. Kindly acknowledge receipt.

*K. Venkatesan*  
( K. Venkatesan )  
Jt. Director, Estt. (P&A)  
Railway Board.

.....3/-

*Janak*

(4)

A41

3

No. PCIII/80/UPG/19

New Delhi, dt. 20.12.1983.

Copy for information only to:-

- The General Managers, Metro Rail, Calcutta, Wheel & Axle Plant, Bangalore and N.F. Railway (Const.) Maligaon.
- The Director General, RDSO, Lucknow.
- The CAO/Central Organisation for Modernisation of Workshops, Maharani Bagh, New Delhi.
- The Chief Engineer, Railway Electrification, Allahabad.
- The Chief Administrative Officer, Diesel Component Works, Patiala.
- The Chairman, Railway Service Commission, Allahabad, Bombay, Calcutta, Madras, Muzaffarpur, Secunderabad, Gauhati, Bangalore, Patna.
- The Principal, Railway Staff College, Vadodra.
- The Principal, Indian Railways Institute of Adv. Track Technology, Pune.
- The Principal, Indian Railways Institute of Mech. & Elec. Engg. Jamalpur.
- The Chief Administrative Officer, MTP(R), Bombay, Delhi, Madras.
- The Principal, Indian Railways Institute of Signal Engg. and Telecommunication, Secunderabad.
- The Railway Liaison Officer, New Delhi.
- The Director, Rail Movement, Calcutta.
- The Jt. Director, Rail Movement, Mughalsarai.
- The Secretary, Railway Rates Tribunal, Madras.
- The Jt. Director, Iron & Steel, Koilaghat Street, Calcutta.
- The Chief Mining Adviser, Ministry of Railways, Dhanbad.
- The Managing Director, IRCON, Rajendra Place, New Delhi.
- The Managing Director, RITES, New Delhi House, New Delhi.

*K. Venkatesan*  
 (K. Venkatesan)  
 Jt. Director Estt. (P&A)  
 Railway Board.

No. PCIII/80/UPG/19

New Delhi, dt. 20.12.1983.

Copy (with 40 spares) forwarded to the ADAI(Rlys.), New Delhi.

*[Signature]*  
 20.12.83  
 for Financial Commissioner, Railways

.....

*[Signature]*

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Aur

- 4 -

No. PCIII/80/UPG/19

New Delhi, dt. 20.12.83

Copy forwarded to the Financial Adviser & Chief Accounts Officers :-

All Indian Railways, CIM, DLW, ICF, Metro Rail, Calcutta, MTP(R), Delhi/Bombay/Madras.

Wheel & Axle Plant, Bangalore.

Northeast Frontier Railway (C), Maligaon.

COFMOW, Maharani Bagh, New Delhi.

Joint Director, Finance, RDSO, Lucknow.

Pay & Accounts Officer, Ministry of Railways, Rail Bhavan, New Delhi.

The General Secretary, IRCA, New Delhi.

*K. Venkatesan*

( K. Venkatesan )

Jt. Director, Estt. (P&A)  
Railway Board.

No. PCIII/80/UPG/19

New Delhi, dt. 20.12.1983

Copy (with 25 spares) forwarded to:-

1. The General Secretary, MFIR, 3 Chelmsford Road, New Delhi.
2. The General Secretary, AIRF, 4 State Entry Road, New Delhi.

Copy to all Staff Side members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi.

Sd/-

for Secretary, Railway Board.

Copy to:-

PSs/CRB, FC, MS, ME, MT, Adv.(IR), Adv.(F) and Secretary.

PSs/DE, DFB, DAD, DTC, DTT, Dir(Traffic Tourism).

SPAs/ADPC, ADF(B), ADE(S).

PA's/JDE(P&A), ADE(N), JDE(N), JDE(LL), JDF(E), JDE(W), DD(CC).

FE-I, II, III, FE(Spl.), E(P&A)I & II and E(NG)I & II  
Branches of Board's Office.

Copy to E(IR)I (60 Spares).

.....

*[Signature]*

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Statement indicating restructuring of certain Group 'C' cadre (Annexure to Board's letter No. FCIII/80/UPG/19 dated 20.12.83)

.....

S. No.	Existing Grade (Rs)	Existing Percentage	Revised Percentage	Remarks
1.	<u>Commercial Clerks including Weigh Bridge Clerks</u>			
i)	260-430	45	30	
ii)	330-560	40	27	
iii)	425-640	6	15	
iv)	455-700	4	14	
v)	550-750	4	9	
vi)	700-900	1	5	

NOTE: The revised percentages will also apply to Weigh Bridge Clerks, where this category exists separately from that of Commercial Clerks. On Railways where Commercial Clerks and Weigh Bridge Clerks are in a Combined Cadre with common seniority the revised percentages will apply to the combined cadre.

2.	<u>Ticket Checking Staff</u>			
i)	260-400	29.2	20	
ii)	330-560	53.9	37	
iii)	425-640	15.4	29*	
iv)	550-750	1	9	
v)	700-900	0.5	5	

NOTE: \*The cadre of Train Conductors in scale Rs 425-640 is to be combined with Ticket Checking Staff in the corresponding scale only for the limited purpose of determining higher grade posts in scale Rs 550-750 and Rs 700-900 after which the category of Train Conductors will continue to exist as a separate category as at present.

3.	<u>Enquiry-cum-Reservation Clerks</u>			
i)	330-560	61.6	40	
ii)	425-640	17.8	25	
iii)	455-700	11.8	20	
iv)	550-750	7.4	10	
v)	700-900	1.4	5	

4.	<u>Train Clerks</u>			
i)	260-400	45	30	
ii)	330-560	40	27	
iii)	425-640	10	23	
iv)	550-750	5	20	

.....2/-

*Shankar*

7 Aug

A/46

5. I Data Processing Staff

- i) 260-400+Rs 20/- Spl. pay 40 27  
(Jr. Punch Verifier)
- ii) 330-560+Rs 20/- Spl. pay 60 73  
(Sr. Punch Verifier)

II

- i) 425-640 Not laid 55  
(Punch Room Supervisor) down
- ii) 550-750 Not laid 45  
(General Supervisor) down

III

- i) 550-750 Not 65  
(Console Operator)
- ii) 660-960 Laid 35  
(Sr. Console Operator) down

NOTE: The percentages prescribed will apply separately to each Group within the categories mentioned in the groups above.

6. Traffic/Movement Inspectors

- i) 425-640\* 5) 24
- ii) 455-700\* 35)
- iii) 550-750 30 23
- iv) 700-900 30 53
- v) 840-1040 (10% of posts (10% of posts in grade  
in grade in grade  
Rs 700-900) -Rs 700-900)

NOTE: \* While calculating number of posts on the basis of revised percentage in these two categories, posts in grade Rs 455-700 may be reduced to the extent the posts are operated in grade Rs 425-640. It is the intention that posts in Rs 425-640 wherever existing should continue in the same grade.

.....3/-

*Praval*

S.No.	Existing Grade (B)	Existing Percentage	Revised Percentage	Remarks
<u>7. CONTROLLERS.</u>				
i)	470-750 (Section Controllers)	Not laid down	15	
ii)	700-900 (Dy. Chief Controllers)	-do-	58	
iii)	840-1040 (Chief Controller Gr. II)	-do-	23	
iv)	840-1200 (Chief Controller Gr. I)	-do-	4	

NOTE: The Controllers Cadre has been restructured keeping in view additional duties, responsibilities and heavier workload in some of the Section Boards and charges of existing Dy. CTNLS and CTNLS in Area Control Offices may be placed in the next higher grade arising from restructuring with the same duties and responsibilities to which may be added such other duties and responsibilities as may be considered appropriate. The revised grades may be given to the eligible employees in their existing positions. The Railways should progressively within a period of one year, pin-point the higher grade posts of ATNLS, Dy. CTNLS & CTNLS based on volume and content of workload, responsibilities and importance of the posts.

*Shankar*

9 Aug  
47

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A. No.                      of 1989 (L)

S.O. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No. A - 2

कायालय मण्डल रेल प्रबन्धक  
पूर्वोत्तर रेलवे,  
लखनऊ ।

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10/7

ज्ञापन  
=====

मण्डल रेल प्रबन्धक लखनऊ ने पृथक वाणिज्य अधीक्षक के अधीन टिकट निरीक्षक संवर्ग की पुनर्संरचना ग्रुप "सी" के अन्तर्गत रेलवे बोर्ड के पत्र संख्या।एन०जी०। 11-84/पी ओ./ डब्ल्यू०आर०/26 दि० 12-6-84 के अनुसार दि० -----ते निम्नप्रकार करने की स्वीकृति प्रदान किया है ।

क्र.सं.	पदनाम	वेतनमान	वर्तमान संख्या		परिवर्तित पदोन्नति प्रतिशत	पदों का पुनर्संरचना	
			1-1-84	स्थायी		अस्थायी	स्थाई
1.	सी.टी.टी.आइ.	700-900	1	1	5%	18	3
	सी.टी.सी.	700-900	1	1			
2.	डी.टी.टी.आइ.	550-750	2	2	9%	23	1
	सी.टी.सी.	550-750	2	2			
3.	कन्डक्टर	550-750	-	-	50%	9	4
4.	कन्डक्टर	425-640	19	7	कन्डक्टर के पद	10	3
5.	टी.टी.ई. ग्रेड-1	425-640	22	1			
	प्रधान टी.सी.	425-640	21	3	29%	95	14
6.	टी.टी.ई. एम.आर. सहित	330-560	143	33			
	पृथक टी.सी.	330-560	40	1	37%	133	21
7.	टी.सी. एम.आर. सहित	260-400	109	7			
	टी.सी. एम.आर. 1 टी.टी.ई. के लिए	260-400	-	5	20%	72	11
			360	57		360	57

वितरण टी.टी.ई. एवं टी.सी. वर्ग का

नोट: टी.सी. संवर्ग में सी.टी.टी.आइ. 1700-900। अस्थायी एक पद। मुख्यतः नियंत्रित। रिस्ट्रिक्शंस के आधार पर ज्ञापन संख्या डी०/205/10/पी.सी. 173। वाणिज्य/चार गौरक्षुर दिनांक 24-4-84 द्वारा अधिक प्राप्ता है ।

*[Signature]*

## वितरण

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क्र.सं.	पदनाम	वैतनमान	टी.टी.ई.संवर्ग		टी.सी.संवर्ग		योग
			स्थाई	अस्थाई	स्थाई	अस्थाई	
1.	सी.टी.टी.आई.	700-900	9	2	-	-	18 - 4
	सी.टी.सी.	700-900	-	-	9	2	
	सी.टी.टी.आई.	550-750	7	-	-	-	32 - 5
	कण्डक्टर	• •	9	4	-	-	
	सी.टी.सी.	• •	-	-	16	1	
	कण्डक्टर	425-640	10	3	-	-	10 - 3
	टी.टी.ई.ग्रेड-1	425-640	46	12	-	-	95 - 14
	प्रधान टी.सी.	425-640	-	-	49	2	
	टी.टी.ई.	330-560	106	20	-	-	133 - 21
	प्रवर टी.सी.	330-560	-	-	27	1	
	टी.सी.एल.आर.सहित	260-400	-	-	62	6	72 - 11
	टी.सी.एल.आर.						
	टी.टी.ई.के लिये।	260-400	10	5	-	-	
							360 - 58

ह0

कृते मण्डल रेल प्रबन्धक का।  
लखनऊ।

संख्या: इ/111/59/4/रिस्टू0

दिनांक: अक्टूबर 17, 1984

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु:-

1- प्रमोधि/लखनऊ को उनके टिप्पणी दि0 9-10-84 के तदर्थ में।

2- महाप्रबन्धक का0 गोरखपुर/परिवर्तित स्वीकृति उनके हापन सं0 इ/205/10/पी.सी./1731 वाणिज्य/घार दिनांक 24-4-84 के अन्तर्गत निहित है।

3- प्रमवाधी/गोरखपुर।

4- कायाधी/केडर, बिल, पी.ओ.एस/

ह0

कृते मण्डल रेल प्रबन्धक का0  
लखनऊ।

सत्य प्रतिलिपि.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

G.A. No. of 1989 (L)

S.U. Kidwari & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No. A- 3

UPG/25

12.3.88

13

ASD

A/ET

The Chief Personnel Officer,  
North Eastern Railway,  
Gorakhpur.

(For kind attention of Sri R.N.Tewary)

Dear Sir,

Sub: Calculation and distribution of posts  
in restructuring in Ticket Checking Cadre.

Ref: Your letter No.E/210/15/0/Pt.III/TTE/VI  
dt. 1.3.88 (Received on 7.3.88).

.....

A detailed note indicating the upgraded posts which should be in accordance with Board's instruction is enclosed for your information. The basic document used for calculation of figures have been derived from the statement sent vide your office letter dt. 1.3.88. Every care has been taken to calculate the figures on the basis of Board's instruction and theme of discussion held with CCS & CPO on 26.2.88. Statement at page-4 is now to be checked up and executive instructions issued. An early action may be taken under advice to this office.

Thanking you,

Yours faithfully

Sd/-

(K.L. Gupta)  
General Secretary

DA/- As above.

TRUE COPY



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N O T E

Sub : Calculation and distribution of posts in restructuring in Ticket Checking Cadre.

Ref : G.M/P/GKP's letter No. E/210/15/O/Pt. III/TTE/VI dated 1.3.88.

.....

To appreciate the submission of the union, putforth in the paras, some basic questions will have to be settled. They are as under:-

i) Post of DTTI :

Attention is drawn to page 20 of printed AVC as on 31st July, 1969, according to which the post of TTI(335-425) & TTI(370-475) were departmental. This position remain as it is in TC group also. Further a corrigendum was issued (Corrigendum No.19) as circulated by GM/P/GKP vide No. E/210/1-4(IV) dtd.23rd May, 1974 wherein the above position was reaffirmed. This position therefore, remained in respect of Ticket Checking Cadre as on 31.12.83.

ii) Post of CTC(335-425)/TTI(335-425) & onward were departmental.

iii) The post of DTTI/CTC/became divisional w.e.f. 1.4.83 vide AVC circulated by GM/P/GKP office letter No. E/254/2/LC (IV) dt. 2.5.83.

Para 2 of G.M/P's letter referred to above, reads as under :-

" The above decentralisation will be given effect from 1.4.83. The selection for the vacancies upto 31.3.83 are held by the headquarters so that they may filled in by selected personnel of the railway as a whole according to the AVC vacancies occurring on or after 1.4.83 will be filled in by the Division/Units as per the new AVC. "

Even the selected persons not promoted for want of vacancies available upto 31.3.83 will be allotted to the division where he is working for promotion in the division itself against a vacancy occurring from 1.4.83.

iv) The word 'Divisional' means posts the holders of which will have their seniority and transfer normally confined to the division concern.

The word 'Departmental' denotes, posts the holders of which will not have their seniority and their transfer confined to a division but their seniority will be included in ~~the~~ *one* common seniority list for the whole department and that they may be transferred from any station to any station in the department.

(Authority: AVC Booklet as on 31st July, 1969 issued by G.M./P/GKP-Page 1).

v) The number of posts, higher grade annexed with G.M/P/GKP's letter dt.1.3.88 will have to be considered keeping in view the above facts.

vi) The zonal posts for which seniority is maintained

...2/-

*[Signature]*

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at headquarters, are also filled in by process of selection/ non-selection by the headquarters and incumbents posted at different stations according to administrative need. Similarly divisional posts are filled in by the division concerned and incumbents posted within the division according to administrative need.

The figures shows in the annexure of GM/P GKP's letter dt.1.3.88 are to be judged in the same analogy. The zonal posts do not, therefore, exhibit the porrect percentage(.5% as they were ar that time) in the divisional break-up shown.

viii) Railway Board vide their letter No.PCIII/80/UPG/19 dt.20.12.83 decided that Group 'C' categories be restructured including ticket checking staff w.e.f.1.1.84 (para 2) taking into account Rest Giver and Leave Reserved post. The details are as under :-

Sl. No.	Existing Grade RS	Existing percentage	Revised %age
<u>Ticket Checking Staff</u>			
i)	260-400	29.2	20
ii)	330-560	53.9	37
iii)	425-640	15.4	29 *
iv)	550-750	1	9
v)	700-900	0.5	5

Note: \*The cadre of Train Conductors in scale Rs.425-640 is to be combined with Ticket Checking Staff in the corresponding scale only for the limited purpose of determining higher grade posts in saale Rs.550-750 and Rs.700-900 after which the category of Train Conductors will continue to exist as a separate category as at present.

viii) According to Note below Rule 501 IREM revised edition the upgradation orders are to be effected in accordance with percentage fixed in each case equally to the permanent as well as temporary strength of the cadre.

In this respect submission of the union, will therefore be to recalculate the number posts in higher grade keeping in account :-

- a) Change of AVC-from departmental to d#vision.
- b) %age to be calculated on the basis of strength (Permanent & Temporary) and not on existing incumbent.
- c) The division of higher grade posts will have to bemade on pro-rata basis strength of TTE & TC upto the scale 330-560 to 700-900 as they were as on 31.12.83. While calculating, it may not be out of point to mention that all posts of Conductor in scale 425-640 are to be taken towards TTE side. In this connection, GM/P/GKP's letter No.E/210/15/O/Pt. TTE/VY dt. 20.11.84 may please be referred to. The last para of the letter under reference reads as under:-  
" As regards filling up the post of Conductor 425-640 at present, it is filled on seniority and suitability basis from TTEs group working in grade 330-560. There will be no change in filling up these posts in future also."

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ix) The statement sent includes the posts of TTEs/TCs & Conductor of all the five divisions. The distributions are as under :-

Samastipur Division	:	283
Sonepur Division	:	357
Lucknow Division	:	424
Varanasi Division	:	373
Izatnagar Division	:	269
CCS Squad	:	<u>30</u>
Total	:	<u>1736</u>

The revised posts according to the Board's letter dt. 20.12.83 will be as under :-

<u>Sl. No.</u>	<u>Grade</u>	<u>Percentage</u>	<u>Post</u>
i.	700-900	5	87
ii.	550-750	9	156
iii.	425-640	29	483*
iv.	330-560	37	616
v.	260-400	20	324

Total number of posts covered under percentage of upgradation are 1666. Posts of Conductors 70 are further to be added. Thus the total number of posts on the basis of which the upgradation have been calculated are 1736.

x) The total number of posts 1836 is to be distributed amongst TTEs and TCs group strictly on pro-rata basis. According to the calculation of the union on the principles laid above the figures will be as under :-

<u>TTE</u>		<u>Tc</u>	<u>Total</u>
700-900	- 7	2	
550-750	-10	5	
425-640*	-110	88	
330-560	-792	162	
	<u>989</u>	<u>257</u>	

Note: Number of posts of Conductor taken for the purpose of upgradation are 70-this has been accounted for calculating higher grade posts.

The number of posts of Ticket Collector in initial seale 260-400 are 490 (LRTC-75 & TC-415).

It is pertinent to point out that union has already made its position clear in the Informal Meeting held on 6.11.87 with CPO/NG and still holds the same view. This has been appreciated by the then CPO and it was advised that the case will be processed on the lines for review of CCS.

The revised higher grade posts according to Board's instruction w.e.f. 1.1.84 in both the groups (uppo 330-560) will be as under :-

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Higher grade posts w.e.f. 1.1.84 - Distribution between TTE/TC Groups including CCS Squad & Conductor.

Grade	Samastipur Divn.		Monepur Divn.		Lucknow Divn.		Varanasi Divn.		Izatnagar		CCS Squad	
	TTE	TC	TTE	TC	TTE	TC	TTE	TC	TTE	TC	TTE	TC
	283		357		424		373		269		30	
	Group		Group		Group		Group		Group		Group	
	283	51	357	82	424	100	373	75	269	45	30	
700-900	14	2	18	4	21	5	19	4	13	2	2	
550-750	25	4	32	7	38	9	34	7	24	4	3	
Conductor												
425-640	3	-	10	-	26	-	17	-	14	-	-	
425-640	81	15	101	24	115	28	103	22	74	13	9	
330-560	104	19	123	30	147	36	132	28	94	16	11	

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*[Signature]*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

G.A. No. of 1989 (L)

S.U. Kidwari & others .....

Applicants

Versus

Union of India & others .....

Respondents

Annexure No.A- 4

NORTH EASTERN RAILWAY

K. P. SINGH  
S. P. O./H. Q.

OFFICE OF THE GENERAL MANAGER (P)  
GORAKHPUR : DATED 1.8.1988

D.O.No.E/210/15/O/Pt.III/TTE/VI

Dear Sri Dhusia,

Sub: Restructuring of Ticket Checking Staff.

It has been represented that the calculation and distribution of higher grade posts sanctioned as a result of restructuring of Ticket Checking Cadre has not been done correctly. The case has *again* been examined and the decision taken thereof is as under :-

1. Each Division should first combine the total sanction strength on the T.C. side as well as TTE side as on 31.12.83 plus the number of posts of Conductors sanctioned in that Division, after the total number thus obtained 5% of the same should be allocated to the ~~grade~~ Rs.700-900, 9% to grade Rs.550-750 after which the total number of conductors post should be subtracted from the above total number and 29% of the ~~same~~ <sup>same</sup> excluding (conductors) should be allocated to the grade Rs.425-640, 37% to grade Rs. 330-560 and 20% to grade Rs. 260-400.

2. After distribution of the total post according to the percentage as above, the distribution of post on the two sides should be made as under :-

5% of the total sanction strength of TTE including Conductors and LRTCs should be allocated to the grade Rs.700-900 on TTE side and the rest to TC side. Similarly, 9% should be allocated to TTE side and the rest to TC side in grade Rs. 550-750.

3. Now to calculate the post on two sides in grade Rs.425-640 the number of post of conductors should be subtracted from the above total strength of TTE side then 29% of the same should be allocated to TTE Grade 'A' and the rest to TC side. Similarly, the post in grade Rs.330-560 first be calculated @ 37% of the above total strength of the TTE side and the rest should be allocated, to the TC side.

4. Now to calculate the post of 260-400 the total number of the post of LRTC existed as on 31.12.83 should be allocated to the TTE side as LRTC and remaining post of 260-400 calculated on the basis of 20% of the total strength of both sides excluding Conductors should be allocated to the TC side.

5. In this way it will be seen that on the TTE side the total post in grade Rs. 260-400 will be less than their percentage calculated on their total strength. Thus this difference should be added on the TTE side to grade Rs. 330-560 and equal number of post in grade Rs. 330-560 in TC side should be reduced to maintain the total sanction strength of both sides unchanged.

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*[Signature]*

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6. The restructuring of Lucknow Division has been made according to the above norms which is as under :-

Sanction strength as on 31.12.83 of Lucknow Division :

<u>T.C. side</u>		<u>T.T.E. side</u>	
1. CTC (700-900) -	1	1. CTTI (700-900) -	1
2. CTC (550-750) -	2	2. DTTI (550-750) -	2
3. HTC (425-640) -	24	3. Conductor (425-640) -	26
4. Sr. TC (330-560) -	41	4. TTE Gr. 'A' (425-640) -	23
5. Matron (330-560) -	2	5. TTE (330-560) -	176
6. T.C. (260-400) -	106	6. LRTC (260-400) -	15
7. Passenger Guide -	5		

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TOTAL : 181

TOTAL : 243  
-----

Total number of post after restructuring w.e.f. 1.1.84 in the ticket checking cadre (T.C. + T.T.E. cadre) :

Grade Rs. 700-900	21	5% of 424 (243 + 181)
Grade Rs. 550-750	38	9% of 424 (243 + 181)
Grade Rs. 425-640	113	29% of 398 (424 - 26) (2 post reduced to keep sanction strength unchanged)

Conductor 425-640	26	
Grade Rs. 330-560	147	37% of 398
Grade Rs. 260-400	79	20% of 398
	<u>424</u>	

7. Distribution of T.C. and T.T.E. side will be as under :-

<u>Grade</u>	<u>TC side</u>	<u>TTE side</u>
700-900	9-5% of 181	12-5% of 243
550-750	16-9% of 181	22-9% of 243
425-640	52-29% of 181	61-29% of 217 (2 posts reduced to adjust the total sanction).
Conductor	-- --	26
330-560	39 --	108-37% of TTE + balance of 260-400.

(from the strength and 37% of the total number of post in grade 260-400 operated in grade Rs. 330-560 in TTE grade has been reduced)

260-400	64	15 LRTC
---------	----	---------

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TOTAL: 180

TOTAL: 244  
-----

....3/-

*[Signature]*

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8. To adjust the total sanction on two sides one post of TTE in grade Rs.330-560 is reduced to make 107 and 1 post of Sr. TC in Grade Rs.330-560 is increased to make the total of 40.

9. To sum up the above the restructured strength of Lucknow Division in TC and TTE side with effect from 1.1.84 will be as under :

<u>Grade</u>	<u>TC side</u>	<u>TTE side</u>
700-900	9	12
550-750	16	22
425-640	52	61
Conductor	-	26
330-560	40	107
260-400 (TC)	59	15
260-400 (P/Guide)	5	-
-----		
TOTAL :	181	243
-----		

10. In case there is any calculation mixtake the same may be done at the division level.

This is in supersession of this office d.o. of even no. dated 10.7.87.

This issues with the approval of the CCS/GKP. The action may be completed within one month.

Yours sincerely,

Sd. —  
(K.P. Singh)

Shri K.K.Dhusia,  
Sr.Divisional Personnel Officer,  
N.E.Railway,  
Lucknow.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

G.A. No.                      of 1989 (L)

S.U. Kidwari & others .....

Applicants

Versus

Union of India & others .....

Respondents

Annexure No. A- 5

पूर्वोत्तर रेलवे

कार्यालय  
मंडल रेल प्रबन्धक (का)  $\frac{x}{61}$   
लखनऊ

सं. ई/11/205/अफ़ोडि/टी.सी./85

दिनांक 1 /12/87

स्टेशन अधीक्षक/लखनऊ, गोरखापुर, गोंडा, एवं मैलानी, वहराइच ।

सी टी टी आई (स्लीपर एवं रैड) लखनऊ, गोरखापुर, गोंडा

तथा मुवाधनी दस्ता गोरखापुर ।

सी टी टी/सी/ लखनऊ, गोरखापुर, गोंडा एवं मैलानी, वहराइच ।

विषय - सी टी टी आई 2000-3200 एवं सी टी सी  
2000-3200 के पदों का चयन ।संदर्भ - महाप्रबन्धक (का)/गोरखापुर के फ़. संख्या ई/  
254/15/सी टी आई टी आई /द दि 23.11.87

उक्त संदर्भित फ़. के अनुसार सी टी टी आई (2000-3200) एवं सी टी सी (2000-3200) के पदों का चयन हेतु सी टी टी आई के लिए 18 व्यक्तियों की नामिका एवं सी टी सी के लिए 12 व्यक्तियों की नामिका बनाने का निर्णय लिया है जो आगामी जाति के अभ्यर्थियों के लिए होगा और उनमें कोई आरक्षण नहीं होगा ।

इस सम्बन्ध में सी टी टी आई एवं सी टी सी की लिखित परीक्षा 10 दिनों में दिनांक 11.12.87 तथा मौखिक परीक्षा 14.12.87 एवं अनुपस्थित लिखित परीक्षा दिनांक 10.12.87 तथा अनुपस्थित मौखिक परीक्षा दि. 21.12.87 को मुख्य वाणिज्य निरीक्षक कार्यालय / गोरखापुर में होना निश्चित हुआ है ।

संलग्न सूचियों में सी टी टी आई एवं सी टी सी के लिए अभ्यर्थियों के नाम आग - अलग लिये जा रहे हैं, जिन्हें समय से कार्य मुक्त करें । यदि कोई कर्मचारी चयन में सम्मिलित नहीं होते हैं तो वह स्वयं जिम्मेदार होंगे साथ ही कर्मचारी को लिखित स्म को नोट करा दिया जाय । तथा इस कार्यालय को सहमति/असहमति दि. 12.87 तक दे दी जाय । अभ्यर्थी अपने साथ पेन स्यायी आदि ले जायेंगे ।

प्रशासन केवल उत्तर पुस्तिका प्रदान करेगा ।

स्लेब्स की प्रतिलिपियाँ फ़. के साथ संलग्न की जा रही हैं ।

संलग्नक - अधोपरि

कृते मंडल रेल प्रबन्धक (का0)/लखनऊ



सी टी टी आई (2000-3200) के अभ्यर्थियों को सूची

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क्रम सं.	नाम	पद नाम	वेतनमान	नियुक्ति स्थान
	सर्वश्री वशीर अहमद	डी टी टी आई/कन्डक्टर	1600-2660	मुवाधिर दस्ता/ गोरखापुर
2	शारदा प्रसाद श्रीवास्तव	"	"	गोडा
3	पू एन पाठक	"	"	गोडा
4	आर एल श्रीवास्तव	"	"	लखानऊ जं०
5	डी आर जयसवाल	"	"गोर	गोरखापुर
6	आर के सक्सेना	"	"	लखानऊ जं०
7	आर पी शाह (अनु जा० जा०)	"	"	गोरखापुर
8	के कुमार (अनु जा०)	"	"	लखानऊ जं०
9	बी के कुरील अनु जा०	"	"	"
10	शिशिर कुमार	"	"	गोर खापुर

सी टी सी (2000-3200) के अभ्यर्थियों को सूची

	जमील अहमद	सी टी सी	1600-2660	गोरखापुर
1	व्यं र के हासमी	"	"	गोडा
2	र व आर उमानी	"	"	गोरखापुर
3	आर सी श्रीवास्तव	"	"	लखानऊ जं०
4	बी सी	"	"	बहराइच
5	जी सी जाँहेरी	"	"	लखानऊ जं०
6	सलाउद्दीन विद्वहई	"	"	लखानऊसि टी
7	आर एम खान	"	"	लखानऊ जं०
8	भैया लाल	"	"	मैतानी
9	आर सी वाल्मीकि	"	"	लखानऊ जं०

*Signature*

Syllabus of CTTI/CTC (2000-3200)

25  
A/3

1. Ticket checking organisation, functions and duties
2. Preventive Measures to eradicate ticketless travel.
3. Statutory provision to prevent ticketless travel, alarm chain pulling unauthorised occupation, reserved coaches etc.
4. Rly. passes and concessions, irregularities, fraud, detention and prevention etc.
5. Ticket indenting and disposal of collected tickets.
6. Reservation of coaches, berths and seats.
7. Frauds of various types in Commercial working with special reference to ticket checking.
8. HEOR, overtime, payment of wages Act.
9. Public relations.
10. Knowledge of commercial codes, Manuals, Tariffs with reference to ticket checking.
11. DAR and Conducts Rules.
12. Public amenities and commercial facilities, waiting rooms, retiring rooms, licensed porters, enquiry office, reservation etc.
13. Salesmanship and art of selling Railway Transport.
14. Commercial statistics
15. Rates of supervision in staff control motivation.
16. Outstandings and its clearance.
17. Audit objections.
18. Budget allocation, pertaining to ticket checking.
19. Working knowledge of commercial allied matters.
20. Commercial Organisation Hqr. and Division, functions and duties of each wing.
21. City Booking agencies, sidings, consultative committees.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BRANCH, LUCKNOW

G.A. No. of 1989 (1.)

S.U. Kidwari & others ..... Applicants

VERSUS

Union of India & others ..... Respondents

Annexure No. A- 6

पर्यावरण रेल  
अधिसूचना  
=====

प्रधान टी.सी. (1400-2300) के 13 सामान्य, 6 अनुसूचित जाति तथा 4 अनुसूचित जनजाति के पदों (कुल 23 पदों) को भरण हेतु प्रवर्ण मंत्रालय कार्यालय लखनऊ में आयोजित की जा रही है जिसका विवरण निम्नलिखित है।

- 1- लिखित परीक्षा दिनांक 4-2-89 प्रातः 10:30 बजे मंत्रालय कार्यालय लखनऊ
- 2- अनुपस्थित लिखित परीक्षा दि. 11-2-89
- 3- मौखिक परीक्षा दि. 21-2-89
- 4- अनुपस्थित मौखिक परीक्षा दि. 27-2-89

वतः सम्बंधित सी.आई.टी. जो निर्देश दिया जाता है कि वह सम्बंधित कर्मचारियों जिनकी सूची संलग्न है, को समय से कार्यमुक्त करे तथा निर्धारित समय एवं स्थान पर प्रवर्ण में सम्मिलित होने के लिए कार्यमुक्त करे। अगर कोई कर्मचारी अवकाश अथवा पुनश्चर्या में गया हो तो उसे समय से सूचित कर दिया जाय। यह आपकी व्यक्तिगत जिम्मेदारी होगी।

सम्बंधित कर्मचारियों को सूचित किया जाय कि अनुपस्थित परीक्षा में वे ही कर्मचारी शामिल हो सकेंगे जिनको अनुपस्थित होने के कारणों से संक्षम अधिकारी संतुष्ट होंगे। कर्मचारी को उचित समय से प्रार्थना पत्र देकर नियंत्रण अधिकारी से प्रमाण पत्र लेकर अनुपस्थित परीक्षा जो 11-2-89 को सम्पन्न होगी में सम्मिलित हो सकेंगे उसके पश्चात् नियमानुसार कोई अनुपस्थित परीक्षा नहीं होगी।

कर्मचारियों से परीक्षा में सम्मिलित होने का सहमति/असहमति संलग्न पत्राली में इस कार्यालय को इस सूचना प्राप्ति होने के 48 घंटे के अंदर अनुरोध भेजे अन्यथा उन्हें प्रवर्ण में नहीं बैठने दिया जायेगा।

यदि कोई कर्मचारी जिसने समिति के सम्मुख उपस्थित होने में अपनी असमर्थता के सम्बंध में अपने नियंत्रण अधिकारी को चयन की तिथि से पहले ही सूचना नहीं भेज दी है, उसे अनुपस्थित होने का अनिच्छुक समझा जायेगा। और उसे फिर सम्मिलित होने का आह्वान नहीं दिया जायेगा। उसे अगले चयन का इंतजार करना पड़ेगा।

कृते मण्डल रेल प्रबंधक(का),  
लखनऊ

सं. ई/11/254/प्रधान टी.सी./69 दिनांक 17-1-89

प्रतिलिपि सूचनार्थ संलग्न जात्येक कार्यालय हेतु निम्न की प्रेषित :-

- 1- स्टेशन अधीक्षक/लखनऊ जं, गोण्डा, गोरखपुर, सीतापुर, जस्ती
  - 2- सम्बंधित कर्मचारी द्वारा सम्बंधित सी.आई.टी.
  - 3- सूचना पट
  - 4- सी.आई.टी.
- संलग्नक/यथोपरि

कृते मण्डल रेल प्रबंधक(का),  
लखनऊ

*[Handwritten Signature]*

सामान्य अभ्यर्थी

28 168

क्रम सं.	नाम	पदनाम	स्टेशन
1-	राम प्रसाद जाकुर	प्रवर टी.सी.	गोरखपुर
2-	रविरसालाल श्रीवास्तव	"	नानपारा
3-	सीसी राम त्रिपाठी	"	बस्ती
4-	प्रेम किरोर श्रीवास्तव	"	बह राइव
5-	प्रेम राकुर	"	मैलानी
6-	जय नारायण त्रिपाठी	"	बह राइव
7-	रखी शुक्ला	"	मनकापुर
8-	नागेन्द्र प्रसाद मिश्रा	"	गोरखपुर
9-	वीरेश्वर मिश्रा	"	गोरखपुर
✓ 10-	श्रीमती सारला जाहरी	"	लखनऊ जं.
11-	जींदर जली	"	गोरखपुर
12-	अजय सिंह	"	बस्ती
13-	म नोज कुमार श्रीवास्तव	"	पलियाकला
14-	म कसद आलम	"	लखीमपुर
15-	राम प्रताप बहादुर सिंह	"	लखनऊ सिटी
✓ 15-	प्रदीप कुमार मुन्जारी	"	लखनऊ जं.
17-	अर्जुन साब	"	सीतापुर
18-	सतीश मणी त्रिपाठी	"	गोपडा
19-	रविशंकर श्रीवास्तव	"	गोरखपुर
20-	आरधन जोशी	"	सीपीए आदेशित लखनऊ जं.
21-	हरेश नायक सिंह	"	तुलसीपुर
22-	प्रेम लहाय श्रीवास्तव	"	गोरखपुर
✓ 23-	पीके अवस्थी	"	लखनऊ जं.
24-	राम जियातन त्रिपाठी	"	सीपीए
25-	शमिंदर अली	"	लखनऊ जं.
26-	विशेश्वर प्रसाद	"	गोरखपुर कार्यरत टिकट वोकिंग दस्ता नई दिल्ली
27-	डीपी दिनेदी	"	गोरखपुर
28-	अंजुम सिद्दीकी	"	गोरखपुर
28	नाम केवल		

*Signature*

अनुसूचित जाति अभ्यर्थी

सदस्य

1- पादरी	प्रवर टीसी	गोरखपुर
2 - मुन्नी लाल	"	गोरखपुर
3- ओम प्रकाश	"	गोष्ठा
4- सिक्क राम	"	मनजापुर
5- शिवराज सिंह	"	सापीर
6- नगिन चन्द्र	"	लखी मपुर
7- वेदी राम	"	गोष्ठा

7 अभ्यर्थी केवल

अनुसूजन जाति अभ्यर्थी

1 - श्री जनु उराव	प्रवर टीसी	गोष्ठा
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68

पावती

सेवा में

मुख्य रेल प्रबंधक (का),

पूर्वोत्तर रेलवे,

लखनऊ ।

संदर्भ: - लखनऊ में दिनांक 4-2-89 को 10-30 बजे

प्रधान टी.सी. (1400-2300) के चयन में

सम्मिलित होने की सूचना सम्बंधी आपका पत्रांक

ई/11/254/प्रधान टी.सी./89 दिनांक

17-1-89

इसद्वारा आपके उपरोक्त पत्र को पावती स्वीकार करता हूँ ।

1- मैं चयन में सम्मिलित हूँगा ।

2- मैं सामर्थ्य के बाहर निम्नलिखित परिस्थितियों के कारण चयन में

सम्मिलित होने में असमर्थ हूँ ।

जो लागू न हो काट दें ।

भवदीय,

अभ्यर्थी के हस्ताक्षर

अप्रसारित

अध्यक्ष के हस्ताक्षर

*Amal*

(31) A08  
A/69

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

S.A. No. of 1989 (L)

S.U. Kidwari & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No. A-7

22

पूर्वतः रिजवे,  
: स्थापन :

रेल पर्सिड के पत्रक पीओ-111/80/यू. पी. टी/19 दिनांक 20 12 83 एवं मुंबई के सभ नम् की अनेपकारिक केन्द्र दि. 0 23. 1. 89 की कार्यवृत्ति को अन्वेषक (आओ) गोरखपुर के पत्र सं०ई०/-10/15/0/भागा-111/टीओटी०ई०/VI दि. 0 24/25 1. 89 द्वारा प्रसूत की गयी है, के अन्वेष के अनुसार मं०ओप्र० ने प्रमोक्ष की विस्तीर्ण समाप्ति के उपरान्त टिकट बैकिंग स्थाप की संश्लेष रिपोर्टिंग 1. 1. 84 से निम्न प्रकार करने की स्वीकृति प्रदान की है :-

क्र०सं०	पदनाम	वेतना	(1) 31. 12. 83 की स्वीकृत पद की सं०	(2) 31. 12. 83 की स्वीकृत पदों की सं०	(3) 1. 1. 84 की स्वीकृत पदों की सं०	(4) 1. 1. 84 की पदों का विवरण	विवरण
1.	पीओटीओई०	700-900	1	1	1	5%	18 3 14 2 4 1
2.	पीओटीओ	700-900	1	1	1	5%	18 3 14 2 4 1
3.	पीओटीओई०	550-750	2	2	2	9%	33 5 25 4 8 1
4.	पीओटीओ	550-750	2	2	2	9%	33 5 25 4 8 1
5.	कंसल्ट	425-640	19	19	19		
6.	पीओटीओई०-1	425-640	22	22	22	29%	100 14 74 12 26 2
7.	पीओटीओ	425-640	21	21	21		
8.	पीओटीओई० (प्रसूत/ टीओआरसीएस)	330-560	143	143	143		90 46
9.	प्रार टीओ	330-560	40	40	40	37%	128 18 36
10.	सेन	330-560	2	2	2		2 टीटीई (330-560) के लिए

मुद्रा लघु नियंत्रित पद 1

कोने संवर्ग के पदों

के अभाव में रखने के लिए

कोने संवर्ग के पदों

टीओ (330-560) के प्रार

*Signature*

1	2	3	4	5	6	7	8	9	10	11	12	13
टी जी (टीटीई)	260-400	86	8									
टीटीजी	260-400	23	4		20%	69	10	51	8	13	2	
पैजेज गार्ड	260-400	5										
		367	57			367	57	273	49	94	8	

यह प्रपन सं०-ई/1111/59/4/कम दिनांक 15.2.84, ई/1111/59/4/फिस्टो दिनांक : 10.10.84 एवं  
 सं०/1111/59/4/परिचर/फिस्टो दिनांक 4.10.88 के अधिसूचना में निम्न शर्तों पर जारी किया जाता है :

- उपर्युक्त शर्तों द्वारा निर्धारित पद वितरण के अनुसार टीटीजी संवर्ग के निम्न कर्मचारियों को उच्च पदों पर पदोन्नति का विचार प्राप्त है, उन्हें पदोन्नति नहीं किया जायेगा । अपितु नेचुरल डेरीट के फलस्वरूप पद फिक्स होने की तिथि से उपर्युक्त पदोन्नति के अनुसार टीटीजी संवर्ग के कर्मचारियों को उन पदों पर फोर्मेनति पाने का अधिकार होगा । उन्हें प्रोफार्मि रण कल्याण सुगमन का लाभ देना नहीं होगा ।
- निर्धारित प्रतिकार से अधिक पद किसी भी तिथि को किसी भी ग्रेड में अपरेंट नहीं किए जायेंगे ।

सं०-ई/1111/59/4/परिचर/फिस्टो दिनांक : 31.3.89

उपरोक्त लेख प्रकाशक(फो)/संयोजक

- प्रभुसिंह गुप्ता एवं अक्षयक शर्मावादी हेतु प्रेषित :-
- प्रभुसिंह/संयोजक : (2) संयोजक (क) गोरखपुर । वे दृष्टव्य सुझाव प्रस्तुत पदों की फोर्मेनति से संबंधित प्रपन पंजी की हैं ।
- मुक्तेश/गोरखपुर । (4) मदनसिंह/संयोजक । (5) कर्पणसिंह (देहरा) धन, टीटीजी संवर्ग । (6) महेस मंत्री/संयोजक ।
- महेस मंत्री/टीटीजी/संयोजक ।

दृष्टव्य महेस लेख प्रकाशक(फो)/संयोजक

11/2/89

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A. No. of 1989 (L)

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No.A - 8

A/13

Minutes of the informal meeting held between N.E.R.M.U. representatives and C.C.S. on 23.1.89 regarding restructuring of Ticket checking Cadre on 1.1.84

PRESENT

Administration side

- 1. Shri K.C.Varma/C.C.S.
- 2. Shri Narsingh Prasad/APO/T

Union side

- 1. Shri K.L.Gupta/General Secretary
- 2. Shri J.N.Rai, Vice President
- 3. Shri P.K.Yadav
- 4. Shri R.D.Tripathi
- 5. Shri D.N.Misra
- 6. Shri R.P.Verma

At the very outset, the previous decision taken by the then C.C.S. and as communicated to the Divisions vide GM/P/GKP's letter No.E/210/15/0/Pt.III/TTE/VI dated 1.8.88 was discussed at length. The Union representatives pointed out, that based on the sanction strength of TTE/TC, furnished by the Administration vide GM/P/GKP's letter No.E/210/15/0/Pt.III/TTE/VI dated 1.8.88 to the Union in respect of each Division, was prepared keeping in view the percentages fixed for restructuring in each grade. The main dispute was about the proportionate distribution of lower grade post, i.e. 260-400 with reference to the strength of TTE and TC side in grades Rs.330-560 and above. The position furnished by the Union vide No.NERMU/UPG/25/25 dt.12.3.88 in respect of each Division is enclosed.

2. It was indicated to the Union by C.C.S. that if the distribution given by them is implemented, there will be increase in higher grade post in TTE side substantially and decrease in the TC side to that extent. In that way the persons who were promoted on the basis of the earlier distribution of posts in TC side may be put to hardship by facing reversion.

3. On this particular point, the Union suggested that if any body in TC side has been promoted to higher grade, he may not be reverted, but in course of time, whenever any vacancy arises in higher grade posts in TC side by means of natural wastage etc. the same will be transferred to the TTE side to the tune, it is due to them. There would be no claim to any arrears of pay by such staff. Other higher grade posts in TTE side be filled in according to AVC. This process will continue till, the complete position gets established. This was accepted by C.C.S.

4. The revised distribution is subject to vetting & concurrence by Account.

DA/As above.

Sd/- 24.1.89

(K.L.Gupta)

General Secretary

N.E.Rly.Mazdoor Union

Sd/- 24.1.89

C.C.S.

36 123

A  
7/24

: 2 :

No. E/210/15/O/Pt.III/TTE/VI

GKP

Dated 24.1.1989

25

Copy forwarded for information and necessary action to :

- 1. S.P.O./H.Q./Gorakhpur
- 2. D.R.M./P/IZN. )
- 3. D.R.M./P/LJN. )
- 4. D.R.M./P/BSB. ) They will please acknowledge receipt of
- 5. D.R.M./P/SEE. ) this minutes.
- 6. D.R.M./P/SPJ. )
- 7. C.C.S./N.E.Railway Gorakhpur
- 8. General Secretary/NERMM/N.E.Railway, Gorakhpur.

Sd. —

For GENERAL MANAGER (P)

Date: 24.1.1989

TRUE COPY

*[Handwritten Signature]*

A/25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A. No. of 1989 (L)

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No. A - 9

A/76

38 H25

1. General Manager, N.E.Rly., Gorakhpur.
2. Chief Commercial Supdt., N.E.Rly., Gorakhpur.
3. Chief Personnel Officer, N.E.Rly., Gorakhpur.

(Through - Proper-Channel)

Sub: Injustice to staff belonging to T.C. Group in the matter of promotion.

Ref: Decision taken by CCS/Gkp. in the informal meeting held between NERMU representatives and CCS/GKP. on 23.1.89/24.1.89, circulated under GM(P)GKP. letter No.E/210/15/0/Pt.III/TTE/VI dated 24.1.89 and DRM(F) Lucknow, N.E.Rly., letter No.E/III/59/4/PARI.VA./Restru. dated 31/3/89.

.....

Sir,

We the undersigned representationists of TC Group aggrieved by the decisions mentioned above on the subject of distribution of posts as a result of re-structuring of Ticket Checking Staff beg to submit as under :-

1. That at the very outset, it is relevant to mention here that the decision on the subject under reference, as already taken by the then CCS/GKP. vide Communication contained in D.O.No. E/210/15/0/Pt.III/TTE/VI dated 1.8.1988, a true copy of which is enclosed herewith as Ann. I to this representation, still hold good as it was taken after due application of mind to the facts and circumstances of the case and also after due consideration of all representations made by the Union as well as staff working on TC Group.
2. That the decision contained in Annex. I to this representation is strictly in accordance with the instructions issued by the Railway Board on the matter of restructuring of Cadre and also is based on all previous administrative orders issued in regard to. Two sets of staff pertaining to the Groups of TC's & TTE's.
3. That the decision contained in Ann. I to this representation apart from what has been stated above, is also based on reasonable classification and justification, warranting no change to the detriment of the staff belonging to TC Group.
4. That the decision contained in Ann. I to this representation is further based on the principles of equality and there is no discrimination in the said decision.

....2/-



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: 2 :

- 5. That the decision contained in Ann. I to this representation being free from any sort of illegality has also been implemented and the staff belonging to the TC Group as well as TEE's group have been benefitted in the true spirits of the instructions issued by the Railway Board in the matter of restructuring effective from 1.1.1984.
- 6. That in the facts and circumstances mentioned above the decision contained in Ann. I to this representation forms the service condition of the staff and, therefore, they cannot be changed to the detriment to staff concerned without being given an opportunity of showing cause to them.
- 7. That for the facts and grounds mentioned below, the decision taken in the informal meeting held between NERMU representatives and CCS on 23/1/89 on the matter of restructuring of Ticket Checking Cadre, a true copy of which alongwith its enclosures is being filed herewith collectively as Ann. II to this representation, is purely arbitrary and against all cannons of justice :-

G R O U N D S

(a) Because the decision taken in para No. 2 & 3 contained in Ann. II is so far as it relates to the distribution of posts is purely arbitrary and cannot be said to be based on reasonable ground. It is relevant to mention here that the Hon'ble Supreme Court of India in a case reported in A.I.R. 1954 SC 545, 552, has held that a classification to be valid, must not be arbitrary, It must always rests upon somereal and substantial distinction bearing a reasonable and just relation to the needs in respect to which the classification is made.

In the instant matter the decision contained in Ann. II to this representation is contrary to the principle laid down by the Hon'ble Supreme Court and as such it is violative of Article 14 of the Constitution of India, since it amounts to the discrimination in the matter of public employment, in so far as the staff of TC Group are concerned. It is further violative of Article 16 of the Constitution of India.

...3/-

*[Handwritten Signature]*

- (b) Because the decision contained in Ann. II to this representation is further arbitrary as it has been taken at the back of the representationists & without being given them an opportunity of showing cause.
- (c) Because the decision under dispute as contained in Ann. II to this representation is malafide in as much as, the Union concerned have not given the true picture of the case which was already seen and considered by the then CCS as would be seen from Ann. I to this representation.
- (d) That the decision contained in Ann. II to this representation is further illegal, inoperative in law and without jurisdiction as the decision already taken by the then CCS/ GKP. as contained in Ann. I to this representation, which is substantially correct, being based on factual position, cannot be changed or altered by his successor without any reasonable finding discarding the previous decision. As a matter of fact, and procedure, the decision should have been taken by an authority higher than the authority, who had already taken the decision.
- (e) Because the decision contained in Ann. II, to this representation, by means of which the service, condition of the representationists has been altered to their prejudice, is further illegal in as much as, the administration has accepted the suggestion of the Union, without any finding of its own as evident from paras 2 & 3 of the said Annexure.
- (f) Because there is nothing on the record to show that the decision contained in Ann. I to this representation which was operative since long i.e. from the year 1974, was ever challenged by the Union at appropriate time. Thus the act of the Union demanding distribution of the post in their own manner at such a belated stage, when the staff of TC Group was to be benefitted as a result of restructuring, is purely malafide and one sided.
- (g) Because the bifurcation made in the category of Ticket Checking staff, having been done in the year 1974 at the instance of NERMU, the said Union is stopped by their own act and conduct to agitate the matter in a different manner

*[Handwritten signature]*

at such a belated stage when the staff, belonging to TC Group are to be benefitted as a result of restructuring, thus the attitude of the Union is malafide, prejudicial and not tenable in any circumstances.

That in facts & circumstances mentioned above, it is most respectfully submitted that the representationists have been discriminated by the orders contained in Ann. II to this representation. Therefore, a great injustice is being inflicted upon them. It may be mentioned that the Union has failed to show the Board's instruction alleged to have not been followed by the administration while issuing instructions/decisions contained in Ann. I to this representation. The suggestion of the Union as accepted by the administration, therefore, is misleading and prejudicial and as such they deserve cancellation.

It is, therefore, most respectfully prayed that your goodself may be pleased to reconsider the matter with a judicious view and to meet the ends of justice, the representationists may kindly be granted the following reliefs :-

- (a) The decision contained in Ann. II to this representation, in view of the facts of the case as mentioned in this representation, may be withdrawn and cancelled alongwith notice No. E/III/59/4/PARI. VA./RESTRU. dated 31/3/89 issued thereunder by DRM(P) Lko. N.E.Rly.
- (b) The decision already taken as contained in Ann. I to this representation, which still holds good, may be maintained and upheld.
- (c) The representationists may be ordered to be examined/tested for the next promotion in next higher grade as already notified by GM (P) GKP. vide their letter No. E/254/15/CTTI/VI dated 23.11.87 circulated by DRM(P) Lucknow, N.E.Rly, under his letter No. E/II/205/Upgrading/TC/85 dated 1.12.87 and DRM (P)/Lucknow, Notice Vide No. E/II/254/PRADHAN T.C./89 dated 17/1/89.

...5/-

*[Signature]*

42 A29

: 5 :

(d) In case, this representation does not satisfy your goodself, the representationists, who are not the members of aforesaid Union, may be afforded an opportunity of personal hearing on the subject.

Thanking you,

Dated: 29/5/89

Yours faithfully

- (1) R.M. Khan C.T.C (550-750) 2511
- (2) R.N. Pandey Hd T.C. (425-640) dJA
- (3) R.S. Pandey HTC/Ljn (425-640) 2
- (4) P.K. Makhariya Sr TC (330-560) 4
- (5) P.K. Mishra HTC/LJA (425-640)
- (6) S.K. Srivastava " " "
- (7) M.Z. Siddiqui HTC/LJA (425-640)
- (8) K. C. Bhowmik Sr TC (530-750)
- (9) K.C. Sharma " "
- (10) Anand Kumar HTC/LJA (425-640)
- (11) Sr. S. S. Srivastava Sr TC/Ljn 330-560
- (12) Sr. S. S. Srivastava " "

Copy forwarded for information and necessary action to the Divisional Railway Manager (F) N.E. Ry., Lucknow

*[Handwritten signature]*

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1/81

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

O.A. No. of 1989 (L)

S.U. Kidwai & others ..... Applicants

Versus

Union of India & others ..... Respondents

Annexure No. A - 10

पत्रांक का0/254/15/सी0टी0टी0आइ0/8:

महाप्रबन्धक।कार्मिक।कायालय

गोरखपुर

मंडल रेल प्रबन्धक।कार्मिक।

दिनांक: 5 जून, 1989

पूर्वोत्तर रेलवे

इज्जतनगर, लखनऊ वाराणसी, सोनभुर, समस्तीपुर

विषय:- मुख्य चल टिकट निरीक्षक।2000-3200। के बढ हेतु चयन ।

संदर्भ:- इस कायालय का समसंबंधक पत्र दिनांक 26-5-89 ।

मुख्य चल टिकट निरीक्षक।2000-3200। के बढ हेतु चयन के लिए लिखित परीक्षा की तिथि दिनांक 24-6-89 एवं अनुषस्थित लिखित परीक्षा की तिथि 1-7-89 निर्धारित की गई है । परीक्षा मुवाधी कायालय गोरखपुर में 10 बजे दिन में होगी ।

इस कायालय के संदर्भित पत्र के साथ अभ्यर्थियों की सूची भेजी जा चुकी है । अभ्यर्थियों की सूची से क्रम सं० 2, 27, 29, 39, 59, 72 एवं 80 पर अंकित क्रमशः सवध्री एस0सी0 कर, रामसेवक सिंह, एस0सी0 ठाकुर, दिनेश प्रसाद सिंह, एस0एस0 मारहाज, जार्ज स्वेन्गर तथा एस0एस0 शर्मा के नाम निकाल दिए जायें । क्योंकि ये लोग सेवानिवृत्त हो चुके हैं ।

सूची में अंकित आबदे मंडल में कार्यरत शेष सभी अभ्यर्थियों को चयन की तिथि से अवगत करा दिया जाये । इनसे नोट करा लिया जाये तथा परीक्षा में बैठने/नहीं बैठने की लिखित सहमति प्राप्त कर इस कायालय को भेज दिया जाये । अभ्यर्थियों को उपरोक्त परीक्षा में सम्मिलित होने के लिए कार्यविरहित कर परीक्षा में शामिल होने का निर्देश किया जाये ।

अभ्यर्थियों को निश्चित रूप से यह बता दिया जाये कि उपरोक्त परीक्षा में सम्मिलित न होने की जिम्मेदारी उनकी होगी ।

अभ्यर्थियों को यह भी सूचित कर दिया जाये कि वे अपनी लेखन सामग्री साथ लायें । प्रशासन द्वारा केवल उत्तर बुस्तिका ही परीक्षा स्थल पर दी जायेगी ।

अभ्यर्थियों का पूर्ण सेवा विवरण शैक्षिक योग्यता के साथ चुनाव प्रपत्र पर शीघ्र तकाधियाबाता0। के पास भेज दिया जाये ।

अभ्यर्थियों से संबंधित तीनों पत्र का गोपनीय रबट, डी0एस0आर0/एस0पी0इ0/विज0भुक्ति प्रमाण पत्र के साथ कायाधी।गोपनीय अनुभाग। महाप्रबन्धक कायालय।का0। को शीघ्र भेज दिया जाये ।

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कृते महाप्रबन्धक।कार्मिक।

प्रतिलिपि सूचनाय एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1-मुवाधि/टि0जा0, पूर्वोत्तर रेलवे, गोरखपुर
- 2-कायालय अधीक्षक।गोपनीय अनुभाग। महाप्रबन्धक।कार्मिक।कायालय गोरखपुर
- 3-सवाधि/सामान्य, मुवाधी कायालय, गोरखपुर । कृपया उक्त लिखित परीक्षा हेतु 75 अभ्यर्थियों के बैठने की व्यवस्था करें ।
- 4- मुवाधी के गोपनीय सहायक, मुवाधी कायालय, गोरखपुर ।

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कृते महाप्रबन्धक।कार्मिक।

सत्य प्रतिलिपि



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XXR

Date: 13/6

From: DRM(P)/LJN

TO SS/CTTI, CPA, LJN, GD, GKP

No E/II/S/ITE/89 (.) REGARDING SELECTION CTTI  
2000-3200 (.) WRITTEN TEST TO BE HELD ON 24/6  
AT 10 HRS. IN CCS/GKP'S OFFICE (.) SPACE AND  
DIRECT (.) WRITTEN CONSENT MAY ALSO BE FURNISHED TO THIS  
OFFICE BY 18/6 (.) LETTER FOLLOWS (.) ENSILE (.)

- (1) S.K. YADAV - DPTI/CPA
- (2) K. KUMAR - DPTI/LJN
- (3) B.K. KURIL - DPTI/LJN
- (4) BANARSI DASS - DPTI/LJN
- (5) DEV POOJAN SINGH - DPTI/LJN
- (6) ~~MANU - DPTI/LJN~~
- (7) SHARDA PD. SHRIVASTAVA - DPTI/GD
- (8) SARJOO KISELU - DPTI/GD
- (9) R.N. SINGH - DPTI/GKP
- (10) R.N. SHRIVASTAVA - DPTI/GKP
- (11) B.N. UPADHYAY - DPTI/CCS Sqnd/GKP
- (12) B.P. SINHA - DPTI/GKP
- (13) R.D. JAISWAL - DPTI/GKP
- (14) R.P. SAH - DPTI/GKP
- (15) SHISHIR KUMAR - DPTI/GKP

DRM(P)/LJN

TRUE COPY



पूर्वोत्तर रेलवे  
कार्यालय अदेश

सहायक सचिव (कारिग) / गोरखपुर के पत्रांक ई/210/15/0/ भाग-111/ टीटीआई/0/ के दिनांक 24/25-1-89 के अनुसार इस कार्यालय द्वारा जारी शपथ सं० ई/111/59/4/परि०वा०/रिस्ट०. दिनांक 31-3-89 के परिपेक्ष्य में डीटीआईआई एवं टीटीआई० ग्रेड 'ए' के वर्तमान 1600-2660/1400-2300 के बड़े हुए पदों को भरने के लिये निम्नलिखित पदोन्नति आदेश जारी किये जाते हैं :-

नाम	वर्तमान पद व वेतनमान	स्थान	पदोन्नति पद व वेतनमान	वर्तमान वेतन	पदोन्नति पर वेतन
1- सर्व श्री- वी० एन० मिश्र	टीटीई/ ग्रेड-ए 1400-2300	लखनऊ	डीटीआईआई 1600-2660	1720/-	1750/-
2- राजेश्वर सिंह धालीवाल	टीटीई 1200-2040	रेलवे बोर्ड में कार्यरत	टीटीई/ ग्रेड-ए 1400-2300	1800/-	1900/-
3- सुभाष अहमद	"	सह यालय देस्ता/ गोरख०	"	"	"
4- सी०के० सेठ	"	लखनऊ ज०	"	1600/-	1680/-
5- राजेश्वर प्रसाद	"	"	"	1600/-	1680/-
6- वाई० एन० यादव	"	सीपीए	"	1600/-	1720/-
7- एस०एम० अली	"	"	"	1600/-	1720/-
8- पुष्पोत्तम	"	गोण्डा	"	1500/-	1560/-
9- अखतार हुसेन सिद्दीकी	"	लखनऊ ज०	"	1500/-	1560/-
10- सुगरी प्रसाद श्री वास्तव	"	गोरखपुर	"	1600/-	1680/-
11- आर०के० राय	"	"	"	1600/-	1680/-
12- एस०बी० जयसवाल	"	"	"	1600/-	1680/-
13- एस०सी० सन्तार	"	"	"	1500/-	1560/-
14- वी०एस० सिंह	"	लखनऊ ज०	"	1500/-	1560/-
15- आर०के० टण्डन	"	"	"	1500/-	1560/-
16- राजेश्वर प्रताप सिंह	"	गोण्डा	"	1500/-	1560/-
17- पी०पी० एन० श्रीवास्तव	"	"	"	1500/-	1560/-
18- कृष्ण बिहारी श्रीवास्तव	"	गोरखपुर	"	1500/-	1560/-
19- जय किशन (अनु०जा०)	"	गोण्डा	"	1200/-	1400/-

केवल उन्नीस मात्र

(.....2)

*[Handwritten Signature]*

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सर्व श्री					
21-	राजेंद्र (अनुजा)	टीटीई 1200-2040	लखनऊ जं० गोण्डा	टीटीआई ग्रेड.ए 1400-2300	1200/- 1400/-
22-	राजेंद्र प्रसाद भारती (अनुजा)	"	लखनऊ जं०	"	1200 /- 1400/-

पदोन्नति एसपीइ, सतंता, डीएआर से मुक्त होने पर ही प्रभावी होगी। उपर्युक्त पदोन्नति के फलस्वरूप एरियर, प्रोफार्मा फिक्सेशन देय नहीं होगा। इस पद प्रमवाशि/मवाशि का अनुमोदन प्राप्त है।

*[Signature]*  
रुते मण्डल रेल प्रबन्धक (का०)  
लखनऊ।

सं० ई/11/205/15/अपग्रेडिंग/टीटी ई/89, दिनांक/ 23-6-89

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महाप्रबन्धक/का०/गोरखपुर को उनके उक्त पत्रांक के सम्बन्ध में ।
- 2- प्रमलेधि/लखनऊ ।
- 3- सीटीटीआई/स्त्री पर एवं रेड/गोरखपुर, गोण्डा, लखनऊ जं०, सी०पी०ए० ।
- 4- स्टेशन अधीक्षक/गोरखपुर, गोण्डा, लखनऊ जं० एवं सीपीए।
- 5- सहाधि/गोण्डा
- 6- सलेधि/गोण्डा
- 7- क्षेत्रीय अधीक्षक/गोरखपुर ।
- 8- क्षेत्रीय प्रबन्धक/गोण्डा ।
- 9- कार्यालय अधीक्षक/बिल, पास, फोर् डर, एवं वाणिज्य ।
- 10- सी० सी०ओ/टी०सी०/गोरखपुर ।
- 11- सम्बन्धित कर्मचारी गण ।
- 12- मण्डल मंत्री/नर्म/पांआरकेएस/गोरखपुर ।

*[Signature]*  
रुते मण्डल रेल प्रबन्धक (का०)  
लखनऊ ।

*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW-BENCH, LUCKNOW

A86

ORIGINAL AN. NO. 153 OF 1989(L)

S.U. KIDWARI AND OTHERS ..... APPLICANTS

VERSUS

UNION OF INDIA AND OTHERS ..... RESPONDENTS.

COUNTER REPLY ON BEHALF OF RESPONDENTS  
NOS. 5 TO 8.

1. That the contents of para I of the applicant are not disputed except that the distribution of the posts has not been made <sup>ir</sup>regularly as alleged. The impugned orders are valid and are suffering from no infirmity.

2. That in reply to the contents of para 6.1 and 6.2 of the application it is stated that there is no division in Ticket Checking wing at the stage of Rs.260-400. The recruitment is made in Ticket Checking wing in the scale of Rs.260-400. The incumbents working in the scale of Rs.260-400 are to opt for their group for future promotions. <sup>those who</sup> ~~However they~~ opted for the T.C. group ~~when~~ they are promoted against the post of T.C. Group <sup>while those who</sup> ~~but in case they~~ opted for T.T.E. group, ~~they~~ get

8/2/91

Required

chances of promotion in T.T.E. Group. The applicants have opted for T.C. Group and hence they have been given promotion against the post of T.C. Group. The answering Respondents Nos. 5 to 8 have however opted for T.T.E. Group hence <sup>they</sup> ~~have~~ been promoted against the T.T.E. Group post.

It is clarified that the T.C. Group posts are attached with stationery duties while the T.T.E. group posts are attached with moving/running duties. For the sake of ready reference a chart showing the channel of promotion in both the aforesaid groups in various scales of pay is being filed herewith as Annexure-BA1 to this Rejoinder ~~affidavit~~ Reply.

ANNEXURE-BA1.

3. That the contents of para 6.4 of the application need no comments in view of the reply furnished to paragraph 6.3 of the application.
4. That the contents of para 6.5 of the application are not disputed.
5. That the contents of para 6.6 of the application are not admitted as stated. The posts in the grade of Rs. 260-400 are not the posts of any group i.e. either of T.C. Group or of T.T.E. Group. The channel of promotion of T.C. Group

Prakash

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starts from the grade Rs. 330-500 onwards. Similarly the channel of promotion of T.T.E. Group starts from the grade of Rs.330-560 onwards. A vivid picture delineating various posts of T.C. Group of T.T.E. Group has already been given in Annexure R1 to this Rejoinder Reply.

6. That the contents of para 6.7 of the application are not admitted in as much as the promotions are made in any group on and from the grade of ;Rs.330-560 as indicated in Annexure-R1 to this Rejoinder reply. When an incumbent is promoted from the grade of Rs.260-400 to the grade of Rs.330-560 he has to opt his group of post. If he opts for T.T.E. Group then he is promoted to the grade of Rs.330-560 in T.T.E. Group but in case he opts for promotion in T.C. Group then he is posted in the grade of Rs.330-560 in T.C. Group posts.

7. That the contents of para 6.8 of the application are not admitted as stated. The strength of posts shown against the grades of posts of Rs.700-900, 550-750, Rs.425-640, 330-560 are not disputed. The posts in the grade of Rs.260-400 have wrong been included in T.C. Group and T.T.E.

Rejoinder

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Group and has also wrongly been bifurcated arbitrarily. The sanctioned strength of posts in the grade of Rs. 260-400 is 126. Accordingly the position of the sanctioned strength in T.C. wing stands as under:-

POST IN THE GRADE OF Rs.260-400 SANCTIONED  
STRENGTH = 126.

<u>Grade</u>	<u>No. of post in T.C. Group</u>	<u>No. of posts in T.T.E. Group</u>
700-900	1	1
550-750	2	2
425-640	<del>27</del> 24	49
330-560	43	176
<b>TOTAL</b>	<b>70</b>	<b>228</b>

Total Strength in Ticket Checking wing  
= 70+228+126 = ~~425~~ 424

8. There are 26 posts of Conductors in the scale of Rs. 425-640 in the Ticket Checking Wing which are to be included in T.T.E. Group.

8. That the contents of para 6.9 of the application are not denied to the extent it refers to Railway Board's letter dated 20.12.1983. It is further stated that the strength of posts is liable to be revised on prorata basis according to the variation of percentage. Consequently the strength of existing posts is liable to be

B.K. Kumar

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revised in accordance with the changed percentage.

19. That the contents of para 6.10 of the application are not disputed. However it is further stated that the percentage of total strength of posts have been calculated by counting all the strength of posts of both the groups. The revised total strength of posts is liable to be distributed in T.C. and T.T.E. Group on the basis of ~~ex~~ existing strength of posts in respective group by making a calculation on prorata basis.

It is worthwhile to point out that the total strength of T.C. Group posts is 70 while the total strength of T.T.E. Group posts is 228 as indicated in the preceding paragraph. 26 posts of Conductors have been included in the strength of 228 posts of T.T.E. Group. This was the sanctioned strength of posts in both the groups before restructuring. After restructuring the strength of posts in both the group (combined) comes as under:-

Reviewed

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TOTAL STRENGTH OF POSTS IN BOTH THE GROUPS  
AFTER RESTRUCTURING.

<u>Grade Rs.</u>	<u>No. of posts</u>
700-900	21
550-750	38
425-640	113
330-560	<u>147</u>
TOTAL	<u>319</u>

Hence the total strength of posts available in both the groups after restructuring is 319 which is to be distributed on prorata basis according to existing strength of posts in both the Groups i.e. 70 posts of T.C. Group and 202 posts of T.T.E. group excluding 26 posts of Conductors.

Now it would be convenient to calculate the increased total strength of posts in both the Groups by virtue of restructuring . The following calculation makes the position overt:-

<u>Total strength of T.C. Group posts</u>	<u>Total Strength of TT Group posts.</u>
70	202

Total strength of posts of both  
the groups =  $70 + 202 = 272$

Hence the revised total number of posts in T.C.  
group will be :

Since out of 272 total posts the total number  
of posts of T.C. Group is 70.

Prakash

Hence out of 319 total number of  
of posts will =  $\frac{70 \times 319}{272} = \underline{82}$  Posts

Similarly :-

The revised total number of posts in  
T.T.E. Group will be :-

Since out of 272 total post the  
total number of posts of T.T.E.  
Group is 202.

Hence out of 319 the strength of  
posts in T.T.E. Group will be =  $\frac{202 \times 319}{272}$   
= 237 Posts.

Now, therefore 82 number of total posts are available with T.C. Group which may be distributed in itself according to percentage and 237 posts may also be distributed among the posts in T.T.E. Group according to percentage by counting 26 post-  
of Conductors in the grade of Rs.425-640.

10. That the contents of para 6.11 of the application are not denied to the extent that a notification dated 17.10.1984 was issued but it was not based on the instructions of the Railway Board contained in Annexure-A1 to the application and the figures have not been calculated according to the percentage. The straight division of posts in 2 <sup>equal</sup> classes has been made irrespective

Not known

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of the existing strength. Since this calculation was ~~err~~ erroneous hence the mistake <sup>been</sup> has been rectified subsequently.

11. That the contents of para 6.12 of the application are denied as incorrect. It is further stated that the mistake was pointed out by the said recognised Union who was fully authorised for the same.

12. That the contents of para 6.13 of the application are denied except that the then Chief Commercial Superintendent issued an order dated 1.8.1988. It is further stated that some clarification for making proper calculations were ~~was~~ issued vide this order without considering the representation of the aforesaid Union and it was further provided in para 10 of the aforesaid letter dated 1.8.1988 that in case there is any calculation mistake the same may be corrected at Divisional level. Obviously the calculations were not made properly and there was an apprehension of creeping mistake hence the burden of recalculating and rectifying the mistake was left at the divisional level. This order is obviously based on wrong calculations in view of the

B. K. K. K.

calculations give in earlier paragraph of this Rejoinder Reply and in view of the Railway Board's instructions contained in Annexure-A1 to the application. A copy of the order dated 1.8.1988 was not endorsed to the recognised Union as the ~~as the~~ same was not final. The matter was sent to the Division for proper calculations and it was only thereafter the communication was to be made to the said recognised Union.

13. That the contents of para 6.14 of the application are denied as incorrect. The distribution of posts has not been made properly and calculation was erroneous.

14. That the contents of para 6.15 of the application are denied as incorrect except that the applicants are working against the posts of T.C. Group. Only applicant No. 1 was called for selection but since the restructuring was incomplete no selection was held as alleged. It is wholly incorrect to say that the applicants are due to be promoted.

15. That the contents of para 6.16 of the application <sup>are</sup> admitted. No selection could take place as the restructuring was itself incomplete

Rejoinder

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and the number of posts available in each Group was not properly worked out in conformity with the said Railway Board's letter contained in Annexure-A1 to the application.

16. That the contents of para 6.17 and 6.18 of the application are not admitted as stated. However, the Annexures filed as Annexure-A7 and Annexure-A8 are not disputed. It is further stated that since the proper calculations and checking was to be made in pursuance of para 10 of the letter dated 1.8.1988 contained in Annexure No. A3 to the application, it was made and the mistake was detected. Subsequently the letters were issued rectifying the ~~xx~~ mistake crept in the earlier orders/letters.

17. That the contents of para 6.19 of the application are denied as incorrect. The earlier calculations were obviously erroneously as proper percentage of posts was not calculated and the posts in the grade of Rs. 260-400 was also included while calculating the strength of posts of groups. The posts of Conductors were not properly added for the purpose to calculate the total strength of post of T.T.E. side. The posts of Conductors

B.K. Kumar

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in the grade of Rs. 425-640 are the posts belong-  
ing to TTE Group.

18. That the ~~pos~~ contents of para 6.20 of the  
application are denied as incorrect. The error  
crept in the earlier letter was simply rectified  
by subsequent letter and there was no illegality  
in it. The distribution of posts has been made  
cautiously by full application of mind. There  
is no estopple of <sup>against</sup> law. Now the implementation  
has also been made in the earlier grades on  
the basis of latest calculations which have  
been impugned in the instant application.

19. That the contents of para 6.21 of the  
application are denied as incorrect. The matter  
was properly considered and the error was  
rectified. The recognised Unions were watching  
the interest of the employees.

20. That the contents of para 6.22 of the  
application are denied as incorrect. It is  
further stated that no suggestions of the afore-  
said Unions were implemented but as a matter of  
fact the error has been rectified and the

Resubmitted

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24. That the contents of para 6.26 of the application are not disputed. Obviously as the vacancies were available in T.T.E. Group, the selection was held for filling those vacancies.

25. That the contents of para 6.27 of the application are denied.

26. That in reply to the contents of para 6.28 of the application it is stated that on account of restructuring the posts which were illegally shifted to improper group was brought to proper group and there was no illegality in it.

27. That the contents of para 6.29 of the application are denied as incorrect. The applicants have not been deprived of any benefit accrued in their favour by virtue of restructuring in accordance with Law and they have got no cause to agitate.

28. That the contents of para 6.30 of the application are denied as incorrect. The proper distribution of posts has already been made and the applicants will suffer no irreparable loss as alleged. Indeed if the proper orders are not allowed to be implemented the T.T.E. Group will suffer irreparable loss and the employees

*[Handwritten signature]*

belonging to T.T.E. Group will be deprived of the chances of promotion and their future will be jeopardised as most of them are approaching the date of superannuation. A number of T.T.E. Group employees who were fully entitled and eligible to be promoted to the next higher posts have been retired during the pendency of the case till now.

29. That the contents of para 6.31 of the application are denied as incorrect.

30. That the contents of para VIII of the application are denied. The applicants are entitled for no relief. The grounds urged by them are devoid of merit and the applicants' application deserves to be dismissed with cost.

30. That in reply to the contents of para VIII of ~~the~~ the application it is stated that the applicants are entitled for no interim relief. The balance of convenience lies in favour of the answering Respondents. The answering Respondents have already appeared in selection and have also been selected but owing to the interim orders passed by the Hon'ble Tribunal the answering Respondents are not able to get their due

By Respondent

A100

101

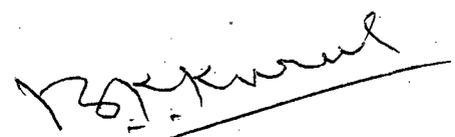
promotion.

31. That the contents of paras IX and X of the application need no comments. It is further stated that the verification of the contents of the application ~~have~~ has not been properly made by the applicants.

VERIFICATION

I, Bal Krishan A Kureel, aged about 52 years, son of late Sri K.L. Kureel, resident of Railway Quarter No.T-17- , North Eastern Railway Colony, Lucknow City Rly. Station, Lucknow <sup>and Purokar on behalf of Respond No 678</sup> do hereby verify that the contents of paras 1 31 of this Rejoinder Reply are true to my knowledge and that I have not suppressed any material fact.

Lucknow Dated:  
March , 1990.

  
RESPONDENT.

  
ADVOCATE

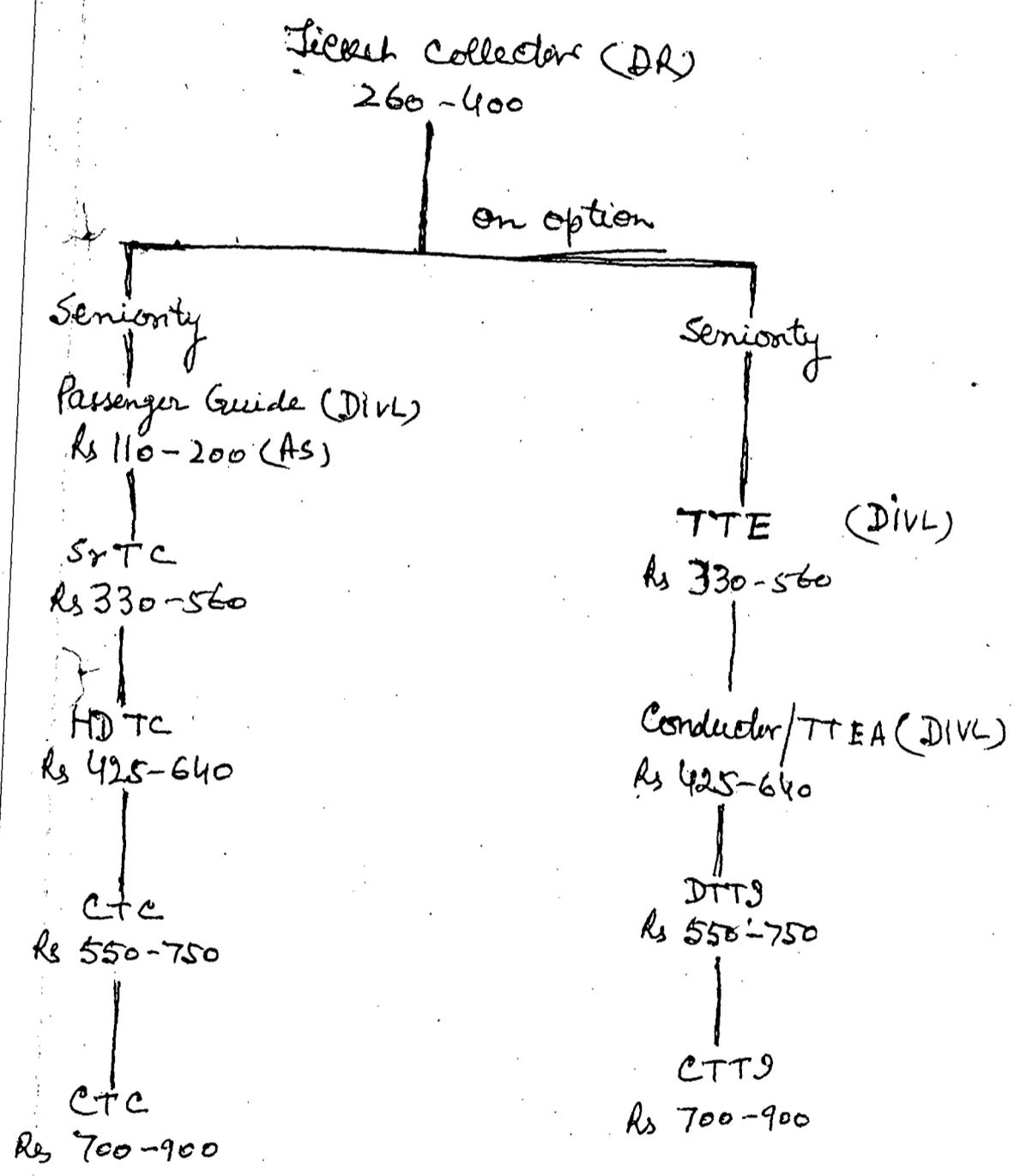
A101  
A/102

In The Hon'ble Central Administrative Tribunal, Allahabad  
Circuit Bench, Lucknow CA No 153 of 1989 (L)

S. U. Kidwai Polaris - - - - - Applicants  
via of India Polaris - - - - - Respondents

ANNEXURE CA-1

Channel of Promotion of Ticket checking staff



Proposed

A102

#103

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

O.A. No. 153 of 1989 (L).

Received copy on  
20/07/90 At 2.45 P.M.

Received  
(Per Si. O.P. Birmam)

S.U. Kidwai & others ... Applicants.

Versus

Union of India & others ... Respondents.

Rejoinder to the counter reply  
filed on behalf of respondents  
No. 5 to 8.

—

I, S.U. Kidwai, aged about 40 years, son of Sri Sami Uddin Kidwai, Chief Ticket Collector under Station Superintendent, N.E. Railway, Lucknow City, who is applicant no. 1 in the application filed under section 19 of the Administrative Tribunal Act, 1985 and has been authorised by other applicants to file this rejoinder, state as under :-

1. That the contents of para 1 of the counter reply, in so far as they relate to contents of para 1 of the application, call for no remarks. Rest are denied.
  2. That the contents of para 2 of the counter reply being not in relation to contents of paras 6(1) and 6(2) of the application are denied and the averments made in the said paras of the application are reiterated. It is however admitted that
- 20/7

the respondents 5 to 8 belong to T.T.E. Group.

3. That the contents of para 3 of the counter reply call for no remarks. The respondents have filed no reply to para 6(3) of the application.

4. That the contents of para 4 of the counter reply call for no remarks.

5. That the contents of para 5 of the counter reply which are not contrary to the averments made in para 6 (6) of the application are not denied. Rest are denied and the averments made in the said para of the application are reiterated.

It is pointed out that the respondents have wrongly referred and mentioned their counter reply as 'rejoinder reply' in paras 5 and 6.

6. That the contents of paras 6 of the counter reply which are not contrary to the averments made in paras 6 (6) and 6(7) of the application are not denied. Rest are denied and the averments made in the said paras of the application are reiterated.

7. That the contents of para 7 of the counter reply which are not contrary to the averments made in para 6 (8) of the application are not denied. Rest are denied and the averments made in the said para of the application are reiterated.

*Uchsi*

8. That the contents of sub para 1 of para 8 of the counter reply being not in reply to any para of the application are irrelevant and vague. However the correct position is available in Annexure No. A-4 to the application.

The contents of sub para 2 of para 8 of the counter reply which are not contrary to the facts mentioned in para 6 (9) of the application are not denied. Rest are vehemently denied.

9. That the contents of para 9 of the counter reply which are not contrary to the averments made in para 6 (10) of the application call for no remarks. Rest are denied. It is, however, submitted that the calculation of the posts as shown in para 10 of the application and their distribution in the two groups namely ' T.Cs and TTEs' as indicated in Annexure No. A-4 are correct and strictly according to the existing administrative policy and A.V.C.

In order to make the position more clear, it is relevant to mention the history of A.V.C. of the aforesaid two groups ( T.Cs and T.T.Es ) which is as under :-

- (a). In the year 1969, the Railway Administration had issued channel of promotion of all class III and IV<sup>staff</sup>. The channel of promotion ( called A.V.C. ) in relation to Commercial Department pertaining to the aforesaid two groups ( T.Cs and T.T.Es )

*AMS*

Annexure A-12.

is printed at page 20 of A.V.C. Booklet duly approved by the Railway Administration. A true photo stat copy of the said page 20 of the A.V.C. is being filed herewith as ANNEXURE NO. A-12 to this rejoinder.

- (b). Since in the aforesaid A.V.C. ( Annexure No. A-12), the T.C. group was discriminated in the matter of promotion in higher grades viz Rs. 370-475 and Rs. 450-575, the Railway Administration, by a Corrigendum No. 7 issued on 29.4.1972, modified the previous A.V.C. ( Annexure No. A-12 ) and provided chance of promotions to the T.C. group in the aforesaid grades alongwith the T.T.E. group. A true copy of the said corrigendum issued on 29.4.1972 is being filed herewith as ANNEXURE NO. A-13 to this rejoinder.

Annexure A-13.

- (c). Thereafter, the Railway Administration, after due application of mind and consultations with the recognised Unions, issued Corrigendum No. 19 on 23.5.1974 by means of which the previous A.V.C. ( Annexure No. A-13 ) was further modified in favour of the aforesaid two groups ( T.Cs and T.T.Es ). By this corrigendum, the aforesaid two cadres were made separate cadres upto the scale of Rs. 425-640 and thereafter, they were merged for promotions in scale Rs. 550-750 and thereafter in scale Rs. 700-900 on selection basis. True copy of the said Corrigendum no. 19

ADP

(5)

A106

A/107

Annexure A-14.

is being filed herewith as Annexure No. A-14 to this rejoinder.

- (d) After the receipt of restructuring under the Railway Board's Letter dated 20.12.1983 ( Annexure No. A-1), the Railway Board, by their Letter No. E(NG)I-84-PM 3-15 dated 25.8.1984, made a proposal to combine the aforesaid two cadres ( T.Cs and T.T.Es) for maintaining one seniority list from the very beginning for their future advancement and invited objections/remarks of the North Eastern Railway thereon. The said Railway, on the said letter of the Railway Board, invited suggestions from the recognised Unions.

The General Secretary of North Eastern - Railway Mazdoor Union ( NERMU ), vide his letter No. NERMU/AVC/2 dated 19.10.1984, suggested that the merger, as proposed by the Railway Board, should be made operative and applicable on those staff who join Ticket Checking Branch on or after 1.11.84 and that since the number of higher grade posts in both side i.e. T.T.E. and T.C. are equal, they should be allowed to seek promotion in their own branches. A true copy of the said letter dated 19.10.1984 of the General Secretary, NERMU is being filed herewith as ANNEXURE NO. A-15 to this rejoinder.

Annexure A-15

- (e) The Railway Administration, after considering all aspects and suggestions of recognised

Annexure A-16.

Unions, issued Letter No. E/210/15/0/Pt-III/TTE/VI dated 20/21.11.1984, a true copy of which is being filed herewith as ANNEXURE NO. A-16 to this rejoinder, to the respondent no. 4 and decided that there would be no merger of the aforesaid two cadres at any stage and that the T.Cs cadre and T.T.Es cadre from grade Rs. 330-560 right upto grade Rs. 700-900 would be independent for promotion and there would be no merger of the two cadres at any intermediate point i.e. Rs.-550-750 or Rs. 700-900. A copy of the said decision was sent to the Railway Board as well as to both the recognised Unions in reference to their suggestions. It was further decided to bring the combined cadre scheme, as proposed by the Railway Board, into effect from 1.12.1984.

Annexure-17.

(f). Thereafter, the Railway Administration, by a supplementary order issued under Letter No. E/210/15/0/Pt.III/TTE/VI dated 16/17.5.1985, further decided that the groups in which T.Cs and T.T.Es were working on 31.12.1983 would be deciding factor in regard to their further advancement. They would continue in the category in which they are working but would be adjusted in their own categories in future vacancies. A true copy of the said supplementary order is being filed herewith as ANNEXURE NO. A-17 to this rejoinder.

Thus the decision contained in Annexure No. A-4 and the distribution of posts in the aforesaid two cadres as indicated therein are strictly in accordance with the afore-mentioned established policy and administrative orders and instructions

and there is nothing wrong warranting any change therein as desired by the respondents.

10. That the contents of para 10 of the counter reply which are not contrary to the facts mentioned in para 6 (11) of the application are <sup>not</sup> denied. Rest are denied in view of the submissions made in para 9 of this rejoinder. The respondents are required to a strict proof of the allegations contained in the para under reply. Averments made in the said para of the application are, therefore, reiterated.

11. That the contents of para 11 of the counter reply are denied and the averments made in para 6(12) of the application are reiterated.

12. That the contents of para 12 of the counter reply are denied and the averments made in para 6(13) of the application are reiterated. It is further submitted that the decision contained in Annexure No. A-4 is based on the A.V.C. and administrative orders as already indicated in para 9 of this rejoinder. The averments made in the para under reply are mis-leading and the respondents have mis-read and mis-interpreted Annexure No. A-4. Para 10 of the said Annexure does not empower the Divisional - Authority to change the established policy on the basis of which the calculation was made. It only empowers the

said authority to rectify the calculation mistakes detected in the said Annexure. On the demand of the respondents/Union established policy in application

Annexure No. A-4 is violative of the instructions contained in Railway Board's letter ( Annexure No. A-1) .

13. That the contents of para 13 of the counter reply are denied and the averments made in para 6 ( 14 ) of the application are reiterated.

14. That the contents of para 14 of the counter reply are denied and the averments made in para 6 ( 15 ) of the application are reiterated.

15. That the contents of para 15 of the counter reply, in so far as they relate to reply of contents of para 6 ( 16 ) of the application, call for no remarks. Rest of the contents of the para under reply are wrong, misleading, hence they are denied. The respondents are required to a strict proof of their allegation that the number of posts available in each group was not properly worked out in conformity with the Railway Board's letter contained in Annexure No. A-1.

16. That the contents of para 16 of the counter reply are denied as stated and the averments made in para 6(17) and 6(18) of the application are reiterated. Other allegations contained in the para under reply are also denied. The respondents have wrongly referred to para 10 of the letter contained in Annexure No. A-3.

17. That the contents of para 17 of the counter reply are wrong and misleading, hence denied ~~and the averments made in para~~

*Handwritten signature/initials*

and the averments made in para 6 ( 19 ) of the application are reiterated.

18. That the contents of para 18 of the counter reply are denied and the averments made in para 6(20) of the application are reiterated. Further the contents of the para under reply are wrong and misleading and the respondents are required to a strict proof of the same. The moreso, the averments of the para under reply are also vague.

19. That the contents of para 19 of the counter reply are wrong and misleading, hence denied and the averments made in para 6(21 ) of the application are reiterated.

20. That the contents of para 20 of the counter reply are wrong and misleading, hence they are denied and the averments made in para 6 (22) of the application are reiterated. It is further submitted that Annexure No. A-8 is self explanatory of its being illegal, arbitrary and malafide.

21. That the contents of para 21 of the counter reply are denied and the averments made in para 6(23) of the application are reiterated.

22. That the contents of para 22 of the counter reply are denied and the averments made in para 6(24) of the application are reiterated. The impunged orders are illegal, arbitrary and malafide rather discriminatory violative of Articles 14 and 16 of the Constitution.

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23. That the contents of para 23 of the counter reply, in so far as they relate to contents of para 6(25) of the application, call for no remarks. Rest are denied.

24. That the contents of para 24 of the counter reply, in so far as they relate to contents of para 6(26) of the application, call for no remarks. Rest are denied.

25. That the contents of para 25 of the counter reply are denied and the averments made in para 6(27) of the application are reiterated.

26. That the contents of para 26 of the counter reply are denied as stated and the averments made in para 6(28) of the application are reiterated.

27. That the contents of para 27 of the counter reply are denied and the averments made in para 6(29) of the application are reiterated.

28. That the contents of para 28 of the counter reply are wrong and misleading, hence they are denied and the averments made in para 6(30) of the application are reiterated. It is pointed out that the respondents have no right to make such averments in the para under reply in the representative capacity of the staff of T.T.E's group.

29. That the contents of para 29 of the counter reply are denied and the averments made in

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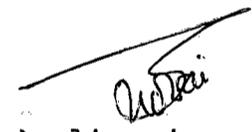
para 6(31) of the application are reiterated.

30). That the contents of para 30 of the counter reply are denied. The applicants, in the facts and circumstances of the case, are entitled to the relief claimed under para VII of the application.

31. That the contents of para 30 of the counter reply are denied. It is pointed out that para under reply has wrongly been numbered as para 30 of the counter reply.

32. That the contents of para 31 of the counter reply call for no remarks in so far as they relate to contents of para X of the application. It is denied that the verification has not been done properly by the applicants.

Lucknow:  
Dated: -3-1990.

  
Applicant.

Verification.

I, the above-named applicant, do hereby verify that the contents of paras 1 to 32 of this rejoinder are correct to my own knowledge and that I have not suppressed any material fact.

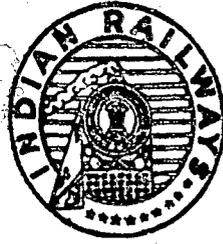
Lucknow:  
Dated: -3-1990.

  
Applicant.

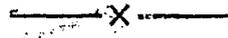
A-12

A.113

A/114



NORTH EASTERN RAILWAY



Channels of Promotion  
OF  
Class III & IV Staff

(AVENUE CHART)

CODE—A. V. C.

Corrected up to 31st July, 1969

v  
u  
w  
z

Issued By  
GENERAL MANAGER (P),  
GORAKHPUR.

Dated.....

*W.S.*

COMMERCIAL DEPARTMENT

TICKET CHECKING STAFF

T. C. 110-180

(DR) (D)

on Option

ENQUIRY-cum-RESERVATION CLERKS GROUP

Enquiry-cum-Reservation Clerks (a) (b) 150-240

Non-Selection

Assistant Supervisors Enquiry & Reservation 205-280 (Deptt.)

Selection

Supervisors Enquiry & Reservation 250-380 (Deptt.)

Selection

Chief Supervisor Enquiry & Reservation 370-475 (Deptt.)

Seniority  
P. Guides (D) 110-200

Seniority

Sr. T. C. (D) 150-240

Platform. Insp. (Deptt) (205-280) Selection

Hd. T. C. (D) 250-380

Seniority

C. T. C. (Deptt.) 335-425

Seniority  
T. T. E. (D) 130-212

Seniority

Sr. T. T. E. (D) 150-240

Seniority Cum-suitability

Conductor (D) 205-280

Selection

T. T. I./ Conductor (D) 250-380

Seniority

T. T. I. (Deptt.) 335-425

Selection

T. T. I. (Deptt.) 370-475

Seniority

C. T. I. (Deptt.) 450-575

NOTE.—(a) The posts of Enquiry-cum-Reservation Clerks in the Grade Rs. 150-240 will be "Selection" posts to be filled from amongst staff who volunteer for absorption in the category from Commercial categories, namely T. Cs. (110-200), T. T. Es (130-212), Goods, Luggage, Parcel and Booking Clerks (110-200) T. R. Cs. (110-200), Passenger Guides (110-200), with not less than 3 years service.

(b) There will be no direct recruitment to the post of Enquiry-cum-Reservation Clerks (150-240) but once staff from other Commercial categories have offered for selection and have been drafted as Enquiry-cum-Reservation Clerks, they would seek further promotions in that cadre only. They will, however, be eligible for higher grade posts of commercial Inspectors and above in Commercial Department alongwith other eligible staff.

(c) The suitable staff in the authorised scales of Rs. 110-180, 110-200 and Rs. 130-300 (AS) are also deputed to work as Announcers normally for the terms of two years during which they are paid Rs. 25/- P. M. as special pay.

NOTE.—(1) Once a T. C. (110-180) opts for his promotion in TTE Group, he will have no claim for his promotion in TC Group. The change of option in special cases will be treated as case of group transfer. In administrative interest it will be better to have option from TCs. at the time their apptt. and to maintain seniority of each group separately.

(2) The suitable staff in the authorised Scale of Rs. 110-180, 110-200 and 150-240 are also deputed to work as Announcers, normally for the terms of two years during which they are paid Rs. 25/- P. M. as special pay.

Sd./-

Chief Commercial Supdt.

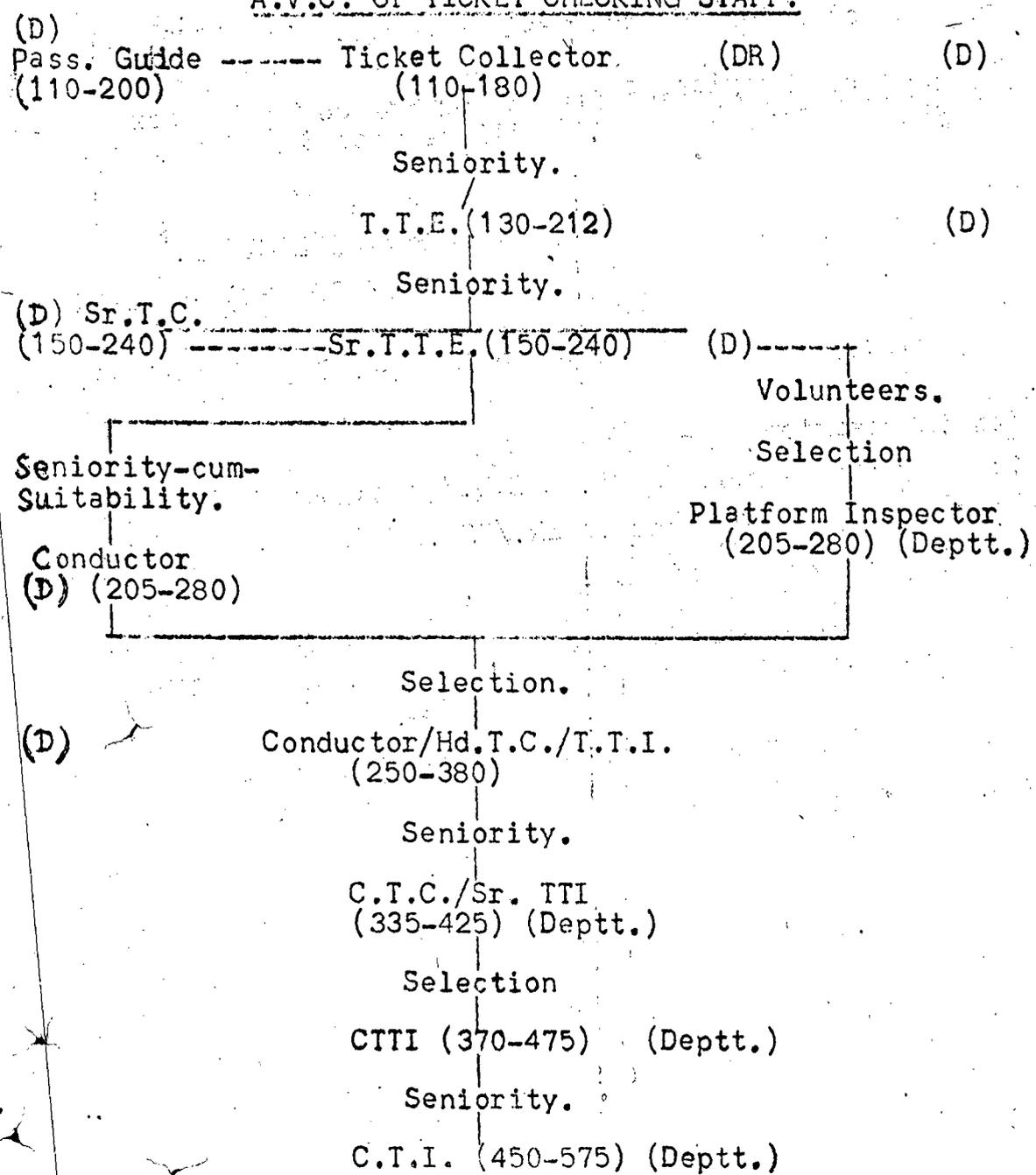
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A114  
1/15

COMMERCIAL DEPARTMENT: CORRIGENDUM NO: 7. N.E.RAILWAY. **AHS**

Substitute the following for the A.V.C. of TICKET CHECKING Staff at Page 20 of the Booklet "CHANNEL OF PROMOTION OF class III and IV Staff (corrected upto 31/7/69).

A.V.C. OF TICKET CHECKING STAFF.



- NOTE:- (a) D.R. Means direct recruitment. 66-<sup>2</sup>/<sub>3</sub>% of the post of T.C. will be filled through Railway Service Commission and 33 1/3rd% from promotion from Class IV Staff including staff in scale Rs. 105-135 outside office of the division concerned after selection against reserved quota.
- (b) (D) means each Traffic-division will form one unit for promotion.
- (c) (Deptt.) means departmental-All Traffic Divisions will form one unit of promotion.
- (d) TTE (130-212) will normally seek promotion to the category of Sr.T.C.(150-240) and then he will be posted as Sr.TTE (150-240) on seniority basis.
- (e) Passenger Guides in the scale Rs.110-200 should take their place in the seniority list of TCs grade (110-180).
- (f) Normally Conductor (205-280)/Platform Inspector (205-280) will first be promoted as Conductor (250-380) and then to Hd.T.C.(250-380) and then to TTI (250-380) strictly in order of seniority.
- (g) Normally C.T.C. (335-425) will be promoted to Sr.TTI (335-425) by Seniority.

*[Handwritten signature]*

A116

(h) Date of effect of the revised A.V.C. 1/5/1972. ~~X/X~~

(i) Validity of options already exercised by TCs for post of TTE or LR. T.C. will be upto 30/4/1972.

Sd/- ILLEGIBLE.  
for CHIEF COMMERCIAL SUPDT.

No: E/210/1-4(IV)

GORAKHPUR: DATED: 29/4/1972.

Copy for information to:-

- (1) The Chief Comml. Supdt./N.E.R./Gorakhpur;
- (2) The Divisional Supdts./IZN./BSB./SPJ./LKO.
- (3) All Personnel Officers.
- (4) The General Secretaries, N.E. Railway Mazdoor Union and N.E.Railway Employees Union (PRKS)/Gorakhpur.

Sd/- ILLEGIBLE.  
for GENERAL MANAGER (P)

RPSRs29.4.

*[Handwritten signature]*

CORRIGENDUM NO: 19.

N.E. RAILWAY.

ANNEXURE NO

**A-14**

COMMERCIAL DEPARTMENT.

Substitute the following for the AVC of TICKET CHECKING STAFF in CORRIGENDUM NO: 7 issued under this office No: E/210/1-4(IV), dated 29/4/72.

A.V.C. FOR TICKET CHECKING STAFF.

Ticket Collector (DR)  
Rs. 110-180 (AS)/Rs. 260-400 (RS)

Seniority.

Passenger Guide (Divl.)  
110-200 (AS)

Senior TC (Divl.)  
150-240(AS) Rs. 330-560(RS)

On option. Seniority.

T.T.E. (Divl.)  
130-212 (AS)  
150-240(AS)/Rs. 330-560(RS)

Volunteers.

Platform Inspector (DP) Rs. 205-280 (AS)  
Rs. 425 - 640 (RS).

Head Ticket Collector (Divl.)  
Rs. 250-380 (AS) Rs. 425-640 (RS)

Conductor / TTI (Divl)  
Rs. 205-280(AS) Rs. 250-380(AS)  
Rs. 425-640. (RS)

Chief Ticket Collectors/Sr. TTI (DP)  
Rs. 335 - 425 (AS)  
Rs. 370-475(AS)/ Rs. 550 - 750 (RS)

Chief T.T.I. (DP) Rs. 450-575 (AS)  
Rs. 700 - 900 (RS)

NOTE :- (a) D.R. Means direct recruitment. 66 2/3rd% of the posts of Ticket Collector will be filled in through Railway Service Commission, and 33.1/3% by promotion from Class IV Staff including staff in scale of Rs. 105-135(AS) outside office quota of the Division concerned after selection against reserved-quota. (b) Once a T.C. (Rs. 110-180/AS/Rs. 260-400 (RS)) opts for his promotion in T.T.E's group he will have no claim for his promotion in T.Cs group, till eligible for Chief T.C./Sr. T.T.I. (Rs. 550-750) (RS).

It will be better to have option from T.Cs at the time of their appointment and to maintain the seniority of each group Separately. Option once exercised will be final.

(c) Divl. means each Traffic Division which will form one unit for promotion.

CONTINUED TO PAGE-2.(PTO)

*[Handwritten signature]*

(d) D.P. means departmental. All Traffic Divisions will form one unit for promotion.

(e) Sr. T.Cs /T.T.Es in scale Rs. 330-560 (RS) will be promoted as Platform Inspector in scale Rs.205-280(AS) on option and then as Head T.C. Rs. 425-640 (RS).

NOTE :- On receipt of the Revised Scale of Platform Inspector further amendment in the A.V.C. will be made, if necessary.

(f) Passenger Guide in scale Rs. 110-200 (AS) should take their place in the seniority list of Ticket Collectors in scale Rs. 110-180 (AS) Rs. 260-400 (RS).

(g) Head T.Cs /Conductors/T.T.Is scale Rs. 425-640 (RS) will be first promoted as C.T.C. Rs. 550-750 (RS) and then as Sr. T.T.I. Rs. 550-750 (RS).

Sd/- H.N. KIDWAI,  
CCS/Gorakhpur.

No: E/210/1-4 (IV)

Gorakhpur: 23rd. May, 1974.

Copy forwarded to:-

1. Divl. Supdts., N.E. Railway, LZN./LJN./BSB./SPJ;
2. All Personnel Officers, N.E. Railway;
3. Addl. CCS/G & Addl. CCS (CP) / Gorakhpur;
4. General Secretary, NERMU/ NEREU(PRKS)/Gorakhpur.



Central Office

N.E. Rly. Mazdoor Union  
Gorakhpur.

Dated: 19.10.1984

No. NERMU/AVC/2

The Chief Personnel Officer,  
N.E. Railway,  
Gorakhpur.

Sub: Avenue of promotion

Dear Sir,

Ref: Your office letter No.  
E/210/15/1/Pt.II/VI dt, 14.9.84.

The avenue of promotion as suggested by the Railway Board in the category of Ticket Checking Branch vide their office letter No. E(NG)1-84-FM3-15 dated 25.8.84 have been considered in detail.

In the North Eastern Railway we had a set of procedure by which the Ticket Checking staff used to get advancement. The departure to that effect altogether will create many complication. The matter has been considered taking into consideration of aspects and are as follows:-

(1) Para 2 of the suggestion of the Board as communicated vide their D.O. letter No. E(NG)1-84-FM3-15 dated 25.8.84 viz. merger of TC's and TTE's from the very beginning be made applicable for those who joint Ticket Checking Branch as fresh entrants on or after 1.11.84.

A copy of the AVC which exist for the present as circulated vide GM/P/GKP letter No. E/210/1-4/IV dated 23rd. May, 1974 may be sent to the Railway Board alongwith the following remarks:

A copy of the AVC which exist for the present as circulated vide as under:-

"Hd. T.C./Conductor/TTI scale 425-640(RS) will be first promoted as Chief T.C. in scale 550-750(RS) and then as Sr. TTI 550-750"

This footnote has now become redundant in view of the Railway Board's directive as contained in para 7 of their letter No. PC III/80/UPG/19 dated 20.12.83 which reads as under:-

"In all the categories covered by this letter even though post in higher scale of pay have been introduced as a result of restructuring the basic function, duties and responsibilities, attached to these post at present will continue to which may be added such other duties and responsibilities as considered appropriate."

In other words, the Union is of the firm view that there should not be any change of working of Head TC/Conductor/TTI on their promotion. As the number of higher grade posts in both side i.e. TTE, & TC are equal, they should be allowed to seek promotion in their own branch. This will create lesser hardship and it should be implemented w.e.f. 1.1.84 i.e. the date of orders revising the percentage of upgrading in the Ticket Checking cadre alongwith other staff as communicated by the Railway Board vide their office letter dated 20.12.1983.

All post of TTE/TCs upto 700-900 should be treated as Divisional. Employees working in cadre "D" in the Ticket Checking Branch viz. Coach attendant should have their promotion only to this branch. In other words the percentage of promotion from Cadre 'D' to Cadre 'C' the post of T.C. should be restricted only for Coach attendants.

Thanking you,

Yours faithfully,

Sd-/

( K.L.Gupta )

General Secretary

c.c. Copy to All Branch Secretaries  
NERMU for information & wide  
circulation.

in  
terms of  
para 7  
of Rly.  
Bl.'s  
letter  
dt.  
20.12.83

*WV*

ANNEXURE NO. **A-16**

A120

12/1

N.E. RAILWAY

OFFICE OF THE  
GENERAL MANAGER (P)  
GORAKHPUR

DATED : 20/21.11.1984

No. E/210/15/0/Pt. III/T.T.E./VI

The Divisional Rail Manager(P)  
N.E. Railway,  
LJN/BSB/IZN/SEE/SPJ.

Sub :- Avenue of Promotion of Ticket Checking Staff.

The Railway Board vide their letter No. E(NG)I-84-P/3-15, dated 25.8.84, intimated that a suggestion has been made to the Ministry that the cadres of Ticket Collectors and Travelling Ticket Examiners and their avenues of advancement should be common and that separate seniority list may not be maintained for these 2 categories. In other words, the suggestion is to have a common cadre of Ticket Collectors and Travelling Ticket Examiners. In support of the suggestion, it has been stated that a combined cadre gives greater flexibility to the administration in the posting and deployment of staff in ticket checking categories, keeping in view their aptitudes and their performance and having due regard at the same time the exigencies of administrative requirements. Further, a combined cadre can help in equalising the chances of promotion.

The Railway Board wanted to have the remarks of this Railway Administration on the above proposal. The Railway Board also wanted to know the manner of filling in the posts of Conductor at present and how these posts should be manned, if the categories of Ticket Collectors and T.T.Es are combined into a single cadre.

For considering the avenue of promotion of Ticket Checking Staff, recognised Unions were requested to give their suggestion. On receipt of the same, G.M. has considered all the aspects and have decided as under :-

At the present moment upto the scale of Rs. 425-640, The T.T.Es cadre and the TCs cadre are separate. The merger is taking place at Rs. 550-750 grade and thereafter Rs. 700-900 grade is a selection post for the combined cadre.

For the Commercial purposes, the work of the Ticket Collector and the T.T.E. are same in content. So, both the cadres will henceforth be a combined cadre. All the new entrants and those who are now working in the initial grade of Rs. 260-400/- on the T.C. side and LR T.C. side, will be utilised henceforth to T.T.Es side on the basis of seniority i.e. the senior will work on the line and juniors at stationary posts. The options so far taken from people to work as T.T.Es, and not yet promoted, should also be cancelled and they will all be put on a common pool.

Contd..(2)..

*[Handwritten signature]*

In order to protect the interest of people who have already been promoted from the initial grade to the higher grades on the basis of separate avenue of promotions. The avenues of the TC's cadre and T.T.Es cadre from grades Rs. 330-560/- right upto 700-900 will be independent for promotion and there will be no merger of the two cadres at any intermediate point i.e. Rs. 550-750 or Rs. 700-900. Over a period of time, the existing incumbents of a separate cadre will run out of the system and the combined cadre will get established at each level of promotion.

In principle the combined cadre scheme as described above will be brought in to effect from 1.12.84.

Board can also be informed that on this Railway we have decided on a combined cadre and we are implementing it from 1.12.84.

In view of the aforesaid G.M's decision, we have informed the Railway Board that we will act as per G.M's decision from 1.12.84.

As regards filling up the post of Conductor (425-640) at present it is filled on seniority and suitability basis from T.T.Es group working in grade Rs. 330-560. There will be no change in filling up these posts in future also.

You are, therefore, requested to kindly take action accordingly.

Sd/-

For General Manager (P).

Copy forwarded for information and necessary action to :-

1. The General Secretary/NERMJ, in reference to his letter No: NERMJ/AVC/2, dated 19.10.84.
2. President/P.R.K.S. Union in reference to his letter No. FRKS/C/AVC/84, dated 10.10.84.

Sd/-

For General Manager (P)

*Handwritten signature*

12/3  
A122

ANNEXURE NO. A-17

N.E. RAILWAY OFFICE OF THE GENERAL MANAGER (P)

GORAKHPUR

NO: E/210/15/O/Pt. III/TTE/VI Dated : May 16/17, 1985

The Divisional Railway Manager (P)  
North Eastern Railway  
IZN, LJM, BSB, SPJ., SEE

SUBJECT :- AVENUE OF PROMOTION OF TICKET CHECKING STAFF.

In continuation of this office letter of even number dated 20/21.11.84, following supplementary orders are passed regarding AVC of Ticket Checking Staff :-

" The groups in which TC's and TTE's were working on 31.12.83 would be the deciding factor in regard to their future advancement. They would continue in the category in which they are working but would be adjusted in their own category in future vacancies."

You are therefore requested to kindly take action accordingly.

Sd/- Illegible  
For General Manager (P)

Copy forwarded for information to :-

1. General Secretary, NERMU in reference to his letter No: NERMU/AVC-2, dated 18.2.85 ;
2. General Secretary, PRKS in reference to his letter no : PRKS/C/AVC/85, dated 27.2.85.

Sd/- Illegible  
For General Manager (P)

A123  
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124

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH LUCKNOW

.....

O.A.No. 153 of 1989(L)

S.U.Kidwai & Others.

....Applicant.

Versus

Union of India & Others

.... Respondents.

Application for the vacation of stay.

For the facts and circumstances narrated in the accompanying counter reply it is most respectfully prayed that the interim order granted by this Hon'ble Tribunal be vacated.

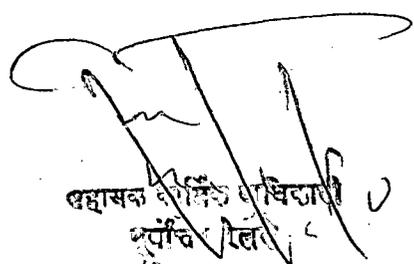
Such other orders as this Hon'ble Tribunal may deem fit in the circumstances of the case may also be passed.

  
(A.N.Verma )  
Advocate.

Counsel for the respondents.

Lucknow, dated,  
~~12/1989~~

RTI  
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5/11/90

  
उद्देश्यक विधिक परिषदा  
मुंबई/महाराष्ट्र

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

A124

125

.....

O.A.No. 153 of 1989(L)

.....

S.U.Kidwai & Others.

.....Applicant.

Versus

Union of India & Others

..... Respondents.

COUNTER REPLY

I, Balwant - Soni, A.P.O. / N.E. Dept.  
Gorakhpur

do hereby solemnly affirm and state on oath as under.

1. That I have <sup>been</sup> duly authorised on behalf of the respondent to file the counter reply and is fully conversant with the facts.

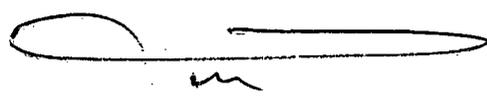
2. That I have gone through and understood the contents of counter reply along with the annexures.

3. That the contents of paragraphs 1 to 5 of the application under section 9 of the Administrative Tribunal Act do not call for reply.

4. That the contents of paragraph 6(1) to (vi) are not disputed as the same being matter of facts and record.

5. That the contents of paragraph 7 are not denied.

.....2/-



उत्तराखण्ड फार्मिक अधिपारी  
ए.ए.ए. रेलवे  
गोरखपुर

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6. That in reply to the contents of paragraph 8, the sanctioned strength of the post of each of the category is not disputed. However, the manner in which sanctioned strength is said to have been bifurcated is denied. The bifurcation is as follows:

<u>Pay Scale</u>	<u>No of post in T.C. Group</u>	<u>No of post in T.T.E. Group</u>
1.Rs. 700-900 (Rs)	1	1
2.Rs. 550-750 (Rs)	2	2
3.Rs. 425-640 (Rs)	24	49
4.Rs. 330-560 (Rs)	43	176
5.Rs. 260-400 (Rs)	111	15
Total:	181	243 - 424

7. That the contents of paragraphs 9 to 11 are not disputed.

8. That the contents of paragraph 12 are not admitted and as such are denied. The North Eastern Railway Mazdoor Union is a recognised union of the North Eastern Railway which represents the cause of all the employees belonging to and serving in the North Eastern Railway irrespective of facts as to which groups any of them belongs. The said Mazdoor union taking into account the entire aspect of the matter as well as the hardship of each of the groups/grade represented the matter to the Chief Commercial Superintendent (CCS) on the question of distribution of posts as a result of restructuring. The said representation was based on calculation made by the union and its representative. A true copy of the said representation is annexed here-to as Annexure No.1

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दुर्गाचर रेलवे

Ans

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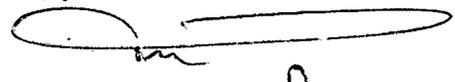
9. That in reply to the contents of paragraph 13 only this <sup>is</sup> such is admitted that <sup>the</sup> then Chief Commercial Superintendent (CCS) had earlier decided the matter vide order dated 1/8/1988. Rest of the averments as made are not admitted.

10. That the contents of paragraph 14 are not admitted as drafted. At the earlier stage facts and circumstances were not brought to the notice of the authority concerned, as a result there were light discrepancies in the question of distribution of posts.

11. That in reply to the contents of paragraph 15 it is not disputed that the applicants are working on the post as indicated in the paragraph under reply. It is, however, submitted that only applicant no. 1 was called for selection. <sup>R</sup> Rest of the averments as made in paragraph under reply are not admitted as drafted.

12. That in reply to the contents of paragraph 16 it is submitted that the selection was not held as the restructuring at the initial stage was not in conformity with the post in each branch.

13. That in reply to the contents of paragraphs 17 and 18 it is not disputed that Chief Commercial Superintendent (CCS) on 31/3/1989 took a decision regarding restructuring the post after considering the entire facts and circumstances elucidated by the Mazdoor Union. As has already been pointed out that the said union represents the cause of the workers in the North Eastern Railway, thus the facts and circumstances



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brought by the said union to the authority concerned was for the welfare and benefit of all the workers. <sup>1/28</sup>  
Since, the post of Ticket Collector (TC) is a common post and feeding post for both the groups, the idea behind the restructuring was that these posts should be distributed in proportion of sanctioned strength of each group to make good percentage fixed in lower grade for each group. Since demands of the union appear to be logical, it was agreed to and was decided on the question of restructuring and distribution of post to each group.

14. - That the contents of paragraph 19 are not admitted as drafted. The true position would emerge from the perusal of annexure referred to in the said paragraph.

15. That the contents of paragraph 20 are denied. The error which had crept in on the question of distribution of restructuring has been rectified vide dated 31/3/1989.

16. That the contents of paragraph 21 are not admitted as drafted. As has already been said the Mazdoor Union represents the cause of each individual of the North Eastern Railway.

17. That the contents of paragraph 22 are not admitted as drafted. The Chief Commercial Superintendent (CCS) has only rectified the error which had crept in.

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महाराष्ट्र राज्य रेल्वे  
ऑफिस  
मुंबई

18. That the contents of paragraph 23 are not denied. The higher grade posts occupied by the Ticket Collector (TC) group excess over to their share as per previous distribution, were given to Train Ticket Examiner (TTE) group which was due to them in order to correct implementation of restructuring in ticket checking cadre. In order to save the persons from the hardship who got promotion in higher grades in TTE side in accordance with the previous orders, it has been decided not to revert them, But in course of time whenever any vacancy arises in higher grade posts in TC side by means of natural wastage, etc., the same will be transferred to Train Ticket Examiner (TTE) side to the tune, it is due to them and this process will continue till the complete position gets established statements contrary to it are denied.

19. That the contents of paragraph 24 are not admitted as drafted.

20. That the contents of paragraph 25 are not disputed.

21. That the contents of paragraph 26 are not denied. Since the wrong done due to mis-interpretation of the Board's letter dated 20/12/1983 has since been rectified and nothing left for representation from either side. In order to fill up the vacancies of CTTI (700-900/2000-3200) dt. 5/6/1989 and test was held on 24/6/89 and absentee written test on 1/7/89 was conducted and the staff eligible in Train Ticket Examiner (TTE) side were called for the test.

22. That the contents of paragraph 27 are not admitted as drafted. As no vacancy exists in

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काठमाडौं

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the scale 700-900/2000-3200 in T.C. side , no selection can be held and as such the question of depriving any body from promotion does not arise.

23. That the contents of paragraph 28 and 29 are not disputed.

24. That the contents of paragraphs 30 and 31 are not admitted as drafted.

25. That none of the grounds set-forth in the application warrants interference by the Hon'ble Tribunal. The application is totally devoid of merits and as such is liable to be dismissed with cost.

Deponent.

VERIFICATION

I, above-named do hereby verify that contents of paragraph 1 and 2 of this counter reply are based on personal knowledge and that of paragraph 3 to 24 are based on information derived from the records which are believed to be true and that of paragraph 25 are based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Deponent.

Gorakhpur  
Lucknow, dated,  
4.1.90  
12/1989

Deponent.  
[Signature]  
[Stamp]

[Signature]  
[Stamp]

(सीत) एनओरेलवे मजदूर युनियन ( NERMU )

A130  
A/131

(ट्रेड युनियन ऐक्ट के अन्तर्गत पंजीकृत .अल इण्डिया रेलवेमेन्स फेडरेशन एवं  
हिन्दू मजदूर संघ। से सम्बन्ध तथा एनओरेलवेप्रशासन द्वारा मान्यता प्राप्त)

उपस्थित- उमराकर सिंह

महामंत्री-कल्याण लाल गुप्त

केन्द्रीय कार्यालय  
गोरखपुर-273012

पत्र सं० NERMU/UPS/25

दिनांक 07-08-1989

The Chief Personnel Officer,  
North Eastern Railway,  
Gorakhpur.

( for kind attention of Sri R.N.Tewari )

Dear Sir,

Sub:- Restructuring of Ticket Checking staff.

Ref:- Sri K.P.Singh, SPO/HQ/GKP's D.O.letter No.  
E/210/15/O/Pt.III/TTE/VI dated 1.8.88  
addressed to Sr.DPO/LJN and copy to All  
Sr.DPO's and to General Secretary, N.E.R.M.U.

The demi official letter referred to above have been gone through very minutely and it is seen that the administration has not been able to submit to facts of the case. In this context a reference is invited to this office letter No.NERMU/UPG/25 dated 12.3.88 in regard to calculation and and distribution of posts in restructuring of Ticket Checking cadre.

A statement showing calculation of higher grade posts and its distribution amongst TTE/TC groups including CCS Squad and conductor as on 1.1.84 was enclosed with our letter dt. 12.3.88. A comparison of the calculation of our statement of LJN div. and Calculation of Administration of LJN Div. indicate difference of only one or two posts due to rounding off. What is glaring deviation is about distribution of higher grade post in between TC side and TTE side.

According to the union there was no discrepancy of distribution in the statement enclosed with our letter as on 1.1.84. This statement was computed on the basis of the posts as on 31.12.83 and higher grade posts as on 1.1.84 were taken into account on the basis of restructuring of the posts. The statement of the administration ( at page 3) about higher grade calculation which should be as under :-

LACKNOW DIVISION

Grade	T.C.		T.T.E.	
	As shown by C.P.O.	As shown by NERMU	As shown by C.P.O.	As shown by NERMU
700-900	9	5	12	16
550-750	16	9	22	29
425-640	52	28	61	87

contd. ..2

Grade	T.C.		NERMU	
	As shown by CPO	As shown by NERMU	As shown by CPO	As shown by NERMU
Conductor 425-540	-	-	26	26
330-560	40	36	107	111

A/132

Due to rounding off.

It transpires that while making distribution due care has been taken and therefore the figures are still to be reconciled.

I shall be very much thankful if you will kindly direct Sr. DPO/NERly/Lucknow to get the figures reconciled with our representative S/Shri Wafa Husain, Divl. Secretary, NERMU, V.P. Agerwal, Org. Secretary, NERMU and R.P. Serma, member.

This may kindly be treated as very very urgent.

Thanking you.

Yours faithfully

Sd.  
Genl. Secretary

Copy to :-

Sr. DPO/NE.Rly./Lucknow for information and immediate action.

Genl. Secretary.

*True copy*  
*Attested*  
*[Signature]*

सहायक कार्मिक अधिकारी  
पूर्वांचल रेलवे  
गोरखपुर

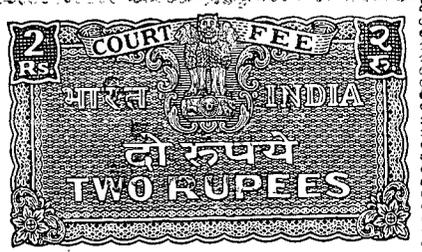
19.12.81

A132

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

A/132

O.A. No. 153 of 1989 (L).



S.U. Kidwai & others ... Applicants.

Versus

Union of India & others ... Respondents.

Rejoinder Affidavit.

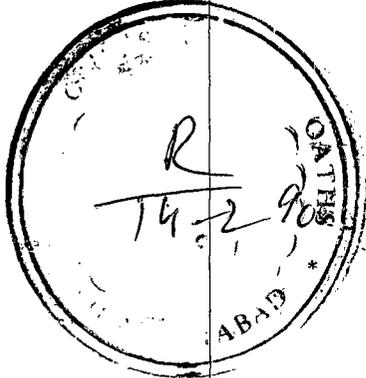
I, S.U. Kidwai, aged about 40 years, son of Sri Sami Uddin Kidwai, Chief Ticket Collector under Station Superintendent, N.E. Railway, - Lucknow City, do hereby solemnly affirm and state on oath as under :-

*[Handwritten signature]*

1. That the deponent is applicant no. 1 in the above case and is fully conversant with the facts. He has read and understood the contents of the counter reply filed on behalf of respondents and has been authorised by other applicants to file this rejoinder affidavit on their behalf also.

2. That the contents of paras 1 and 2 of the counter reply call for no remarks.

3. That the contents of para 3 of the counter <sup>reply R</sup> call for no remarks. It is, however, clarified that the application has been filed



*[Handwritten signature]*

under Section 19 of the Administrative Tribunals Act, 1985 and not under section 9 of the said Act as alleged in the counter reply.

4. That the contents of para 4 of the counter reply call for no remarks.

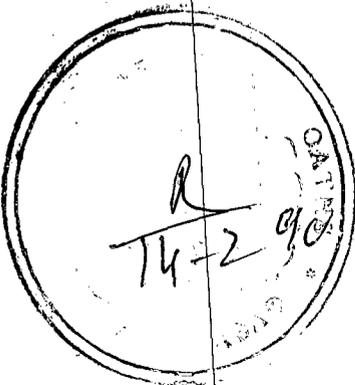
5. That the contents of para 5 of the counter reply need no reply.

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

7. That the contents of para 7 of the counter reply call for no remarks.

8. That the contents of para 8 of the counter reply are denied as stated and the averments made in para 12 of the application are reiterated.

It is incorrect to allege that North Eastern Railway Mazdoor Union is the only recognised Union of Northern Eastern Railway which represents the cause of all the employees belonging to and serving the said Railway. There are two recognised Unions in North Eastern Railway namely the ' Poorva Uttar Railway Karamchari Sangh (PKS)' and ' North Eastern Railway Mazdoor Union (NERMU) which deal <sup>matters</sup> ~~interest~~ of common interest of staff and function in the manner as defined in Chapter XXXVII of the Indian Railway Establishment Manual. The Mazdoor Union (NERMU) was not competent to distribute the posts received as a result of restructuring of cadre. Further, the distribution



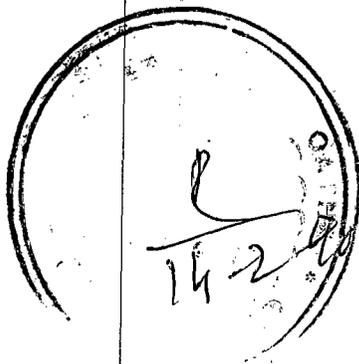
*[Handwritten signature]*

of posts as done and shown by the said Union in Annexure No. 1 to the counter reply is neither correct nor based on reasonable classification. It is absolutely incorrect rather false that the said Mazdoor Union taking into account the entire aspects of the matter as well as the hardship of each group/grade represented the matter and did the distribution of posts. Fact is that the action of the Union is arbitrary, without jurisdiction rather based on favouritism to one group namely the Travelling Tickets Examiner (T.T.Es) who are the representatives of that Union.

9. That the contents of para 9 of the counter reply, in so far as they are contrary to the facts mentioned in para 13 of the application, are denied and the averments made in para 13 of the application are reiterated.

10. That the contents of para 10 of the counter reply are denied and the averments made in para 14 of the application are reiterated. Annexure Nos. A-3 and A-4 to the application are self explanatory that decision already taken with regard to distribution of posts was confirmed by D.O. letter dated 1.8.1988 ( Annexure No. A-4) after due application of mind to all the facts and circumstances of the case.

11. That the contents of para 11 of the counter reply which are contrary to the facts stated in para

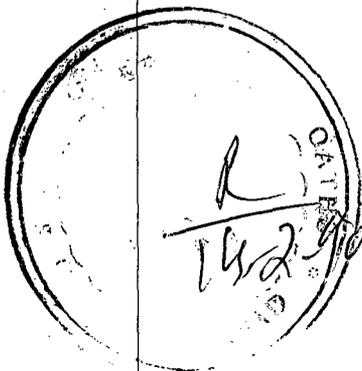


15 of the application are denied and the averments made in the said para of the application are reiterated.

12. That the contents of para 12 of the counter reply in so far as they relate to restructuring alleged to have not been done correctly at the initial stage are incorrect, hence denied. The averments made in para 16 of the application are reiterated.

13. That the contents of para 17 of the application stand admitted by the respondents as they have not been controverted.

14. That the contents of para 13 of the counter reply which have been offered in reply to contents of para 18 of the application are vague, hence they are denied. The averments made in para 18 of the application are reiterated. It is further submitted that it is incorrect to allege that Chief Commercial Superintendent (C.C.S.) ( respondent no.2) had taken decision with regard to restructuring of posts on 31.3.89 as alleged in the para under reply. It may be mentioned that an arbitrary decision as contained in Annexure No. A-8 to the application was, however, taken by respondent no. 2 in an informal meeting with the representatives of the aforesaid Mazdoor Union held on 23.1.1989. It is important to mention here that the said informal meeting was held with the representatives of the said Union namely Sri K.L. Gupta, General Secretary ( retired official ),



A handwritten signature or mark, possibly 'K. L. Gupta', written in black ink.

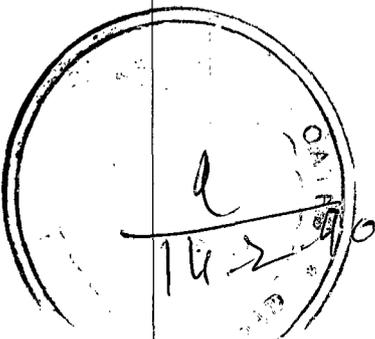
Sri J.N. Rai, T.T.E., & P.K. Yadva, T.T.E., Sri -  
R.D. Tripathi, T.T.E., Sri D.N. Misra, Conductor  
(T.T.E. Group) and Sri R.P. Verma, T.T.E. Other  
contents of the para under reply are also denied  
in view of the facts mentioned in para 8 of this  
rejoinder affidavit.

15. That the contents of para 14 of the  
counter reply are denied and the averments made  
in para 19 of the application are reiterated.  
Annexures referred to in the said para 19 of the  
application are self indicative of the fact  
that the action of the respondents is arbitrary,  
malafide, without jurisdiction and against the  
Principles of Natural Justice violative of Articles  
14 and 16 of the Constitution of India.

16. That the contents of para 15 of the  
counter reply are denied and the averments made  
in para 20 of the application are reiterated.

17. That the contents of para 16 of the  
counter reply are denied and the averments made  
in para 21 of the application are reiterated. It  
is absolutely incorrect rather false and misleading,  
as submitted in para 8 of this rejoinder affidavit,  
that the Mazdoor Union represent the cause of each  
individual of North Eastern Railway.

18. That the contents of para 17 of the  
counter reply are wrong and misleading, hence  
they are denied and the averments made in para 22



of the application are reiterated.

19. That the contents of para 18 of the counter reply which are contrary to the facts mentioned in para 23 of the application are denied and the averments made in the said para 23 of the application are reiterated. It is further submitted that the action of the respondents reducing the higher posts in the cadre of T.C. Group is arbitrary, malafide, prejudicial and are based on favouritism to one group of Travelling Ticket Examiners (TTE). Here it may be clarified that there is no post ~~and~~ in the Railway with the designation of Train Ticket - Examiner as mentioned by the respondents in the para under reply and in other paras of their counter reply. The full form of T.T.E. is Travelling Ticket - Examiner.

20. That the contents of para 19 of the counter reply are denied and the averments made in para 24 of the application are reiterated.

21. That the contents of para 20 of the counter reply call for no remarks.

22. That the contents of para 21 of the counter reply, which are not contrary to the facts mentioned in para 26 of the application, are not denied. Rest are denied. It is incorrect to allege that the Board's Letter dated 20.12.83 (Annexure-A-1) was ~~misrepre~~ misinterpreted. Fact is that it

...7.

14-2-80

was correctly interpreted and implemented vide Annexure A-4 to the application.

23. That the contents of para 22 of the counter reply are denied and the averments made in para 27 of the application are reiterated.

24. That the contents of para 23 of the counter reply call for no remarks.

25. That the contents of para 24 of the counter reply are denied and the averments made in paras 30 and 31 of the application are reiterated.

26. That the contents of para 25 of the counter reply are wrong, hence they are denied. The application under section 19 is maintainable and the applicants are entitled to the reliefs sought for.

Lucknow:  
Dated: 14-2-1990.

  
Deponent.

Verification.

I, the abovesaid deponent, do hereby verify that the contents of paragraphs 1 to 26 of this rejoinder affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed. So help me God.

Lucknow:  
Dated: 14-2-1990

  
Deponent.





I know the deponent who has signed before me.

*[Signature]*  
 Advocate.

Solemnly affirm before me on 14-2-90 at 9.4am/pm  
 by Sri S.U. Kidwai, the deponent who is identified  
 by Sri C.P. Dhanraj e/o L.P. Shukla.

I have satisfied myself by examining the deponent  
 that he understands the contents of this affidavit  
 which have been read out and explained by me.

*[Signature]*

R. P. SINGH

Commissioner High Court  
 Lucknow Bench

S. No. 47

Date 14-2-90

S. no 1972

In the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

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141

Misc. application No. 312 of 1989

A140

In re :

O. A. No. 153 of 1989 (L)

S.U. Kidwai & others

...

Applicants.

Versus

Union of India & others

...

Respondents.

Objections to the application dated  
22.8.1989 moved by Sri Bal Krishan Kureel  
and 3 others for being impleaded as  
respondents in the case.

----

The applicants-objctors beg to submit as under :-

1. That the application under section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicants-objctors by impleading all the necessary parties for the adjudication of case.
2. That the applicants-objctors have challenged the impugned orders contained in Annexure No. A-8 passed by the respondent no. 2 changing the existing orders contained in Annexure A-4 in an arbitrary manner and without being given an opportunity to the applicants or <sup>their</sup> group of Ticket Collectors, heard.
3. That since the applicants have filed their application u/s 19 of the Administrative Tribunal Act, 1985 against the administrative orders, it is the duty of the respondents alone to justify the

Filed today  
by  
25/12/89

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being impleaded as respondents have nothing to do in the case.

4. That the applicants <sup>objectors</sup> and many others as stated in para 15 of the application under section 19 of the Act, are also due for promotions but because of issue of ~~an~~ arbitrary orders contained in Annexure No. A-8 by the respondent no. 2, they are not being promoted.

5. That in the facts mentioned above, the application for being impleaded as respondents moved on behalf of Sri Bal Krishan and 3 others staff of T.T. E. Group is not maintainable. It has been moved just to harass the applicants. They are not necessary parties for being impleaded in the case. ~~for~~

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to reject the application dated 22.8.89 moved on behalf of Sri Bal Krishan Kureel and three others for being impleaded in the case as respondents.

( L.P. Shukla ),  
Advocate,  
Counsel for the applicants

Lucknow :  
Dated -10-1989. .

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A142

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

MP. No. \_\_\_\_\_ OF 1991

In re:

O.A. NO. 153 OF 1989 (L)

S.U. Kidwai and others ..... applicants

VERSUS

Union of India and others ..... Respondents

APPLICATION FOR PERMISSION TO FILE COPY OF  
THE JUDGMENT DATED 26.4.1990 PASSED IN O.A.NO.  
170 OF 1989 BY THE HON'BLE CENTRAL ADMINISTRA-  
TIVE TRIBUNAL, PATNA BENCH, PATNA IN SIMILAR CASE

On behalf of Respondents Nos. 5 to 8 it is most respectfully submitted:-

- File today*
1. That the above noted application has been filed challenging the validity of the distribution of posts between the Ticket Collectors Group Train Ticket Examiner Group which is passed on the policy decision taken by the Railway Administration.
  2. That Sri Uma Shanker Singh and others filed a case registration No. Oa 170 of 1989 before the Central Administrative Tribunal, Patna Bench, Patna raising the same question on the basis of same policy decision in which a judgment and order has been passed by the Central Administrative Tribunal vide order dated 26.4.1990.
  3. That as the similar application has been decided

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by the Patna Bench, Patna of the Central Administrative Tribunal, the instant case may also be decided accordingly and the similar orders may be passed.

4. That a copy of the Judgment and Order dated 26th April, 1990 passed in O.A.NO. 170 of 1989 is being filed herewith as annexure-A to this application.
5. That it may be the pleasure of this Hon'ble Tribunal to permit the Respondents Nos. 5 to 8 to file the copy of the aforesaid Judgment and Order dated 26.4.1990 which may kindly be taken on record for the sake of ends of justice.

P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to direct the Respondents Nos. 5 to 8 to file a copy of the Judgment and Order dated 26.4.1990 passed in O.A. No. 170 of 1989 by the Patna Bench, Patna of Hon'ble Central Administrative Tribunal deciding a similar case for the sake of ends of justice.

The Respondents Nos. 5 to 8 shall be highly obliged

Lucknow Dated:  
August 13, 1991.

  
(O.P. Srivastava)  
advocate  
COUNSEL FOR THE APPLICANT.

In S. U. Kidwai's case

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ANNEXURE - A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH: PATNA

Registration No. OA-170 of 1989

(Date of order 26.4.1990)

Uma Shankar Singh & Others .... Applicants

Versus

Union of India & others ..... Respondents

Coram: Hon'ble Shri C.S. Pandey, Member (A)

Hon'ble Shri S.R. Sagar, Member (J)

Advocates for the applicants ..... Mr. D.N. Pandey &

Mr. Sudama Pandey

Advocate for the respondents ..... Mr. Ravi Shankar Prasad

ORDER

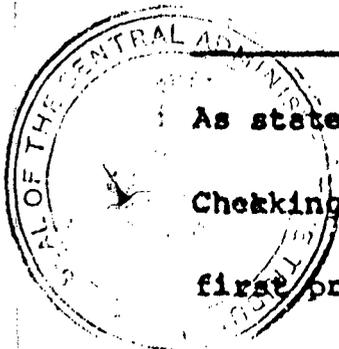
Shri C.S. Pandey, Member (Administrative): This application has been filed jointly by twenty Railway servants working in Sonapur Division of the North Eastern Railway. They are working as Chief Ticket Collector or Head Ticket Collector. Their grievance is that by an order of redistribution of senior posts between the Ticket Collector Group and Train Ticket Examiner Group, their chances of promotion have been reduced and their vested rights have been adversely affected.



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2. The Ticket Checking Wing in the North Eastern Railway has two main Branches. One is the Ticket Collectors' Branch, TC Branch for short and the other is Travelling Ticket Branch, <sup>Examiners,</sup> TTE Branch for short. Initially appointments in the Ticket Checking Wing are made to the post of Ticket Collectors. There is no direct recruitment for TTE. TCs who opt for duty as TTE are initially put as TC (Leave Reserve) and on promotion they are appointed as TTE. Before the revision of pay by the Fourth Pay Commission, there were following five scales of pay:-

1	2	3	4	5
TC, TC (Trainee) TC (RG), TC (LR) Rs. 260-400	Senior TC TTE & TLR Rs. 330-560	Head TC, TTE Gr. A TC (LR) Rs. 425-640	Divisional TF Inspec- tor, Chief TC Rs. 550-750	Chief Tra- velling Ticket Inspector Rs. 700-900

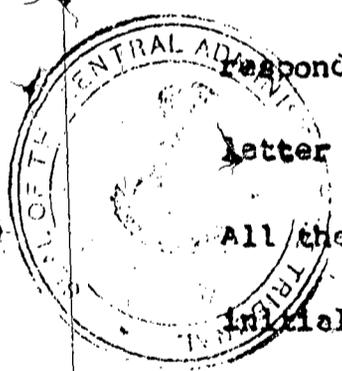


As stated earlier, all initial appointments <sup>to</sup> in the Ticket Checking staff are made in the scale of Rs. 260-400 and on first promotion these who continue in the TC Group are promoted as Senior TC in the scale of Rs. 330-560 and those who opt for TTE duty are promoted as TTE in the scale of Rs. 330-560. In the North Eastern Railway the two branches or groups of Ticket Checking Staff were treated separately and their avenues of promotion from the lowest scale of Rs. 260-400 were different. However, the two separate cadres <sup>used to</sup> merged in the scale of Rs. 550-750. Promotion <sup>to</sup> this scale were ~~bin~~ being made on the basis of the combined seniority of the two groups. Similarly for the highest scale of Rs. 700-900, ~~the~~ promotions were made from the

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combined list of two groups.

3. The Railway Board was considering a suggestion that cadres of TCs and TTEs and their avenues of promotion should be common. The Railway Board was of the view that such merger gave greater flexibility to the administration in the matters of deployment of staff in the Ticket Checking Wing. Further, it is an additional advantage that a combined cadre could bring about greater equity in the avenues of promotion. After considering the suggestions from the recognised unions, the General Manager of North Eastern Railway wrote to the Railway Board giving his proposals ~~suggestion~~ on the subject. These proposals were accepted by the Railway Board. The letter of the General Manager is dated 20th November, 1984 and is Annexure R-1 to the respondents' reply. The General Manager proposed in his letter that the two cadres will now become a combined cadre. All the new entrants and those who were working in the initial grade of Rs.260-400 would be utilised for duty on TTEs Branch on the basis of seniority. In other words, the seniors among them will work on the line and juniors will man stationary posts. The General Manager further wrote as under:



"In order to protect the interest of people who have already been promoted from the initial grade to the higher grades on the basis of separate avenue of promotion, the avenues of the TC's cadre and T.T.Es cadre from grade Rs.330-560/- right upto 700-900 will be independent for promotion and there will be no merger of the two cadres at any inter-

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mediate points i.e. Rs.550-750/- or Rs.700-900/- over a period of time, the existing incumbents of a separate cadre will run out of the system and the combined cadre will get stabilised at each level of promotion."

The combined cadre scheme was to come into effect from 1.12.1984. The effect of the General Manager's decision was that employees who were already in the scales of Rs.330-560 and above were not affected by this reorganisation. Their chances of promotion were not at all affected. The reorganization scheme affected the persons in the lowest scale of Rs.260-400 and the future entrants to the service.

4. Meanwhile another important change took place in the Railway administration. With effect from 1.1.1984 various cadres in Group 'C' categories in the Railway administration were restructured. The effect of restructuring was that the number of posts in the lower scales was reduced and the number of posts in the higher scales was increased. For example, in the ticket checking staff the percentage of post in the lowest scale of Rs.260-400 which was 29.2 per cent was reduced to 20 per cent. Similarly the posts in the scale of Rs.330-560 was reduced from 53.9 per cent to 37 per cent. The number of posts in the scale of Rs.425-640 was increased from 15.4 per cent to 29 per cent. The percentage of posts in the scale of Rs.550-750 was increased from 1 per cent to 9 per cent and the percentage of post in the highest scale of Rs.700-900 was increased from 0.5 per cent to 5 per cent.



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9+ <sup>that</sup>  
As will be seen the effect of restructuring is that the number of posts in the lower scales were reduced and the number of posts in the higher scales were increased.

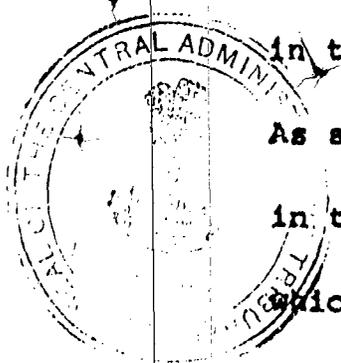
5. On 6.1.1964, the Divisional Railway Manager (Personnel), Sonapur brought out a statement showing the changes in <sup>the posts in</sup> the various scales of pay of the Division consequent on the restructuring. The total number of posts in the ticket checking staff of Sonapur Division was 357 consisting of various grades. Since the avenues of promotion of the TC Group and TTE Group were separate from the scale of Rs. 330-560, a natural question arose as to how the increase in the number of higher scale of posts should be distributed between the TC Group and TTE Group. This statement issued by the Divisional Railway Manager, Sonapur which is Annexure-2 to the application shows that according to him, the total number of posts

in the TC Group was 151 and those in the TTE Group was 206.

As a result of restructuring, whereas <sup>earlier</sup> there was only one post in the highest scale of Rs. 700-900 there were now 18 posts which were distributed between the TC Group and TTE Group.

Eight posts were allotted to TC Group and ten to TTE Group.

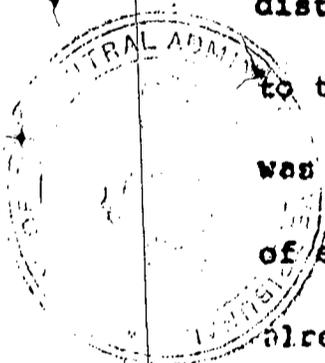
Similarly there were three posts in the scale of Rs. 550-750 before restructuring. As a result of restructuring, the number of posts increased to thirtytwo out of which fourteen were allotted to TC Group and eighteen to TTE group. Similarly, there were forty-nine posts in the scale of Rs. 425-640. They increased to one hundred four out of which fortyfour were



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allotted to TC Group and sixty to TTE Group. In the scale of Rs.330-560 there were 214 posts which were reduced to 132 as a result of the restructuring. 56 were allotted to the TC Group and 76 to the TTE Group. In the lowest scale of Rs.2260-400 there were 90 posts which were reduced after restructuring to 71 and were entirely allotted to the TC Group.

6. On the basis of this restructuring promotions were made and applicants got the benefits of this promotion. However, the TTE Group was not satisfied with the distribution of posts between TC Group and the TTE Group. The recognised unions took up this matter with the Railway administration. A meeting was held on 23.1.1989. The unions suggested a distribution which gave larger number of higher scale posts to the TTE Group and smaller number to the TC Group. A point was raised on behalf of the administration that on the basis of earlier distribution some employees of the TC Group had already been promoted to higher posts and acceptance of the redistribution suggested by the unions may result in their reversion. A compromise was reached. It was agreed that persons of the TC Group who had already been promoted need not be reverted but that in future promotions to higher scale posts should be made on the basis of redistribution proposed by them. The Railway administration accepted this proposition. As a result of the revised distribution



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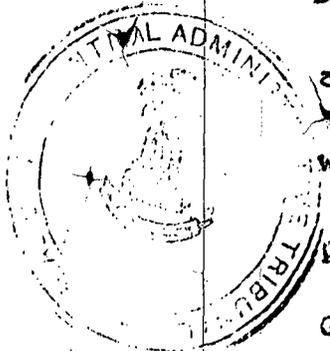
of posts between TTE and TC Group, the number of posts allotted to TC Group got drastically reduced. For example, in the scale of Rs.700-900, TC Group had already been allotted 8 out of 18 posts, <sup>which</sup> ~~it~~ <sup>the number</sup> was reduced to 4. At the same time, the TTE Group which had an allotment of 10 posts in that scale, got 14 posts. Similarly, in the scale of Rs.550-750 the number of posts allotted to the TC Group was reduced from 14 to 7. In the scale of Rs.425-640, allotment to TC Group was reduced from 44 to 24 and that to the TTE Group was increased from 60 to 80 and so on. The grievance of the applicants is that this redistribution is unjustified. It has affected their chances of promotion. As a result of restructuring they had <sup>acquired</sup> a right for promotion to higher posts, but the result of redistribution has been that the higher posts against which they could have been promoted have now gone to the TTE Group so that their accrued right to promotion has been snatched away from them.

7. The respondents did not deny the <sup>sequence</sup> consequents of events and the basic facts. The main contention raised by the respondents is that it is the prerogative of the Railway administration to re-organise and restructure the various departments working under it. It is a policy decision and Railway Board and the General Manager are competent authorities to distribute the posts in the manner they like.



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This court therefore, cannot interfere with the distribution ordered by the Railway administration. It is also contended that vested rights of the applicants have not been affected. It may be that chances of future promotions have been reduced but that does not mean that their service conditions have been altered to their disadvantage. There is no vested rights in this matter. An employee has vested right to be considered for promotion but he cannot be allowed to raise a grievance if the chances of promotion are reduced. The distribution of posts between the two groups is a policy decision of the Railway administration and since it does not affect the vested or accrued rights of the applicants, no interference is called for and no relief is due to them. The respondents also state that the statement issued by the Divisional Railway Manager on 6.1.1989 (Annexure-2 of the application) was wrong. The number of posts in the TC cadre was no 151 as shown therein but that the number of such post was only 61, and the upgradation of posts in the TC Group based on the wrong figure of 151 posts was, therefore, corrected after discussions with the recognised unions. It is contended that this is not a matter on which this court should pronounce judgment.

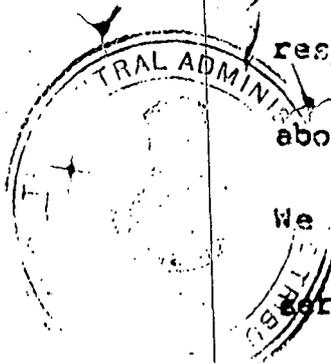


8. We have heard the counsel for the applicants and the respondents. The case was heard on 19.4.1990 and the order was reserved to be pronounced on 26.4.1990. On 24.4.90 the counsel for the applicant submitted written arguments

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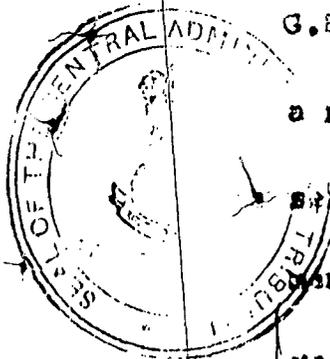
together with a large number of Annexures which had not been filed earlier and were therefore, not in the pleadings of the case. The counsel for the respondents has received a copy of the written note and the annexures on 23.4.1990. He has stated that he has received the papers under protest ~~as~~ because they were not filed before hearing and therefore, he had no opportunity to rebut <sup>them.</sup> However, we have examined the written arguments and the annexures. We may only state that the written argument is a model of bad drafting and the errors are so many and so serious that it is difficult to find out any meaning from them. However, we have tried our best to understand the contentions of the applicants and our decisions are based on a careful perusal of documents and papers including those filed with the written argument.

9. We entirely agree with the counsel for the respondents that the Government has got full powers to create, abolish, combine and restructure its administrative set up. We also agree that the Government can change conditions of service and altogether alter the channels of promotions available to its employees on account of reasonable policy decisions. It is a prerogative of the Government to reorganise the departments working under it for greater efficiency. The distribution of posts between the TC and TTE Groups is one such matter. It has been done on the basis of a policy decision.



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The Railway administration best knows how to distribute posts between the two wings of the ticket checking staff. The distribution can be called in question only if it affects the vested rights of an employee or a group of employees. From the facts stated above it is clear that persons who had already been promoted on the basis of distribution of posts as shown in Annexure-2 were not affected by the redistribution ordered in 1989. It is possible that chances of <sup>future</sup> ~~the~~ promotions had been curtailed by reason of this distribution but it is well known principle of law that reduction in chances of promotion does not amount to alteration in the condition of service. It was held by the Supreme Court in State of Mysore vs. G.B. Pratih - AIR 1972 Supreme Court 252 that though a right to be considered for promotion is a condition of service, mere chance of promotion is not. A rule which merely affects chances of promotion cannot be regarded as varying condition of service. The learned counsel for the respondents relied on a decision reported in Mohd. Shujat Ali vs. Union of India - AIR 1974 Supreme Court 1631. In that case, as a result of the application of certain rules, the number of posts of Assistant Engineers available to non-graduate supervisors from the erstwhile Hyderabad



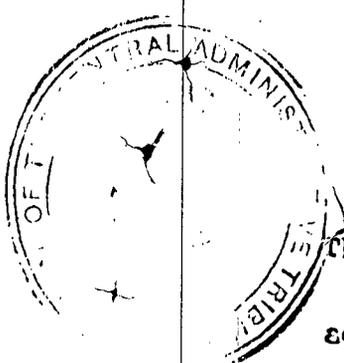
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State for promotion was reduced. Originally it was 50 per cent then it became 33 & 1/3 per cent and then 1 in 18 and finally 1 out of 24. The Supreme Court held that it is not correct to say that there was any variation in the condition of service in regard to promotion applicable to non-graduate Supervisors. This is what the Supreme Court said/para 15 in of the judgment:

"It is true that a rule which confers a right of actual promotion or a right to be considered for promotion is a rule prescribing a condition of service. This proposition can no longer be disputed in view of several pronouncements of this Court on the point and particularly the decision in Mohammed Bhakar v. Krishna Reddy, 1970 Serv. LR.768 (SC) where this Court, speaking through Mitter, J., said: "Any rule which effects the promotion of a person relates to his condition of service." But when we speak of a right to be considered for promotion, we must not ~~confuse it with mere chance of promotion -~~ ~~the~~ letter would certainly not be a condition of service.

This decision is a direct authority for the proposition advanced by the counsel for the respondents. In the present case also as a result of a policy decision of the Railway administration, the chances of promotion of the applicants have been curtailed but it does not amount to a change in the conditions of their services. Further, it does not affect or curtail their vested rights. It has been argued by the counsel for the applicants that some of the applicant should have been promoted much earlier as a result of restructuring but the promotions were delayed and after the redistribution of posts their chances of promotion have



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Also

completely vanished. Be that as it may, we are not  
persuaded to hold that the redistribution has in any  
way <sup>affected</sup> ~~affected~~ vested or accrued rights of the  
applicants.

10. For the reasons stated above, we do not  
see any merit in this application. It is accordingly  
dismissed.

*S.R. Seger*  
(S.R. Seger)  
Member (Judicial)  
26/4/90

*C.S. Pandey*  
(C.S. Pandey)  
Member (Administrative)  
26/4/90



CERTIFIED TO BE TRUE COPY,

*[Signature]*  
Deputy Registrar,  
Central Administrative Tribunal,  
Patna Bench, Patna.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

MISC. AN. NO. 216 OF 1989 (C) A156

In re:

ORIGINAL AN. NO. 153 OF 1989(L) A  
152

1. Sri Bal Krishan Kureel, aged about 52 years, son of late Sri K.L. Kureel, resident of Railway Quarter No. T-17-F, North Eastern Railway Colony, Lucknow City Rly. Station, Lucknow.
2. Sri Vishwa Mohan Misra, aged about 57 years, son of late P.D. Misra, resident of 36- Gupta Market Mav/aiya, Lucknow.
3. Purshottam aged about 57 years, son of late Anandi Prasad Gupta, resident of Bargaon District Gonda.
4. Kamal Ahmad, aged about 56 years, son of late Fazal Ahmad, resident of Nehru Nagar, Civil Lines, Barabanki

... Impleaders -  
Applicants

In re:

S.U. Kidwai and others ..... Applicants

Versus

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

APPLICATION FOR IMPLEADMENT AS RESPONDENTS.

The Impleaders-applicants named above most respectfully submit as under:-

1. That the applicants have filed the above noted application praying to quash the orders containing in Annexures-A7, A8, A10 and A11 whereby the strength of posts in the cadre of Ticket Checking staff has been fixed in pursuance of Railway Board's Restructur-

*[Handwritten signature]*

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ing letter dated 20.12.1983.

2. That consequent upon the aforesaid relief the applicant have further prayed for interim relief as pending disposal of the application the Respondents may be restrained from filling the various posts become available in T.T.E. Group on account of the aforesaid impugned Annexures.

3. That it is pertinent to mention that the ~~all~~ selection for the post of C.T.T.I in the grade of Rs. 2000-3200 has already been held and results <sup>have been</sup> ~~are~~ also ~~to be~~ declared ~~shortly~~, but in the mean time this Hon'ble Tribunal has been pleased to pass the following interim order dated 3.6.1989:

"In the matter of interim relief, issue notice and list this case for orders on 17.7.1989. Till that date the results of the selection process indicated in Annexure-Aa10 dated 5.6.1989 shall not be declared or, if declared, appointments on that basis shall not be issued".

4. That due to the aforesaid interim orders the result of the selection is not being <sup>implemented</sup> ~~declared~~ and consequently several persons are being affected and ~~are~~ are being denied promotions for which they are legally entitled <sup>to</sup>.

5. That the distribution of posts in the cadre <sup>and implement</sup> of Ticket Checking Staff has correctly been made /

*[Handwritten signature]*

in pursuance of ~~of~~ the said Railway Board's  
restructuring <sup>with</sup> taking into consideration the <sup>channel</sup> ~~benefit~~  
of promotion in vogue.

6. That the impleaders- applicant No. 1 is also  
waiting for the <sup>implementation of</sup> result of selection and as such  
he is very much affected by the interim orders  
of this Hon'ble Tribunal.

7. That similarly if the strength of posts are  
differently distributed as claimed by the applicant,  
the strength of various posts for various grades of  
T.T.E. side in Ticket Checking Staff cadre will  
be changed affecting the chances of promotions  
and the consequences connected therewith. The  
impleador-applicants Nos. 2, 3 and 4 had already  
opted for the T.T.E. grade immediately after their  
being appointed to the initial post in the cadre  
of Ticket Checking Staff and as such the rights  
of these persons will be affected adversely if  
the feliefs claimed by the applicant is granted.

8. That the Impleador-applicants are indeed  
proper and necessary parties and therefore are  
entitled to be impleaded in the array of Respondent  
for the sake of ends of justice and also for full  
adjudication of the dispute raised by the applicants.

9. That in case the Impleadors-applicants are  
not allowed to be impleaded in the array of the

*Disputed*

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Respondents they shall suffer irreparable loss as the strength of posts which is available to them consequent upon the said Railway Board's Restructuring will go to other side effecting the rights and future of the Impleadors-applicants who have been representing their matter before the Railway Administration through their union from before.

10. That the Impleadors-applicants desire to place the relevant and correct facts before this Hon'ble Tribunal for the purpose of full adjudication of the case for the sake of ends of justice and as such they should be allowed to be impleaded in the array of Respondents. The applicants have made an abortive attempt to mislead this Hon'ble Tribunal by placing incomplete facts.

WHEREFORE it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to direct the applicants to implead the Impleadors-applicants in the array of Respondents as Respondents Nos. 5, 6, ~~and~~ <sup>2, 8 & 7</sup> in the aforesaid application for the sake of ends of justice.

For this act of kindness the impleadors-applicants shall be highly obliged.

Lucknow Dated:  
August , 1989.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE IMPLEADORS-  
APPLICANTS.

1159

In the Central Administrative Tribunal, Allahabad  
व अबालत धीमान Circuit Bench Lucknow. महोदय



श्री B. L. Khandelwal & Others  
वकालतनामा  
--- Applicants / Applicant

दिकट

CA No 153 / 89 (L)  
दाही (अपीलाण्ट)

S. U. Kidwai & Others

Applicant

AS बनाम

प्रतिवादी (रिस्पॉण्डेंट)

U. O. P. & Others

Others

नं० मुकद्दमा

सम

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ओ० पी० श्रीवास्तव एडवोकेट  
द्वारा श्री सी पी श्रीवास्तव एडवोकेट  
द६७, पुराना महानगर निकट फातिमा अस्पताल, लखनऊ-२२६००२ महोदय

नाम अबालत  
मुकद्दमा नं०  
नाम फरीकेन

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

accepted

हस्ताक्षर B. L. Khandelwal

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महोना

V. O. P.  
Kamal Ahmed

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

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C.M. AN. NO. 279 OF 1989 (L)

IN RE:

O.A. NO. 153 OF 1989 (L)

A/162

1. Sri Bal Krishan Kureel
2. Sri Vishwa Mohan Misra
3. Sri Purshottam
4. Sri Kamal Ahmad

... Impleaders-applicants

IN RE:

S.U. Kidwai and others ..... Applicants

VERSUS

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

APPLICATION FOR VACATION OF THE INTERIM ORDER  
DATED 3.7.1989/FIXING SOME SHORT DATE FOR ORDERS.

The humble impleaders-applicants named above  
most respectfully submit as under:-

1. That the applicant has filed the above noted Original Application praying to quash the orders contained in Annexures-A7 and A8 to the Application along with the consequential orders contained in Annexures-A10 and A11 upholding the orders contained in Annexure-A4.
2. That the aforesaid impugned Annexures pertain to distribution of posts in the cadre of Ticket Checking Staff in pursuance of the Railway Board's Restructuring letter dated 20.12.1983 as contained in Annexure-A1 to the Original Application.

*[Handwritten signature]*

3. That according to the applicants the distribution of posts made earlier vide Annexure-A4 was correct and therefore the orders contained in the impugned Annexures could not have been passed subsequently which are indeed simple orders of rectification of mistake crept in earlier while computing the number of posts in pursuance of the aforesaid Railway Board's letter.

4. That the Hon'ble Tribunal pleased to pass the following interim order on 3.7.1989.

"Sri L.P. Shukla, learned Counsel for the applicant is present. This application for permission to join all the applicants collectively is allowed.

ADMITTED. Issue notice to respondents.

Respondents are directed to file Counter Affidavit within 4 weeks to which the applicant may file Rejoinder, if any within 2 weeks thereafter.

In the meantime matter of interim relief to issue notice and list this case for orders on 17.7.1989. Till that date the results of the selection process indicated in Annexure-A10 dated 5.6.1989 shall not be declared or, if declared, appointments on that basis shall not be issued.

Contd.... 3.

*[Handwritten signature]*

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Copy of the order may be given to the  
learned Counsel for the applicant by  
tomorrow.

Sd/- Hon. Mr. Justice  
K. Nath, V.C.

Sd/- Hon. Mr. K.J. Raman,  
A.M."

5. That as the impleaders-applicants were directly affected by the aforesaid interim orders and their appointments to the higher posts have virtually been stayed, they moved an application for being impleaded in the array of the Opposite Parties on 22.8.1989 which was ordered to be put up for disposal on 13.10.1989.

6. That as on 13.10.1989 there was no sitting of the Hon'ble Bench the case was ultimately adjourned to 22.12.1989 and the interim order has also been extended accordingly.

7. That due to the interim orders the entire process of selection and appointment to the higher posts has come to stagenate. If the appropriate orders are not passed, various officers will suffer irreparable loss as they are going to retire shortly.

8. That obviously the applicants of the Original Application are not benefitted directly by the interim orders of this Hon'ble Tribunal and as

*[Handwritten signature]*

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such their interest can be otherwise secured if the appointments are open to be made consequent upon selection subject to the further orders of this Hon'ble Tribunal or four posts are reserved for the applicants which may be filled in subject to orders of this Hon'ble Tribunal. This will not prejudice the interest of the applicants including the impleaders-applicants.

9. That full and complete facts have not been brought on record by the applicant and as such the picture drawn by them indicating the distribution of various posts consequent upon the restructuring is not vivid. Once the case is heard the correct figures shall be brought before this Hon'ble Tribunal which will certainly disentitle the applicant to get any relief on the ground urged in the application.

10. That the distribution of posts in the Ticket Checking Staff will take place in accordance with the <sup>channel</sup> panel of promotion and therefore no straight line can be drawn dividing the Ticket Checking Staff from top to bottom into two groups of an equal strength of running duty and stationary duty.

WHEREFORE it is most respectfully prayed

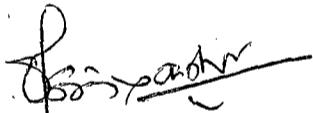
*[Handwritten signature]*

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that this Hon'ble Tribunal may kindly be pleased to vacate the interim order dated 3.7.1989 providing that the appointments be made consequent upon the selection contained in Annexure-110 to the Original Application which shall be subject to the decision of the case or to keep four posts in reserve which may be filled in subject to the further orders of the Hon'ble Tribunal or fixed some short date for hearing on the interim matter for the sake of ends of justice.

For this act of kindness the impleaders-applicants shall be obliged.

Lucknow Dated:  
Oct. 16, 1989.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE IMPLEADERS-  
APPLICANTS.

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F.P. 6/5-91  
A/167

In the Central Administrative Tribunal, Circuit Bench  
Lucknow.

M.P. No. 214/91 (L)

O.A.No. 153 of 1989 (L).

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S.U.Kidwai and others. -----Petitioners

Versus

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

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Application for modification of  
order dated 3.7.1989.

For the facts and circumstances narrated  
in the accompanying affidavit, it is most  
respectfully prayed that order dated 3.7.1989  
be modified.

Filed today  
18/4/91

Lucknow, dated,  
9.4.1991

  
Advocate.  
Counsel for the Respondents.

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In the Central Administrative Tribunal, Circuit Bench  
Lucknow.

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O.A.No. 1153 of 1989(L).

S.U.Kidwai and others. -----Petitioners

Versus

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

A F F I D A V I T.

I, Nar Singh Prasad, aged about 48 years, son of Sri Indrajit Prasad working as Senior Personnel Officer in the Office of Chief Personnel Officer, N.E.Railway, Gorakhpur, do hereby solemnly affirm as under :-

1. That the deponent has been duly authorised on behalf of the respondents to file the ~~counter~~ affidavit and is fully conversant with the facts.

2. That vide order dated 3rd July, 1989, this Hon'ble Tribunal passed an order to the effect that the result of the selection process will not be declared, or if declared the appointments on that basis shall not be issued.

3. That prior to the passing of order dated

(Signature)

91/4191

प्रवर कार्मिक अधिकारी/ मु  
पूर्वोक्त रेलवे, गोरखपुर

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3.7.1989, the written examination had already concluded and by the time the said order was served, the result of the said written examination had also been declared.

4. That now in view of the order passed by the Tribunal further process has been stayed.

5. That a similar controversy as raised in the case at hand, had been raised before the C.A.T. Patna Bench, Patna.

6. That the matter has been finally decided by the Patna Bench vide judgment and order dated 26.4.1990, whereby the application has been dismissed on merit.

7. That in view of the fact that the written examination as well the declaration of the results has already taken place, therefore the interest of justice requires that order dated 3.7.1989 be modified.

8. That thus, the Railway Administration be allowed to finalise the selection process and make the appointments accordingly but the appointments so made, may be directed to be subject to final decision in the claim petition.

9. That in case the order dated 3.7.1989 is not modified, the Railway Administration would be faced with variety of difficulties, which may further

② S. S. S.

१/५/९  
प्रवर कार्मिक अधिकारी/मु  
पूर्वोत्तर रेलवे, गोरखपुर

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lead to series of litigation as well as the internal administrative problems so far as Ticket Checking is concerned.

10. That in the interest of justice and smooth functioning of Railway Administration warrants that the order dated 3.7.1989 may be modified.

Lucknow, dated,  
9.4.1991

  
9/4/91

Deponent.  
प्रवर कार्मिक अधिकारी/सु  
पूर्वोत्तर रेलवे, गोरखपुर

Verification.

I, the deponent abovenamed do hereby verify that the contents of paras of this affidavit are true to my own knowledge and those of paras are believed by me to be true on legal advice and no part of it is false.

Signed and verified this 9th day of April, 1991 at Lucknow.

  
9/4/91

Deponent.  
प्रवर कार्मिक अधिकारी/सु  
पूर्वोत्तर रेलवे, गोरखपुर

I identify the deponent who has signed before me.



Advocate.