

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE .. 0 A 03 OF 1989

NAME OF THE PARTIES Ram Prakash Applicant

Versus

Union of India Respondent

Part A.

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CERTIFICATE

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

Dated ... 16/6/2011

Counter Signed.....

Rajendra
Section Officer/In charge

Rajendra
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

AG

Original Application No. 3 of 1989 (L)

Ram Prakash Applicant
VERSUS
Union of India & Others Respondents.

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

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

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

The applicant who is employed in the Northern Railway has filed this application for fixation of his pay equal to his juniors in the skilled grade on the basis of trade test held in 1960 by following next below rule with all the consequential benefits of seniority and promotion by quashing the order dated 16.1.1988 (Annexure-13) rejecting his representation dated 30.6.87 for seniority.

2. The applicant who entered service of the Railways in the year 1953 as Semi Skilled Khalasi in the Field Bridge Workshop under the Bridge Inspector, New Delhi, was transferred alongwith other staff to workshop Lucknow in the year 1955. According to the applicant during the year 1958 some of his Juniors including one Sucha Singh and another Kushia Singh were transferred out of the workshop and sent to Moradabad to work under the Assistant Bridge Engineer. Though they were Junior Staff they were allowed to take the trade test held in 1960 for Promotion to higher grade, and those found successful were *B* promoted to Grade II & III in the revised *B* *C* *D* *E* *F* *G* *H* *I* *J* *K* *L* *M* *N* *O* *P* *Q* *R* *S* *T* *U* *V* *W* *X* *Y* *Z* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* 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*FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX* *YY* *ZZ* *AA* *BB* *CC* *DD* *EE* *FF* *GG* *HH* *II* *JJ* *KK* *LL* *MM* *NN* *OO* *PP* *QQ* *RR* *SS* *TT* *UU* *VV* *WW* *XX*

promoted to the scale of Rs. 110-180 (since revised - to Rs. (260 -400). Being aggrieved he represented to the authorities pointing out the anomaly, , of his Juniors being placed on a higher scale; considering his representation he was called to appear in the supplementary trade-test held in 1966. The results of both the tests held in 1960 and 1966 were declared on 20.6.66 and the applicant's name figured at Sl. no. 4 above Sucha Singh and other juniors in the list of successful candidates. Thereafter the applicant was put on the higher scale (110-180) w.e.f 12.5.67. On his further representation ~~over~~ pay parity his pay was fixed equal to that of one Mohinder Singh. The contention of the applicant is, being senior he is entitled ^{of} Pay Parity with Juniors promoted in 1960. As his representations in this regard were rejected, he has approached the Tribunal.

4. The respondents have opposed the case and in the counter filed by them, it is pointed out that during the year 1958, there was need for field staff, as the duties in the field were arduous nature such of those who were Juniors in the Work Shop were transferred to field duties. The transferred Staff constituted a different entity, their seniority inter-se was fixed among the field staff. In case they revert to the work shop, they will only go back to their original seniority, ~~and~~. The applicant at the time of their transfer or later did not ask for field transfer. He also did not make representation in the year 1960. It is also stated that the list of successful candidates in the trade

test published is not based on common seniority as seniority is only at the unit level. It is further pointed out that the applicant made his representation for the first time in the year 1971 and that was not for pay fixation equivalent to the field staff, his prayer was only for pay fixation equal to his junior one Mohinder Singh, who was also working in the workshop. The matter was considered and the applicant's pay was fixed equal to Mohinder Singh.

5. We have heard the counsels of parties and also perused the record. The fact that the applicant and also others who were his Juniors, initially belonged to work shop unit at Lucknow, and that in seniority the applicant was above the others whose names, he has mentioned in the Claim Petition is not in dispute. But some time in the year 1958, the administration took a decision, that the manpower required for field work, could be made good by transfer of Staff from workshop. Perhaps in the workshop so many hands were not required, or there was surplus staff. It was a decision of the administration, and as the field work involved hardship, the work being of more exacting and arduous nature, calling for more of physical effort, and evidently not preferred by many, the Junior staff was transferred out, to the extent of requirement and the staff so transferred to the field duties under Assistant Bridge Engineer at Moradabad, constituted a different unit, for which separate seniority was maintained and promotions given. As promotions were given in the field unit and not in the workshop the applicant cannot claim for pay parity as he was

b

in a different unit namely workshop and not in the field unit. From the documents filed by the applicant as Annexures to the petition it is noticed that the applicant never questioned the transfer of his juniors nor he offered his candidature for transfer and in his first representation the prayer is for pay fixation equal to his juniors. One Sri Mohinder Singh who was working in the same workshop. The representation was considered, and vide order dated 27.6.1977 (Annexure-2) his pay was stepped up to be at par with his immediate junior. It was only in the 1982 (Annexure-6) that he has raised the issue of his seniority over the field staff. In that representation dated 8.10.1982 he has pointed out that for the trade test held in the year 1960 he was not called to appear and had he been allowed to appear, he would have been given the same benefits and promotion along with his juniors. His case was also referred to the Executive Chief Engineer (Bridge), New Delhi, it would also appear that he met personally the officer concerned and explained his case and vide letter dated 29.4.87, the position was clarified and the applicant informed that seniority upto "Mistries" grade is not common; seniority is shop-wise and the field staff constitute a different unit and their seniority is maintained separately; hence the claim of seniority of the applicant over field staff is not tenable. The applicant again presented against this decision that since seniority of "Sarangi" in the field as well as Bridge Workshop were combined in the year 1975

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AB

his case should be considered in that light. His appeal was considered vide order dated 16.1.1988 he was again informed that his case is not comparable to field staff and it was also pointed out that the applicant remained in the Work Shop through out; and he claimed over time and other benefits meant for Work Shop staff which were given, and as the seniority in Work Shop and field is separate, he cannot claim the benefits of Promotions, the field staff may have been given through fortuitous circumstances or otherwise.

6. For the reasons discussed above, the applicant cannot claim parity with field staff who are part of a separate unit for seniority and other purposes. His case for pay equalisation was considered and his pay fixed equal to that of his Junior next below namely Mohinder Singh. He did not opt for field duty and did not raise any objection, when the Juniors were transferred out for field duties. His representation was considered on merits more than once and the same was rejected as not tenable, since his claim was for pay equalisation over others in a different unit. The position is akin to ex-cadre posts. Once the Juniors have gone out and received certain benefits, the applicant cannot claim the same, his claims and rights for a higher scale or promotion, will be relevant for consideration within the Work Shop staff i.e. the unit to which he belongs and cannot be stretched over others who belong to a different unit and from separate seniority.

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In these circumstances we consider, that the case of the applicant is without any merit and accordingly it is dismissed, with no order as to costs.

Rubensz
Member (A)

lu
Vice Chairman

Allahabad, Dated 15/12/ 1992.

(RKA)

CASE TITLE

OA. 3/89

NAME OF PARTIES

Ram Bakash

VS
U.O.2 (N.R.L)

PART 1

①

Chall. Filing

A1-A2

②

Order issued by Court

A3-A8

③

Final Judgment Dated

A9-A14

④

Petition copy with Power

A23-A52

~~Annexure~~

⑤

Calulation

A15-A22

~~Ratio/Rules of Evidence~~

⑥

PART 2

B53-B90

⑦

PART 3

C91-C100

Calcutta Notary
S. Chatterjee

22-9-83

filed today
4/11/19

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

AJ

Registration No. 3 of 1989 (C)

APPLICANT (s)

Ram Prakash

RESPONDENT(s)

U.O. & S.

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	No (Only two sets)
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	
(c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation/Vakalat-nama been filed ?	yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	I.P.O. No DD 829787 dt. 6.1.89 Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes

Particulars to be ExaminedEndorsement as to result of Examination

A2

(c) Are the documents referred to in (a) above neatly typed in double space ? *yes*

8. Has the index of documents been filed and paging done properly ? *yes*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

11. Are the application/duplicate copy/spare copies signed ? *yes*

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

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

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

14. Are the given addresses, the registered addresses ? *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 ? *No A*

17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ? *yes*

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

19. Whether all the remedies have been exhausted.

Let the case be listed on 12-1-09

A3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

3

O.A./I.A. No. 237

1989

((1))

RAM PRAKASH

Applicant(s)

Versus

U.O.L. & A.

Respondent(s)

Sr. No.	Date	Orders
①	12/1/89	<p>Hon. A. John, A.M</p> <p>Put up on before Division Bench on 23.1.89.</p> <p><u>3</u> <u>A.M</u></p> <p><u>L</u> <u>aff</u></p>
②	23.1.89	<p>Hon. D.S. Misra, A.M Hon. G.S. Sharma, J.M</p> <p>On the request received on behalf of learned counsel for the applicant, the case is adjourned to 25.1.1989 for admission.</p> <p><u>L</u> <u>J.M.</u></p> <p><u>15</u> <u>A.M.</u></p>
③	25/1/89	<p>Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M.</p> <p>No one is present for the applicant. The case is adjourned to 22-2-89 for admission.</p> <p><u>L</u> <u>J.M.</u></p> <p><u>W</u> <u>A.M.</u></p>

Rey

THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

Al

CA 3/894

REGISTRATION No. _____ of 198.

APPELLANT
APPLICANT

VERSUS

DEFENDANT.
RESPONDENT

No. order of order and date	Brief Order, Mentioning Reference, if necessary	How complied with and date of compliance
(9) 1-5-89	<p>Hon. Justice K. Nath, V.C. Hon. D. S. Misra, A.M.</p> <p>No one is present for the opposite parties, although they must be held to have been served with a notice issued on 20-3-89 by registered post and not received back. <u>Not for ex parte hearing</u> on 25-5-89.</p> <p>Bl Am V.C.</p> <p>102</p>	<p>OR Notices were issued to the respondents under my direction on 20-3-89. Neither any notice nor any reply has so far been received back in the office. Case is submitted for orders.</p> <p>Am 30/5</p>
(10) 25/5	<p>No sitting. Adjudicated to 24/7/89 for Hearing.</p> <p>B.O.C.</p> <p>25/5</p>	<p>OR No set. Neither any notice nor any reply has so far been received in the office. Case is submitted for ex-parte hearing.</p> <p>24/5</p>
24/7	<p>No sitting Adj. to 24/7/89. 25/5</p> <p>24/7</p>	<p>OR B.O.C. has been received on 24/5/89 and is placed on record.</p> <p>24/5</p>

OR As directed by the Court's order of 1-5-89, Case is submitted for ex-parte hearing. No reply have been filed.

26/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 3/89(L)
REGISTRATION No. _____ of 198_____

APPELLANT
APPLICANT

Ram Prakash

DEFENDANT
RESPONDENT

U.O. India and ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18/10/89	<p>Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Obayya, A.M.</p> <p>Shri L.P. Shukla counsel for the applicant is present. None is present for the respondents. Shri Arjun Bhargava had sought two weeks time to file counter affidavit on 20.9.89, but the counter affidavit has not been filed as yet. It is presumed that the railway administration is not interested to contest the case. Therefore, list this case for arguments by the counsel for the applicant on <u>24-10-89</u> before a Single Judge Bench. Respondents will have no right to file counter affidavit. They may however, if so like place the documents before the Single Judge Bench on the date fixed, herein before to facilitate the decision of the case.</p> <p>Later on when the order was already dictated Shri Arjun Bhargava appeared before us and made a request and was asked to make an application with reason, so that it may be considered if at all necessary to modify the order.</p>	

R. Obayya
(sns)

D.K. Agrawal
J.M.

Q.E.D.
The learned Counsel for the respondents has not filed any application as yet. He may file as submitted for order hearing.

23/10/89

11.7.91

~~No Sittings adj'd to 16.8.91~~

Q

filed thereafter.

Hence, the case is listed for filing counter by 21.11.90

✓
9/11

5/11/91

21.11.90

Applicant is present. Respondent failed to appear. They did not file counter even. Fix 3.12.90 for filing counter. No final C.M. opposed shall be given for this. R.F.
21.11

3.12.90

Applicant's side is present. Respondent did not appear. He did not file ~~off~~ counter.

Sufficient opportunity has already been given.

Put up before the Counter
+ 21.12.90. R
3.12

21.12.90 No Sittings Adj'd to 7.3.91

Wood
3/12/90

OA 3189.L

7.9.

No Sittings adjd 16.8.91

AJ

2

No CR/Adj
S. Ro
14/9

16.8.91

Hon Mr Justice K. Neth re
Hon Mr K. Obayele - AM

None present file to strike of
U.P. Bar Council & case is
adjourned to 29.10.91 for
hearing

DR

DR
re

I
29.10.91

No Sittings of D.P. adjourned
13.1.92

CR
1/X - CP
Appeal
8 PM
8.15

13.1.92

No Sittings adjd 4.3.92

2

4.3.92

Due to Strike of Advocates
Court adjourned to 19.5.92

2
Boe

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

O.A./I.A. No. 3189 L

Office Report A

Order

24.8.92

27a.Mr. Justice L.C. Srivastava
27a.Mr. K. Obayya A.M.

Dr. C. P. M. Tripathi (panel
Constituted by the Court, S.M.
Argued by Mr. K. Obayya A.M.
Argued by Mr. Justice
reserved.

SM

LC

VC

12.92

27a.Mr. Justice L.C. Srivastava
27a.Mr. K. Obayya A.M.

Judgment pronounced
today, in the open Court.

LC
SM

LC
VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

O.A. NO.

3/89

1989 (L)

T.A. NO.

Date of Decision

Ram Pukash

Petitioner.

Advocate for the
Petitioner(s)

VERSUS

Union of India & others Respondent.

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice U.C. Srivastava, Vice Chairman

The Hon'ble Mr. K. Obajya, 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 to be circulated to other benches ?
4. Whether ~~these~~ their Lordships wish to see the fair copy of the Judgment ?

VICE-CHAIRMAN/MEMBER

#3
A/S

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

O.A. No. 3 of 1989

Ram Prakash

....

Applicant

Versus

Union of India and another

Respondents.

Reply on behalf of the Respondents:

Para 1: Needs no reply.

Para 2: Needs no reply.

Para 3: Issue of letter No. 258-E/2-4(Br) dt. 16.1.1988
is not denied.

PJ 8/95
The contents under the heading 'Subject in Brief' are denied. It is stated that juniors sent as Field Staff had a separate seniority in the Field and thus claim of the applicant for fixation of his pay equal to the staff in field is not tenable, since he had not worked in the field.

Para 4: Not denied.

Para 5: Denied. The application is barred by limitation.

Para 6(a) Not denied.

6(b) In reply to the contents of paragraph 6(b) of the application, it is submitted that the persons mentioned worked in different field units and as such the allegations set out cannot be verified without knowing their complete particulars.

K. A. H. S.

... 2 14/8/91

Senior Engineer

N. Rly. Bridge Workshop
Charbagh, Lucknow.

- 2 -

Para 6(c) That the contents of para 6(c) of the application cannot be verified because there is no mention to this effect in the service record of the applicant. However, this much is not denied that he worked ~~and is working~~ ^{SEN} in the Bridge Workshop

SL
Senior Engg 18/91

N. Rly Para 6(d) That the contents of paragraph 6(d) of the application are denied. It is submitted that workshop and field are two separate units. Hence question of combined seniority did not arise at all, at any time.

Para 6(e) In reply, it is submitted that as a policy, junior persons are transferred to Field on requirement, as the field duties are strenuous and troublesome ones. The applicant could have been also transferred if he would have requested for in writing at his own accord being a senior person. But at that time he kept mum to refrain himself from the hardships of transfer and strenuous jobs of field. It is submitted that the seniority of the workshop and field staff have separate seniority. However if the field staff is transferred back to the workshop on administrative reasons or on any count, the person so transferred will come back on his original seniority and if promotion takes place within workshop it will be according to rules then prevailing in the workshop.

SL 18/91
14.8.91... 3

Senior Engineer

N. Rly Bridge Workshop
Charbagh, Lucknow.

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Para 6(f): In reply to the contents of paragraph 6(f) of the application, it is submitted that the persons transferred were transferred in the same capacity i.e. as Khallasi SS (Rigger). Being a separate unit they were promoted by Asst. Bridge Engineer (Spl) Moradabad as a local arrangement against existing vacancies in field as such no injustice was done to the applicant. It is submitted that the applicant could have also submitted an application for transfer to field and if denied that transfer, he could have taken remedy at that time for the injustice that could have been caused to him by that denial. However he cannot challenge that matter in 1989.

Para 6(g): In reply, it is submitted that the applicant made no representation during the year 1960 when his juniors were transferred in field and where they got promotion as Khallasi Skilled (Sarang). The applicant purposely did not do that and which could be only that he was not willing to go to field looking to the strenous and trouble some job there. Had he represented in those days, the applicant would have also been transferred in field.

Para 6(h): That the contents of paragraph 6(h) of the application are not admitted. The result of the trade test declared by Head Quarter vide letter No. 293-E/1(Br.) dated 20.6.1966 (Annexure 1) to the application) addressed to ~~Government~~ Senior Engineer ... 4

- 4 -

Para 6(h): different offices, no where indicates that
contd.
the test done during 1966 was a supplementary
test.

Para 6(i): Only the issue of combined result vide letter
No. 293-E/1(Br.) dated 20.6.1966 is not denied.
Rest is denied. It is submitted that the said
letter had been addressed to three offices
and combined result had been declared for
convenience. It cannot be regarded as a proof
of combined seniority. Seniority at this level
is ABE-wise.

Para 6(j): That in reply to the contents of paragraph 6(j)
of the application, it is not denied that
after the applicant had passed trade test
he was promoted as Tindal/Sarang Khilasi
Skilled w.e.f. 12.5.'67. Promotion before
qualifying a trade test is out of question.
Any reference of staff, transferred else where
cannot be linked up, at all.

Para 6(k): That in reply to the contents of paragraph
6(k) of the application, it is submitted that
the applicant's first representation was
received during 1977 not on this issue but
claiming seniority against Mohinder Singh,
Tindal and employee of the workshop which was
accepted by Head Qrs. Office being reasonable
and his pay was accordingly stepped up equal
to his junior Shri Mohindar Singh w.e.f. 12.5.
67 vide Sr. Engineer (Bridges) New Delhi

(Dated 14.8.91)
letter No. 752-E/2(Br.) dated 27.4.'77 as
Senior Engineer contained in Annexure No. 2 to the application.

Para 6(l): Issue of letter dated as contained in Annexure & (m):

No. 2 to the application are not denied. It is submitted that decision taken was correct and also endorsed by Senior Engineer vide his letter dated 9.9.1977 as contained in Annexure No. 3 to the application. Since both of these ^{SEN} ~~persons~~ were workshop employees and there was ~~no~~ problem. It had no connection with staff transferred in the field.

Para 6(n): That the contents of paragraph 6(n) and (o) of & (o): the application are not admitted. A bare perusal of the letter enclosed as Annexure No. 4 to the application, shows that SEN/Bridge Cons. sought advice of SAO(W)Lko if the seniority can be accepted vis a vis applicant's juniors. The letter seems to be an inter departmental correspondence of which no copy was endorsed to the applicant. As to how he obtained the photostat of the said letter, it is for the applicant to explain. It is submitted that no advantage can be derived by the applicant out of the said letter. However SAO(W)/CB.Lko had clearly stated in letter dated 18.10.77 (Annexure No. 5 to the application) that he had nothing to say in the matter of seniority and indicated as to the requirements needed to be fulfilled regarding fixation of pay.

Para 6(p): Denied. No such representation as contained in annexure no. 6 to the application is in the file

K. Khosla (4-8-91) ... 6
Senior Engineer
N. Rly. Bridge Workshop
Barabagh, Lucknow

Para 6(q): Issue of letter dated 23.9.'85 as contained in Annexure No. 7 to the application is not denied.

Para 6(r): Not denied.

Para 6(s): Issue of letter dated 30.1.'86 as contained in Annexure No.9 to the application is not denied.

It is however submitted that there was some clerical mistake, in indicating that the trade test held in 1966 was supplementary, in view of any proof that it was supplementary.

It is further submitted that the letter dated 30.1.'86 was an inter departmental correspondence to know the exact views of the senior departmental head. No advantage can be derived by the applicant out of the said letter.

Para 6(t): Issue of letter dated 4.5.1987 accompanied with the copy of letter dated 29.4.1987 as contained in Annexure No. 10 are not denied.

It is submitted that the decision arrived at and communicated in letter dated 29.4.'87 cannot be termed as arbitrary. It was a clear most correct decision conveyed by N.Rly. Head Quarter that seniority is separate for field and workshop.

Para 6(u): Submission of representation dated 9.5.1987 and 30.6.'87 as contained in Annexure No. 11 and 12 to the application are not denied.

Para

Re Case No 14-8-91

Senior Engineer

.... 7

N. Rly. Bridge Workshop
Harbagh, Lucknow.

Para 6(v): Issue of letter dated 16.1.1988 as contained in annexure no. 13 to the application is not denied. The communication made through the letter dated 16.1.1988 was to the effect that matter has already been considered while conveying decisions in letters dated 27/6/77 9.9.77 again on 29.4.87. In para 2 only a further clarification was made that the applicant had already received the overtime claimed from 1955 to 1966 on the basis that he was working as a workshop employee and also in view of the fact that seniority of workshop and field is separate, his claim for seniority vis a vis field staff is therefore not considered justified. The issue of letter does not revive or extend limitation.

Para 6(w): That the contents of paragraph 6(w) of the are not admitted. All the orders arrived at and communicated are correct and totally based on rules. None of them can be called arbitrary, or against the rules. It is submitted that the applicant is not entitled to the benefit of 'next below rule' as alleged. The action of the respondents cannot be termed as violative of Article 14 and 16 of the Constitution of India, in view of the fact that the applicant has been getting the benefits as would be available to an employee of workshop. PS 2709 and 3412 have no application to the case of the applicant because these circulars do not decide seniority of workshop and field staff

14-8-91
Senior Engineer

14 Rly Bridge Workshop which are totally separate units and maintaining

Para 7: The applicant is not entitled to any relief and the application is liable to be dismissed with costs to the respondents.

None of the grounds taken in the application are tenable in law.

Para 8: Needs no reply.

Para 9: Needs no reply.

Para 10: Needs no reply.

Para 11: The contents are to be verified by the office of the Tribunal, hence needs no reply.

Para 12: Needs no reply.

Lucknow

dated: 14/8/91

Le Muso 14-8-91
Respondents.

Senior Engineer

N. Rly. Bridge Workshop
Charbagh, Lucknow.

Verification:

I, H. U. KHAN working as Senior Engineer in the Bridge Workshop Northern Railway Charbagh Lko, duly competent and authorised to sign and verify this reply do hereby verify that the contents of paragraph 1 to 12 of this reply are true to the best of belief based on information derived from record and legal advice.

Signed and verified this 14th day of Aug 1991 at Lucknow

Le Muso 14-8-91
Senior Engineer
N. Rly. Bridge Workshop
Charbagh, Lucknow.

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

O.A. No. 3 of 1989

(4)

Ram Prakash

...

Applicant.

Versus

Union of India and another .. Respondents.

F O R M -I
(See rule 4)

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

For use in Tribunal's Office:

Date of filing

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

or

Date of Filing 11/1/89
Date of Receipt by Post.....

Date of receipt
by post.

..... Deputy Registrar(J)

Registration No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.
O.A. No. 3 of 1989. (L)

Ram Prakash

...

Applicant.

Versus

Union of India & another .. Respondents.

I N D E X.

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(2)

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Ram Parkash

Signature of the applicant.

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

O.A. NO. 3 OF 1989 (U)

Ram Prakash

...

Applicant.

Versus

Union of India & another ..

Respondents.

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

DETAILS OF APPLICATION:

(i). Particulars of the applicant:

(i). Name of the applicant : Ram Prakash.

(ii). Name of father : Late P. R. Gulati.

(iii). Designation and office
in which employed : Serang H.S. Gr. I,
Northern Railway,
Bridge Workshop,
Charbagh, Lucknow.

(iv). Office address : as above.

(v). Address for service of : as above.
all notices.

2. PARTICULARS OF THE RESPONDENTS:

(i). Name/or designation of respondents) 1. Union of India
through the -
General Manager,
Northern Railway,
Baroda House,
NEW DELHI.

(ii). Office address of respondents)

(iii). Address for service of all notices.)

Ram Prakash

2. Senior Engineer, Bridge Workshop,
Northern Railway, Charbagh,
Lucknow.

3. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE.

Order No. 258-E/2-4(Br) dated 16.1.1988 passed by the respondent no. 2 finally rejecting the claim of applicant's seniority and fixation of pay over his juniors.

SUBJECT IN BRIEF:

For fixation of applicant's pay equal to his juniors promoted in the year 1960 in grade Rs. 110-180 (AS) subsequently revised to scale of Rs. 260-400 (RS) with all consequential benefits.

4. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:

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

Ram Parkash

6. Facts of the Case:

(a). That with effect from 1953, the applicant was appointed as Semi Skilled Khallasi (subsequently appointed as Rigger) in the Field Bridge Workshop and posted under the Bridge Inspector (M), Northern Railway, New Delhi.

(b). That the applicant, by virtue of his earlier appointment, was senior to one Shri Sucha -
other Singh and many/semi skilled Khallasis namely S/Shri Khushia Singh, Bachan Singh, Dalip Singh, Faqir Chand, Chur Singh and moti Ram, who were appointed after the applicant in the same capacity and unit under the Bridge Inspector (M), Northern Railway, New Delhi.

(c). That due to administrative reason, the applicant alongwith the aforesaid staff was transferred to Bridge Workshop, Northern Railway, Lucknow in the year 1955.

(d). That in the Bridge Workshop, Lucknow the seniority of Riggers of this workshop was combined with the Field Workshop Staff upto 1968.

(e). That in the year 1958, the respondents, on their own accord, transferred some juniors namely S/Shri Sucha Singh, Khushia Singh, Bachan Singh, Daleep Singh, Faqir Chand, chur Singh and Moti Ram all semi skilled Khallasis (Riggers) under Asstt.-
Bridge Engineer/Spl./ Moradabad but they were still on the seniority list of Bridge Workshop wherein the

Ram Parkash

applicant was senior to all of them.

(f). That despite the fact that the applicant was senior to all of the aforesaid staff, the respondents, ignoring the applicant, held a trade test of the aforesaid junior staff in the year 1960 for being promoted to them in scale Rs. 110-480 (subsequently revised to scale of 260-400) and accordingly they were promoted in the said grade in the said year at the back of the applicant.

(g). That aggrieved by the aforesaid illegal and arbitrary act of the respondents, the applicant made representation claiming his promotion, seniority and stepping up his pay equal to his juniors from the date when they were promoted in skilled grade in the year 1960 as he was senior to all of them.

(h). That as a result of the aforesaid representation, a supplementary trade test was arranged in the year 1966 and the applicant was called to appear therein for being promoted in skilled grade. The applicant appeared in the said test.

(i). That a combined result of the aforesaid trade test held in the year 1960 and 1966 was declared by the respondents under Headquarters Office, New Delhi's letter No. 293-E/1(Br) dated 20.6.1966 and the names of successful candidates were notified in strict order of their seniority. The name of the applicant was indicated at serial no. 4 that is above Sri Sucha Singh

and many other staff who were junior to the applicant. A true copy of the said letter dated 20.6.1966 is being filed herewith as ANNEXURE NO. 1 to this application.

Annexure 1.

(j). That after passing the aforesaid trade test, the respondents promoted the applicant as Tindal/Sarang in grade Rs. 110-180(AS) (Subsequently revised to scale Rs. 260-400) with effect from 12.5.1967 and not from the year 1960 when his junior Sri Sucha Singh and many others were promoted.

(k). That aggrieved by the aforesaid act of the respondents, the applicant made several representations for his promotion in skilled grade from the year 1960 when his juniors were promoted ~~and stepping~~ ^{and for} of his pay equal to his juniors, as required under the rules.

(l). That as a result of the aforesaid representations, the Senior Engineer, Bridges-L, Northern Railway, Baroda House, New Delhi, vide his letter No. 752-E/2(Br) dated 27.6.1977, ordered to fix the pay of the applicant equal to one Shri Mohinder Singh, Tindal in grade Rs. 110-180/260-44(RS) with effect from 12.5.1967 and not from the year 1960 when his juniors were promoted. A true copy of the said letter dated 27.6.1977 is being filed herewith as ANNEXURE NO. 2 to this application.

Annexure -2.

(m). That on a reference made by the respondent no. 2 (then designated as Assistant

Ram Parkash

Bridge Engineer (W), Northern Railway, Lucknow), the Senior Bridges Engineer/Bridge/L, northern - Railway, New Delhi, vide his letter No. 752-E/2(Br) dated 9.9.1977, confirmed the very same decision which he had already taken vide Annexure No. 2 to this application. A true copy of letter dated 9.9.77 is Annexure No. 3 to this application.

Annexure-3.

(m). That since the aforesaid decision was arbitrary and against the established law and rules, the matter was further agitated by the applicant to decide the issue involved in the case whereupon the Senior Engineer/ Bridges-L/Northern Railway, New Delhi admitting the claim of the applicant referred the case to the Senior Accounts Officer (W), Northern Railway, Lucknow for examination and vetting vide his letter No. 752-E/2(Br) dated 9.8.1979, a true photo stat copy of which is being filed herewith as Annexure No. 3 to this application.

Annexure-4.

(n). That in response to above letter (Annexure -3), the Senior Accounts Officer (W), Northern Railway, Lucknow, vide his letter No. 79/LAC/Br W/S/CB dated 18.10.1979, communicated his observations to the Senior Bridge Engineer, Northern Railway, Baroda House, New Delhi favouring the case of the applicant. A true copy of the said letter dated 18.10.1979 is being filed herewith as ANNEXURE No. 5 to this application.

Annexure-5.

(p). That thereafter, the respondents maintained complete silence over the matter which

Ram Parkash

compelled the applicant to prefer a representation dated 8.10.1982 to the Additional Chief Engineer, Bridges, Northern Railway, Baroda House, New Delhi through the proper channel for the reliefs already claimed. A true photo stat copy of the said representation dated 8.10.1982 is being filed herewith as ANNEXURE NO. 6 to this application.

Annexure-6.

(q). That thereafter, the respondent no. 2, vide his letter No. 258/E-2-4 (loose) dated 23.9.85 informed the applicant that his case was referred to Headquarters office, New Delhi for decision but no decision could be arrived at as the concerning file was not available in that office; and as such the applicant was required to supply copies of correspondence pertaining to his case for further transmission to Headquarters Office, New Delhi for disposal of his case. A true copy of the said letter is being filed herewith as ANNEXURE NO. 7 to this application.

Annexure-7.

(r). That in pursuance of the aforesaid letter (Annexure no. 7), the applicant, by means of an application dated 10.1.1986 furnished the full information and copies of the relevant documents/ correspondence to the respondent no. 2 for further transmission to the Headquarters Office for disposal of his case. A true copy of the said letter/application dated 10.1.1986 is being filed herewith as ANNEXURE NO.8 to this application.

Annexure-8.

(s). That after the receipt of the information and copies of documents, the respondent no. 2,

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by his letter No. 258-E/3-4(Br) dated 30.1.1986, referred the case with copies of full correspondence to the Deputy Chief Engineer (Bridges)/W, Northern Railway, Baroda House, New Delhi with the recommendation to decide the case finally. A true copy of the said letter dated 30.1.1986 is being filed herewith as ANNEXURE NO. 9 to this application.

Annexure-9.

(t). That thereafter, the Respondent no. 2, by his letter no. 941-E/4-c dated 4.5.1987, communicated the decision of the Deputy Chief Engineer, Bridges, Northern Railway, New Delhi rejecting the claim of the applicant on flimsy ground and in an arbitrary manner to the Shop Supdt. (W), Northern Railway, Lucknow, who informed the applicant accordingly. A true copy of letter dated 4.5.1987 along with the letter dated 29.4.1987 containing the decision of the Deputy Chief Engineer is being filed herewith collectively as ANNEXURE NO. 10 to this application.

Annexure-10.

(u). That since the decision made in the case of the applicant was not on the actual point involved in the case, the applicant was constrained to move representation dated 9.5.1987 for review of the decision already taken and thereafter preferred a representation dated 30.6.1987 to the respondent no. 2 with copies to all authorities concerned for deciding the case in accordance with law and rules. True copies of the said representations dated 9.5.87 and 30.6.1987 are being filed herewith respectively as ANNEXURES NOS. 11 and 12 to this application.

(v) That thereafter, the respondent no. 2, by his order No. 258-E/2-4(Br) dated 16.1.1988, finally rejected the claim of the applicant in an arbitrary manner and against his own observations already made vide Annexure no. 9 and the observations made by the Senior - Engineer/Bridges-L, Northern Railway, Headquarters Office, Baroda House, New Delhi vide Annexure no. 4 to this application.

(w). ^{all} That the orders rejecting the claim of the applicant are illegal, unconstitutional, arbitrary, against the rules of the department and instructions issued by the Railway Board contained in Printed Serial Nos. 2709 and 3412 ~~etc.~~. In every case the applicant is entitled to the benefit of 'Next Below Rule'. Since the applicant has been denied such benefit, the action of the respondents is violative of Article 14 and 16 of the Constitution of India also.

7. RELIEF SOUGHT :

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :-

(a). That this Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of 'Next Below Rule' to the applicant by fixing his pay equal to his

Parley

to his junior namely Sri Sucha Singh and many other juniors promoted in Skilled Grade on the basis of trade test held in the year 1960 with all consequential benefits of seniority and promotion over his juniors by quashing all orders contained in Annexure no. 13 to this application.

(b). Cost of this application may also kindly be awarded to the applicant.

Grounds :

- (i) That the orders rejecting the claim of the applicant is against the ' Next Below Rule ' that is Rule 2018 B of the Indian Railway Establishment Code Vol. II and various instructions issued by the Railway Board on the subject.
- (ii) That orders rejecting the claim of the applicant are violative of Articles 14 and 16 of the Constitution of India.
- (iii) That the orders rejecting the claim of the applicant is arbitrary and against the facts available on the records and the observations of the respondents themselves.

Ram Parkash

8. INTERIM ORDER, IF PRAYED FOR.

In the facts and circumstances of the case, the applicant prays for no interim order.

9. DETAILS OF THE REMEDY EXHAUSTED:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules e.t.c.

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

The applicant further declares 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.

11. PARTICULARS OF THE POSTAL ORDER (s) IN RESPECT OF APPLICATION FEE.

(i) No. of Indian Postal Order: DD 829787

(ii) Name of issuing post office: Almora

(iii) Date of issue of Postal Order: 6/1/89

(iv) Post Office at which payable: _____

12. DETAILS OF INDEX:

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

Ram Parkash

13. List of enclosures :

(1) Copy of letter No. 293*E/1(Br) dated 20.6.1966 issued by the Executive Engineer/ Bridge Workshop, Northern Railway New Delhi declaring the result of the trade test held in the years 1960 and 1966 for skilled grade.

(2) Copy of Letter No. 752-E/2(Br) dated 27.6.77 issued by S.E.N/Br/L, New Delhi ordering stepping up pay of the applicant w.e.f. 12.5.1967.

(3) Copy of Letter No. 752-E/2(Br) dated 9.9.77 issued by S.E.N/Br/L, New Delhi confirming the decision contained in letter dated 27.6.77

(4) Copy of letter No. 752-E/2(Br) dated 9.8.79 issued by SEN/Br/L, New Delhi to Sr. Accounts Officer (W), Northern Railway, Lucknow.

(5) Copy of Letter No. 79/LAC/Br W/S/CB dated 18.10.1979 issued by Sr. Accounts Officer (W), Northern Railway, Lucknow to SEN (Br), Northern Railway, New Delhi.

(6) Copy of applicant's representation dated 8.10. 1982.

(7) Copy of letter No. 258/E-2-4(Loose) dt. 23.9.1985 issued by respondent no. 2 asking the applicant to supply copy of correspondences.

Ram Parkash

(8). Copy of applicant's representation dated 10.1.1986.

(9). Copy of letter No. 258-E/3-4(Br) dated 30.1.1986 from Deputy Chief Engineer (Br. W/Shop), Northern Railway, Charbagh, Lucknow to the Dy. Chief Engineer (Br),/W, Northern Railway, New Delhi.

(10) Copy of Letter No. 941-E/4-C dt. 4.5.87 from respondent no.2 alongwith copy of letter dated 29.4.1987 of SEN/Br-L/II.

(ii) Copy of applicant's representations dated 9.5.1987 and 30.6.1987.

(12) Copy of letter No. 258-E/2-4(Br) dated 16.1.1988 from respondent no. 2 containing the final decision.

Verification :

I, Ram Prakash, son of Late P.R. Gulati, aged about 57 years, resident of 449, Hind Nagar, Kanpur Road, Lucknow, do hereby verify that the contents from paragraphs 1 to 13 are true to my knowledge and belief and that I have not suppressed any material fact.

Ram Parkash

Signature of the applicant.

To ,

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

(4)

A38

लैटर नं. 19/G.L. 19

प्राप्ति नं. 99-लैटर/Genl. 99-Large

NORTHERN RAILWAY

Headquarter's Office,
Baroda House, New Delhi.

No. 293-E/1(Br.)

Dated: June 20, 1966.

The Asstt. Bridge Engineer,
Northern Railway,
Lucknow and New Delhi.The Asstt. Bridge Engineer, Spl.,
Northern Railway,
New Delhi.

Sub:- Trade Test.

As a result of the trade test conducted the following semi-skilled Khallasies are declared to have passed the test for promotion to the post of skilled Khallasies:-

1. Shri Kartara S/o Buta.
2. " Uttam Singh, S/o Naranjan Singh.
3. " Amar Singh S/o Lal Singh.
4. " Ram Prakash, S/o Panjoo Ram.
5. " Sucha Singh, S/o Prem Singh.
6. " Khushia Singh, S/o Mehanga Singh.
7. " Bachan Singh, S/o Boor Singh.
8. " Dalip Singh, S/o Surain Singh.
9. " Phuman Singh, S/o Bhagat Singh.
10. " Faqir Chand, S/o Sant Ram.
11. " Lachhman S/o Sungna Maj.
12. " Chur Singh, S/o Palu Ram.
13. " Moti Ram, S/o Halu Ram.
14. " Duni Chand, S/o Sita Ram.
15. " Balip Singh, S/o Kalyan Singh.
16. " Surinder Singh, S/o Wadawa Singh.
17. " Shiv Dutt S/o Moti Ram.

-Sd-

Executive Engineer/BrW.

T.C

Ranu Parkash

Attached is a copy

Vishwanath

L. P. S. 1/1/66

A. A. Y. 1/1/66

dated 27.6.1977

No. 752-E/2 (Br)

From :

S.E.N./Br/L/L,
New Delhi.TO,
A.B.E. (W),
Northern Railway,
Lucknow.Sub : Fixation of pay of Shri Ram Prakash,
Tindal., Bridge Workshop, N. Rly, Lko.Ref : Your Letter No. 258-E/2-4 (Br) dated
12.11.76 .

It has been decided on consultation with A.O. (E),
 N. Rly., NDLS that pay of Shri Ram Prakash, Tindal,
 Br. W/Shop-Lko may be stepped up equal equal to his
 junior men Shri Mohinder Singh, Tindal gr. Rs. 110-180
 (AS)/260-400(RS) with effect 12.5.67.

His pay me refixed accordingly.

Sd. _____

S.E.N/Br/L.

True copy.

Ram Parkash

Attested/True Copy

VermaL. P. SHUKLA
Advocate

No. 752-E/2 (Br)

Dated 9.9.1977.

A 40

From :

To ,

S.E.N./Br-L,
N. Rly., New Delhi.A.B.E. (W),
N. Rly., Lucknow.Sub : Fixation of Pay of Shri Ram Prakash,
Tindal, Br. W/Shop, Lucknow.Ref : Your Letter No. 258-E/2-4(Br) dated
2.8.77.

The case of the above-named has been re-examined
and it is revealed that pay already fixed under this
office letter of even number dated 27.6.77 is correct.

Sd.----- 9/9
S.E.N/Br/L.

True Copy.

Ram Parkash

Attested/ True Copy

L. P. SHUKLA
Advocate

99 AT/17-March, 1976-1,00,000 Pds.

Hd. 4rs. G.C. NORTHERN RAILWAY, Delhi.

No. 752E/2(Br)

Dt.: 9.3.79.

SAC(W)/LKO.

Sub:-Fixation of seniority of Sh. Ram Prakash Tindal/Sarang
Gr.260-400(RS) Br. W/Shop, LKO.

...

Sh. Ram Prakash S/o Sh. Panjoo Ram is working in Br. W/Shop, LKO, as Tindal/Sarang Gr. B. 110-130AS/260-400RS. He has claimed his seniority and fixation of his pay over his juniors as mentioned below in semi skilled Gr. as Kh. Semi skilled LKO.

Sh. Ram Prakash was appointed as Kh. S. S. on 19.3.53 under BRI/NDLS and transferred to LKO in 1956 in Fabrication Depot under BRI/LKO. This Fabrication Depot, which is now in the shop of Br. W/Shop, LKO, was registered in 1966, giving retrospective effect from 1.4.55.

In 1953, some of the Akhaliases S.S. were transferred from this depot to Spl. Works under ABE/SPL/FB & ABE/III and subsequently they were promoted there in skilled grade after trade test held in 1960. They however did not turn up to their parent office LKO though they had their substantive lim. in S.S. grade in Br. W/Shop, LKO. Sh. Ram Prakash was not called for in the Trade Test held in 1960 by ABE/Spl. along with other staff Trade tested. However a trade test for Akhaliase Skilled was held in 1966 and Sh. Ram Prakash appeared in the T.T. the result of which was declared vide No. 293E/1(Br) dt. 20.6.66 showing also names of those who appeared in T.T. in 1960 under A.BE/Spl. This show was supplementary T.T.

On the basis of this Trade test for A.M. skilled held in 1966, Sh. Ram Prakash was designated as Tindal/Sarang Gr. 110-130AS 260-400RS in Br. W/Shop, LKO on 12.5.67 while working in machine shop (Br. W/Shop, LKO). He is still working as Tindal/Sarang Gr. 110-130AS/260-400RS in Br. workshop, LKO. Whereas his juniors Akhaliase S.S. got promotions in field on the basis of Trade Test for A.M. Skilled held in 1960 and further promotions to Mistr. 1. Suman Singh, Promoted as Mistr. but left service. 2. Khusnia Singh, Promoted as Mistr. on 1.3.680as BRI on whose basis 1976. 3. Bachan Singh, Promoted as Mistr. on 12.12.72 4. Daleep Singh, " " in 1977 5. Fequir Chand " " in 1976 6. Chur Singh died 7. Moti Ram Promoted as Mistr. in 1978.

Shri Ram Prakash has stated in his representation that he may be given due seniority and fixation of pay even if he is transferred in field on promotion.

.1.2/-

T. C
Ram Parkash

Affidavit Copy

Vasant Parkash

Advocate

A/2

A/1818/18—Nov., 1977—36,300 Pds.

उत्तर रेलवे
Northern Railway

79/442/100 m/s/CS

24/10/1977

The SEN (Bridge)

N. Ray / Bawali House

New Delhi

Ques: Fixation of Seniority of Sh. Ram Parkash
Tikot / serving Gr 200-40 (Rs) Bridge
4573 kgs / etc.

Ref:— your letter no 752 E/2 (Brd) dt - 2.11.

In the case of Sh. Ram Parkash he has been examined in the light of recommendations made in your letter cited above. The office has nothing to say in the matter of seniority.

As regards his fixation of pay the following requirements need to be fulfilled:

- In order to allow the employee proforma fixation over his junior the employee in the higher post administrative error if any will have to be established in terms of Railway Board letter no E (NG) 63 P.M./92 dt 15/12 (P.S. 2709)
- Necessary sanction of the competent authority to the proforma fixation and to the payment of arrears w.e.f. the date Sh. Ram Parkash was physically promoted to the higher post is incomplete in the matter.

05/10/78
S. A. P.
C. S. I. M.
19-10-1978

10/10/78
S. A. P.

Copy to Addl (a) ^{headquarters} for information & necessary action pl.

T. C

Ram Parkash

Attestation to Copy

V. S. Mehta

S. P. CHIKLA
Clerk

To,

The Addl. Chief Engineer/Bridges,
Northern Railway-Baroda House,
New Delhi.

(Through Proper Channel)

31.

Subject:-Assignment of wrong seniority.

With due respect I beg to state that my case of seniority is still hanging in fire and has not been dealt with in its right prospective. In this connection, I may like to bring the following facts so that the genuine demand of the undersigned. The decisions conveyed to me vide SKEN/Br. NDLS letter No's. 752-E/2(Br.) dt. 27.6.77 and 9/9/77 were appealed against me and no further decision has been intimated to me, which is hanging for the last 22 years, may be noted suitably.

1. That the staff mentioned below were appointed in 1953 alongwith me in the field workshop under BRI/W-NDLS
 1. Sh. Succha Singh - now promoted as Mistry.
 2. Sh. Khushja Singh - Since promoted as BRI in 1976
 3. Sh. Bacchan Singh - Since promoted as Mistry.
 4. Sh. Daleep Singh - -do-
 5. Sh. Faqir Chand - -do-
 6. Sh. Chur Singh - Since dimed.
 7. Sh. Moti Ram - Since promoted as Mistry.

The above workshop was later on shifted to LKO as field workshop at Lucknow. The staff who were in SS category against whom I have claimed my seniority were later on sent to BRI/Sol/Dhaneta in 1959 for execution of special work. At Dhaneta, they were tested for skilled grade in 1960 and were absorbed as such but I was not called for the trade test being senior to them.

2. That as a result of my representation I was called to appear in the trade test for the post of Skilled in only 1966 which was treated as supplementary test and combined result was declared by the then SKEN/Br. NDLS vide letter no. 23-E/4(Br.) dt. 20/12.6.1966, but I was not assigned the seniority of Sarang which was due to me.
3. That one of above trade test I was designated as Sarang in the Bridge Workshop, Lucknow on 12.5.1967.
4. That I am still working as Sarang in the Bridge Workshop, Lucknow whereas my juniors as indicated above have been promoted over and above to me on the basis of trade test conducted in 1960 in which I was ignored. Had I been called for the trade test in 1960 on the basis of combined seniority which was existing as is very clear from the item 2 above, I would also have got promotion and would have been senior to them but for due to the administrative fault I have been deprived of my legitimate right..

It is, therefore, requested that I may kindly be given my correct seniority position thereby fixing my pay, to take effect from 1960 the date from which my juniors were given promotions.

Yours faithfully,

Ram Prakash *SP*
(Ram Prakash) Sarang
T.No.601
Bridge Workshop, Lucknow

Dt. 8/10/1982

T. e
Ram Prakash

Attestation Copy

Verbal intimation

L. P. CHHINKLA
Advocate

ANNEXURE NO 7

20

Aug

1

Ref. No 19/G.L. 19
Date 29.8.85/Gen. 99-Large

MR. /NORTHERN RAILWAY

Office of the
Dy.CE/Br.W/CB-LKO.
No. 258/E-2-4(Lease) Dated: 23.9.85.

Shri Ram Prakash,
Sarang HS Gr.I,
Bridge Workshop, LKO.

Sub:- Seniority position in Skilled grade

Ref:- Your application dated: 29.8.85.

Your last application was referred to Hqrs. Office for decision into the matter and it has been advised to SEN/Br.Line-II, NDLS that the connected case file on this subject is not available in that office. Accordingly Hqrs. office has asked for supplying copies of the correspondence pertaining to your case. Pl. supply copies of the correspondence in connection with your case available with you, if any, to this office so that full correspondence may be supplied to Hqrs. office for further disposal there.

Dayan Ray
SEN/Br.W/CB-LKO.

T.C
Ram Parkash

Attested/True Copy

Deeshmukh
L. P. SHUKLA
Advocate

21

INEXURE NO..... 8

Ays

To

The Dy.Chief Engineer(Bridges),
N.Rly., Charbagh,
Lucknow,

Through proper channel.

Sub:- Benefit of notional fixation of pay in
Seniority revision.

Ref:- Printed serial No.2709.

With reference to your office letter No.258-E/2-4(Loose)
dated:23.9.1983, most humbly and respectfully I beg to make the
following humble submissions for your kind consideration and
passing appropriate orders as deemed just and proper:-

1. That I am senior to item No.5 to 17 vide list No.
293-E/1(Br.). Dated:20.6.1966.
2. That I was not promoted at the appropriate time due
to administrative error.
3. That the full details of my claim are contained in my
application dated:8.12.1982(CopM enclosed).
4. That a Photostat copy of Associated Accounts observations
dated: 12.10.1979 is also annexed herewith for your
kind appreciation.
5. That a perusal of the case would show that I would have
been considered for promotion at the appropriate time,
had I been assigned my rightful seniority.
- 6.

I would therefore, pray that necessary orders for
fixation of pay under fundamental Rule 27 (203)-RII may kindly be
issued entitling me to further benefits such as seniority in
grades to which I have lost my seniority.

Thanking you in anticipation of the requisite sanction.

10/10/86

Yours faithfully,

Ram Prakash

(Ram Prakash)
Barang GR.I.
under 33/Br.W.H.Ply., CB-LKO.

DA
Copy
Copy
Copy
SEN/Line H.Q. Brodha Hame New Delhi
SEN/Br/15/Shop N.R.CB-LKO.
N.R.M. Br/w/Shop P.R.CB-LKO.

T. e
Ram Prakash Attested/ Copy
Venu... made

लो.प्रमा. 10 अप्र० १९८६
N.Rly. Dy. Chief Engg. Office

उत्तर रेलवे NORTHERN RAILWAY

Office of the
Dy. Chief Engineer(Br.W/Shop),
N.Rly., Charbagh-Lucknow.

No.258-E/3-4(Br.)

Dated:- 30/1/1986.

The Dy. Chief Engineer(Bridges)/W,
N.Rly., Bareda House, New Delhi.

Sub:- Seniority of Shri Ram Prakash, Serang Bridge
Workshop-Lucknow.

Ref:- SEN/Br./Lin.-II/NDSL's letter No.752-E/1(Br.)
dt: 19/6/85.

Copies of the correspondence as per list enclosed
in connection with the above case are sent herewith for
your further disposal please.

In this connection the following remarks are offered
and it is requested that decision into the case may please
be expedited as the same is pending since the last so many
years.

1) That in his appeal of Sh.Ram Parkash, Serang has
claimed fixation of pay equivalent to persons who
were promoted as Serang before him but who were
junior in seniority to him in Semi-Skilled Gr:
210-290 RS.

Since the trade test of Serang held in the year 1960,
as per the result declared under SEN/Br./NDSL's letter
No.293-E/1(Br.) dt:20/6/66, has been treated as a
supplementary test to the test in this category
already held in the year 1960, there should be no
dispute regarding the seniority of the applicant
over and above the persons who were junior to him
in semi skilled Rigger Grade and were promoted
prior to him as Serang.

2) The claim of the applicant for fixation of his pay
in skilled grade as Serang equivalent to his juniors
therefore appears to be genuine and may be looked into
accordingly.

3) Since all the persons concerned are working in Field
under different sub-divisions the record of these
men may be looked into at your end and final decision
conveyed to this office early.

In the end it is again requested that final decision
into the matter may please be taken as the case is pending
since the last so many years and the employee is representing
again and again for fixation of his pay.

DA/1/1st
& Ser/1/625

(Hand 3-11-86)

Dy. Chief Engineer(Br.W/Shop),
N.Rly., Charbagh-Lucknow.

T. C
Ram Parkash

Attached is a copy

✓
L. R. J. M. A.
Advocate

ANNEXURE NO 10 (1)

6/5/87
NORTHERN RAILWAY

~~10/10/87~~
SS/1dhs

No 94/EP/

4-5-87

Sub : - Slumity of S. Ram Parkash
Sircq q. S. Parkash (Plot)
Pkd.

Reference representation of
S. Ram Parkash Sircq regard
to his slumity vis-a-vis (Plot).
Hence, a copy of document
vide SEN/Par/2-11/1005, letter
no 752E/1 (Par) d, 25/4/87
is enclosed for information
in 'Employee' concerned
accordingly.

SL
ATS

Attest, Five Copy

SL

By Senior Engineer

Vishwanath

S. P. SHUKLA
Advocate

T. C. Parkash

Ram

ANNEXURE NO. 10 (2)

A48

NORTHERN RAILWAY

No. 752 E/1 (hr)

22.4.87

SEM/Br. Uto

Subj: Seniority of Sh. Ram Bakesh
 Sarang gr. II Br. w/Shop Uto.

Sh. Ram Bakesh Sarang gr. II

Br. w/Shop Uto met Dy CE Br. WNTS in
 Corolla House, New Delhi and explained
 the case. Dy CE/Br has observed that
 Seniority upto Be misris Grade is the
 Shopwise & field separate & he is the
 employee of Br. w/Shop Uto. His claim with
 the seniority of field Staff does not
 arise. The employee may be informed
 accordingly.

3d/par
 SEM/Br. Uto II

Attestor/True Copy

L. P. SHUKLA
 Advocate

25
11
ANNEXURE NO

Aug

To

The Sr.Civil Engineer(Bridges)/Line-II,
Northern Railway, Headquarters Office,
Baroda House- New Delhi.

Sub:-Seniority of Sh.Ram Parkash, Serang Gr.II
...

Reft-Your No.752-B/1(Br) dt:29/4/87.
...

R/Sir,

In connection with your above reply received under
SLN/Br./EXER's letter No.941-B/1-4 dt:4/5/87. I have to
represent that seniority of Serang in Field as well as
in Bridge Workshop/CB-Lucknow was combined in the year 1975
through which my claim pertains on this basis, the result
of trade test has been declared on combined basis, a copy of
which has already been sent to your goodness.

It is therefore requested that the above decision
may kindly be reviewed in the light of orders available
at that time and I may be given fixation of pay according
to my seniority position.

Thanking you,

Yours faithfully,

Ram Parkash

(Ram Parkash)
Serang Gr.II
O/o Smt/Br.W/Shop-LKO.

Dated:- 9/5/1987

2/5

T.C
Ram Parkash

Attested/True Copy

Vishwanath

L. P. SHUKLA
Advocate

To

A50

The Dy. Chief Engineer (BW),
N.Rly., Bridge W/Shop,
Charbagh-Lucknow.

(Through Proper Channel)

Sub:- Loss of seniority and pay on account of
administrative error.

Ref:- Your letter No. 941-B/4-C dt: 4-5-87

-C-O-O-
-O-O-O-O-

Sir,

Respectfully I beg to make the following humble submissions against the decision conveyed under your letter referred to above:-

- 1- That my claim is based on the combined seniority existing at the time i.e. 1960 the first trade test was conducted and I was ignored to appear at the same.
- 2- That on my representation I was allowed to appear in the second continuation test in the year 1966, when I was already entitled for the same in 1960.
- 3- As per normal rules, senior persons available can not be ignored even if some change of station is involved.
- 4- That I had never been declared failed or unsuitable to hold the post on promotion prior to 1966, snatched away by the juniors.
- 5- That my previous applications on the subject and the recommendations made by Dy.CE(W)/CB vide his letter No. 258-B/3-4/Br dt: 20/1/86 deserve reconsideration by the competent authority.
- 6- That I am not prepared to forgo my claim on flimsy grounds whatsoever for nonavailability of combined seniority list prevailing in the year 1960 or non-application of P.S. 2709 to rectify the administration lapse.

Keeping in view of the above I would request your honour to allow me to be promoted on proforma basis wef 1960 and actual arrears from the date of physical promotion.

For the above I shall ever remain grateful to you.

Yours faithfully,

Ram Prakash

(RAM PRAKASH)
Serang HS Gr:I, P.No.601.

under SS(W)/LKO

C/- 1. SAO(W)/CB-LKO for information and action pl.
2. SBN/Br./L-III/N.Rly., HQ Office, Baroda House, New Delhi
for information and necessary action please.

T.C
Ram Prakash

NORTHERN RAILWAY

Office of the
Dy.C.E.(Br.W/Shop),
N.Rly.,CB-Lucknow.

No.258-E/2-4(Br.)

Dated:- 16-1-1988

Shop Supdt.(W),
N.Rly.,Lucknow.

Shri Ram Prakash,
Serang, Br.W/Shop-Lucknow.

Sub:-Seniority of Shri Ram Prakash,Serang,Br.W/Shop,
Lucknow.

Ref:-Your representation dated 30/6/87,in response to
decision of SEN/Br./L-I/NDLS vide No.752-E/1(Br)
dt:29/4/87 conveyed under this office letter
No.941-E/4-4 dt:4/5/87.

Your appeal has been considered and it is informed
as under:-

- 1) No fresh light has been thrown the subject matter
and the points raised now have already been considered
by Hd.Qrs. Office, while conveying decisions in your
case under SEN/Br/Line/NDLS's letter No.752-E/2(Br)
dt: 27/6/87 & 9/9/77 and again on 29/4/87.
- 2). Since you have already claimed over-time and received
the same from 1955 to 1966 on the basis that
you were a workshop employee and seniority of workshop
and field is separate, your claim for seniority vis-a-
vis field staff is therefore under not considered

1000
16/1/88
Senior Engineer(Br.W/Shop),
N.Rly.,Charbagh-Lucknow.

T. E.
Ram Parkash

Attested/True Copy

L. P. SHUKLA

Advocate

In the Central Administrative Tribunal Metcalfe
 ब अदालत श्रीमान Ernest Bench Ludden महोदय

वादी अपीलान्ट

विवर बेन्च लुडन

महोदय

AS2

[वादी] अपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

का वकालतनामा



वादी (अपीलान्ट)

Ram Balaksh
Union of India

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Mr. L. P. Shukle, Advocate

C-22 Seetar-e-Mohanger

Ludden

वकील

महोदय

एडवोकेट

मुकदमा नाम
मुकदमा नं० नाम
मुकदमा नं० नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे दिलाफ फेसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted:
Nalchampattuvel

Ram Parkash
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

In the Central Adminstrative Tribunal Allahabad
Circuit Bench Lucknow.

O.A. No. 3 of 1989

Ram Prakash Sarang

Applicant

Versus

Union of India and another

Respondents.

In the above notes case it is submitted as under:-

1. That the above case has been fixed for final hearing today in default of having not filed the written reply to the application made by the applicant.
2. That the parawiase comments had been received by the counsel for the respondent, but they were misplaced, with the result that the written reply was not drafted for sending the same to the adminstration for signature and onward filing before this Tribunal.
3. That while going through other files relating to the cases pending before the Tribunal, the parawiase comments were located and the reply is being drafted out for sending the same to the adminstration for signature and then submitting the same in the above case.
4. That the written reply could not be drafted due to ~~misplaced~~ the parawiase comments having been misplaced and the ~~same~~ lies to the counsel appearing in the case. The same is liable to be condoned.
5. That some time would be needed for filing the reply in the case.

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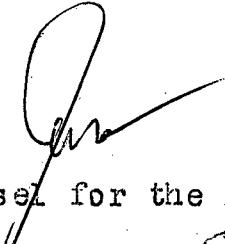
- 2 -

6. That on the facts and circumstances stated above, the order fixing the case for hearing today may kindly be recalled.

Wherefore it is most respectfully prayed that the order fixing the case for hearing today may kindly be recalled and the respondents be allowed 4 weeks time to file their reply.

Lucknow

dated 24.10.89


Counsel for the respo

No 941-E/4-4 (loose-leaf) Dt 8/11/92 53

To: - Sh: Arjun Bhargava C
Rly. Advocate 93

Hno: 223/1 - Faizabad Road - Lucknow

Sub: - OT NO: 3189 - Sh: Ram Booksh

VIS GM/ADLS & SENT BM (Ks.)

Please arrange to get three
months more time to enable this
office to collect service books of
the staff against whom Shree

→ Ram Booksh has claimed seniority.
The requisite service books will be
provided after tracing and collecting
the same from different offices
from where they have retired.

V KPS Ac
Dy. Chief Engineer (Bridges)
N. Rly. Charbagh, Lucknow.

2/11

Copy to Dy CE (Bridges) JtD - New D
for information in ref to his letter N
170-E/1-Bridges Dt 6/11/92

(56)

In the Central Admirewater Tribunal
Circuit Bench Lucknow

CA 3189

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Ram Bakash
VS
Union of India

In the above noted case, it
is submitted that certain documents
have been forged for foul
the Admirewater and they are
yet to come for perusing
in off.

It is therefore prayed that
one month time be allowed
for filing reply

Yours

Acting
D

21.9.1990

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In the Central Adminstrative Tribunal Allahabad

Circuit Bench Lucknow.
H.C. Off. No. 301/90

O.A. 3/89

Ram Prakash

Applicant

Versus

Union of India

Respondent

It is submitted as under:-

77 2.5.90

That I appear for the respondents in the above noted case fixed for 2.5.90.

2. That due to some personal work I am going out of Lucknow. As such it would not be possible to attend the Tribunal and conduct the case.

Wherefore it is most respectfully prayed that the date fixed in the case may kindly be adjourned to some other date.

Lucknow

dated: 2.5.1990


Counsel for Respondents.

58
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96

In the Central Administrative Tribunal Allahabad

Circuit Bench Lucknow.

M.G.C. cipher 301/90
C.A. 3/89

Ram Prakash

Applicant

Versus

Union of India

Respondent

It is submitted as under:-

That I appear for the respondents in the above noted case fixed for 2.5.90.

2. That due to some personal work I am going out of Lucknow. As such it would not be possible to attend the Tribunal and conduct the case.

Wherefore it is most respectfully prayed that the date fixed in the case may kindly be adjourned to some other date.

Lucknow

dated: 2.5.1990


Counsel for Respondents.

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97

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.3 of 1989 (L)

Ram Prakash Applicant.

Versus

Union of India & ors Respondents.

18-10-1989

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

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

Shri L.P.Shukla counsel for the applicant is present.

None is present for the respondents. Shri Arjun Bhargava had sought two weeks time to file counter affidavit on 20-9-1989, but the counter affidavit has not been filed as yet. It is presumed that the railway administration is not interested to contest the case. Therefore, list this case for arguments by the counsel for the applicant on 24-10-1989 before a Single Judge Bench. Respondents will have no right to file counter affidavit. They may however, if so like place the documents before the Single Judge Bench on the date fixed, herein before to facilitate the decision of the case.

Later on when the order was already dictated Shri Arjun Bhargava appeared before us and made a request and was asked to make an application with reason, so that it may be considered if at all it ~~can~~ ^{would} be necessary to modify the order.

Sd/-

A.M.

Sd/-

J.C.

// True Copy //

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

उत्तर रेलवे
NORTHERN RAILWAY

OFFICE OF THE DY: C.E.(Br.W), CHARBAGH, LUCKNOW.

No. 258-E/2-4(Br.)¹⁶⁰

Dated 24.5.1989.

The Dy. Director,
Central Administrative Tribunal,
Lucknow Bench, Gandhi Bhawan,
LUCKNOW.

Case No. CAT/CB/LKO/1059 dt: 28.3.89
Registration No. 3189 in CAT Circuit
Bench, LKO, Applicant Shri Ram Prakash,
Serang Grade I, Bridge W/Shop, Lucknow.

...*...

Your kind attention is invited towards
this office letters of even number of
1.4.89 & 2.5.89 and it is requested to
please allow the requisite time relaxation
upto 30.6.89 to submit counter affidavit
in the above said case.

Shri D. N. Dixit, M/5
Senior Engineer(Br.W),
N.Rly., Bridge W/Shop,
Lucknow.

Copy to G.M.(P), Law Branch, N.Rly., New Delhi
for information and arrange to nominate an
Advocate of Lucknow without further delay
to submit counter reply and plead the case
on behalf of this office. This may please
be treated as Most Urgent.

...

DIXIT

NORTHERN RAILWAY

Office of the Dy. C.E.(Br.W),
N.Rly., Charagh, Lucknow.

No. 258-E/2-4(Br.)

Dated 2.5.1989.

The General Manager
(Law Branch),
N.Rly., Hd. Qrs. office,
Baroda House, New Delhi.

Su:- Case No. CAT/CB/LKO/1059 dt: 28.3.89. Registration
No. 3/89 in CAT Circuit Bench, Lucknow.
Applicant Shri Ram Prakash, Serang Gr: I, Bridge
Workshop, Lucknow.

...

Reference is invited towards this office letter
of even number of 1.4.89 and it is requested to please
arrange to nominate an Advocate of Lucknow to plead
the abovenoted case on behalf of this office and to
submit counter reply in due course.

*Ke 200
2/5*
Sr. Engineer (Br.W),
N.Rly., Bridge W/Shop,
Lucknow.

*S. Singh
Kumar
P. D. D.*
Copy to Dy. Director, Central Administrative Tribunal,
Lucknow bench, Gandhi Bhawan, Lucknow for
information please. Kindly refer this office
previous letter of 1.4.89 and allow the requested
time relaxation to get the needful done.

...

DIXIT

Dixit

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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN

LUCKNOW

**
SAYO/05

No. CAT/CB/LKO/ 105

Dated :

28.3.1989.

Registration No. of 193.

3

9 (L)

Applicant

Ram Prakash Versus

Respondent's

Union of India and Others

To

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Engineer, Bridge workshop, Northern Railway, Chabagh, Lucknow.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed _____ day of _____ 1988 for

6th

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Counter

Affidavit and List for orders before the Deputy Registrar on that date.

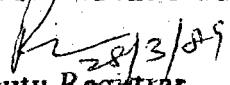
If no appearance is made on your behalf by your pleader or by someone duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 28th day of March 1989.

13th

For DEPUTY REGISTRAR

dinesh/


Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

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