

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT ...165/89...of 20.....

Keshav Singh

Applicant(S)

Versus

U.P. F. Act.

Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1-	Cheque list	A1 to A2
2-	order sheets.	A3 to A7.
3-	Memo appearance jud off. 18-9-92.	A8 to A12.
4-	Copy of petitions.	A13 to A22
5-	Receipt	A23.
6-	Homexure.	A24 to A35
7-	सूची 1912 शिवाजी महाराज यांच्या यादीत 1912-14-90	A36 to A45
8-	written statement	A46 to A58.
9-	Rejoinder affidavit	A59 to A74

Certified that the file is complete in all respects.

Already B/C recorded and destroyed

Signature of S.O.

Signature of Deal. Hand

24/8/12

18/7/89

Promote

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 165 of 1989 (2)

APPLICANT(S) Kishan Singh

RESPONDENT(S) U.O. & others (N.E. Rly.)

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 ? | Five Sets |
| 3. | a) Is the appeal in time ? | yes |
| | b) If not, by how many days it is beyond time? | - |
| | c) Has sufficient case for not making the application in time, been filed? | - |
| 4. | Has the document of authorisation/ Vakalatnama been filed ? | yes |
| 5. | Is the application accompanied by B.D./Postal Order for Rs.50/- | yes DD 4 784447 dt. (50/-) |
| 6. | Has the certified copy/copies of the order(s) against which the application is made been filed? | yes |
| 7. | a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes |
| | b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | yes |
| | c) Are the documents referred to in (a) above neatly typed in double space ? | yes |
| 8. | Has the index of documents been filed and paging done properly ? | yes |
| 9. | Have the chronological details of representation made and the 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? | No. |

Particulars to be Examined

Endorsement as to result of examination

- 11. 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? *—*
 - c) Wanting in Annexures *—*
 - Nos. _____ pagesNos _____?
- 13. Have the file size envelopes bearing full addresses of the respondents been filed? *No*
- 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? *NA*
- 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? *Nil*
- 19. Whether all the remedies have been exhausted? *Yes*

Submitted

13/7/89

dinesh/

Registers as O.A. and list before court on 18-7-1989.

13/7/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 165 of 89(L)

REGISTRATION No. _____ of 198.

APPELLANT
APPLICANT

Keshav Singh

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>187/89</p> <p>9/8/89</p>	<p>No sitting Adj to 9-0-89. L</p> <p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>None appears for the parties. Adjourn this case on 7/9/89 for <u>admission hearing.</u></p> <p style="text-align: center;">D J.M.</p> <p>(sns)</p>	<p>OR Case is submitted for admission</p> <p style="text-align: right;">L 15/9</p>
<p>7/9/89</p> <p>290/89</p> <p>J.M.</p> <p>15/11/89</p>	<p>Hon. Justice K. Nath, VC.</p> <p>Hon. K. J. Roman, J.M.</p> <p>On the request made on behalf of the learned Counsel for the applicant on ground of illness, the case be listed for admission on 20-9-89.</p> <p style="text-align: center;">VC,</p>	<p>OR Case is submitted for admission</p> <p style="text-align: right;">L 15/9</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 165/89(L) of 198

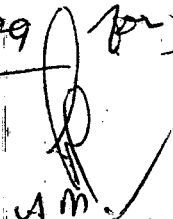



APPELLANT
APPLICANT

Keyhan Singh

VERSUS

DEFENDANT
RESPONDENT

U.O.I. 204

Sl. No. of order & date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p>Hon'ble D.K. Agrawal, J.M. Hon'ble K. Chayya, J.M.</p> <hr/> <p>Shri A.R. Sharma Counsel files his power on behalf of the applicant and desires adjournment. Allowed. List this case on <u>10-11-89</u> for admission.</p> <p> A.M.</p> <p>(SNS)</p> <p>Hon'ble D.K. Agrawal, J.M. Hon'ble K. Chayya, J.M.</p> <hr/> <p>Shri R. Deen Mitra Counsel for the applicant after advancement of some arguments, requested for postponement of the case. Put up on <u>12-12-89</u> for admission.</p> <p> A.M.</p> <p>(SNS)</p>	<p>Case is submitted for admission.</p> <p>L 9/14</p> <p> J.M.</p> <p> J.M.</p>

10/11/89

CA 165/89-L

2/5/90

Hon'ble Justice K. Nath. Vc
Hon'ble K. obayya AM

Pistup on 3.5.90

de

AM

VC

3.5.90

Hon'ble Justice K. Nath. Vc
Hon'ble Mr. K. obayya AM

On the request of parties in
Case n. ad/ann to 10.7.90

de

AM

VC

10.7.90.

No sitting. Adj. to 11/9/90.

VC

OR

Submitted for
order on restoration
application

11-9-90

Hon'ble Justice K. Nath. Vc
u Mr. M. M. Singh AM.

VC
6/9/90

Due to sad demise of
Hon'ble Justice Kaul of H.C. H.O.,
Case is adjourned to 13-11-90

(2)

A.M.

VC

VC

OR

Submitted for order
on restoration applica

13-11-90

Hon. Mr Justice K. Nath. Vc
Hon Mr M. M. Singh AM.

VC
7/11/90

VC
12/11/90

Case called now present for
the applicants but for orders
on 11-12-90.

to

AM

VC

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

....

Registration O.A. No. 165 of 1989(L)

Keshav Singh Applicant

Vs.

Union of India and ors... Respondents

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K. Obayya, A.M.

1/1/90

(By Hon' Mr Justice Kamleshwar Nath, V.C.)

This case has been called twice and no one is present on behalf of the applicant. Even on the last date i.e. 18.12.1989, None was present. The application is dismissed in default of the applicant, with no order as to costs.

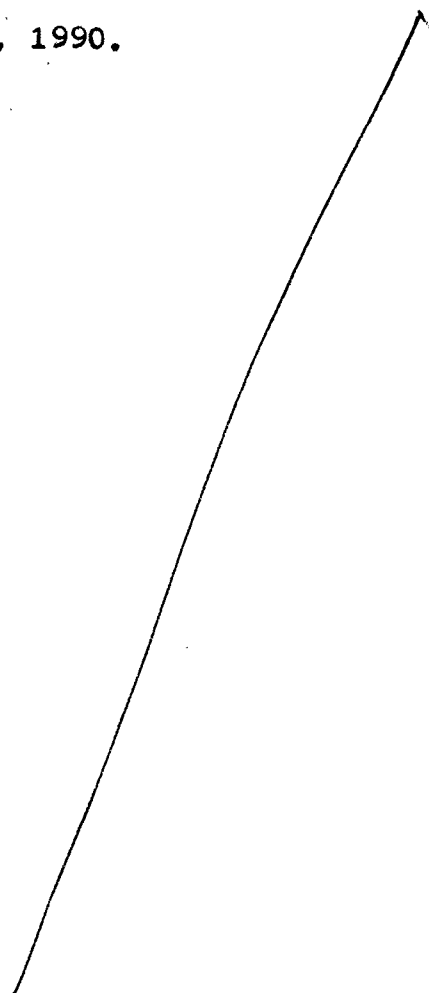

Member (A)


VICE CHAIRMAN

(sns)

January 1, 1990.

Lucknow.



O.A 165/89

8.11.91
D.R.

X

Applicant is present
in person. No appears
for the o.f. o.f. is
directed to file

counter by 11/12/91

11.12.91
D.R.

Applicant is present.
counter has not been
filed. Respondent

to file counter by
5/3/93.

5/3/92

Applicant's side
is present. Respondent^{5/5-}
to file counter by
5/5/92.

28.3.92

No signing of D.M. adj to
B-4-92

✓

24.9.92

No signing adj to 164-92

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO. _____

O.A./I.A. No. 165/89

OFFICE REPORT / DATE / ORDER

26.8.92

Case is not reached.
Adjourned to 14.9.92

Constitution

O.R.

14.9.92

Case not reached
to 18.9.92

Case is

S.F.H.

Boo

17/9/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

...

O.A. NO 165/1389-199 (L)

T.A. NO _____

Date of Decision _____

Heather Singh Petitioner.

Shri A.K. Shukla Advocate for the
Petitioner(s)

V E R S U S

Union of India & others Respondent.

Shri Anil Kumar Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice V.C. Srinivasan

The Hon'ble Mr. K. Gopinath, AM

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 ~~the~~ their Lordships wish to see the fair copy of the Judgment ?

W
VICE-CHAIRMAN/MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 165/1989

Keshav Singh

Applicant

versus

Union of India & others.

Respondents.

Shri A.K.Shukla Counsel for Applicant.

Shri A. Srivastava, Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

Feeling aggrieved against non promotion of the applicant he has approached the Tribunal praying that Annexure 5-A to this application the letter by which he was informed that as he was not suitable for promotion in the year 1979 as such persons junior to him were promoted and / ^{they} have now become senior, may be quashed and he may be promoted to the grade of Rs 425-640 retrospectively with effect from 23.9.1978 with all consequential benefits and the applicant be declared senior to respondent No. 3 in the grade of Rs 455-700 (Revised scale 1973) from 5.5.1982 when his junior was elevated to this post as also in the grade of Rs 550-750.

2. The applicant along with respondent No. 3 were, appointed on the post of Enquiry/Reservation Clerk in the grade of Rs 330-560 on 4.1.1957 and 12.4.1957 respectively. According to the applicant he is senior

to respondent No. 3, which position was indicated in the seniority list. The grievance of the applicant is that notwithstanding the applicant was senior to the respondent No. 3, but the respondent No. 3 was promoted to the non selection post of Head Enquiry and Reservation Clerk in the grade of Rs 425-640, ignoring the claim of the applicant. Representation was filed by the applicant vide his letters dated 7.4.79 and 1.4.79 and the selection made so, was challenged. He also stated that the post was a selection post as declared by the Railway Board vide letter dated 6.8.1974. The applicant wanted to appear in the same but he was not allowed on the ground that he was not eligible. Applicant made representation against the same. It appears from the record that his representation was decided in the year 1989 whereafter he approached the Tribunal.

3. The applicant has challenged the entire proceedings on the ground that supersession and the declaration of ^{if any} unfit have not been made earlier.

4. The respondents have resisted the claim of the applicant and have pleaded that the post of Enquiry/Reservation Clerk (scale Rs 425-640) was a non selection post and the same was to be filled on the basis of seniority cum suitability to be determined by the authority competent to fill the post on the basis of record of service. The competent authority did not find the applicant suitable

6

and that is ^{why} the respondent No. 3 who was found suitable was promoted. Reference has also been made for procedure for calling the candidates for selection in selection, which is laid down under para 6.1 of the Rules which is as under:


"The number of candidates to be called for class III selection need normally be only three times the number to be empanelled."

As the post of Enquiry cum-Reservation in the scale of Rs 455-700 being a selection post, only the persons in the scale of Rs 425-640 according to the rules were eligible to be called in order of seniority. The applicant did not fulfil this condition and consequently he was not called. His representation was re-considered and was rejected in the year 1989. As the respondent No. 3 was promoted and that is why the correction in the seniority list was made. It was further stated that the applicant was promoted in the scale of Rs 425-640 according to selection process and not as a result of his appeal and his seniority position has rightly been assigned.

5. The simple question in this case is that earlier criteria was seniority/cum suitability, which means that seniority is to be given provided a person is not unfit. The applicant was entitled by virtue of seniority and wrongly he was not promoted to the said post and respondent No. 3 was

promoted. If the applicant could have been promoted earlier he would have been senior. Thus, this application deserves to be allowed. The respondents are directed to give notional promotion to the applicant from the year 1978-79 when respondent No. 3 was promoted wrongly in his place. In case by virtue of the said selection the applicant is entitled for fresh consideration, on the post, with effect from that date, the same will be done within a period of 4 months from the date of receipt of a copy of this judgment. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 18.9.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Circuit Bench, Gandhi Bhawan, Lucknow.

O.A. 165 of 1989

Keshav Singh ----- Applicant.

Versus.

Union of India & others. ... Respondents.

*Filed today
Notes
B 8/89*

I N D E X

Sl. No.	Description of documents relied upon.	Page No.
---------	--	----------

- | | | |
|----|-------------|----------------------------------|
| 1. | Application | |
| 2. | Annexure 1 | Security list |
| 3. | Annexure 2 | Responsibility sheet 11.4.79 |
| 4. | Annexure 3 | Decision on responsibility |
| 4A | Annexure 3A | - Responsibility |
| 5. | Annexure 4 | Rule order / responsibility |
| 5A | Annexure 5A | Responsibility sheet - dt 5.3.82 |
| 6. | Annexure 5 | Responsibility sheet - dt 5.3.82 |
| 7. | Annexure 6 | Responsibility sheet dt 29.11.88 |
| 8. | Power | |

Ak Shrivastava

Signature of the Applicant for use in Tribunal's Office.

Date of filing.

Signature.

For Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALA HABAD
Circuit Bench. Gandhi Bhawan, Lucknow.

O.A. 165 of 1909 (L)

Keshav Singh aged about 54 years S/o. Sri. B.N. Singh,
559-D-1 Srinagar, Singarnagar, Lucknow

Versus Applicant.

1. Union of India Through The General Manager, North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager (Personnal) North Eastern Railway, Lucknow.
3. Shri Awdhesh Saran CRS Muzzafapur Bihar. N.E. Railway.

..... Respondents.

1. Particulars of the Applicant

1. Name of the applicant---- Keshav Singh
2. Name of Father ---- B.N. Singh
3. Designation of & office--- Reservation Supervisor.
4. Office address ---- Charbagh N.E. Railway, Lucknow.
5. Address for service of -- 559-D-1 Srinagar
All notices (Singarnagar) Lucknow.

2. Particulars of the respondents

As above

1. Union of India through The General Manager North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager ((Personnal) North Eastern Railway, Lucknow.
3. Sri. Awadesh Saran CRS N.E. Rly, Muzzafapur Bihar.
4. Particulars of order against which application is made - ~~Resma~~ Representation dated 29.11.88 for wrongly superseding.

contd...2...

Keshav Singh

....2....

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which he wants redress is within the jurisdiction of the Tribunal.

5. Limitation:

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

6. Facts of the case:

(a) That the applicant is at present employed as Reservation Supervisor N.E. Railway, Charbagh, Lucknow under the control of respondent No.1

(b) That the applicant alongwith respondent No.3 Shri Awdhesh Saran were initeally appointed on the post of Enquire Reservation Clerk Grade 330-560 on 4.1.1957 & 12.4.1957 respectively. The applicant was substantively senior to respondent No.3 according to his service book and gradation Lists notified by the respondent Nos.1 & 2 from time to time.

(c) That on or about 23.9.1978, opposite party No.3 who was substantively junior to the applicant in all ^{respects} ~~reports~~, was favoured with promotion to the non-selection post of Head Enquiry and Reservation Clerk in Grade 425-640 ignoring, the claim of the applicant as would be clear from Annexure No.A-1 indicating the seniority list .

contd..3...

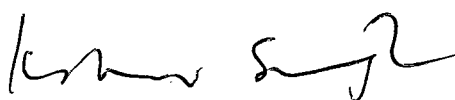
Keshav Singh

(h) That the grievance of the petitioner is that on the basis of determination of seniority in Grades 425-640 and 455-700 the department erred in giving promotions to opposite party No. 3, in the next channel 550-750 from 1.1.1984 as a result of upgradation of posts.

(I) That had the applicant been promoted in non-selection post in Grade 425-640 before 23.9.1978 i.e., the date on which his junior (respondent No. 3) was promoted ignoring him and then subsequently called for to appear at the selection for the next promotional post of Rs 455-700 at appropriate time he would hence be qualified for the same and their working in the higher grade of Rs 550-750 earlier to the opposite party No. 3.

(J) That the petitioner was never informed about his representations, but came to know in the month of November 1988 that his matter was considered and this was informed to a member of Parliament by the letter dated 23.9.1988, that his matter was considered but was not found fit for promotion. A true copy of the said is being filed as Annexure No. 5-A.

(K) That when the petitioner came to know as stated in the proceedings paragraph he made a representation to the authorities respondents No. 1 to 3 that he was not informed and the order of any was passed is not a speaking order. A true copy of the representation dated 16.11.1988 is being filed herewith as Annexure No. 5-B to this petition.



(L) That the applicant was promoted in the month of December 1986 after so many representation by the Addl. Chief Commercial Supt.,(General), but the seniority was not corrected although the name of the applicant was above to the respondent No.3 and abruptly passed an order in the year 1987 reverting him against which representation were made. A last representation dated 29.11.1988 is being filed herewith as Annexure No. 6.

(M) That the applicant has been all along serving the Railway Administrative efficiently, faithfully and honestly. That at no point of time the applicant was ever reprimanded warned or taken up under the Railway Disciplinary and appeal Rules. The comparative service particulars of the applicant and the respondent No. 3, are as under which shows the loss suffered by the applicant owing to erroneous promotion of the respondent No. 3.

	<u>Scale</u>	<u>Scale</u>	<u>Scale</u>	<u>Scale.</u>
1. Keshav Singh (Applicant) Senior.	330-460	425-640	455-700	550-750
2. Respondent No. 3(Avadhesh Saran (Junior)	330-460	425-640	455-700	550-750

Keshav Singh Contd..P.6.

6
...5...

N
(2) That Annexure No. A-3 to this application does not enumerate the grounds for supersession of the applicant by the opposite parties. On the contrary the applicant was never given any opportunity of representation against this annexure, which also remained ~~not~~^{not} communicated for an unusually long period dating back from 23.9.1978. The utilisation of the contents of the said annexure against the applicant was not in accordance with the Law.

D
(M) That ~~were~~^{even} if Annexure No. A-3 is assumed a declaration of unfitness, it should have been made previous to the time when the promotion of respondent No. 3 was considered.

7. That aggrieved the applicant begs leave to file this application for the following reliefs, on grounds amongst others, noted below:-

(a) Because the applicant should have been promoted to Grade 425-640 on and from 23.9.1978 and placed senior to respondent No. 3 by applying the scheme specified in preceding paragraphs ~~10~~⁹ to ~~12~~⁽⁶⁾ of this application.

(b) Because the promotion of the Junior (Respondent-3) to the non-selection post of Head Enquiry & Reservation Clerk Grade 425-640 was erroneous, & illegal, it deserves to be rescinded by respondents 1 & 2.

contd. 7...

Keshav Singh

...7...

(c) Because the adverse action against the applicant has become liable to be quashed being against the principles of natural Justice.

(d) Because it would be seen that by the arbitrary, discriminatory and mala fide acts of the respondents, the applicant has been made junior to about promotees. This has completely deprived the applicant of his fundamental right of promotion to higher posts of 550-750(RS 73) for a long time to come and for ever.

8. Interim reliefs not prayed.

9. Details of remedies exhausted . The representation dated. 29.11.88 is still pending (Annexure 6 to the Petitioner)

10. That the rules governing the promotion of ^{subordinate} ~~subordinates~~ Railway servants are contained in chapter II of Indian Railway Establishment Manual according to which non-selection posts are to be filled by promotion of the senior most suitable railway servant, suitability being determined by the authority competent to fill the post on the basis of record of service and for departmental test if necessary. It is incumbent on the authority making the ~~promotion~~ promotion to record reason for passing over the ^{senior} ~~service~~.

11. Particulars of the postal orders in respect of fee:-

- (1) Number of Postal orders --- ^{at} ~~Three~~ one
- (2) Name of Issuing post office --- ^{Annaband} ~~Sub Post office~~ ^{not at hand} ~~Sub Post office~~
- (3) Date of Issue of Postal order --- 4.7.89
- (4) Post office of which payable --- ~~Sub Post office~~ ^{at}

Keshav Singh

contd. 8...

... 8 ...

~~1. Keshav Singh Son of Late Sri. B.N. Singh aged~~
~~about 54 years working a reservation Office N.E. Railway~~
~~Charbagh, Lucknow Resident of R-559-D-1 Srinagar,~~
~~(Srinagar, Lucknow),~~

12. That the applicant has not filed any application previously either in this hon'ble Tribunal or any other Bench of Tribunal .

PRAYER

That in view of the particulars facts mentioned above It is humbly prayed that this Hon'ble Tribunal be graciously pleased to "

A. Issue appropriate direction or orders or orders to the effect that the opposite parties Nos. 1 & 2 be ordered to decide the representation.

^a
B) quashing Annexure 3 ^{as} to this application after summoning the all relevant records from opposite parties 1 & 2 .

^a
(C) Promoting the applicant to 425-640 ~~xxx~~ retrospectively from 23.9.1978 with all consequential benefits of ~~wx~~ back wages.

^a
(d) declaring the applicant senior to opposite party no.3 in Grade 455-700 (Revised Scale 1973)

contd...8...

Keshav Singh

...9...

from 5.5.1982, when his Junior was elevated to this post as also in Grade 550-750 .

(~~17~~) Such other direction or directions or order or orders as may be deemed fit and proper to meet the ends of Justice may be passed.

Lucknow :

AK Shukla

Dated: ~~May~~, 1989
July 5,

Counsel for the Applicant

I Keshava Singh, aged about 54 years s/o late Sri B.N Singh working as reservation Inspector N.E. Railway Charbagh. Lucknow Ho 559-D-1 Sringeri (Sanganagar) Lucknow do hereby verify that the content of para 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material fact. Annexure 1 to 6 are also true copies to be true copies for original.

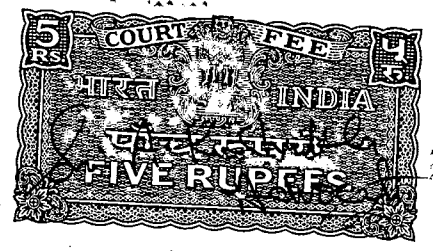
Place: Lucknow

Date: 1-6-89.

Keshava Singh
Signature of me
Applicant

In the Central Administrator Tribunal Allahabad
 Circuit Bench Gandhi Bhawan Lucknow
 बअदालत श्रीमान महोदय

वादी (मुद्ई) का वकालतनामा
 मुद्ई (मुद्दालेह)



Keshav Singh vs Union of India & others प्रतिवादी (रेस्पान्डेन्ट)
 नं० मुद्दमा सन पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री _____
 वकील
 Advocate एडवोकेट महोदय

नाम अदाख्त
 नं० मुकद्दमा
 नाम फरीकत

को अपना वकील नियुक्त करके (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 करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहै और समय पर काम आवे।

Accepted
 Advocate

हस्ताक्षर Keshav Singh

साक्षी (गवाह) _____ साक्षी (गवाह) _____

दिनांक _____ महीना _____ सन् १९ ई०

31/7/85

Annean 2.

सेवा में,

श्रीमान महाप्रबन्धक १ कार्मिक १,
पूर्वात्तर रेलवे,
गोरखपुर ।

विषय: - पदोन्नति हेतु ।

निवेदन है कि आपके वरीयता क्रम पत्र सं० ई/295/वा०/3/
ईसीआर०सी०/19/1/79 के अनुसार मेरी पदोन्नति होना चाहिये थी
परन्तु आपके पत्र सं० ई/74/वा०/वी०एस०एन०/के०एस०/6 दिनांक
6-3-79 तथा ई०/213/15/7 दिनांक 31-3-79 के अनुसार मेरा नाम
छोड़ दिया गया है यदि किसी प्रकार की विपरीत टिप्पणी हो तो
उसकी पूर्व सूचना दिये बिना मेरी पदोन्नति रोकना वैधानिक नहीं है।

अतः आपसे नमू निवेदन है कि मेरी पदोन्नति शीघ्र की
जाये तो महान कृपा होगी।

प्रार्थी

दिनांक: 7-4-79

ह०१ केशव सिंह १,
ई०सी०आ०सी०/लखनऊ जं०
पू०उ०रे०

Keshav Singh
Aishwa
A

Keshav Singh

Annex 3

पूर्वोत्तर रेलवे

ई०के०एस०/ई०सी०आ०सी०/७९

दिनांक ११-७-७९

मं० अ० धी० रे० प्रबन्धक ॥सा०॥

लखनऊ

सी०आ०एस०लखनऊ जं०

श्री केशव सिंह, ई०सी०आ०सी०/लखनऊ/जं०/पदोन्नति कामामला
महाप्रबन्धक कार्यालय गोरखपुर का पत्र संख्या/का/२९०/१५/७-अ/
भाग तीन/दिनांक ३-७-७९

उक्त कर्मचारी के अभिवेदन के संदर्भ में महाप्रबन्धक ॥का०॥
गोरखपुर ने अपने उपरोक्त पत्र द्वारा निम्न आदेश दिया है जिसकी
सूचना उन्हें दे दी जावे।

"स्थान अधिकारी द्वारा श्री केशव सिंह ई०सी०आ०सी०
॥३३०-५६०॥ प्रधानई०सी० आ०सी०/॥४२५-६४०॥ में
पदोन्नति के योग्य नहीं पाये गये।

ह०/ अपठनीय

क० म० रे० प्र० ॥का०॥

लखनऊ।

Attested

True copy

Attested
Ad

Kuldev Singh

४३

Annexum 3A

सेवा में,

श्रीमान् महाप्रबन्धक, कार्मिक,
पूर्वोत्तर रेलवे,
गोरखापूर ।

विषय: - पदोन्नति हेतु ।

सम्बन्ध :- जी०एम०पी० पत्र सं० 390/45/7अ/भाग तमिन /6
दिनांक 3-7-79

डी०एस०पी० पत्र सं० ई/के०एस०/ई०सी०आ०रो०सी०/79
दिनांक 11-7-79

आपके उपरोक्त पत्र के संदर्भ में मेरा नमू निवेदन है कि मेरे पत्र संख्या तारीखा / 7-4-79 और 1-5-79 में आपसे प्रार्थना की थी कि वरीयता क्रम सं० ई/295/वा०/3-ईसीआरसी०/19-1-79 के अनुसार मेरी पदोन्नति होना चाहिये थी क्योंकि जे०ए० ई०सी०आ०रो०सी० का पद पूर्णवरीयता पद है परन्तु मेरा नाम आपकी पदोन्नति पत्र 6/3 तथा 31/3 में छोड़ दिया गया जिसका कारण मुझे आज भी अज्ञात है अप्रति ।

आपके उपरोक्त पत्र द्वारा मुझे जी सूचना दी गयी व पूर्णश्रेण असम्बन्धित तथा अस्तीषजनक है तथा वास्तविकता और नियमों की अवहेलना कर्क साधारण उत्तर दे दिया गया मैं एक सेवा निष्ठ और एक स्वामी भाक्त कर्मचारी हूँ इस प्रकार की सूचना से मेरे कर्तव्यनिष्ठ और अनुशास्ति मन में न्याय के प्रति शक होने लगी है ।

मेरी 22 साल की रेलवे सेवा ब्रूट रहित रही है मुझे आज तक किसी प्रकार का दण्ड नहीं मिला है मुझे मेरे कुशल कार्य के कारण वी०आ०ई० ई०पी० संसद सदस्य तथा अन्य महानुभावों से व्यक्तिगत स से प्रशंसा पत्र मिले इसके अतिरिक्त मैंने ए० एन ई० रेलवे की औरसे विभिन्न अधिकारियों के साथ कई अखिल भारतीय मीटिंगों में भाग लिया श्री ए० आ०रो०पी० सक्सेना ड०सी० ए० के साथ आरक्षण गोष्ठी में साथ रहकर मैंने लखनऊ इलाहाबाद कलकत्ता और बरौनी में सहयोग किया इसके अतिरिक्त एम०एम० सहाय और ए०के० के साथ भी कई अखिल भारतीय मीटिंगों में पूर्वोत्तर रेलवे की औरसे सम्मिलित हुआ तथा

Keshav Singh

क्रमशः --2---

मेरे कुशल कार्य के कारण ही मेरे हर सुझाव को मान्यता देकर परिवर्तन किये गये डीसी०एस०जी०आपिस रिकार्ड इस कुशल और स्वामीभाक्त सेवा के उपलक्ष्य में मुझे यही परितीक्षिक दिया गया कि जब मैं पब्लिक की सहायता पर था मुझे रोक दिया गया ऐसे समय में जबकि मैं शासन से न्याय एवं सहायता की आशा करता था ऐसी बाधाओं मेरे सम्पूर्ण भाविष्य को अंधकारमय कर देगी मेरे सम्बन्धों में नियम तथा सत्य दोनों की अवहेलना हुई है क्योंकि आर०के० 1606 से 1619 पैरा के अनुसार सी०आर० के० सम्बन्धों में दिये गये नियमों का पालन नहीं हुआ मुझे आज तक किसी भी प्रकार की अपनी असफलता की सूचना आज तक नहीं मिली तथा मुझे शासकीय कार्य में लिखित या जुबानी किसी अनियमिता का आज तक ज्ञान न हो सका जबकि पैरा 16, 19 में एक निश्चित नियम है कि विपरीत टिप्पणी होने पर कर्मचारी को लिखित सूचना दी जाये तथा उसका प्रति उत्तर प्राप्त किया जाये जिसके लिये भी एक निर्धारित समय है परन्तु जैसा कि मैं पहिले कह चुका हूँ कि मुझे आज तक कोई सूचना नहीं दी गयी है।

उपरोक्त संदर्भ में यह स्वयं सिद्ध है कि मेरे विपरीत कोई गोपनीय टिप्पणी भी नहीं है और यदि है भी तो उपरोक्त नियमानुसार स्वयं ही प्रभाव हीन हो जाती है क्योंकि इस विषयों में स्पष्ट एवं प्रभाव-शाली हैं। अतः आपसे नमू निवेदन है कि मेरी प्रार्थना को स्वीकार कर मुझे न्याय एवं सहायता प्रदान करेंगे।

आपकी इस महान दयालता के लिये मैं आपका आजीवन आभारी रहूँगा।

धन्यवाद।

आपका,

ह०/ केशव सिंह

13-3-80

Keshav Singh

Master
True copy
Aishwarya

Copy of Railway Board's letter

Annex 4

No. E (NG) 1-74 PM 1/6 dt 5.8.1974

subject: - Revision of classification of non-gazetted posts consequent upon introduction of Revised Scales

After considering the views expressed by Dyg Administrations in regard to the above subject, the Board have decided that the classification of the post in different authorised scales which have been merged into the same Revised scale should be as in column (5) of the attached statement. In some cases this classification calls for changes in other grades within the same as event of promotion, these consequential changes should be as in column (6) of the statement.

Except in regard to merged scales and consequential changes, there will be no general revision of the existing classification of posts.

Keshav Singh

4/8

Annexure 5

To

The General Manager(P)
N.E. Railway
Gorakhpur.

Through DRM (P) /12N

Respected Sir,

Sub: Selection of R.S./GRs 455-700 held
on 8.3.82.

Ref: Your letter No.E/II/283/15/ECRC dated
19.2.82.
DRM(P) letter No.E/11/283/15/ECRC of
2 22.82.

.....

In reference to the above, I want draw your attention towards seniority list published by your office No.E/IX/254/15/1 Pt. II of 19.1.66 and 69 and DRM(P)/A JN No.E/II/Seniority /ECRC/75 of 1.5.75 against GM(P)/GKP No.E/255/Comm1./3/ECRC/6 of 19.1.79 (Copy attached), I stands for the above promotion at Sl.No.7 but Your honour have not called for me for the above selection held on 8.3.82.

Hence it is requested to kindly look into the matter personally and call me on early date for the above selection and oblige.

For this act of your kindness I shall be highly obliged.

Yours faithfully,

Sd/- (Keshav Singh)
HD. ECRC.
Kathgodam.
(N.E. Railway)

Dated: 5.3.82.

Sd/-

Station Master
N.E. Ry.,
Kathgodam.

Keshav Singh



Annexure 5 A

कार्यालय महाप्रबन्धक
पूर्वोत्तर रेलवे, गोरखपुर
OFFICE OF THE GENERAL MANAGER
N. E. RAILWAY
GORAKHPUR

गोती शंकर
शा.प्रबन्धक

2/27

अनुसंधान सं/255/15/9/ई सी आर सी/100

दिनांक 26.9.88

23

प्रिय सिंह जी,

विषय:- श्री केशव सिंह, प्रधान पूरुक्ताक सह आरक्षण लिपिक के वरीयता का मामला ।

सन्दर्भक आपका पत्र दिनांक 18/9/88

आपके उपरोक्त पत्र में वर्णित तथ्यों को जच में लेता हूँ ।

श्री केशव सिंह वर्ष 1979 में प्रधान पूरुक्ताक सह आरक्षण लिपिक के पद पर पदोन्नति हेतु योग्य नहीं थे एवं इनके कनिष्ठ कर्मचारी योग्य थे । अतः कारण उनकी पदोन्नति पहले ही गई । इस आधार पर वे कनिष्ठ कर्मचारी उच्च वेतनमान में इनसे वरीष्ठ हो गये ।

आशा है आप उपरोक्त स्थिति से सहमत होंगे ।

सन्तुष्ट ।

आपका,
गोती शंकर
(गोती शंकर)

Handwritten signature and note: "Handwritten signature and note: 'True copy' and 'Handwritten signature'." The text is written in a cursive style.

Annexure 5. B

1/25

To, -

The General Manager,
N.E.Rly., Gorakhpur.

(THROUGH: PROPER CHANNEL)

Sub: Loss of seniority and Pay

Ref: Your DO letter No. E/255/15/9/EC RC/V dt.23.9.1988
addressed to the Hon'ble M.P., Sri Bhanu Pratap Singh.

Sir,

Aggrieved by the stand contained in your D.O., letter cited above, I beg to prefer this representation for reconsidering my prior claim for promotion to Grade 425-640 and the following grounds:-

1. That the orders dated 23.9.1988 are non-speaking one as the same do not disclose reasons for promoting the junior earlier.
2. That no high ranking was ever given to the Junior by any selection Board.
3. That your reply cited above is mere repetition of Divl. Rly. Manager (Personal), N.E.Rly., Lucknow's letter No. EKS/EC RC/79 dt. 11.7.1979.
4. That the Divl. Rly. Manager, Lucknow had not referred to any rules / orders made on the subject vide Rule 158- of Indian Rly., Establishment Code Volume-I.

I, would, therefore, request your honour to kindly reconsider my case and promotion orders with retrospective effect i.e. from the date my junior was promoted to Grade 425-640(Rs 1973) be issued at an early date.

Yours faithfully,

Sd/-

(Keshav Singh)

E&RC / NE Rly., LKO Junc.

Dated: ¹⁶ 23.11.1988.

Keshav Singh

Annexure 6

To,

The General Manager,
N.E. Railway,
GORAKHPUR.

Sub: Seniority in grade Rs. 425-640 & fixation
Seniority accordingly. in 550-750

Ref: Your letter no. E/254/15/20/ECRC/1/1 of 29.4.82 & E/255/15/9/ECRC/VI of 18.2.88. 16.11.88

Sir,

Being aggrieved by the injustice caused so far, I am representing to your honour with the following facts for Your kind consideration and order please for which your honour is very much famous in our Railways.

That I represented vide my application dated 29.4.87 bringing out injustice caused to me for not promoting me to the post of Head E.C.R.C. in grade 425-640 when my junior Shri Audhesh Saran was promoted to this post on 23.9.78.

That in fact, I should have been promoted with effect from 1.4.81. But the benefit of fixation with reference to my junior Shri Audhesh Saran has not so far been given to me.

That I was communicated vide DPO's letter no. E/KS/ECRC dated 11.7.79 that I was not found suitable for the post of Head ECRC by the competent authority.

That the post of Head ECRC is not selection post in term of para 212E/Manual (a&b) which is as under:-

" 212 (a) Non Selection post will be filled by promoting the senior most suitable railway servant, suitability, whether of individual or a group of railway servant being determined by the competent authority to fill the post on the basis of record

contd..2...

Keshav Singh

M

...2...

of service or departmental test if necessary. A senior employee may be passed over only if he has been declared unfit for holding the post in question. A declaration of unfitness should ordinarily have been made some time previous to the time when the promotion of the Railway servant is being considered."

" 212 (b) when in filling a non-selection post a senior railway servant is passed over, the authority making the promotion shall record briefly the reason for such supersession."

That in my case no reason were recorded by the selecting Authority DY- CCS/G. Thus the mandatory provisions of the Rule were not followed by the selecting Authority. I was not find suitable reasons remained only conclusion and after thought, and not a reason in support of the decision to supersede me. Although elaborate reason may not be given but at least some reason should be recorded.

This has resulted a great injustice to me so far known to me nothing was wrong, & adverse, in my C.R. as it was never communicated to me.

The cause of injustice I am still not able to find out is causing a great mental agony, that when my case was brought to CCS in 1987, he passed a "Vague order "revert him." This order was also not speaking order and is not based on any rule & regulation, which are followed in administrative justice i.e. justice according to rule. The order of the CCS is irrelevant and not based on any rule and away from the principle of establishment manual 212 (a) & (b).

In view of the above I pray for the following order.

1. I may be promoted with effect from 23.9.78 and my pay and allowances may kindly be adjusted.

Keshav Singh

contd. 3...

...3...

2) My seniority in Rs. 425-640 may be corrected
& I may be placed over shri Adhesh Saren.
For this act of kindness, I shall be highly
obliged.

Thanking you,

Dated: 29.11.88

Yours,

Sd/- (Keshav Singh)
R.S. /Pilibhit.

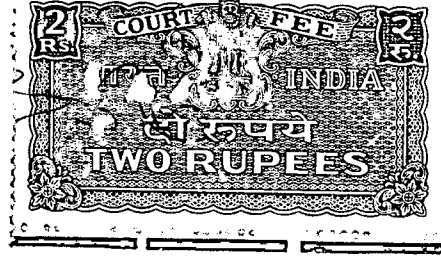
Must
Give copy
Adhesh Saren

Keshav Singh

समक्ष : माननीय केन्द्रीय प्रशासनिक न्यायाधिकरण, इलाहाबाद।

लखनऊ पीठ, लखनऊ।

क्लेम पिटीशन संख्या-165/89।एल।



केशव सिंह,

.....

याची

बनाम

यूनियन आफ इण्डिया व अन्य.....

विपक्षीगण

क्लेम पिटीशन के समर्थन में पुरक शपथ-पत्र

मैं, केशव सिंह, पुत्र श्री वी०एच० सिंह, आयु लगभग 55 वर्ष, निवासी-श्रीनगर, सिंगार नगर, लखनऊ माननीय न्यायालय के समक्ष उपर्युक्त दावा याचिका के समर्थन में शपथपूर्वक निम्नलिखित तथ्य प्रस्तुत कर रहा हूँ:-

2. यह कि मैं शपथी/याची माननीय न्यायालय के समक्ष उपर्युक्त दावा याचिका के माध्यम से अपनी वरिष्ठता के आधार पर वरिष्ठ ई.सी.आर.सी. के पद पर जिस पर विपक्षीगणों ने 1981 में पदोन्नति की है, वह पदोन्नति 1978 में होनी चाहिये, की मांग की है। इस सम्बन्ध में माननीय न्यायालय को कुछ तथ्य इस शपथ पत्र के माध्यम से स्पष्ट करना है जो निम्नवत् हैं:-

2. यह कि शपथी/याची को वरिष्ठ ई.सी.आर.सी. के पद पर 1978 में पदोन्नति होनी चाहिये थी लेकिन उक्त समय पर पदोन्नति न होने पर शपथी/याची ने महाप्रबन्धक।कार्मिक। को प्रतिवेदन

21/89

दिया कि मेरा नाम पदोन्नति सूची में नहीं है, साथ ही यह भी कहा कि यदि कोई प्रतिकूल प्रविष्टि भी मेरे विरुद्ध हो तो बिना मुझे सूचित किये मेरी पदोन्नति रोकना गलत है। उक्त प्रतिवेदन दावा याचिका का संलग्नक संख्या-1 है।

- 3. यह कि विदित हो कि दिनांक 23.9.78 को शपथी/याची से अवर कर्मचारी श्री अवधेश सरन की पदोन्नति कर दी गई जबकि शपथी/याची का नाम वरिष्ठता सूची में अवधेश सरन के अपर था।
- 4. यह कि विदित हो कि शपथी/याची ने भिन्न-भिन्न तिथियों में जब कई प्रतिवेदन व रिमान्डर दिया तो दिनांक 11.7.79 को लिखित रूप से विपक्षी संख्या- 2 द्वारा सूचित किया गया कि आप योग्य नहीं पाये गये। उक्त आदेश दावा याचिका का संलग्नक संख्या-2 है।
- 5. यह कि विदित हो कि उक्त आदेश दिनांक 11.7.79 की वैधानिकता को चुनौती देते हुये उसकी अपील महा प्रबन्धक कार्मिक को छी।
- 6. यह कि विदित हो कि शपथी/याची के अपील करने के उपरान्त माननीय महा प्रबन्धक महोदय ने शपथी/याची को दिनांक 6.1.81 को वरिष्ठ डीएसआईआर.सी. के पद पर पदोन्नति के आदेश कर दिये जिसकी सूचना मण्डल रेलवे प्रबन्धक ने दिनांक 31.1.81 को शपथी/याची को दे दी। उक्त पदोन्नति आदेश इस शपथ पत्र के साथ संलग्नक संख्या-~~एस~~ एस-1 है।
- 7. यह कि तदुपरान्त शपथी/याची अपने पद पर कार्य करता रहा। उसी दौरान 1984 में शपथी/याची को 455-700 के ग्रेड में दिनांक 17.2.84 को पुनः पदोन्नति कर दी गई। उक्त पदोन्नति आदेश इस शपथ पत्र के साथ संलग्नक संख्या-~~एस~~ एस-2 है।

क 919/63

8. यह कि पुनः दिनांक 24. 7. 86 को महा प्रबन्धक कार्मिक ने पत्र द्वारा शपथी/याची को सूचित किया कि आपकी वरिष्ठता 425-640 में अवधेश सरन से नीचे कर दी गई है। उक्त आदेश की छाया प्रतिलिपि इस शपथ पत्र के साथ संलग्नक संख्या-एस-3 है।
9. यह कि उक्त आदेश दिनांक 24. 7. 86 सूचित करके महाप्रबन्धक कार्मिक ने यह अपेक्षा की कि यदि आपको इसके विरुद्ध कोई आपत्ति प्रस्तुत करनी हो तो दो माह के अन्दर कर दें।
- 10 यह कि तदुपरान्त शपथी/याची ने उक्त आदेश दिनांक 24. 7. 86 के विरुद्ध अपील दिनांक 18. 9. 86 को महा प्रबन्धक कार्मिक, पूर्वोत्तर रेलवे गोरखपुर को कर दी। उक्त अपील की छाया प्रतिलिपि इस शपथ पत्र के साथ संलग्नक संख्या-एस-4 है।
11. यह कि विदित हो कि शपथी/याची ने अपनी अपील दिनांक 18. 9. 86 के कई अनुस्मारक भी दिये लेकिन सम्बन्धित अधिकारी द्वारा शपथी/याची के अपील पर कोई निर्णय नहीं किया गया और न ही सूचित ही किया गया।
12. यह कि विदित हो कि शपथी/याची ने माननीय संसद सदस्य श्री कानू प्रताप सिंह द्वारा पत्र लिखवाया तो माननीय महा-प्रबन्धक, पूर्वोत्तर रेलवे, गोरखपुर ने माननीय संसद सदस्य को अपने मूल आदेश की सूचना दिनांक 23. 9. 88 को दी कि शपथी/याची से कनिष्ठ व्यक्ति योग्य पाये गये और शपथी/याची योग्य नहीं पाये गये।
13. यह कि विदित हो कि महा प्रबन्धक महोदय द्वारा उक्त आदेश दिनांक 23. 9. 88 को माननीय न्यायालय के समक्ष चुनौती दी है

क 215 153

जो पूर्ण रूप से निराधार है।

14. यह कि विदित हो कि वरिष्ठ इं०सी०आर०सी० के पद पर वरिष्ठता के आधार पर चयन होता है और वरिष्ठता निर्धारित करने हेतु कोई लिखित या मौखिक परीक्षा भी नहीं हुई और न ही शपथी/याची के वरिष्ठ पंजिका में कोई प्रतिकूल प्रविष्टि ही है और बिना किसी आधार के यह कह देना कि शपथी/याची योग्य नहीं पाये गये, पूर्णतः अन्याय है।
15. यह कि विश्वस्त सूत्र से यह भी ज्ञात हुआ है कि याची के पत्रावली ई/255/15/3-7 आरक्षण-6, में दिनांक 16.12.86 को शपथी/याची की वरिष्ठता को अवज्ञा सरन के अग्र मानते हुये आदेश पारित हो चुके हैं लेकिन प्रशासन ^{द्वारा} जानबूझकर शपथी/याची को परेशान करने की नियत से उक्त आदेश दिनांक 16.12.86 सूचित नहीं कर किया गया है।
16. यह कि यह भी विदित हो कि माननीय न्यायालय द्वारा यदि पत्रावली ई/255/15/3-7 आरक्षण-6, न्यायालय में मंगवाकर आदेश दिनांक 16.12.86 के आदेश का अवलोकन करके सत्यता की जांच की जा सकती है।

लखनऊ:

दिनांक: जनवरी , 1991.

केशव ठाकुर
शपथी

सत्यापन

में, उपरोक्त शपथी सत्यापित करता हूँ कि शपथ पत्र की धारा

(सं 16) सेक में दिये गये तथ्य मेरे निजी ज्ञान से सत्य है तथा

धारा में दिये गये तथ्य विधिक राय के आधार पर सत्य होने का विश्वास करता हूँ। आज दिनांक जनवरी , 1991 को अपने हस्ताक्षर बनाकर सत्यापित किया।

लखनऊ:

केशव ठाकुर
शपथी

मानव संसाधन विभाग प्रशासनिक मामलों (01) उपाययोजना
 सेवाएं/सहायक - 165 - 89 (एक) क (01) 7/6
 का कलिय आदेश
 सी-01) नमं - 1

महा प्रबंधक (कार्मिक) गीरठापुर के कार्यालय आदेश संख्या
 सी 0 ई/210/85/7-1/नॉर्ट/111/क: दिनांक 6-1-81 के आधार पर
 श्री के. व. सिंह ई0सी0आ र0सी0 (330-560) लकानऊ, जी (लकानऊ मण्डल)
 की प्रथम ई0सी0आ र0सी0 वेतनमान 425-640 के पद पर पद-नाति करके
 इजतनगर मंडल के काठगीदाम स्टेशन पर पदासिन किया जाता है।

जब श्री द्वारिका प्रसाद जिन्ही काठगीदाम से इस मंडल में पद-नाति करना है
 के लकानऊ जी0 पर काठगीदाम ग्रुप करने पर प्रभाव होगा।

पद के रेल आवास के निवासों की तिथि का विस्तृत होने से 15 दिन
 के अंदर उसे खाली कर देना अनिवार्य है। उनके विस्तृत अनुशासनिक का धारों
 को जांचो।

इस पर प्रोमोवो अधीक्षक का आदेश प्राप्त है।

आ 0/1
 इती म0 रेल0 प्रबंधक (का 0)
 लकानऊ, जी0

सा. ई/11/285/15/76 (ई0सी0आ र0सी0) दि 0 31-1-1981

प्रति लिपि सूचनाएं एवं आदेश का कार्याधीन हेतु निम्न की प्रेषित है।

- 1- स्टेशन अधीक्षक लकानऊ
- 2- मु0आ पी0 लकानऊ
- 3- म0लजी अधीक्षक, लकानऊ
- 4- महा प्रबंधक (कार्मिक) गीरठापुर
- 5- स्टेशन अधीक्षक / काठगीदाम
- 6- मंडल रेल प्रबंधक इजतनगर का कृपया द्वारिका प्रसाद की इस मंडल
 के लिपि शोध का ई मंजूर करें क्योंकि इस मंडल स्टाफ को कमो है।
- 7- प्रधान लिपिक (विल)
- 8- सम्बन्धी त कर्मचारों

सी 0 ई/11/285/15/76 (ई0सी0आ र0सी0) दिनांक 31-1-81

इती मंडल रेल प्रशासनिक (का 1)

29/1/81

वायलिय आदेश

1. महाप्रबन्धक का 08 गोरखपुर के पत्र तारीख 20/10/84 सी.डी. 33 वाणिज्य
 00सी0आर0सी0/चार दिनांक 16/12/84 के द्वारा '00सी0आर0सी0 के पत्रों'
 के पुनर्प्राप्ति के फलस्वरूप निम्न प्रकार स्वीकृति प्राप्त हुई है। भका सेवा बख्ता
 सक्षम अधिकारी के अनुमोदन द्वारा किया जाता है।

<u>पूर्व स्वीकृत</u>		<u>पुनोचित स्वीकृत</u>		<u>स्टेटस</u>
425-640	= 01	450-750	= 01	फलेहफद
330-560	= 05 स्थायी	450-700	= 01	परीक्षा
	01 अस्थायी	425-640	= 02	फलेहफद-का ठोदा म
		330-560	= 02	सी.डी. 10-85 का वाद
			01 अस्थायी	फलेहफद

2. निम्नलिखित कर्मचारियों की पदोन्नति उनके सामे दर्जित पद तथा वेतन मान में मुख्यालय द्वारा की गई है तथा इन्हें सक्षम अधिकारी के अनुमोदन द्वारा पदोन्नति अनन्तम रूप से तथा सामे दर्जित पद स्वीकृति प्राप्त किया जाता है। इनका पदोन्नति पत्र वेतन निर्धारण सामे दर्जित है।

पोस्टिंग पद/स्टेटस वेतन निर्धारण

1. श्री केशव सिंह	प्रधान इं.सी.आर.सी. 425-640, फलेहफद	आर.डी. परीक्षा 455-700/ फलेहफद	580/= 1.1.84
2. .. एस एन शर्मा	इ.सी.आर.सी. 330-560/अस्थायी	प्रधान सी.डी. 15 सी.डी. 5/ 425-640/ अस्थायी	530/= 1.1.85
3. .. मोतीराम	इ.सी.आर.सी. 330-560/अस्थायी	प्रधान सी.डी. 15 सी.डी. 5/ 425-640/ अस्थायी	530/= 1.1.85
4. .. धारसीराम	इ.सी.आर.सी. 425-640/फलेहफद	प्रधान सी.डी. 15 सी.डी. 5/ 425-640/ फलेहफद	530/= 1.1.85
5. .. पति 00सी0 का सक्षम अधिकारी	इ.सी.आर.सी. 330-560 का ठोदा म	प्रधान सी.डी. 15 सी.डी. 5/ 425-640/ फलेहफद	530/= 1.1.85

3. इनकी सेवा तथा वेतन निर्धारण संबंधित है।
 4. क्रम 1, 2, 3 व 5 स्वीकृति पर देय लाभ 10 दिनों के अन्तर्गत प्रदान किया जायेगा। अन्य लाभ देय नहीं किया जायेगा।

तारीख: 20/10/84 गोरखपुर/II दि. 030-07-85

प्रधान अधिकारी, गोरखपुर
 प्रमुख अधिकारी, गोरखपुर
 प्रमुख अधिकारी, गोरखपुर

Handwritten signature/initials on the left margin.

Handwritten signature/initials at the bottom right.

महाराष्ट्र शासन
 १६५ १८९ (क)
 शासकीय न्यायिक सेवा विभाग

पूर्वोत्तर रेलवे

संख्या ००३ - ३

संख्या ई/२५५/१५/३-७/आरक्षण/१।

कार्यालय, महाप्रबंधक (कार्मिक)
 गोरखपुर, दिनांक १५ मार्च, १९८६

महल रेल प्रबंधक (कार्मिक),

पूर्वोत्तर रेलवे,

लखनऊ, वाराणसी, इज्जतनगर, सोनपुर, समस्तोपुर।

प्रवाधि (सामान्य), सुवाधी कार्यालय/गोरखपुर।

विषय :- मुख्य आरक्षण पर्यवेक्षक (७००-९००), मुख्य आरक्षण पर्यवेक्षक

(५५०-७५०), आरक्षण पर्यवेक्षक (४५५-७००), प्रधान पट्ट ताक

एवं आरक्षण लिपिक (४२५-६४०), पट्ट ताक एवं आरक्षण

लिपिक (३३०-५६०) को दिनांक १-४-८६ को अंतिम वरियता

सूची।

वाणिज्य विभाग के उपरोक्त कैटेगोरी के कर्मचारियों की अंतिम वरियता सूची दिनांक १-४-१९८६ सम्बन्धित कर्मचारियों में प्रसारण के लिये भेजे जा रही है।

उपरोक्त वरियता सूची सम्बन्धित कर्मचारियों से नोट करा लिया जये और प्रत्येक कर्मचारी से इसकी लिये हस्ताक्षर अपने वरियता के स्थान को साक्षात् करने हेतु ले लिया जये। यदि वरियता सूची में कोई त्रुटि मिलती है तो उसे पूर्ण सेवा ब्यौरा सम्बन्धित कर्मचारी का देते हुए इस कार्यालय की सूचित की।

यदि कोई कर्मचारी अपनी वरियता सूची में दिये गये स्थान के विरुद्ध अभिवेदन देना चाहता है तो उसे अपने विवरण के साथ इस पत्र के जारी होने से दो माह के अन्दर इस कार्यालय को भेज दे।

ऐसे अभिवेदन पर जो दो माह बाद इस कार्यालय की प्राप्त होंगे उस पर कोई कार्यवाही नहीं की जायेगी। किसी अभिवेदन के अग्रिम प्रति की इस कार्यालय में न भेजे जाय।

उपरोक्त वरियता सूची इस कार्यालय में उपलब्ध तथ्यों/सूचनाओं के आधार पर तैयार की गई है। यदि कोई नाम इसमें नहीं है या कोई ऐसा नाम इसमें है जो इस वर्ग में कार्यरत नहीं है तो इसको सूचना इस कार्यालय को कौरन लिखे जिससे कि वरियता सूची में उचित सुधार किया जा सके।

कृते महाप्रबंधक (कार्मिक)

प्रतिबिम्बित सूचनाधि प्रेषित

- ① रुज ई रेलवे भूजपुर सुनियत/जोरखपुर
- ② श्वेत रेलवे कार्यालयी सचिव/जोरखपुर

कृते महाप्रबंधक (कार्मिक)

१५/३/८६

१५/३/८६

१५/३/८६

क २५५/१५

पुश्कान ई0सी0आर0सी0 (425-640) श्री वरिन्दा सूधी

क्र.00	नाम	निपुक्ति तिथि	जन्म तिथि	पदोन्नति की तिथि	स्थान	वर्तमान में वर्तमान कर्मचारी
1		3	4	5	6	7
8						8

1-	श्री आर0वी0शुक्ला	31-8-54	1-1-30	4-5-57	स्थानी	आर0यस0में पदोन्नति 5-11-76 से
2-	श्री दी0यस0 तनेजा	25-6-53	15-9-33	3-9-67	दरौनी	आर0यस0 में पदोन्नति 15-7-80 से
3-	श्री जी0पी0 गुप्ता	12-9-53	15-6-30	11-3-69	सम्झीपुरा	आर0यस0 में पदोन्नति 22-3-79 से
4-	श्री आर0के0 पई	31-3-54	6-10-32	22-3-69	"	"
5-	श्री सु0अरर रिदहीकी	26-8-55	20-6-35	20-1-70	14-10-71	गौरापुर रेलवे चीफ में नियुक्ति पर
6-	श्री सम0रन0 द्रा	1-9-53	3-1-55	24-12-71	18-6-76	मुजफ्फापुर आर0यस0 में पदोन्नति 455-700 दि. 7-5-79 से
7-	श्री राजेश्वर प्रसाद	9-12-54	12-4-35	-	-	मुजफ्फापुर
8-	श्री चार्ड0पी0 वर्मा	11-11-55	3-1-30	-8-77	31-8-78	"
9-	श्री मुलाक बरमद	26-6-56	-	-	-	17-5-85 से 2 वर्ष लीजट ग्रेड में 350-550 में पदव्युत्त ।
10-	शारदा नन्द प्रसाद	25-6-56	4-1-37	31-5-77	31-8-78	लखनऊ
11-	श्री तभवन तथ	5-7-56	7-7-35	-	-	-
12-	श्री दी0वी0मिशा	9-7-56	6-3-34	-	-	-
13-	श्री राम लाल (अ0जा0)	23-1-63	1-1-41	-	-	-
14-	श्री राम	18-12-57	11-10-36	-	-	बलौदाग
15-	श्री द्यारिद प्रसाद	19-2-62	20-10-41	15-8-77	-	-
16-	श्री रन0 डेरे	3-4-68	8-4-42	-	-	लखनऊ
17-	श्री माधी प्रसाद मिश्र	30-7-56	27-2-33	1-4-77	-	देवरिया सदा
18-	श्री परमेश्वर मिश्र	1-8-56	15-1-32	2-8-76	-	मुजफ्फापुर
19-	श्री अन्नशेष सान	12-4-57	5-9-37	23-9-78	-	हयरा
20-	श्री सी0वी0 मिश्रा	13-4-57	-	27-4-79	-	गौरापुर
21-	श्री आर0 दी0 शुक्ला	22-3-57	15-2-37	-	-	-
22-	राम आसरे (अ0जा0)	24-9-63	15-6-44	25-6-79	-	-

Handwritten signature and date: 18/5/85

श्री आ0 पपी0 दी दि0 18-8-75 से पदोन्नति एवं पदोन्नति बेलनमान 350-550-

2100 पत्रिका (165-89 (रक))
Reminder

श्रीमान,

गणप्रबन्धक (कार्गिक)
पूर्वतर रेलवे
गोरखपुर

AM

विषय: वरीयता निर्धारण तथा प्रोन्नति

संदर्भ: आपकी पत्र संख्या E/254/15/20/EcRc/1/1 दिनांक 29/4/82
मं. ता. अ. इज्जतनगर पत्र सं E/PE/K. Singh/EcRc/May 83
सेवा में,
E/255/15/3-7/आ/पी. ड. 24-7-86

सविनय निवेदन यह है कि तथा आपकी न्यायिक बुद्धि रघ महानता के प्रति नतमस्तक हो निम्न उल्लेख है।

संक्षेप में मेरा पूरा वृत्तान्त इस प्रकार है कि मेरा नाम जब प्रोन्नति में 1979 में छूट गया तब मैंने अपना सविस्तार प्रार्थना पत्र जनवरी 80 में दिया था जिसमें गुंडा 425/640 प्र० आ० लिपिक के पद पर प्रोन्नति होने की बात कही थी। आप के कार्यालय ने मेरी प्रार्थना को उचित मान पत्र संख्या DRM/PE/210/15/7-4-III दि० 6.1.81 को मेरी प्रोन्नति कर दी गई। मेरा कि उल्लेखित है प्र० आ० लिपिक का पद वरीयता से प्राप्त किया जाता है अतः मेरी प्रोन्नति न होने का कोई वैधानिक कारण नहीं हो सकता केवल यह एक प्रशासनिक त्रुटि थी जो बाद में हीफर भी गई प्रशासनिक सक्षम अधिकारी ने मेरी वरीयता निर्वाचित करने का कोई बिना समुचित कारण बताते हुए मेरे वरीयता प्रमाण पत्र संख्या E/255/15/3/EcRc/6 त 24/7/86 के द्वारा परिवर्तित कर दिया गया इसके संबंध में रेल परिषद पत्र संख्या E/NG/63/PM/1/82 त 15/17/84-64 के अनुसार कोई कर्मचारी जिसकी प्रोन्नति प्रशासनिक त्रुटि से नहीं हो पाती है उसकी प्रोन्नति होते ही उसी वरीयता प्रमाण पत्र में रखा जाना जहाँ वह पहले था तथा बड़ा हुआ वेतन उसे प्राप्त होने में विघ्न नहीं मिलेगा। आपके इस पत्र में सादापत्र या कारण देकर (यद्यपि यह पत्र ने योग्य नहीं पाया) यह कोई उचित पद के विषय में पात्र नाम का कोई निश्चित कारण नहीं है। रेल परिषद के निर्वाचित विधि विधानों के प्रकाश में मेरी वरीयता को नहीं देखा गया है और प्रशासनिक त्रुटि को मानकर किसी भुलाव में डालने की गारंटी नहीं दी जा सकती है दे दिया गया।

मेरी वरीयता क्रम बदलने का अन्य कारण मेरी C/R हो सकती है। इस सम्बन्ध में रेल परिषद के Establishment Manual के Para 1596-1619 R/1 में विशेष रूप से उल्लेखित है कि C/R लिखते समय पूर्ण कार्य पदों का विश्लेषण करते होंगे, यदि विपरीत है तो कर्मचारी को विषित सूचित किया जाना चाहिये इसके अभाव में विपरीत C/R का कोई मूल्य नहीं रह जाता है इसी संदर्भ में सर्वोच्च न्यायालय नई दिल्ली में 1979 में G. Singh vs. Punjab state के मुकदमे में फैसला देते समय Book No. LAB/1/C/1186/SUP COURT में स्पष्ट उल्लेख किया है। सन् 1983 में High Court उत्तर प्रदेश ने भी ऐसा ही निर्णय Case No. LAB I/G/1427 में दिया है।

अतः उपरोक्त प्रकाश में आपसे अनुरोध है कि मेरी वरीयता का निर्णय करते समय आप अपने पत्र E/IX/254/15/1/PT-II तां. 19-1-66 तथा E/255/COML/3/ECRC/6/तां. 19-1-79 के अनुरोध करने की महान कृपा करेंगे तथा मेरे साथ जो प्रशासनिक त्रुटि हो गई है उसका सुधारकर आप महान अनुकम्पा करेंगे।

- 1. Enc E/254/0 Cont. 1/5/1980
- 2. Service list of 1978

धन्यवाद।

आपका आज्ञाकारी
 केशव सिंह
 10/9/86

आपका आज्ञाकारी :-
 केशव सिंह
 पं० आर० वल०
 (कार्यरत फोन हार्ड)
 10/9/86

10/9/86

केशव सिंह



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH, LUCKNOW

DA No. 165 of 89 (L)

A/12

Keshav Singh.....Petitioner

Versus

Union of India & others.....Respondents.

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS NO. 1 & 2

I, S M N Islam aged about ³⁴ years
 son of Shri S M Owais presently posted as ^{Sr DPO} in the
 office of Divisional Railway Manager, N.E.Rlys, Ashok Marg,
 Lucknow most respectfully submit as under:-

1. That I have read the claim petition and have understood the contents thereof alongwith annexures and have been authorised to sign and verify the written statement on behalf of the respondents No. 1 and 2.
2. That contents of para 1, 2, & 3 of the petition needs no contents.
3. That the contents of para 4 and 5 of the petition are denied and in reply thereof it is submitted that the petition is highly time barred and the same is liable to be dismissed on this score alone.
4. That the contents of para 6(a) of the petition are admitted.
5. That the contents of para 6(b) of the petition are based on records, hence needs no comments.
6. That the contents made in para 6(c) of the petition are denied. It is submitted that the post of Enquiry Cum-Reservation Clerk in scale of Rs. 425-640 was a non selection post and same was to be ^{filled on the basis of seniority-cum-suitability.} ~~determined by the suitability.~~ The suitability was to be determined by the authority competent to fill the post on basis of records of service.

F.F.
 22.5.92

S M N Islam

प्रवर पंजाब कार्यालय अधिकारी
 पूर्वोत्तर रेलवे, लखनऊ

Contd.....2

The applicant was considered alongwith other candidates for promotion in 1979, but the competent authority did not find him suitable for promotion at the relevent time.

7. That in reply to the contents of para 6(d) of the petition, only this much is admitted that petitioner had represented against the promotion of respondent No. 3 which was considered, but in view of the fact that the competent authority had not found him suitable for promotion the Divl.

Annexure No. 1

Rly. Manager, N.E. Railway, Lucknow was advised accordingly by G.M. (p)/ GKP vide letter No. E/210/15/7-1/pt.III/VI dt. 03-07-79. A photo copy of letter dt. 03-07-79 is annexed and marked as Annexure No. R-1 to this reply.

8. That the averments made in para 6(e) of the petition as statêd are denied. It is submitted that the representation of the petitioner was co nsidered by the competent authority and after due consideretion, the reply dated 11-07-79 (Annexure-No. 3 to the petition) was given to the petitioner.

Annexure No. 3

9. That the contents of para 6 (f) of the petition are admitted.

10. That in reply to averments made in para 6(g) of the petition, it is sub-mitted that procedure for calling candidates in a selection, is laid down under para 6.01 of the Rules For Promotion and selection of Non-Gazetted Railway employees (1980) which reads as under :-

6.01- " The number of candidates to be called for class III selection need harmilly be only three times the number to be empanelled..."

It is further stated that the post of supervisor, Enquiry-Cum-Reservation in scale Rs. 455-700 being a selection post, only persons in scale Rs. 425-640 according 3 X formulae were eligible to be called in order of seniority.

Sudhakar
गौरी कान्त, लखनऊ

The petitioner since did not fulfil this condition, he was not eligible to be called in the selection.

11. That the contents of para 6(h) of the petition are denied. It is stated that the seniority of the staff in Gr. Rs. 425-640 and Rs. 455-700 was correctly assigned as per seniority Rules. The post of Reservation Supervisor in scale Rs. 560-750 was correctly filled in accordance with the rules.

12. That the averments made in para 6⁽²⁾ of the petition are not admitted and are denied. In fact the same are based on hypothetical presumptive basis.

13. That the contents of para 6 of the petition are wrong, hence denied. It is submitted that on a representation received from the applicant through the Divl. Rlys. Manager (P) N.E.Rly, Lucknow vide his letter No. E/KS/ECRC/79 dt. 15-6-79 the decision of the competent authority that the applicant was not found suitable for promotion to Gr. Rs. 425-640 was conveyed to DRM(F)/LJN vide GM(P)'S letter No. Ka/210/15/7-1/Bhag III/VI dt. 3-7-79. It is further submitted that the applicant was also informed by Divl. Rly. Manager (P)/N.E.Rly./Lucknow vide letter No. E/KS/ECRC/79 dt. 11-7-79 Annexure No. 3 to petition that he was not found suitable for promotion for the post of ECRC (425-640). The petitioner therefore made appeal dt. 10-8-79 against the said order dt. 11-7-79. The appeal was duly considered by the competent authority and the applicant was informed vide E/PC/Keshav Singh/Hd. ECRC dt. 14-5-82 A copy of letter dt. 14-5-82 is annexed and marked as Annexure No. R-2 to this reply subsequently on receipt of a reference from Hon'ble M.P. the matter was reconsidered and the reply was sent to him under D.O. letter No. Ka/255/15/9/ECRC dated 09-04-1989. The copy of letter dt. 9-4-89 is annexed as Annexure No. R-3 to this reply.

Annexure No 2

Annexure No 3

Shri. S. K. Singh
प्रवर मंडल कार्यालय अधिकारी
लखनऊ

Contd...4

1/19

Annexure No 4

14. That the contents of para 6(k) of the petition are denied. The representation of the petitioner was considered and he was accordingly informed vide Divl. Rly. Manager(P)/A.E.Rly. Izatnagar's letter No. E/PC/ECRU/Kdt. 19-3-86. A copy of letter dt. 19-3-86 is annexed and marked as Annexure No. R-4 to this reply.

15. That the contents of para 6(l) of the petition are admitted to the extent that the applicant was promoted when he was considered fit for promotion by the Competent Authority. Since seniority was assigned correctly to the applicant no correction in the seniority position was called for.

16. That the contents of para 6(m) of the petition as stated are wrong hence denied. In fact respondent No. 3 was promoted in scale Rs. 425-640 earlier to the applicant no correction in the seniority position was called for.

(Second Part)

17. That the contents of para 6 (L) and 6 (M) of the application are denied. The representation/appeal, against order dt. 11-7-79 (Annexure No. 3 to the application) was duly considered by the competent authority and the applicant was accordingly informed with the decision of the competent authority. It is submitted that the overall performance of the petitioner is reflected in his service records and based on that, he was judged for further advancement in service. The employee is well aware of his performance and the errors and missions committed by him. He was censured on 16-9-76, 11-11-77 and 28-1-78 and this was conveyed to him in writing.

18. That the contents of para 7 of the petition along with the grounds there under are denied.

19. That contents of para 8 of the petition need no comments.

20. That the contents of para 9 of the petition are denied.

21. That in reply to averments made in para 10 of the petition it is submitted that the suitability of staff for promotion to

Shri. S. K. Singh
General Manager
Izatnagar

nonselection post is determined by the authority competent to fill the posts on the basis of record of service and the seniority. It is reiterated that the petitioner was considered alongwith other candidates for promotion in 1979, but the competent authority did not find him suitable for promotion at that time.

22. That the contents of para 11 of the petition need no comments.

23. That the reliefs as prayed for by the applicant under 12 of the petition are not admitted and the same are liable to be rejected.

24. That the petitioner deserves to be dismissed with cost on the ground of delay and laches.

Lucknow

Dated :- 16.4.92

Swadesh
प्रवर मंडल कार्यालय
पूर्वोत्तर रेलवे, लखनऊ

VERIFICATION

I *SMN (skw)* the above named official do hereby verify that the contents of para 1 of this written statement are true to my personal knowledge and those para 2 to ²⁴ are based on records which are believed to be true and ~~those of para 1 to are~~ based on legal advice. Nothing material has been concealed.

Signed and verified this _____ day of

1991 at Lucknow .

Lucknow

Dated : 16.4.92

Swadesh
प्रवर मंडल कार्यालय
पूर्वोत्तर रेलवे, लखनऊ

Through Shri Anil Kumar Agnihotri
Counsel for the respondents no.
1 and 2.

AS Agnihotri
16.4.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

18/9

O.S. NO 169 of 89 (L)
KASAV SINGH Petitioner
v/s

Union of India
vs. Opp Parties

ANNEXURE NO. 1

जहाँ पर दोनों तरफ लिखें
Use both side if required.

पूर्वोत्तर रेलवे
N. E. RAILWAY

N. E.-G. 40
RD-GL. 19

संख्या (No.) का/210/15/7-1/भाग-तीन/वी दिनांक (Dated) 07-7-79

सेवा में (From) महाप्रबन्धक (क/10) सेवा में To महाप्रबन्धक

विषय (Sub): श्री केशव सिंह इ.सी.आर. सी. (अरबन) के पदोन्नति कामोत्पत्ति

का/210/15/7-1/भाग-तीन/वी दिनांक 15-6-79

सम अधिकारी द्वारा श्री केशव सिंह
इ.सी.आर. सी. (330-560)/पुचान इ.सी.
आर. सी. (425-640) में पदोन्नति के योग्य
नहीं पाये गये।

ह. अस्पष्ट
ह. महाप्रबन्धक (क/10)

महाप्रबन्धक
20-6-79
20/6/79

Attested

Signature

प्रबन्धक
पूर्वोत्तर रेलवे, लखनऊ

IN the CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

O.S. NO 169 of 89 (L)

KASAV SINGH Petitioner

v/s

Union of India
vs. OPP Railway

ANNEXURE NO. R-2

1/2

पूर्वात्तर रेलवे

=====
=====
=====

सं०ई/254/15/20/ईसीआरसी/11

कार्यालय
महाप्रबन्धाक (कार्मिक)
गोरखपुर
दिनांक 29/4/82

मण्डल रेल प्रबन्धाक (का०),
पूर्वात्तर रेलवे,
इज्जतनगर ।

विषय :- श्री केशव सिंह प्रधान ईसीआरसी, काठगोदाम का
आरक्षण पर्यवेक्षक (455-700) के क्यन के विरुद्ध
आवेदन । ~~आवेदन~~
=====

श्री केशव सिंह प्रधान ईसीआरसी (425-640) ने अपने
वरीयता के सम्बन्ध में आवेदन दिया है जिसमें उन्होंने मांग की है कि
ईसीआरसी (330-560) की वरीयता के अनुसार ही उन्हें प्रधान ईसीआरसी
(425-640) में वरीयता दी जाय। इस पर विचार किया गया और पाया गया
कि प्रधान ईसीआरसी (425-640) में पदोन्नति के समय उन्हें सक्षम अधिकारी
नियोज्य नहीं पाया था। हा-द में उनके पदोन्नति पर विचार किया गया
और उन्हें प्रधान ईसीआरसी में पदोन्नति दी गई और उन्हें प्रधान ईसीआरसी
में पदोन्नति की तिथि से वरीयता दी गई है। अतः उनकी प्रधान ईसीआरसी
में वरीयता ठीक निर्धारण की गई है। कृपया उन्हें उपरोक्त आधार पर सूचित
कर दिया जाय ।

ह०/

सं०ई/पी०सी०/केशव सिंह/प्र०ईसीआरसी/

प्रतिलिपि - श्री केशव सिंह प्रधान ईसीआरसी काठगोदाम सूचनाधी ।

Attest

महाप्रबन्धाक (कार्मिक)

दिनांक 14/5/1982

कृते मण्डल रेल प्रबन्धाक
इज्जतनगर

Shri Wla

मंडल कार्यालय
पूर्वात्तर रेलवे प्रबन्धाक

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

O.S. No 169 of 89 (L)
KASAV SINGH Petitioner

Union of India vs Opp Parties

ANNEXURE NO. R 3

पूर्वोत्तर रेलवे

कार्यालय मह प्रबन्धक (क10)
गोरखपुर

अ0स0पत्रांक का/255/1579/ई.सौ.आर.सौ./रः
प्रिय सिंह जी,

दिनांक- अप्रैल 19-189

विषय:- श्री केशव सिंह, प्रधान पृष्ठतह-आरक्षण
लिपिक के वरिष्ठ वरीयता का मामला।

संदर्भ:- अमका पत्र दिनांक रहित ।

श्री केशव सिंह पृष्ठतह-सह-आरक्षण लिपिक(330-560)
आर0ए10) के पद पर कार्यरत थे । इनकी प्रधान पृष्ठतह-सह-आरक्षण
लिपिक(425-640) में पदोन्नति का प्रस्ताव प्रस्तुत किया गया था । परन्तु
श्री केशव सिंह पदोन्नति के योग्य नहीं पाये गये । इनके कनिष्ठ पदोन्नति
31-3-79 से कर दी गई। इस संबंध में यह भी इंगित किया जाता है ।
कि प्रधान पृष्ठतह-सह-आरक्षण लिपिक(425-640) का पद वरीयता
के आधार पर भरा जाता है ~~करते~~ कर्मचारी गोपनीय रपट के आधार पर
योग्य पाया गया ।

श्री केशव सिंह का पदोन्नति उनके योग्य पाये जाने पर कार्यालय
अदेश दिनांक- 6-1-81 के द्वारा लिया गया । इनके पदोन्नति में विलम्ब
के कारण इनसे कनिष्ठ जो पहले पदोन्नति हो सके गये थे उच्च वेतनमान
में वारिष्ठ हो गये है ।

आपका,

ह0/-

(विष्णु मोहन मोहन पण्डेय)

Attested

श्री भानु प्रताप सिंह,
संसद सदस्य (लोकसभा),
पीलीभीत संसदीय कार्यालय,
फाट, बा. डोरी लाल,
पीलीभीत ।

Sms/ula
प्रवर मंडल कनिष्ठ कर्मचारी
पूर्वोत्तर रेलवे, गोरखपुर

सत्यापित
20/6/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

O.S. NO 169 of 89 (L)
KASAV SINGH Petitioner
v/s

Union of India Opp Parties

ANNEXURE NO. R-4

पूर्वोत्तर रेलवे

A/4

सं०ई/पी०सी०/ई०सी०आर०सी/के०

कार्यालय
मण्डल रेल प्रबन्धाक (का०)
इज्जतनगर
दिनांक 19/3/86

श्री केशव सिंह,
आरक्षण पर्यवेक्षक
द्वारा स्टेशन अधीक्षाक
फतेहगढ़ ।

विषय:- श्री केशव सिंह, आरक्षण पर्यवेक्षक वेत्तमान
425-640 में वरीयता निर्धारण ।

महाप्रबन्धाक (का०) गोरहापुर का पत्र सं०ई/255/15/3/
ईसी आरसी /छ: दिनांक 13/1/86 के अनुसार सूचित किया जाता है कि
वर्ष 1979 में पदोन्नति के लिए आप सक्षम अधिकारी द्वारा उपयुक्त नहीं
पाये गये तो आपकी पदोन्नति की गई । अतः पदोन्नति तिथि से
वेत्तमान 425-640 में वरीयता ठीक दी गई है ।

~~...~~
कृते मण्डल रेल प्रबन्धाक (का०)
इज्जतनगर

Attached

Sm/ula
प्रवर मंडल कार्यालय, इज्जतनगर
पूर्वोत्तर रेलवे, लखनऊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 165 of 90(L)

KESHAV SINGH

PETITIONER

Versus

UNION OF INDIA & OTHERS

RESPONDENTS.

Supplimentary written statement on behalf of respondents
No. 1 & 2 to the supplementary affidavit dated Jan. 1991
filed by the petitioner.

I SMN Islam aged about 24 years
son of Shri S M Owal's presently posted as Sr. D.M.
Personnel Officer
in the office of the Divl. Railway Manager,
N.E. Railway, Lucknow most respectfully submit as under :-

1. That I have read the supplementary affidavit and understood the contents there of alongwith annexures, I have been authorised to sign and verify the supplementary written statement on behalf of the Respondents No. 1 & 2.
2. That the contents of para 1 need no comments.
3. That the averments made in para 2 of the supp. affidavit are wrong hence denied. It is incorrect that the petitioner should have been promoted on the basis of his seniority in the year 1978. It is submitted that the promotion to the post of Head E.C.R.C. are made on the basis of seniority-cum-suitability. The petitioner was also considered for promotion on the basis of seniority but he was not found suitable for promotion by the competent authority at the relevant period.

प्रकार में डाल का मित्र
पूर्वोत्तर रेलवे, लखनऊ

Contd...

4. That in reply to avernments made in para 3 of the supplementary affidavit it is submitted that Shri Awadesh Saran was found suitable for promotion as head E.C.R.C. by the competent authority, as such he was promoted. Statements contrary to it are denied.

5. That in reply to para 4 of the supplementary affidavit only letter dated 11.7.79 (Annexure No.III to the petition) are admitted. Rest allegations are denied.

6. That in reply to para 5 of the petition, it is submitted that the appeal of the petitioner was duly considered by the competent authority.

7. That the contents of para 6 of the supplementary affidavit as stated are wrong, hence denied as the same are contrary to the avernments made in the original petitions. The petitioner was promoted as Head E.C.R.C. (Rs. 425-640) in the year 1981 according to normal selection process and not as a result of his appeal.

8. That the contents of para 7 are not disputed.

9. That in reply to para 8 of the petitioner it is submitted that the seniority position of the Petitioner has been correctly shown in the seniority list issued as on 24.7.86.

10. That the contents of para 9 are not disputed.

11. That the avernments made in para 10 and 11 of the supplementary affidavit are denied. It is submitted that no such representations dated 18.9.86 (Annexure No. ~~is~~ ^{Annexure} 4 to the supplementary affidavit) is available in the records of the Railway Administration. It appears that Annexure No. 4 dated 18.9.86 has been filed for the purposes of limitation.

12. That the contents of para 12 are admitted to the extent that on receipt of a reference from honourable M.P., a reply was sent to him under CPO/NG's D.O. letter dated 9.4.89 and not 23.9.87 as stated.

13. That in reply to para 13 of supplementary affidavit it is stated that the petitioner was informed by the Divl. Rly. Manager(P) Lucknow vide letter No. E/Ka/ECRC/79 dated 11.7.79 in compliance of General Manager (P) Gorakhpur's letter No. Ka/210/15/7-1/Pt.III/VI dated 3.7.79. The avernments made contrary to the above are denied, as the same have been made to give colour to the present case.

14. That the contents of para 14 are wrong hence denied. It is submitted that non selection post are filled by promotion of the senior most suitable railway servant on the basis of record of service and over all suitability considered by the authority competent to fill the post. The petitioner was not found suitable for promotion as Head E.C.R.C. (425-640) by the competent authority at the relevant time.

प्रवर मंडल को. - प्रवर मंडल
पूर्वोत्तर रेलवे, लखनऊ

Contd....

18

15. That the contents of para 15 and 16 are wrong hence denied. It is submitted that only the final order by the competent authority become effective.

16. That the claim petition is excessively time barred and as such it is not maintainable and the same is liable to be dismissed on this score alone.

Lucknow

Dated: 16.4.82

(Smt. Usha)
प्रवर मंडल कार्यालय
पूर्वोत्तर रेलवे, लखनऊ

VERIFICATION

I S M M Islam the above named do hereby verify that the contents of para 1 of this supplementary written statements are true to my personal knowledge and those para 2 to.....¹⁵.....are based on records which are believed to be ^{true} and those of paras.....¹⁶..... are based on legal advice. Nothing material has been concealed.

Lucknow

Dated: 16.4.82

(Smt. Usha)
प्रवर मंडल कार्यालय
पूर्वोत्तर रेलवे, लखनऊ

[Signature]
16/4/82

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

O.A.No.165 of 1989 (L)

Keshav Singh. ... Petitioner.

Versus.

Union of India and others. ... Respondents.

REJOINDER ^{by} ~~STATEMENT~~ TO THE WRITTEN STATEMENT.

I, Keshav Singh, aged about 57 years,
son of Sri B.N.Singh, 35, Srinagar, Sringarnagar,
Lucknow, do hereby solemnly affirm and state
on oath as under:-

1. That the contents of para 1 and 2 of the
written statement needs no comment.

2. That the contents of para 3 of the
written statement is totally incorrect, hence

*Filed today
22/5/92
Keshav Singh*

denied and para 4 and of 5 of the claim petition is reiterated.

It is further submitted that the claim petition is within time and representation dated 18.9.1986 of the petitioner is still pending before the opposite parties and no decision has been taken by the opposite parties.

3. That the contents of para 4 of the written statement needs no comment.

4. That in regard to contents of para 5 of the written statement, the contents of para 6(b) is reiterated.

5. That the contents of para 6 of the written statement as stated is incorrect, hence denied and contents of para 6(c) of the claim petition is reiterated.

It is further submitted that the petitioner was fully qualified for the post of Inquiry-cum-Reservation Clerk and his service record was absolutely unblemished but the competent authority did not considered the petitioner, for it without telling any reason

Kelkar

1/6

- 3 -

It is also submitted that the opp. parties also did not give any reason before this Hon'ble court which shows that they are suppressing relevant facts regarding this the Hon'ble court may will summon the service record of the petitioner from the opposite party no.1 and verify the truth claimed by the petitioner.

In this regard para 6(c) of the claim petition is reiterated.

6. That the contents of para 7 of the written statement is totally incorrect hence denied. In this regard para 8(a) of the claim petition is reiterated.

It is further submitted that the order passed by the opposite party no.4 by annexure R-1 is absolutely vague and false. No reason has been indicated in the said order, why the petitioner is not suitable for promotion on the post of senior E.C.R.C. (425, 640).

It is further submitted that the petitioners service record is unblemished and no adverse entry or remark has been ever communicated to the petitioner.

7. That the contents of para 8 of the written statement as stated is not accepted,

...4/-

Kohar Singh

2

hence denied. In this regard para 6(e) of the claim petition is reiterated.

It is further submitted that the order dated 11.7.1989 (annexure no.3) is absolutely vague, unreasonable and non-speaking, hence that order is no order in the eyes of law.

8. That the contents of para 9 of the written statement needs no comments.

9. That the contents of para 10 of the written statement so far as para (6.01) of the rule is concerned, is admitted but the rest of the para is totally incorrect and hence denied. In this regard para (6-g) of the claim petition is reiterated.

It is, further submitted that the petitioner was fully eligible and qualified for the consideration of the post of Enquiry-cum-Reservation in scale of Rs.455-700 but the petitioner was not called by the opposite parties illegally and an employee, Awadesh Saran, Junior to the petitioner was called the said selection, therefore, the petitioner has been deprived off his legal rights.

10. That the contents of para 11 of the

Keshav Singh

107


written statement is totally incorrect and hence denied.

It is further submitted that with the publication of the seniority list in the scale of Rs.425-640, the opposite parties also invited any objection from any aggrieved employee within a period of two months from the date of the publication of the above list. According to the petitioner submitted his representation against the seniority list, which is still pending before the opposite party no.1 hence that seniority list is not final.

11. That the contents of para 12 of the written statement is absolutely incorrect hence denied. In this regard para 6(i) of the claim petition are reiterated.

12. That the contents of para 3 of the written statement is not accepted. In this regard para 6 (g) of the claim petition is reiterated.

It is, further submitted that the petitioner's case was never considered by the opposite parties on merit and in petitioners case the opposite parties have always passed vague orders.



4/3

It is further submitted that the petitioners name was not included in the promotion list because of clerical mistake. But the opposite parties have made it their prestige issue and are continuously trying to justify their list. In their endeavour to justify themselves they are presenting distorted facts even before this Hon'ble court.

*

In this regard, the Hon'ble court is humbly requested to summon the original service records of the petitioner from the opposite party no.1 and verify the petitioners claim.

13. That the contents of para 14 of the written statement is false and hence denied.

It is further submitted that the ~~kt.~~ order dated 19.3.1986 annexure R-4 was never communicated to the petitioner. In this regard para 6(k) of the claim petition is reiterated.

*

14. That the contents of of para 15 and 16 and 17 of the written statement is incorrect hence denied. In this regard para 6 and 6(m) is reiterated.

Khan Singh

It is further submitted that since the petitioners service records are unblemished ~~ex~~ there was no reason why he should not have been promoted to the scale of Rs. 425-640 before his junior Awadhesh Saran.

15. That the contents of para 18 are ~~is~~ vague and contents of para 7 is reiterated.

16. That the contents of para 19 of the written statement need no comment.

17. That in regard to contents of para 20 of the written statement, para 9 of the claim petition is reiterated.

18. That the contents of para 21 of the written statement is incorrect, hence denied. In this regard para 10 of the claim petition is reiterated.

It is further submitted that the reply to the para 21 has also ~~so~~ been given in the preceedings paragraphs.

19. That the contents of para 22 need no comments.

20. That the contents of para 23 and 24 of the

K. S. Singh

written statement are totally incorrect and hence denied.

That in the above circumstances the written statement submitted by the opposite parties has no legal force, the claim petition is liable to be allowed with cost.

Lucknow; Dated

22.5 . 1992.

Keshav Singh
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 20 are true to my personal knowledge and paras - are based on legal advise. No part of it is false and nothing material has been concealed. Sohelp me God.

Lucknow; Dated

22.5 . 1992.

Keshav Singh
Deponent.

I, identify the deponent who has signed before me.

G. Mishra
Advocate.

Solemnly affirmed before me on 22.5.92 at 10 a.m./p.m. by the deponent who is identified by Sri *G. Mishra* Advocate High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

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

Keshav Singh

In the Hon'ble Central Administration Tribunal
Circuit Bench, Lucknow

**

O.A. No.165 of 1989 (L)

Keshav Singh Petitioner

Versus

Union of India and others Opp. Parties/
Respondants.

SUPPLEMENTRY REJOINDER AFFIDAVIT TO THE SUPPLEMENTRY
COUNTER AFFIDAVIT.

I, Keshav Singh aged about 57 years, S/o
Sri B.N.Singh, Resident of 36 Srinagar Sringarnagar,
Lucknow, the deponent, do hereby solemnly affirm
and state on oath as under:-

1. That the deponent is the petitioner in
the above noted case and he is fully conversant with
the facts of the case deposed to hereunder.
2. That the contents of para 1 and 2 of the
supplementary written statement need no comments.

*filed today
copy
22/5/92
Keshav Singh*

3. That the contents of para 3 of the supplementary written statement is false and hence denied on this regard para 2 of the supplementary affidavit is reiterated.

4. That the contents of para 4 of the written statement as stated is incorrect and hence denied. On this regard para 3 of the supplementary affidavit is reiterated.

5. That in regard the contents of para 5 of the supplementary statement para 4 of the supplementary affidavit is reiterated.

6. That the contents of para 6 of the written statement is false hence denied.

It is further submitted that the petitioner's appeal was never considered on merit.

7. In regard the contents of para 7 of the supplementary written statement, para 6 of the supplementary affidavit is reiterated.

8. That the para 8 of the supplementary ~~written~~ written statement needs no comments.

9. That the contents of para 9 of the supplementary written statement is absolutely incorrect, hence denied.

Keshav Singh

10. That the contents of para 10 of the supplementary written statement needs no comments.

11. That the contents of para 11 of supplementary written statement is absolutely false, hence denied.

It is, further submitted that the petitioner is ready to produce the original copy of the representation dated 24.7.86 which was received and forward to the higher authorities by then the S.S.Fatehgarh under whose supervisory control the petitioner was working .

It is, further submitted that the opposite parties are suppressing the relevant material on whose basis they would not deny petitioner's claim.

12. That the contents of para 12 of the supplementary written statement need no comments.

13. That the contents of para 13 of the supplementary written statement are vague and hence denied.

14. That the contents of para 14 of the supplementary written statement is incorrect and

Koban Singh

hence denied. On this regard para 14 of the supplementary affidavit is reiterated.

15. That the contents of para 15 of the supplementary written statement are prevaricative and hence denied. On this regard para 15 and 16 of the supplementary affidavit are reiterated.

It is, further humbly submitted that the Hon'ble may summon the original service record file No.-E/255/15/3-7 ~~Annex 6~~ from the opposite party No. 1 to verify petitioner's claim.

16. That the contents of para 16 of the supplementary written statement are wrong, hence denied.

It is further submitted that the petitioner's representation dated 18.9.86 against the seniority list in scale of Rs.425-640 is still pending before the opposite party No.1, hence cause of action is still continuing.

Lucknow : Dated
22.5, 1992

Kashwan Singh
Deponent.

Verification

I, the above named deponent do hereby

verify that the contents of paras _____
1 to 16 are true to my
personal knowledge and paras _____
_____ are based on legal advice
and paras _____ are based on record.
No part of it is false and nothing material has
been concealed. So help me God.

Lucknow & Dated

22. 5 . , 1992

Kohar Singh
Deponent

I, identify the deponent who has signed
before me.

G. Misra
Advocate

Solemnly affirmed before me on
at 10 a.m./p.m. by the deponent
who is identified by Sri *G. Misra*
Advocate High Court of Lucknow Bench.

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

माननीय केन्द्रीय प्रशासनिक न्यायाधिकरण, इलाहाबाद, लखनऊ पीठ, लखनऊ

दावायाचिका सं०- 165/1989 स्लः

केशव सिंह ----- याची

बनाम

भारत सरकार व अन्य ----- विपक्षीगण

उपर्युक्त वाद को न्यायालय के समक्ष प्रस्तुत करने हेतु प्रार्थना-पत्र

सेवा में,

उपनिबंधक महोदय,

विनम्र पूर्वक निवेदन करना है कि प्रार्थी ने दिनांक: 3.9.91 को माननीय उपाध्यक्ष महोदय के समक्ष एक प्रार्थना-पत्र दिया था कि, चूंकी विपक्षी-गणों द्वारा अभी तक प्रतिशपथ-पत्र नहीं प्रस्तुत किया है। फलतः उपर्युक्त वाद को सुन्वाई हेतु आदेशित करने की कृपा करें। प्रार्थी के उक्त प्रार्थना-पत्र पर माननीय उपाध्यक्ष महोदय ने मार्च में सुन्वायी करने हेतु आदेशित किया था, फलतः उपर्युक्त वाद में आज दिनांक: 5.3.92 को तिथि नियत थी लेकिन ~~प्रकार~~ प्रस्तुत वाद उपनिबंधक महोदय के समक्ष सूचीबद्ध हो गया है।

अतः श्रीमान् जी से विनम्र निवेदन है कि उपर्युक्त वाद को

शीघ्रातिशीघ्र की तिथि नियत करके माननीय न्यायालय के समक्ष प्रस्तुत करने

की कृपा करें।

लखनऊ

दिनांक: 5.3.92

प्रार्थी
केशव सिंह
मु. सं. ५०
धुबेली २०९
लाहाउ

Princip
Keshav Singh
20/3/92

CIP
Akhil N.Y.

Administrative

1/23

In the Court of Central ~~Service~~ Tribunal Allahabad
Lucknow bench

petition No. 165/1989 (L)

Keshav Singh. Petitioner.

.versus.

Union of India & others. Opp. parties.

△

Application for hearing on the basis of documents available on file :

The following most humble prayer before this Hon'ble court is :-

1. The present petition was presented before Hon'ble court on 18.7.89.
2. That in the above noted petition one supplementary affidavit was also filed on which this Hon'ble Court admitted this petition on 4.2.91 and issued notices to opposite parties, to file counter affidavit on 25.3.1991.
3. In this reference it is to say that on 25.3.91, there-after 24.4.91, 11.7.91, 3.9.91 and 8.11.91, the present petition was listed but opposite parties has not filed counter affidavit .

☆

Wherefore, it is most humbly prayed to this Hon'ble

court that on the facts disclosed in the above noted petition and supplementary affidavit, and also interest in the justice, the petition kindly be decided.

Lucknow.

Dated : 10-12-91

March 1992
W

Applicant.

Keshav Singh
CRJ Lucknow
MIE Rey

Administrative

In the Court of Central ~~Service~~ Tribunal Allahabad
Lucknow bench

petition No.165/1989 (L)

Keshav Singh. Petitioner.

.versus.

Union of India & others. Opp. parties.

Application for hearing on the basis of documents
available on file :

The following most humble prayer before this Hon'ble
court is :-

1. The present petition was presented before Hon'ble
court on 18.7.89.
2. That in the above noted petition one supplementary
affidavit was also filed on which this Hon'ble Court
admitted this petition on 4.2.91 and issued notices
to opposite parties, to file counter affidavit on 25.3.
1991.
3. In this reference it is to say that on 25.3.91, there-
after 24.4.91, 11.7.91, 3.9.91 and 8.11.91, the present
petition was listed but opposite parties has not
filed counter affidavit .

Wherefore, it is most humbly prayed to this Hon'ble
court that on the facts disclosed in the above noted petition
and supplementary affidavit, and also interest in the justice,
the petition kindly be decided.

Luckno w.

Applicant.

Dated : 10/12/91

Keshav Singh
Chs Lucknow
MIE R9