

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

CA 173/89 INDEX SHEET

CAUSE TITLE ..... OF .....

NAME OF THE PARTIES..... Pankaj Kumar Pandey .....Applicant

Versus

Union of India & Ors. .....Respondent

Part A, B & C

Sl. No.	Description of documents	Page
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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. 28-2-12

Counter Signed.....

Section Officer / In charge

  
Signature of the  
Dealing Assistant



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

g/nesh/

REGISTRATION No. 175 of 1989(1)

APPELLANT  
APPLICANT

P. K. Pandey

VERSUS

DEFENDANT  
RESPONDENT

Serial number of order and date	Brief Order; Mentioning Reference if necessary	How complied with and date of compliance
1.10.89	Hon. Justice K. Nalk, V.C. Admit Issue notice. To file reply within four weeks thereafter file rejoinder within two weeks. In the matter of interim Relief, issue notice & list for orders on 17.10.89	
17.10.89	V.C. No Sitting Adj. to 6.9.89. Counsel for applicant is present.	
6.9.89	Hon. Justice K. Nalk, V.C. Hon. K. J. Ramani, A.M. Sh. Sishharth Verma made appearance to say on behalf of respondents and prays for leave to a reply. The learned counsel for applicant refers to a decision of Tribunal in T.A. No. 626 of 1987, which was partly set aside by the Hon'ble Supreme Court (Annexure '5'). He has also referred some circular according to which a person officiating on a higher post for more than 18 months is required not to revert under certain circumstances. It is useful to see that circular also. List this case for orders on 23.10.89. In the meantime the respondents	

P.T.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 122 of 1989

APPELLANT  
PETITIONER

VERSUS

DEFENDANT  
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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23/10/89

Hon Justice K. Nath, VC.

None of the parties is present.  
List for orders on 10-11-89.

*[Signature]*  
V.C.

2  
In compliance  
Court's order of  
no reply filed  
submitted for

12

Hon'ble D.K. Agrawal, J.B.  
Hon'ble K. Chatterjee, J.M.

10/11/89

Shri R.B. Pandey counsel for the applicant  
and Shri Siddhatha Vama counsel for  
the respondents are present request for time to file  
counsel for the respondents ~~for~~ <sup>for</sup> ~~the~~ <sup>the</sup> ~~respondents~~ <sup>respondents</sup>

Comr reply within 4 weeks. Allowed.  
Let counter be filed within 4 weeks which  
the applicant may file 2nd order within  
2 weeks thereafter. List this case on  
15-2-90 for hearing.

A.M.

S.I.S.I.

Dic  
J.M.

OA. 173/89

10.2.93. This file has been traced  
D.R.  
undated during physical verification.  
Issue notice again for 6.4.93  
for F.H. by U.P.C. (X)

OR  
Notice issued  
on 16-3-93  
9

6.4.93 No sitting of D.M.  
adj. to 4-5.93

OR

Notice not  
received  
from  
2/4/93

P.S. PB

No sitting of D.M.  
adj. to 22-7-93

22.7.93

one n strike of lawyers  
ann. adj. to 23.8.93

OR

S.A.

03/10

15-12-98

D.R.

Placed before me today.  
Seen the office report.  
Place before Hon'ble  
Bench on 01-1-99 for hear-  
ing.

Post

D.R.

OR

S.A.

20/1/99

01-1-99

No sitting of D.B. adj.  
to 09-2-99.

OR  
HO P.A. filed  
5/1/98

AS per direction of  
Hon'ble number (5) case  
be listed before 22  
for 1/1/99.

09-02-99

Case not reached, due to P.H. Case,  
adj. to 21-4-99, Boc

Deputy Registrar(J)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW

O.A. No.. 173 of 1989(L)

Pankaj Kumar Pandey

...Applicant

Versus

Union of India & others

...Respondents

I N D E X

- .....
1. Memo of application Page - 1 - To 26
  2. Annexure No. 1  
Copy of impugned order of reversion dated 2.9.88 1
  3. Annexure No. 2  
Copy of order dt 30.10.1977 — 2
  4. Annexure No. 3  
Copy of notice dt. 15.2.82 — 3
  5. Annexure No. 4  
Copy of Court order dt. 16.2.82 — 4
  6. Annexure No. 5  
Copy of judgment dt. 1.5.89 passed by Hon'ble Supreme Court. — 5
  7. Annexure No. 6  
Copy of certificate dt. 10.5.85 — 6
  8. Annexure No. 7  
Copy of ~~seniority~~ list of persons — 7-88
  9. Annexure No. 8  
Copy of list of persons — 9
  10. Annexure No. 9  
Copy of list of persons — 10
  11. Annexure No. 10  
Copy of order dt. 15.9.1988 — 11
  12. Annexure No. 11  
Copy of list of candidates appeared in the examination dt. 21.7.88 — 12, 13, 14,
  13. Annexure No. 12  
Copy of order dt. 22.8.88 — 15, 16, 17
  14. Annexure No. 13  
Copy of pay slip for the month of Oct. 88 — 18
  15. Annexure No. 14  
Copy of privilege pass — 19
  16. Annexure No. 15  
Copy of appeal — 20 to 25

Slips filed  
today

Stamp  
3/8/89

17. Annexure No. 16  
Copy of reminder dated 31.10.1988 - 26 to 27.
18. Bank Draft/Postal order Number 22/4 = 795589  
dated 28-7-89 for Rs 50/-only.
19. Vakalatnama -

Place: Lucknow  
Dated:

27/7/89

*R. B. Pandey*

( R. B. Pandey )  
Advocate,

Counsel for the applicant  
618-Jawahar Bhawan, Lucknow

Noted for 1-8-89

*R. Pandey*

for Adv.  
28/7/89



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

O.A.No. 123 of 1989(L)

PANKAJ KUMAR PANDEY,  
Aged about 55 years,  
Son of Late Sri Jamuna Pandey,  
Working as Clerk  
under Dy. Controller of Stores, (N.R.)  
Alambagh, Lucknow.

... Applicant

Versus

1. Union of India through its Secretary,  
Ministry of Railways,  
New Delhi.
2. General Manager/  
Controller of Stores, N.R.,  
Baroda House,  
New Delhi.
3. Dy. Controller of Stores,  
Northern Railway,  
Alambagh, Lucknow.

... Opp. Parties/  
Respondents

APPLICATION UNDER SECTION 19  
OF THE TRIBUNALS ACT, 1985.

DETAILS OF APPLICATION

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

The above said application is being  
preferred before this Hon'ble tribunal against the  
impugned order of reversion dated 2.9.1988 passed  
by Opposite Party No. 3 also with a direction to  
determine the seniority of the petitioner on the  
post of Senior Clerk after declaring the result  
of the examination conducted on 4.3.1982 for the

P. K. Pandey  
Sd/-  
[Signature]  
[Signature]

(2)

promotion of Senior Clerk in the pay scale of Rs 330-560(old), 1200-2040(new). A copy of the impugned order of reversion dated 2.9.88 is annexed herewith as ANNEXURE No. 1 to this application.

2. Jurisdiction of the Tribunal:-

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

3. Limitation:-

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

4. Facts of the case:-

(1) That the applicant had been appointed in group IV as Khalasi on dated 3.4.1957 against a clear and substantive vacancy. The applicant however joined the post in group IV of Northern Railway in the year 1957. At the time of joining he was High School.

(2) That the work and conduct of the applicant during the entire span of service in group IV as Khalasi was of such a high nature that none of the unsuitability or inefficiency came in the light against the petitioner and none of the

P. K. Pandey

Signature  
A. K. Pandey

2/10/88

(3) adverse entry has ever recorded or communicated to the applicant.

(3) That the meritorious services rendered by the applicant in group IV under Opposite Parties resulted further that the applicant was promoted on adhoc basis on the post of clerk vide order dated 16.1.1974. The <sup>un</sup>justice occurred against the petitioner when several juniors also having less standard of service were promoted adhocly as clerk prior to applicant i.e. already in the year 1972.

(4) That the respondent no. 3 made a notice to frame the panel for promotion amongst class IV to class III against prescribed quota of 33  $\frac{1}{3}$  % in which on dated 22.6.1977 a circular was issued for examination and the applicant also appeared and declared as qualified in the written test. Thus the promotion in class III was <sup>expected to be made</sup> ~~made~~ in the pay scale of Rs 260-400 revised as 950-1500 by way of a panel.

(5) That in the examination for promotion the petitioner appeared and the panel was declared on 4.11.1977 and the name of the petitioner in spite of passing written test has been declared as fail in the viva vice hence the name of the applicant in the panel of 4.11.77 was not included. Aggrieved with this act of Opposite Party No. 3 he made a detailed representation to Opposite Party No. 2

under  
By order  
[Signature]  
[Signature]

(4)

and subsequently the said Opposite Party No. 2 summoned all the documents from the respondent no. 3.

(6) That in compliance of the pending representation the applicant was called for viva voce at New Delhi where he again appeared which resulted that in the panel of 4.11.1977 the name of the applicant was included on dated 30.10.78 along with 3 others. It is clearly stated that in the year 1978 on dated 30.10.1978 when the name of applicant has included for promotion of Clerk grade 260-400 in order of seniority with effect from 4.11.1977 in the same panel which was launched on said date i.e. 4.11.1977. A copy of the order dated 30.10.1978 is filed herewith as ANNEXURE No. 2 to this application.

(7) That regarding impanelment of applicant in the panel of 4.11.77 through an order of Opp. Party No. 2 on dated 30.10.1978, it is stated that the applicant was working adhocly on the post of Clerk with effect from 16.11.74 but the seniority was denied to applicant in order to strict seniority of the panel in question i.e. 4.11.1977.

(8) That the applicant as clerk according to panel of 4.11.1977 performed his duties without any unsuitability or inefficiency and in view of the seniority, work and conduct the applicant was further provided a chance of <sup>appearing</sup> ~~being~~ in the examination dated 4.3.1982 conducted vide office order

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Sd/-  
Sd/-

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(5)

dated 15.2.1982. This was the examination conducted by the Respondent no. 3 for the promotion on the post of Senior Clerk in the pay scale of Rs 330-560(old) 1200-2040(new).

(9) That vide notification dated 15.2.1982 as said in above paragraph the applicant also appeared in the examination of Senior Clerk which was conducted on 4.3.1982 and the name of the petitioner was placed at sl: no. 8 in the notice dated 15.2.1982. It is also stated that the examination what ever conducted on 4.3.82 for the promotion of Senior Clerk the result of the same is still pending without any decision or disposal. A copy of the notice for examination for the promotion of Senior Clerk dated 15.2.82 is also annexed herewith as ANNEXURE No. 3 to this application.

(10) That the applicant is in due hope that he may be success in the examination conducted on 4.3.82 but due to pendency of entire result the entire career of the applicant is still in dark while during this period many juniors have been promoted on the post of Senior Clerk after conducting further examination time to time by the respondent no. 3.

(11) That the humble petitioner became surprise due to happening which came into existence some time in the year 1979 one Mr. Hari Shanker Maurya came into service of Opposite Party No. 3

P.K. Pandey  
Sd/-  
[Signature]

(6)

by direct recruitment through commission in class III as Clerk. It is also stated that in panel dated 4.11.1977 the name of 9 persons have been included on 15.3.80 by the order of Opposite Party No. 2 and on 18.3.1980 by the order of Opposite Party No. 3. Mr. Maurya has not been considered in the examination dated 4.3.82 and by aggrieving the said Mr. Maurya had filed a writ petition no. 1183 of 1982 before the Hon'ble High Court of judicature at Allahabad, sitting at Lucknow after challenging the seniority of these 9 persons whose names have been included on dated 15.3.80, 18.3.80 in the strict seniority of panel dated 4.11.77 and also the name of the applicant has been included already on 30.10.78.

(12) That in the above said writ petition filed by Mr. Maurya, the Hon'ble High Court was pleased and on dated 16.3.82 issued an interim order by directing that Sri Maurya be allowed to participate in written test. A copy of the order passed by the Hon'ble High Court dated 16.3.82 is filed herewith as ANNEXURE No. 4 to this writ petition.

(13) That in view of the direction of the Hon'ble High Court dated 16.3.83 the Opposite Parties took written test of Mr. Maurya which further resulted that the result of entire examination dated 4.3.82 is pending without any

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disposal or announcement. The applicant who appeared in the above said examination is also suffering still as the applicant has never arrayed a necessary party in the writ petition. Hence according to the legal terminology the applicant cannot be suffered for pendency of the result of the examination dated 4.3.82 which is still pending as stated.

(13) That after coming into force of Central Tribunals Act, 1985 the writ petition no. 1183 of 1982 has been transferred to the Hon'ble Central Administrative Tribunal of its Allahabad bench which was decided on 14.12.87 of its T.A.No. 626 of 1987

(14) That in the above said judgment the Hon'ble Central Administrative Tribunal vide its judgment dated 14.12.87 the impanalment of the name of the 9 other persons as respondent in the above said case dated 15.3.80 and 18.3.80 was quashed. It is also stated that the notice for examination dated 15.2.82 in which examination was conducted on 4.3.82 was also quashed. It would very pertinent to mention in this regard that in the examination dated 4.3.82, 34 persons have been appeared and they have not been made a necessary party in the writ petition no. 1183 of 1982 and T.A.No. 626 of 1987.

(15) That in view of judgment dated 14.12.87 the aggrieved respondents went to Hon'ble

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Supreme Court vide S.L.P. No. 11488 of 1989. Under the S.L.P. the said Hon'ble Supreme Court was pleased and on dated 1st May, 1989 a special leave was granted and regarding the impanelment of the name of the 9 persons along with the examination dated 15.2.82 what ever set aside by the Hon'ble Central Administrative Tribunal, that part of the judgment has further been set aside by the Hon'ble Supreme Court, vide its final judgment dated 1.5.89. In these circumstances it is crystal clear that the result of examination dated 4.3.82 which was conducted through notice dated 15.2.82 was declared as a legal and justified in view of the Hon'ble Supreme Court judgment. Now in these circumstances, it is obligatory upon the parties to declare the result of examination dated 4.3.82 in which the applicant was participated also. It would further pertinent to mention that till the result of examination dated 4.3.82 is not declared the applicant could not be enforced to appear in another examination along with his juniors what happened in the year 1988. Against the applicant resulted another grievance. A photostat copy of the judgment of the Hon'ble Supreme Court dated 1.5.1989 is also annexed herewith as ANNEXURE No. 5 to this application.

(16) That taking of this factual position against the examination of 15.2.82 which is still pending as said, ultimately the applicant was promoted adhocly on the post of Senior Clerk.

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(9)

with effect from 19.4.83 in pay scale of Rs 330-560 (Old) and 1200-2040 (new).

(17) That the humble applicant continuously worked on the post of Senior Clerk in the pay scale mentioned as above up to 65 months while there is a series of circulars issued by time to time by Railway Board protecting the matter of incumbents who worked adhocly on any specific post more than 18 months, they cannot be reverted without initiating departmental proceedings under rule 6,9, and 10 of the Railway servant (D&A) Rules, 1968. In this regard, the Hon'ble Central Administrative Tribunal has also decided many cases and the protection was given to those employees who continuously worked more than 18 months and reversion order in this regard has been set aside. The applicant's case is also similar in accordance with the same legal footing as after rendering 65 months of continuous service his reversion on the post of Junior Clerk in less pay scale of Rs 950-1500 (New) 260-400(old) is totally bad.

(18) That in accordance with departmental order the humble applicant also completed necessary training for Senior Clerk and a certificate in this regard dated 10.5.1985 issued by the Head Master of training institute is also annexed herewith as ANNEXURE No. 6 to this application.

P. K. Pandey  
J. Singh  
S. Singh  
A. Singh

(19) That the main grievance by which the applicant is aggrieved that inspite of clear instruction/direction of the Hon'ble ~~Supreme~~ High Court regarding declaration of result or examination conducted on 4.3.1982 the respondent no.3 time to time made several promotions of junior persons on the post of Senior Clerk in pay scale of Rs 1200-2040 . It is also stated that Several juniors have been promoted up to the post of DSK III and Headclerk. In sake of evidence the list of persons much junior than the applicant who have been promoted vide order dated ~~15th October, 1985~~ <sup>15 Oct 85 &</sup> 16th May, 1985, 13th April, 1988 on the post of Senior Clerk is also annexed herewith as ANNEXURE No. 7, 8 & 9 to this application.

(20) That subsequently many juniors as stated have further been promoted on the post of Senior Clerk vide order dated 15.9.88. A copy of the order dated 15.9.1988 is also filed herewith as ANNEXURE No. 10 to this application, to show that how in discriminatory treatment, the Opposite Party No. 3 repeatedly acted in violation of Arts. 14 and 16 of the Constitution of India.

(21) That it would very pertinent to mention that the applicant as stated was appeared in the examination dated 4.3.82 in view of the notice dated 15.2.82 and the result of that examination was not declared, without any decision is pending ultimately on 30.6.88 and 17.8.88 the Opposite Party No. 3 again issued notices conducting

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examination on 21.7.88 and 17.8.88 for the promotion of Senior Clerk in the pay scale of Rs 1200-2040. In this examination the applicant legally cannot be compelled to face again while he was a bonafide candidate already appeared in the examination dated 4.3.82. Even though under certain threatening and pressure for taking ill manner the applicant was appeared in the said examination. A copy of the list of candidates appeared in the examination dated 21.7.88 is also filed herewith as ANNEXURE No. 11 to this application

(22) That in consequent of examination dated 21.7.88 in view of notice dated 30.6.88 the result was declared on dated 22.8.88 in which the <sup>99</sup>persons belonging to general quota have been declared as qualified and 19 of Scheduled caste candidates also declared as passed in the said examination. It is also stated that the six persons have been declared as unsuccessful candidates along <sup>with</sup> one Scheduled Caste candidate. By virtue of this result the reversion of the petitioner has challenged vide Annexure no. 1 which was passed in arbitrary manner and the previous services were also not credited which have been rendered by the petitioner, in the result, and also entire seniority and suitability has been thrown out. In fact the Opposite Party No. 3 under mala fide intention declared the result and the applicant has been declared as unqualified candidate in the said examination. A copy of the order dated 22.8.88 is also filed herewith as ANNEXURE No. 12 to this application.

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(12)  
(23) That as already stated the reversion of the applicant took place on <sup>2</sup>2.9.88 and the applicant was reverted in the pay scale of Rs 950-1500 and further his pay was fixed on pay scale of Rs 1225/-. It is also stated that prior to this reversion none of the departmental proceedings etc. has been initiated while admittedly the applicant had rendered the services on the post of Clerk with effect from 19.4.1983.

(24) That the impugned order of reversion dated 2.9.88 is also illegal, arbitrary and bad in law while the applicant was reverted in pay scale of Rs 950-1500 where as one Scheduled caste candidate namely Sri Padam Lal who also declared as unsuccessful candidate became reverted but further allowed to work on the same post in the same pay scale. It is also stated that said Sri Padam Lal now at present has further been promoted on the post of Headclerk, who is working in the pay scale of Rs 1200-2040 without any implementation of reversion order dated 2.9.1988. In this regard it is also stated that in view of length of service Sri Padam Lal is much junior than the applicant and discriminatory treatment in the same order of reversion is showing the arbitrariness, illegality of the impugned order in violation of Art. 14 and 16 of the constitution of India, read with service rules, known as Railway Servants (D&R) Rules, 1968.

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(25) That the impugned order dated 2.9.88 which is under challenge in this application is still not implemented by Opposite Parties their own as the petitioner is working on the same post but the salary of the post in question is not being paid. It is well settled view of law that none of the incumbent can be denied for the salary on the post where he is rendering his job. In fact the impugned order of reversion is still not implemented but under mala fide intention, there is an apprehension that the same may be exercised while admittedly the applicant is much senior, suitable and a qualified candidate in view of the examination already conducted in the year 1982. The applicant is still working on the post of Senior Clerk but he had been deprived the pay scale of Rs 1200-2040 applicable for the post. In sake of evidence it is stated that respondent no. 3 who issued the privilege pass on dated 21.1.89 and declared that the applicant is Senior Clerk. Subsequently the pay slip of October, 1988 has been issued by Respondent no. 3 and the petitioner is shown as Senior Clerk but the salary which allowed is the pay of reverted post. In all respect it is crystal clear that the Opposite Party No. 3 by their own mind admitting this factual position that the petitioner is still senior clerk but without salary for the post on which he is working actually. A copy of the evidence i.e. pay slip of October, 1988 and privilege pass dated 21.1.1989 is filed herewith as

ANNEXURE No. 13 and 14 to this application.

P. K. Pandey for annexes  
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(14)

(26) That by perusing the entire factual and legal position, it is crystal clear that the applicant is working on the post of Senior Clerk but in view of the reversion order he has been reverted in the pay scale and his entire length of service, seniority has not been considered. The impugned order in accordance with admission of Opp. Parties is also not implemented as yet but there is an apprehension that the petitioner can be reverted and the order dated 2.9.88 will be implemented in future. As such in these circumstances the impugned order against the petitioner is not sustainable.

(27) That the humble applicant by aggrieving the impugned order of reversion made an appeal /representation to respondent no. 2 after disclosing all the legal and factual position on dated 6.9.88 but the same is still pending before the authorities without any adjudication. A copy of the appeal dated 6.9.88 is also filed herewith as ANNEXURE No 15 to this application.

(28) That when the grievance of the applicant has not been redressed by respondent no. 2, the humble applicant on dated 31.10.1988 preferred a reminder to said authority but that too has also not been considered or decided and representation is still lying pending. A copy of the reminder dated 31.10.1988 is further filed herewith as Annexure No. 16 to this application.

P. K. Pandey Sd/-  
Sd/-  
Sd/-

(29) That during the pendency of the representation/appeal of the applicant, the respondent no. 3 further day to day making irregularities and promoting junior persons on the post of Senior Clerk. The case of the applicant has not been considered in the light of this legal footing and in discriminatory treatment of the Opposite Party No. 3 is certainly illegal, violative of Arts. 14 and 16 of the Constitution of India.

(30) That in view of the legal and factual position the respondent no. 3 always time to time conducting examinations and made a remark that these promotions shall be depend on the subject of the decision of the pending court cases. Regarding the pending court cases, the matter has been finalised by the Hon'ble <sup>Supreme</sup> High Court in the S.L.P. as already filed, thus it is crystal clear that what ever the examination conducted in the year 1982 is declared as legal one. The obligation goes to Opposite Party No. 3 to declare its result after receiving the judgment of the Hon'ble <sup>Supreme</sup> High Court, but nothing is being done inspite of repeated request by the applicant and further many efforts of the applicant.

(31) That relating to the grievances of the applicant, if the result of 1982 is declared certainly he shall be treated as Senior Clerk in view of that examination and all those periods rendered by him adhocly shall be credited in computing the

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seniority in such a manner that the applicant has been ignored deliberately by all the benefits attaching to the post as his legal right.

(32) That the applicant is now at the verge of retirement hence in these circumstances, his reversion vide impugned order dated 2.9.88 is nothing in the eyes of law except the penal consequences. Similarly the junior persons have been adjusted by the own will of the respondent no. 3 and ouster of applicant from their legal rights is an arbitrary action of the Opposite Party No. 3 liable to be challenged and deserves to be set aside with benefit of promotion to provide the pay scale of Rs 1200-2040 with effect from 19.4.83.

(33) That the Opposite Party No. 3 further made an illegality that certain persons have been promoted whose names were not called in the examination dated 21.7.88 even though in the list of promotion dated 22.8.88 the said persons have been promoted ~~after~~. For the sake of evidence the name of Sri Lalta Prasad is being mentioned who have been placed at sl. no. 57 in the list of successful candidates. While his name is not mentioned in the notice dated 30.6.88 (Annexure no. ~~VI~~ XI) thus arbitrariness of the Opposite Party No. 3 is apparently looked into to show that <sup>for</sup> the petitioner the deliberately, discriminatory treatment had been played without adopting the legal procedure under mala fide intention.

P. K. Pandey

By *Shankar Singh*



A/m

(17)

(34) That in the instant case the petitioner's grievance was repeatedly stated in the above said fact and circumstances that he has been reverted illegally after ignoring his all the legal right and in accordance with the choice and own mercy of respondent no 3 the junior persons have been promoted time to time after conducting examination inspite of clear instruction in the interim order passed by the Hon'ble High Court. Lastly in view of the decision of the Hon'ble <sup>Supreme</sup> ~~High~~ Court in S.L.P. No. 11488 of 1989 the implementation has not been carried out and the result of 1982 examination is still pending without any announcement. The applicant came to know through some reliable sources that the proceedings of the examination held on 4.3.82 are missing. The applicant is a qualified candidate appeared in the said examination and also in due hope that he may be declared as a qualified candidate, ~~and~~ if the result is being announced. Hence in these circumstances he cannot be compelled to face the examination of 21.7.88 during the said period as sub judice matter entirely. Thus the Opposite Parties adopted the wrong mode promoting many junior persons on the post of Senior Clerk after ignoring the rightful claim of the applicant and many others. The decision of the Hon'ble <sup>Sr Supreme</sup> ~~High~~ Court is binding upon but it has been denied for its implementation as withholding result of 1982 examination. Thus in all circumstances, the Opposite Party No. 3 acted arbitrarily illegally discriminatory and with malafide intention against the applicant in bias manner. Due to the pendency of the representation and repeated reminder

Sip. Shrivastava  
P.K. Pandey

the matter is still pending without any response which further goes to show that for the petitioner an illegality has been done at this stage while the petitioner is at the verge of retirement in very near future.

5. Grounds for relief with legal provisions:-

i. Because the applicant is very senior in the cadre of clerk in the pay scale of Rs260-400. as he was appointed in the panel dated 4.11.77. Vide a notification dated 15.2.82, the applicant was participated in the examination dated 4.3.82 and the result of the said examination is pending. without any decision which is arbitrary and bad in law.

ii. Because in the judgment vide this tribunal in T.A.No. 626 of 1987 what ever the result of examination dated 4.3.82 was set aside as further decided by the Hon'ble Supreme Court in the S.L.P. and the order of the Central Administrative Tribunal has been set aside. Hence it is obligatory upon the Opposite Party No. 3 to declare the result of 1982.

iii. Because the applicant was not a party in the writ petition no. 1183 of 1982 or T.A. No. 626 of 1987, hence for him the result cannot be restrained.

iv. Because in view of the examination of

P. K. Pandey  
Sip secret  
[Signature]

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(19)

4.3.82 the applicant is entitled to get the promotion on the post of Senior Clerk in the pay scale of Rs 330-560.

v. Because w.e.f. 19.4.83 the applicant is working as Senior Clerk in the pay scale of Rs 330-560 and completed about 65 months, hence the reversion order of the applicant violating the mandatory circulars issued by Railway Board time to time and also against the railway servant M&A Rule 1968 without initiating any departmental proceedings.

vi. Because the applicant is entitled to regaining his seniority on the post of Senior Clerk with effect from 19.4.83 after declaring result of 1982.

vii. Because in view of many Railway Board circular which provides the benefit to incumbent who rendered more than 18 months of service in a post adhocly may not be reverted without any departmental enquiry on allegation of misconduct etc. as such the applicant's suitability cannot be tested twice.

viii. Because many juniors than the applicant have been promoted on the post of clerk in the pay scale of Rs 330-560 after clear direction of Hon'ble High Court regarding result of examination held on

P. K. Pandey  
Sip. Officer  
Jm

4.3.82. Thus the act of Opposite Party No. 3 is arbitrary and violating the provisions of Arts 14 and 16 of the Constitution of India in similar situation.

ix. Because in view of the judgment of the Hon'ble Supreme Court dated 1.5.89, this is binding upon the Opposite Party No. 3 to declare the result of examination conducted in the year 1982

x. Because the Opposite Party No. 3 making promotion in his command acted arbitrarily and also in discriminatory treatment many of the juniors have been promoted on the post of 4<sup>th</sup> head clerk or D.S.K.3.

xi. Because the applicant is wrongly and illegally by putting pressure and threatening was compelled to participate in the examination conducted vide notice dated 30.6.88 held on 21.7.88.

xii. Because many of the persons whose names were not called in the examination have also been promoted after ignoring the rightful claim of the applicant in discriminatory treatment which is bad and illegal.

P. K. Pandey  
By *[Signature]*  
*[Signature]*

xiii. Because the impugned order of reversion dated 2.9.88 is wrongly passed against the applicant being a senior incumbent in the cadre of senior clerk and his entire length of service, suitability has not been considered.

xiv. Because on the basis of seniority, length of service, the petitioner cannot be declared as unsuccessful candidate while he had rendered his continuous service for more than 65 months adhocly resulting that the applicant's suitability was tested automatically.

xv. Because in the impugned order the discriminatory treatment has been done and being a junior person Sri Padam Lal who had also been reverted is continuing again officiating on the post of head clerk in the pay scale of Rs 1200-2040, while the applicant has been reverted in lower scale of 950-1500 at the stage of Rs 1225/-.

xvi. Because the discriminatory treatment of Opposite Party No. 3 is quite clear and by perusal of the impugned order also the order is arbitrary bad in law.

xvii. Because the applicant is still working on the post of Senior Clerk but without salary attaching to post, hence it is clear that the reversion order passed by Opposite Party No. 3 is not implemented as yet.

P. K. Pandey  
Sd/-  
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xviii. Because in view of the well settled view of law none of the incumbent can denied for the salary on the post he worked. As such by own admission of Opposite Party No. 3 has designated and working on the post of Senior Clerk but the salary for the post of Junior Clerk is given is bad in law and illegal.

xix. Because in view of the result dated 22.8.88 the applicant has declared as unsuccessful candidate is illegal and bad in law.

xx. Because the representation/~~dated~~ appeal along with that reminders have also not been considered by the Opposite Party No. 2.

xxi. Because in view of settled law the fact is that the applicant is working on the post of Senior Clerk and he could not be denied for the salary attaching to the post.

xxii. Because now there is an apprehension for the applicant that the Opposite Party No. 3 would revert the petitioner from his post also.

xxiii. Because the applicant in accordance of length of service date of birth is at the verge of retirement in very near future hence there is an illegality for his entire career by way of impugned order of reversion and it is liable to be set aside. and in all respect the act of Opposite Party No. 3 is violating the principle of natural justice.

P. K. Pandey  
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 D. No. 2

6. Details of remedy exhausted;

The applicant declares that he has availed all the ~~appropriate~~ <sup>h h h</sup> remedies available to him under the relevant service rules etc;

(i) That after aggrieving the impugned order of reversion the humble petitioner firstly made a representation/appeal to Opposite Party No. 2 on 6.9.88 through pro per channel it was also received by the office of Opposite Party No. 3 on same day i.e. 6.9.88. A copy of the appeal/representation is already filed as Annexure No. 15 to the application.

(ii) That thereafter the applicant after awaiting maximum time, when the Opposite Party No. 2 did not decide the pending representation preferred a reminder dated 31.10.88 (Annexure No. 16) hence the application is well within time in accordance with law.

7. The matter is not previously filed or pending with any other court;

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of this application has been made before any court or any other authority or any other bench of the tribunal

P. K. Pandey  
Sd/-  
Sd/-

nor any such application, writ petition, or suit is pending before any of them.

8. Relief sought:-

In view of the facts and grounds mentioned in para 4&5 of this application, the applicant prays for following relief;

(A) That this Hon'ble tribunal may be pleased to very graciously set aside the impugned order of reversion dated 2.9.88 contained as Annexure No. 1 by declaring its null and void and the applicant be allowed to work on the post of Senior Clerk in the pay scale of Rs 1200-2040. Subsequently the applicant be given all the arrears, seniority and other benefits attaching to the post of Senior Clerk along with consideration of further promotion in view of seniority length of service.

(B) That the Opposite Parties be directed to declare the result of examination conducted on 4.3.82 vide notice no. 15.2.82 in view of Annexure.3 of this application after summoning the record from the Opposite Parties subsequently the applicant be provided all the benefits of senior clerk with effect from 2.4.83 and thead hoc services rendered by him be credited for the purposes of determination of seniority on the post of Senior Clerk in the pay scale of Rs 1200-2040.

P. K. Pandey

Sd/-

2/10/82



(C) That any other and further relief which this Hon'ble court deems fit and proper may also be awarded in favour of petitioner along with cost.

9. Interim order if any prayed for:

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

That on the basis of facts and circumstances, grounds mentioned in the application along with its annexures, it is most respectfully prayed that this Hon'ble tribunal may be pleased to issue a suitable direction/order that the applicant be allowed pay scale of Rs 1200-2040 for the post of Senior Clerk as he is working on that post without implementing the order of reversion dated 2.9.88 contained as Annexure no. 1 in the interest of justice.

10. The humble applicant wants oral hearing through his counsel.

11. Particular of postal order;

Postal order No. DD/4 795589 dated 28<sup>7</sup>/85 for Rs 50/- only.

VERIFICATION

I, Pankaj Kumar Pandey, Aged about 55 years Son of Late Sri Jamuna Pandey, Working as Senior Clerk in the office of Dy. Controller Stores, Alambagh, North Railway, Lucknow do hereby verify that the contents of paragraphs 1 to 11 are true to

P.K. Pandey  
By order  
[Signature]

my personal knowledge except para-5 which is true on the basis of legal advice received and that I have not suppressed any material facts.

Application is being provided vide notification No. A-A.T. 11019/44/87 dated 11th October, 1988.

P. K. Pandey

SIGNATURE OF THE APPLICANT

Sig. Pandey

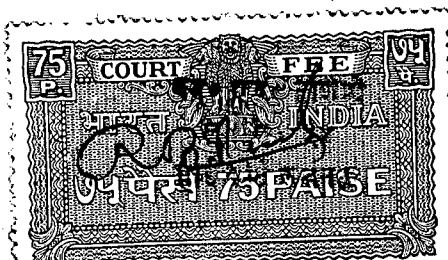
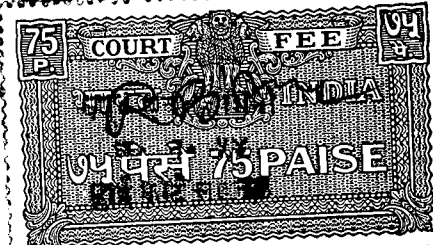
Place: Lucknow

Dated: 27/7/88

R. B. Pandey

(R. B. Pandey)  
Advocate,

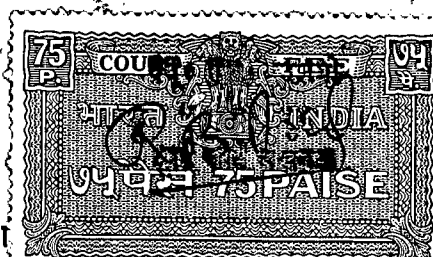
Counsel for the petitioner



हे नॉन केंसुम महोदय  
Tribune Lucknow Search

महोदय  
- Imbined Lucknow Beroch

# कावकालतनामा



**टिकट**

**वादी**

Pankaj Kumar Pandey

## बनाम

प्रतिवा

Union of India & Co.  
सन १९५० पक्षी की ता०

**व० मुकुदमा**

सन्

▲ ऊपर लिखे मुकदमा में अपनी ओर से श्री

R. B. Land



नाम किदोलस	नाम
मुकुटमा व०	वनाम
नाम फरीकन	वनाम

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

## हस्ताक्षर

P. K. Pandey

**साक्षी (गवाह)**

**साक्षी (गंवाह)**

दिनांक

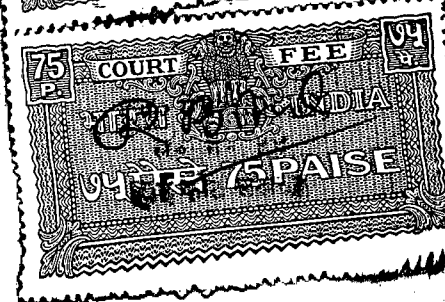
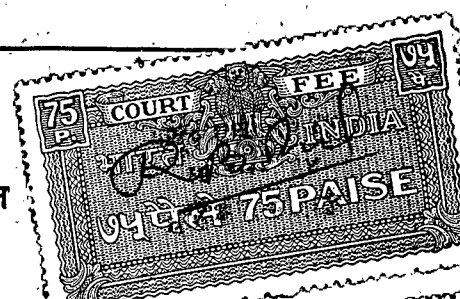
27/7/89

# महीना

सन

Accepted

~~Spander~~



Office Order N/ 192

Dated: 21/9/1988

The following employees who have failed in suitability test for the Post of Senior Clerk are reverted as Clerk Grade Rs. 950-1500 (RPS) on Pay Rs. shown against each :-

S.L. No.	Name	Offg. Grade (Adhoc)	Pay on Reversion, w.e.f. 09.9.1988
1.	Sri Rama Hand Yadav	-do- (2PP)	Rs. 1300/-
2.	Taj Bahadur Singh	DSK/III- Adhoc/VIN	To be filled by ACOS/VIN.
3.	Pankaj Kumar Pande	Sr. Clerk (Adhoc)	Rs. 1225/-
4.	Brahm Dutt Misra	Offg. Sr. Clerk/Adhoc	Rs. 1150/-
5.	T.N. Tewari	SDC/Adhoc	Rs. 1250/-

Sri Padam Lal Officiating H.d. Clerk of CB Depot who is Scheduled Caste candidate after failure in test of Sr. Clerk is reverted from H.d. Clerk but allowed to work as Sr. Clerk on adhoc basis on Pay Rs. 1320/- Per month in Scale Rs. 1200-2040(RP) for in service training for six months from 9.9.88.

for Dy. Controller of Stores, AMV.

Copy to the following for information and necessary action :-

1. SAO(W) AMV & CB.
2. DOOS/NRly.CB.
3. ACOS/NRly.VIN.
4. ASPS/TPP-AMV.
5. H.C.(Bill) AMV & CB & Vyanagar.
6. Parties concerned.
7. Leave Clerk & Pass Clerk.
8. DSK/CB.
9. O.S./ (Genl)
10. Confid. Asstt.

for Dy. Controller of Stores,  
N.Rly. Lambagh/Lucknow.

Raj. 20/9

Pankaj Kumar Pandey

P. K. Pandey

True copy  
Attested  
3/20/88  
AMV

मानक के प्रो. आर्मीन-एन. लुकरा

पंजाब हुमाद कानुन - vs - प्रो. आर्मीन-एन. लुकरा  
AN - II

(2)

NORTHERN RAILWAY:

Office order No.E/38

DATED: 30.10.78

In continuation of office order No.E/321 dt 4.11.77 & E/162 dtd 4.4.78 the following four persons as decided by the General Manager(P) letter No.145E/38544/L stores SSB(W), dt 27.x.78 are placed on the bottom on the panel of Clerks grade Rs260-400(RS) against Class IV quota declared vide O/Order No.E/392 dt 4.11.77 and E/102 dt 4.4.78. The four vacancies of Clerks utilized account of provision of these four persons will be counted against the future vacancies against Class IV quota.

- 1) Shri Rinkaj Kumar Pandey T.No.554
- 2) Shri T.N.Tewari T.No.153
- 3) Shri Sankata Pd. T.No.571
- 4) Shri Mohan Lal Singh T.No.457

sd/-  
Dy. Controller of Stores  
Alambagh/Lucknow.

Copy to the following for information:-

- 1) Dy.CAO(W)/AMV-LKO.
- 2) HC/Bills.
- 3) Leave Clerk/OE.
- 4) Leave Clerk/LE
- 5) T.K./A MV.
- 5) Parties concerned.

Dy. Controller of Stores,  
Alambagh/Lucknow.

*Rinkaj Pandey*

*Alambagh Tunc copy*  
*Stone*



मानि. मेन्ट्री प्रो काय्दी करत  
मलान्डी

पं. जे. कुमार यादव  
यही काम रतिये

AN- IV

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD (LUCKNOW BENCH)

LUCKNOW

C.M. APPLICATION NO. 2380 (V) of 1982

In re;

Writ petition No. 1183 of 1982.

Hari Shanker Morya

Applicant-petitioner

Vs.

Union of India and others

Opp-parties.

Application for Stay

Lucknow Dated: 16.3.1982.

Hon'ble K.S. Varma, J.

Hon'ble S.S. Ahmad, J.

Issue notice.

From a perusal of the stay application it appears that the test conducted in pursuance of the notice was to take place on 4.3.1982. A supplementary affidavit has been filed to indicate that the test is continuing and the next date is likely to be fixed next week.

If that is so, the petitioner shall also be permitted to participate in the test and the result shall not be announced unless the petitioner has also been allowed to appear in the test.

Sd. K.S. Varma.  
Sd. S.S. Ahmad.

16.3.1982.

P. K. Pandey

Also the  
Sd. 2

पंजाब उच्च न्यायालय - जमान - मुक्ति नाम दिवस

IN THE SUPREME COURT OF INDIA

183547

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 1989

AN-V

(Arising out of SLP (Civil) No. 11488-89/89)

5

Ram Milan Tiwari & Ors.

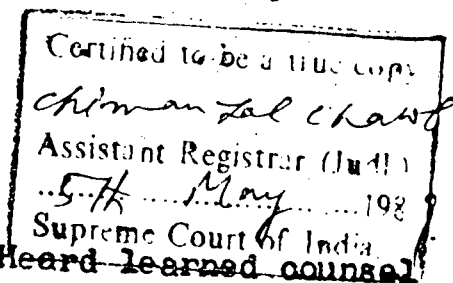
..Petitioner/appellants

Vs.

Union of India & Ors.

..Respondents

ORDER



Special leave granted. for both the parties. The Tribunal was not right in setting aside the promotion of the appellants. That part of the order is set aside. However, the seniority of respondent No. 4 shall be protected and he may be promoted retrospectively. Consequential benefits shall be given to the appellants.

The appeal is disposed of accordingly. No order as to costs.

Sd/- J.  
(G.L.OZA)

Sd/- J.  
(K.JAGANNATHA SHETTY)

NEW DELHI;  
May 1, 1989.

P. K. Pandey

AKS/TK  
JL



मान. स. प्र. प्र. काम. प्र. लालक.

(6)

पं. प्र. प्र. प्र. प्र.

प्र. प्र.

प्र. प्र. प्र. प्र. प्र.

AN-VI-

1/1

कर्मचारी

उत्तर रेलवे क्षेत्रीय प्रशिक्षण स्कूल, चन्दौसी

सं. 52-T/S.7/198

प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री/श्रीमती प्र. प्र. प्र.

पुत्र/पुत्री श्री प्र. प्र. प्र.

पदनाम लिपिक मुख्यालय आलमबाग

दिनांक 08/4/85 से 10/5/85 तक चन्दौसी

में आयोजित प्र. प्र. प्र. प्र. प्र. में उत्तीर्ण हुए/हई।

प्र. प्र. प्र.  
प्रधानाचार्य

दिनांक 10-5-85

P. K. Pandey

प्र. प्र. प्र.  
प्र. प्र. प्र.

आन - केडीम - प्र. कार्यालय लालक

वर्ग 30 मा-पादे - अनि.

प्रतिपत्त-प्राप्त इतिहास नं. 7

Northern Railway.

Office of the  
Dy.C.O.S./AMV

No. 20-3

Dated: 16 May 1985.

- X Shri S.K. Misra-I, Clerk/AMV.
- ✓ Smt. Mehar Fatima, -do-
- ✓ Shri Girja Shankar Sonker, Clerk/TPP/AMV.
- ✓ Mahadeo Pat., Clerk/AMV/TPP
- ✓ A.K. Malviya, Clerk/AMV
- ✓ Rajendra Pd. -do-
- ✓ K.K. Sharma, -do-
- ✓ Sulbir Kumar, Clerk/TPP/AMV.
- ✓ H.P. Singh, Clerk/AMV.
- ✓ R.P. Tewari, -do-
- ✓ Dhir Singh Maurya, Clerk/TPP/AMV.
- ✓ S.K. Singh, Clerk/DSL/CB.
- ✓ K.C. Saxena, Clerk/CB.
- ✓ Kashi Pd., Clerk/AMV.
- ✓ V.S. Singh, Clerk/CB.
- ✓ Mohi. Yunus, Clerk/AMV.
- ✓ S.C. Tripathi, Clerk/AMV.
- X Smt. Shahin Anjum Siddiqui, Clerk/CB.
- ✓ Shri O.S. Verma, Clerk/AMV.
- ✓ Anil Kumar-II -do-
- ✓ G.L. Pajpai, -do-
- ✓ S.K. Mishra-II -do-
- ✓ K.K. Srivastava, Clerk/CB.
- ✓ Baswari Lal, Clerk/AMV.
- ✓ R.K. Gautam, -do-
- ✓ M.K. Srivastava, Clerk/CNB.
- ✓ S.K. Srivastava, Clerk/AMV.

Sub:- Selection of serving graduate Clerks grade Rs. 260-400 (RS) for the post of Sr. Clerk grade Rs. 330-560 (RS) against reserved quota of serving/employees. /Graduate

.....

The Selection for the post of Sr. Clerk grade Rs. 330-560 (RS) against graduate quota of serving employees is scheduled to be held in Baroda House (Annex I) N.Rly., New Delhi on 02.6.1985 at 10.00 hrs. You are informed to attend the written examination on the scheduled date time and place fully prepared alongwith the certificate on the enclosed proforma duly filled in and signed by APO(S)/AMV through P/Branch. You should report at 09.00 hrs. on 2.6.85 to Supdt. (Estt.) (Recruitment G.M.(P) Office, New Delhi positively. You should also carry with you a Postal order if the same was not submitted by you at the time of applying to appear in the selection. You should also carry with you one Pass-port size of Photograph duly signed by APO(S)/AMV.

You should note that if you fail to attend the selection on the scheduled date and time, you will loose your chance and no second date for supplementary selection will be allowed.

(Contd.....2)

P. K. Pandey

AKS 202 TIC  
Date  
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- : 2 : -

You should submit 2 Passport size of Photograph in this Office latest by 24.5.85, so that the same should be attested and one photograph fixed in the portfolio.

*[Signature]*  
/ Dy. Controller of Stores,  
N.Rly., Alambagh, Lucknow

Copy to the following for information. They should spare the staff and issue necessary pass to enable them to attend the test and comply with the orders.

1. The G.M.P./N.Rly., Hd. Qtrs Office, Baroda House, New Delhi, in reference to his letter No. 220E/1843-Rectt. dt. 8.5.85. The name of Shri G.L. Bajpai appearing at Sl.No. 21 of the list of applicants sent to you was omitted in your letter which may please be corrected.
2. The DGOS/CE/IFC.
3. The AGOS/DSL-CE.
4. DGOS/EDD-CNB, VYN & MGS.
5. ASFS/TPP/AMV/LHO.
6. HC/Pass/AMV.

*P. K. Pandey*

*Alambagh T/E*  
*[Signature]*

आम. अवेदीत प्र. कामीकरता लालकृत  
पंजी सुगाह पातुर - अमान. प्र. काम रीतिर

42

9

An- VIII

Northern Railway.

Office of the  
Dy.C.O.S./AMV

Office order No. E/  
Dated: 15 Oct. '85 262

In terms of G.M.(P)/NDLS letter No. 220E/1843-Pt.II (Rectt.) dt. 23.9.85 the following Clerks of this Office have been placed on the provisional panel of Sr. Clerk grade Rs. 330-560 (RS) on the basis of selection of serving graduate. The names are in order of merit.

S.No.	Name	Merit No.
1.	Shri Mahadeo Pal, Sr. Clerk (SDC/AMV)	39
2.	" Krishan Kumar, -do- (AMV)	75
3.	" Ram Tahal Tewari -do- (" )	84
4.	" S.K. Shrivastava, Clerk (AMV)	98
5.	" Om Shanker Verma -do- (" )	136
6.	" Sudhir Kumar, Sr. Clerk (" )	145
7.	" Sunil Kumar Singh, Clerk (CB)	177
8.	" Anil Kumar Gupta, -do- (AMV)	178
9.	" K.K. Shrivastava, -do- (CB)	179
10.	" S.C. Tripathi, -do- (AMV)	187
11.	" B.L. Prajapati, -do- (" )	189
12.	" Hausila Pd. Singh, Sr. Clerk (SDC/AMV)	193
13.	" R.K. Gautam, Clerk (AMV)	202
14.	" G.L. Bajpai, Clerk (AMV)	205
15.	Smt. Mehar Fatima, Sr. Clerk (AMV)	211
16.	Shri Girja Shanker (SC) -do- (AMV)	224
17.	" N.K. Shrivastava, Clerk (CNB)	234

The following are already officiating as Sr. Clerk on adhoc basis.

1. Shri Mahadeo Pal.
2. " Krishna Kumar.
3. " Ram Tahal Tewari.
4. " Sudhir Kumar.
5. " Hausila Pd. Singh.
6. Smt. Mehar Fatima.
7. Shri Gurja Shanker (SC)

The following are appointed to officiate as Sr. Clerk on Pay Rs. 330/- in scale Rs. 330-560 (RS) w.e.f. 08.10.85 and retained in their Sections/Offices.

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| 1. Shri S.K. Shrivastava, Clerk/AMV. | Shri                                |
| 3. " S.K. Singh, Clerk (DSL/CB).     | (2) Om Shanker Verma, Clerk/AMV.    |
| 5. " K.K. Shrivastava, Clerk/CB.     | (4) " Anil Kumar, Clerk/AMV.        |
| 7. " B.L. Prajapati, Clerk/AM V.     | (6) " S.C. Tripathi, Clerk/AMV.     |
| 9. " G.L. Bajpai, Clerk/AMV.         | (8) " R.K. Gautam, Clerk/AMV.       |
|                                      | (10) " N.K. Shrivastava, Clerk/CNB. |

for Dy. Controller of Stores  
N.Rly., Alambagh, Lucknow

Copy to the following. (1) The GM(P)/NDLS. It is certified that Shri G.L. Bajpai was appointed as Clerk in this Office prior to 31.10.83. (2) The SAO(W)/N.Rly./AMV & CB. (3) The DCOS/CB, ACOS/ETD/CNB, ACOS/DSL/CB. and ACOS/MGS & VYM. (4) The Section Incharges concerned. (5) HC/Bills/Leave & Pass. (6) The parties concerned.

P. K. Pandey

Alambagh T/C  
Date

श्री. के. प्र. आर्म्स एंड कार्बन्स

पंकेज कुमार पांडेय - पता - प्रतिष्ठान आर्म्स एंड कार्बन्स

Ann-IX

(10)

NORTHERN RAILWAY:

Office of the, Dy. Controller of Stores,  
N.Railway, Alambagh/Lucknow.

Office Order No.E/ 77

Dated: 13 April, 1988

The following employees are appointed to officiate as Head Clerk on provisional and adhoc basis with immediate effect on Pay Rs.1400/- P.M. in Scale Rs.1400-2300 (RPS). This will confer on them no claim of seniority or promotion in preference to those who may be considered senior to these staff after finalisation of the Court Cases:-

- |     |                         |                     |
|-----|-------------------------|---------------------|
| 1.  | Shri Mahadeo Pal,       | SDC/GD/AMV.         |
| 2.  | " K.K. Sharma,          | Sr.Clerk/AMV.       |
| 3.  | " Ram Tahal Tewari,     | Sr. Clerk/AMV.      |
| 4.  | " Sunil Kumar Singh,    | -do- -do-           |
| 5.  | " Om Shanker Verma      | -do- TPP/AMV        |
| 6.  | " Sudhir Kumar          | -do- -do-           |
| 7.  | " Sunil Kumar Singh     | -do- DSL/CB-LKO.    |
| 8.  | " Anil Kumar Gupta,     | SDC/AMV.            |
| 9.  | " Kaushal Kishore       | Sr.Clerk-CB, Depot. |
| 10. | " Srivastava.           |                     |
| 11. | " Suresh Chandra        | Sr.Clerk/AMV.       |
| 12. | " Tripathi.             |                     |
| 13. | " Banwari Lal Prajapati | Sr.Clerk/AMV.       |
| 14. | " Haunsia Pd. Singh     | SDC/AMV.            |
| 15. | " Girja Shanker Sonkar  | Sr.Clerk/TPP/AMV.   |
| 16. | " Narain Kumar          | Sr.Clerk-ETD/CNB.   |
| 17. | " Smt. Veena Vohra      | Sr.Clerk/AMV.       |
| 18. | " Sri A.K.Malviya       | Sr.Clerk (TPP)/AMV. |

for Dy. Controller of Stores,  
N.Rly. Alambagh/Lucknow.

Copy to the following :-

1. The S.A.O.(W)/AMV & CB-Lucknow.
2. The D.C.O.S./N.Rly. Charbagh, Lucknow.
3. The A.C.O.S./DSL-CB.Lucknow.
4. The A.C.O.S./ETD-CNB, VYN & MGS.
5. The ASPS/(TPP)/AMV.
6. The Section Incharges concerned.
7. The Parties concerned.

P. K. Pandey

Recd copy

13.4.88

13.4.88

Alambagh 9/10

13.4.88

का. नं. प्र. का. पत्रा. (०१०००)

पं. ज. कुमा. पा. दे. - ५३. प्र. का. ६०.

उत्तर रेतवे

क-५

(11)

कार्यालय उप. मंडार नियंत्रक ३०२० आलमबाग लखनऊ।

पत्र संख्या २९ ई

दिनांक:- १५-९-१९८८

१. श्री सी.एन. शिवाठी - वि.लि./आलमबाग
२. " हरी शंकर मोर्य - व.लि./
३. " सुंदरमेश सिंह - व.लि./टि.मु./आलमबाग
४. " एम.पी.वर्मा - " /आलमबाग
५. " छोटे लाल सिंह - " / कानपुर
६. " जेड ए. मिश्रा - " / डीजल डिपो/चारबाग
७. " लालता प्रसाद - " / लॉग यार्ड /आलमबाग
८. " के. सी. मंडल/जोशी - " / कानपुर
९. " पी.के. बाजपेई - " /
१०. " आर.ए. चौरासिया - " /वार्ड ए/ आलमबाग
११. " नवीन कुमार - " / डीजल/चारबाग
१२. " के.एन. मिश्रा - " /सी. ए. ए. /आलमबाग

विषय:- मंडार पात १ तृतीया की तदर्थ नियुक्ति हेतु संरक्षा धनराशि

रुपया १५००/- श्री सुरक्षा धनराशि नकद या बैंक के रूप में जमा करने का प्रमाण पत्र इस पत्र की प्राप्ति के पाँच दिनों के अन्दर ही इस कार्यालय में प्रस्तुत कर दें। तालि आपकी उपरोक्त तदर्थ नियुक्ति की जा सके।

हस्ता- उप. मंडार नियंत्रक  
३०२० आलमबाग/लखनऊ।

प्रति:- १११ सहायक मंडार नियंत्रक/३०२०/कानपुर

१२१ सहायक " /३०२०/डीजल चारबाग

१३१ सहायक असीटक /टि.मु./आलमबाग।

P. K. Pandey

ALOK TILAK  
Jain

श्री. के. प्र. काशीनाथ मिश्र

वर्तमान मुकाम - जाति. vs. श्री. का. ई.

: NORTHERN RAILWAY:

Am - XI (12)

Office of the Dy. Controller of Stores,  
N.Rly. Alambagh/Lucknow.

No. 247-E

Dated: 30-6-1988

The following staff are informed to appear in the Written Suitability Test for the post of Senior Clerk in Grade Rs.1200-2040 (RPS) at this office on 21-7-'88 at 10.00 Hrs. They should bring their own Pen & Pencil. The answer book will be supplied by this office. Failure to attend the test may lead to loose the chance for promotion and seniority etc.

SL No.	NAMES	Design-	Station
1.	Shri D.P. Pandey	Clerk	Charbagh
2.	Gur Bachan Singh	Offg. Sr. Clerk (Adhoc)	T.P.P./AMV.
3.	Shri Brij Nath	Offg. DSK/III (Adhoc)	Alambagh.
4.	" Rama Nand Yadav	Offg. Sr. Clerk (Adhoc)	T.P.P./AMV.
5.	" S.Karmakar	-do-	Alambagh.
6.	" Ram Gulam Yadav	-do-	-do-
7.	" Tej Bahadur Singh	-do-	-do-
8.	" Radhey Shyam	-do-	-do-
9.	" Panna Lal Seth	-do-	-do-
10.	" Pankaj Kumar Pandey	-do-	-do-
11.	" Bal Kishore	-do-	-do-
12.	" C.K. Pandey	-do-	-do-
13.	" B.D. Mishra	-do-	-do-
14.	" K.N. Malviya	-do-	-do-
15.	" Gulshan Lal	-do-	-do-
16.	" Puttu Lal	(Offg. DSK/III-(Adhoc)	Charbagh.
17.	" Rama Shanker	Offg. SDC- (Adhoc)	Alambagh.
18.	" L.N. Sharma	Offg. SDC- (Adhoc)	Alambagh.
19.	" Rama Shanker	Offg. Sr. Clerk (Adhoc)	-do-
20.	" Radhey Lal	Offg. DSK/III/CNB	ETB/CNB.
21.	" J.B. Shukla	Offg. Sr. Clerk.	Alambagh
22.	" T.N. Tewari	Offg./SDC.	-do-
23.	" C.N. Tripathi	-do-	-do-
24.	" Sankata Prasad	Offg. Sr. Clerk	Charbagh
25.	" T.N. Shukla	-do-	-do-
26.	" R.S. Pandey	Offg. Sr. Clerk/DSL	Charbagh
27.	" Mohd Yamin	Offg./SDC/AMV	Alambagh
28.	" V.N. Ashhara	Offg. Sr. Clerk	Alambagh
29.	" Parasu Ram Singh	Clerk.	Charbagh
30.	" Mohan Lal	Officiating Sr. Clerk	Alambagh
31.	" Sadhu Ram Pandey	-do-	-do-
32.	" L.S. Pandey	Offg. Sr. Clerk	Alambagh
33.	" Sohan Lal	-do-	-do-

Contd...2)

P.K. Pandey

Attested T/c  
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(14)

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SL No.	NAMES	Design.	Station
87	Shri Rajesh Pathania	Offg. Sr. Clerk/DSL	Charbagh
88.	" A.K. Shankhchar	-do-	Alambagh
89.	" Ravindra Kumar	-do-	Charbagh
90.	" S. Zahoor Ahmed	Clerk	-do-
91.	" Ram Laxhan		
92.	" Chandan Sanyal	Clerk	TPP/AMV.
93.	" Ramoo Gupta	-do-	Vyasnagar
94.	" Sharang Pani Pandey	-do-	Alambagh
95.	" V.K. Saraswat	-do-	-do-
96.	" S.N. Pandey	-do-	-do-
97.	" Ram Asrey	-do-	-do-
98.	" Parkaj Kumar Srivastava	-do-	TPP/AMV.
99.	" Ravi Kumar Saxena.	-do-	Alambagh
100.	Smt. Vijay Laxmi Saxena	-do-	-do-
101.	Shri S.K. Gupta	-do-	CNB
102.	" Rajon Kumar Srivastava	-do-	Alambagh
103.	" Ajay Kumar Srivastava.	-do-	-do-
104.	" D.K. Tewari	-do-	T.P.P/AMV.
105.	" D.K. Mishra.	-do-	Alambagh

SCHEDULED CASTE CANDIDATE

1. Shri	Jawahar Lal	Offg. H.C. / (Adhoc)	Alambagh.
2. "	Kanta Prasad	Offg. Sr. Clerk	-do-
3. "	Manou Ram	Offg. DSE/III	Vyasnagar.
4. "	Shyam Sunder	Offg. Clerk	Charbagh.
5. "	Jagmohan Lal	-do-	Alambagh.
6. "	Padam Lal	-do-	Charbagh
7. "	Bhai Lal	-do-	Alambagh
8. "	Ram Nath	-do-	-do-
9. "	...	-do-	CNB
10. "	...	-do-	CNE
11. "	S. Paswan.	-do-	Vyasnagar
12. "	Bishambhar Dayal	-do- DSK/III	Alambagh
13. "	Lalji Pasi	-do- -do-	-do-
14. "	S.P. Dass	-do-	-do-
15. "	A.K. Adhikari	Offg. Sr. Clerk	-do-
16. Smt.	Asha Kumari	-do-	-do-
17. Shri	Anil Kumar	-do-	-do-
18. Smt.	Indu Bala Gahlot	-do-	-do-

for Dy. Controller of Stores,  
N.Rly. Alambagh/Lucknow.

Copy to : the following for information & Necessary action.

1. D.C. O.S./N.Rly. Charbagh
  2. ACOS/DSL, CB, VYN, CNB, ASPS/TPP.
  3. All Section Incharge.
  4. DSK/GD-AMV. He will arrange to spare the staff for the test who are on their duty.
- They will spare the staff working under them.

RAJ.29/6

P.K. Pandey

Answer file  
Sme



Office order No.E/172

D ted 22-8-1988.

(15)

As a result of suitability test for the post of Sr. Clerk (G) grade Rs 1200-2040 (RPS) held in this office on 21.7.88 and 17.8.88, the following employees has passed the test. This is provisional and is subject to the decision in the court ca-es.

GENERAL :

1. Shri D.P. Pandey Clerk-CB
2. Shri Gur Bachan Singh offg. Sr. Clerk (Adhoc) TPP/AMV
3. Shri Brij Nath -do-
4. Shri S. Karmakar -do-
5. Shri Ram Gulam Yadav -do-
6. Shri Radhey Shyam -do-
7. Shri Panna Lal Seth -do-
8. Shri Bal Kishore -do-
9. Shri C.K. Pandey -do-
10. Shri K.N. Malvia -do-
11. Shri Gulshan Lal -do-
12. Shri Puttu Lal Offg. DSK/III (Adhoc) CB
13. Shri Rama Shanker I Offg. SDC (Adhoc)/AMV
14. Shri R.D. Saxena -do-
15. Shri L.N. Sharma Offg. Sr. Clerk (Adhoc)/AMV
16. Shri Ram Shanker II Offg. DSK/III (Adhoc) CNB.
17. Shri Radhey Lal Offg. Sr. Clerk (Adhoc)/AMV
18. Shri J.B. Shukla Offg. SDC (Adhoc)/AMV
19. Shri C.N. Tripathi -do-
20. Shri Sankata Pd. Offg. Sr. Clerk (Adhoc)/CB
21. Shri T.N. Shukla -do-
22. Shri R.S. Pandey -do- Adhoc DSL/CB
23. Shri Mohd. Yamin Offg. SDC (Adhoc)/AMV
24. Shri V.N. Asthana Offg. Sr. Clerk (Adhoc)/AMV
25. Shri Parasu Ram Singh Offg. DSK/III (Adhoc)/CB.
26. Shri Mohan Lal -do-
27. Shri Sadhu Ram Pandey -do- SEN/C/CNB.
28. Shri L.S. Pandey offg. Sr. Clerk (Adhoc)/Alambagh
29. Shri Sohan Lal Offg. Sr. Clerk (Adhoc)/AMV
30. Shri Chandra Pal Singh Offg. SDC (Adhoc)/AMV
31. Shri Kailash Pandey Offg. Sr. Clerk "
32. Shri Rachha Ram -do- DSL (Adhoc)/AMV
33. Shri Shiv Kumar Misra I Offg. SDC (Adhoc)/AMV.
34. Shri K.D. Tripathi -do-
35. Shri D.C. Srivastava Offg. Sr. Clerk (Adhoc)/CB
36. Shri Shiv Behari Offg. DSK/III (Adhoc)/AMV
37. Shri Shiv Ram -do- (Adh...)/CNB.
38. Shri Sheetia Pd. Pandey Offg. Sr. Clerk/CB (Adhoc)
39. Shri Ayazuddin Siddique Offg. DSK/III/CNB.
40. Shri H.S. Mauriya Offg. Sr. Clerk (Adhoc)/AMV
41. Shri Veerendra Rai -do-
42. Shri S.K. Rai -do- "/CB
43. Shri Zulfiqar Hussain -do- "/CB
44. Shri Smt. Saroj Bala Soni -do- "/CB
45. Shri Kunwar Ramesh Singh -do- "/TPP/AMV

f.k. Pandey

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Approved T.E.  
J. S. S.

- 46. Shri M.P. Verma Offg. Sr. Clerk (Adhoc)/AMV
- 47. Shri Tripurari Lal Srivastava Offg. SDC (Adhoc) AMV
- 48. Shri V.K. Verma Offg. SDC (Adhoc)/AMV/Sr. Clerk.
- 49. Shri Chhotey Lal Singh Offg. Sr. Clerk (Adhoc)/AMV CNB
- 50. Shri Mohd. Qaisar Siddiqui Offg. Sr. Clerk (Adhoc)/DSL-CB
- 51. Shri Satendra Kumar Offg. SDC (Adhoc)/AMV.
- 52. Shri Om Prakash Singh Offg. Sr. Clerk (Adhoc)/DSL-CB
- 53. Shri Zubeed Ashad Quidwai -do- -do- "
- 54. Shri A.K. Daniel Offg. Sr. Clerk (Adhoc)/VYN.
- 55. Shri D.K. Srivastava Offg. Sr. Clerk (Adhoc)/VYN.
- 56. Shri S.P. Naik Offg. Sr. Clerk (Adhoc)/AMV
- 57. Shri Lalita Pd. Offg. Offg. Sr. Clerk (Adhoc) .MY
- 58. Shri K.C. Joshi Offg. Sr. Clerk (Adhoc) CNB
- 59. Shri Niaz Ahmad -do- -do- /VYN.
- 60. Shri Shiv Pd. Singh Offg. SDC -do- /AMV
- 61. Shri K.C. Saxena Offg. Sr. Clerk (Adhoc)/AMV
- 62. Shri S.S. Bajpai Offg. Sr. Clerk /TPF/AMV.
- 63. Shri Kashi Pd. Offg. Sr. Clerk (Adhoc)/AMV.
- 64. Shrimati Neerya Vohra -do- -do- /CNB
- 65. Shri P.K. Bajpai -do- -do- /CNB
- 66. Shri Ramji Pal -do- -do- /CB.
- 67. Shri Ram Abhilakh Chaurasia -do- -do- /AMV
- 68. Shri Vijai Shanker Singh -do- -do- /AMV
- 69. Shri Naveen Kumar -do- -do- /DSL-CB
- 70. Shri Mohd. Yunus -do- -do- /AMV
- 71. Shrimati Kanta Kumari Offg. Clerk (Adhoc)/CNB.
- 72. Smt. Shabin Ayyum Siddiqui -do- -do- /CB
- 73. Smt. K.N. Misra Offg. Sr. Clerk -do- /AMV
- 74. Sri Kalloo Khan Offg. Sr. Clerk (Adhoc)/AMV
- 75. Sri Samiullah -do- -do- /AMV
- 76. Sri Nar Singh -do- -do- /AMV
- 77. Smt. Reeta V. Charan -do- -do- /AMV
- 78. Sri Mohd. Mahboob -do- -do- /VYN.
- 79. Sri Mohd. Iliyas -do- -do- /AMV
- 80. Sri A.K. Saxena Sinha Clerk -do- -do- /AMV
- 81. Sri Rais Ahmad Offg. Sr. Clerk (Adhoc)/CB.
- 82. Sri Prem Pal Singh -do- -do- /AMV
- 83. Sri Rajesh Pathania -do- -do- /DSL-CB
- 84. Sri A.K. Shankhdhar -do- -do- /AMV
- 85. Sri Ravindra Kumar -do- -do- /CB.
- 86. Sri S. Zaheer Ahmad Clerk -do- -do- /CB.
- 87. Sri Chandan Sanyal Clerk -do- -do- /TPP/AMV
- 88. Sri Ramoo Gupta -do- -do- VYN.
- 89. Sri Sharang Pani Pandey Clerk -do- -do- AMV
- 90. Sri V.K. Sarswat Clerk -do- -do- AMV
- 91. Sri S.N. Pandey Clerk -do- -do- AMV
- 92. Sri Ram Asrey Clerk -do- -do- AMV
- 93. Sri Pankaj Kumar Sriv. Clerk -do- -do- TPP/AMV
- 94. Sri Ravi Kumar Saxena Clerk -do- -do- AMV
- 95. Srimati Vijai Laxmi Saxena Clerk -do- -do- AMV
- 96. Sri Rajen Kumar Srivastava -do- -do- "
- 97. Sri Ajai Kumar Srivastava -do- -do- "
- 98. Sri D.K. Tewari -do- -do- "
- 99. Sri D.K. Mishra -do- -do- TPP-AMV

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S.C.

1. Shri Jawahar Lal II Offg. HC (Adhoc)/AMV
2. Shri Kamta Pd. " Sr. Clerk (Adhoc)/AMV
3. Shri Mannu Ram Offg. DSK/III (Adhoc)/VYN.
4. Shri Shyam Sunder Offg. HC (Adhoc)/CB.
5. Shri Jag Mohan Lal Offg. HC (Adhoc)/AMV.
6. Shri Bhai Lal Offg. HC (Adhoc)/AMV
7. Shri Ram Nath Offg. HC (Adhoc)/AMV.
8. Shri N.K. Sharma -do- -do-/GNB
9. Shri Hari Nath Ram -do- -do-/AMV.
10. Shri Kartar Singh -do- -do-/CNB.
11. Shri S. Paswan -do- -do-/VYN
12. Shri Bishambhar Dayal Offg. DSK/III/AMV. (Adhoc)
13. Shri Lalji Pasi -do- -do-/AMV
14. Shri S.P. Dass -do- -do-/AMV
15. Shri A.K. Adhicari Offg. Sr. Clerk (Adhoc)/AMV.
16. Shrimati Asha Kumari Offg. Sr. Clerk (Adhoc)/AMV
17. Shri Anil Kumar I -do- -do-/AMV
18. Smt. Indu Bala Gahlot -do- -do-/AMV
19. Shri Ram Lakhan Offg. Sr. Clerk (Adhoc) SEN (C)/CNB.

The following employees have failed in the test.

GENERAL

1. Shri Rama Nand Yadava Offg. Sr. Clerk (Adhoc) TPP-AMV
2. Shri Tej Bahadur Singh Offg. DSK/III (Adhoc) VYN.
3. Shri Pankaj Kumar Pandey -do- -do-/AMV.
4. Shri Brahm Dutt Misra -do- -do-/AMV
5. Shri T.N. Tewari Offg. SDC (Adhoc)/Alambagh.
6. Shri Shailendra Kumar Gupta Offg. Sr. Clerk (Adhoc)/CNB.

S.C.

1. Shri Padam Lal Offg. HC (Adhoc)/Cherbagh.

for Dy. Controller of Stores,  
Alambagh/Lucknow.

Copy to the following for information

- 1) The SAO (W)/AMV-CB.
- 2) The DCOS /CE-LKO
- 3) The ACOS/DSL-CB, ETD-CNB, DSL-VYN-MOS.
- 4) The Sr. Elect. Engineer (C)/Kanpur.
- 5) The ASPS/TPP-AMV.
- 6) The Section Incharges and the concerned staff.

\*\*\*\*

P. K. Pandey

Alambagh Tle  
Date 12/8/85

माननीय सेंट्रल प्रशासनिक कार्यकारी  
 ए. डी. कार्यालय

(18)

पंकज कुमार पण्डे - बतान. प्र. मा. इतिहास.

Anex- XIII

HEAD QUARTERS		GRADE 1200-2040		D O I. 01 04 89	
DEPT. 13	P.F. ACCOUNT NO. 09574992	EMPLOYEE'S NAME PANKAJ KUMAR PANDEY		FATHER'S/HUSBAND'S NAME JAMUNA PANDEY	
DESIGNATION SECL					
ARREAR PAY	SUSPN. PAY	TOTAL PAY	D.A. 282	N. P. A.	DEPTN. PAY
H.R.A. 250	C.C.A. 35	T.A.			
ALLOWANCE CODE	ALLOWANCE AMOUNT	ALLOWANCE CODE	ALLOWANCE AMOUNT	ALLOWANCE CODE	ALLOWANCE AMOUNT
P.F. 102	V.P.F.	P.F. ADVANCE BI. 100	2	INCOME TAX	RENT
LAWN	CESS	WATER	GODOWN	ELECTR	
RECOVERY CODE	RECOVERY AMOUNT	RECOVERY CODE	RECOVERY AMOUNT	RECOVERY CODE	RECOVERY AMOUNT
OTHER ADVANCE CODE	OTHER ADVANCE AMOUNT BI.	OTHER ADVANCE CODE	OTHER ADVANCE AMOUNT BI.	SOCIETY DEP.	SOCIETY CO-OP. STORE
EXPLANATIONS - B. LAP - BALANCE LEAVE ON AVERAGE PAY B. H.					

DM UNIT 17	BILL UNIT 777	MONTH OCTOBER 1988	PAGE 67
DATE OF PAY 1225	LEAVE DAYS	DUTY DAYS 31	B. LAP B. HAP
PAY 1225	SPECIAL PAY	LEAVE PAY	PERSONAL PAY
CONVEYANCE	OVER TIME	NIGHT DUTY	WASHING
MESSING	UNIFORM	INCENTIVE 198	ARREAR ALLOWANCES
ALLOWANCE CODE	ALLOWANCE AMOUNT	ALLOWANCE CODE	ALLOWANCE AMOUNT
GROSS PAY	1990.17		
FAN HIRE ETC.	ELEC. INST.	TELEPHONE	P. L. I.
SCHOOL DUES	DIET	CGIS	STAFF CAR
CONVEYANCE ADV. BI. 20	FESTIVAL ADV. BI. 40	FAN ADV. BI.	INT. ON ADV.
TOTAL DEDUCTIONS	609.97		
L.I.C.	COURT	PROF. TAX	P. R. S.S.
BANK PAYMENT AC NO.	NET PAY BANK	NET PAY CASH 1280.20	
BALANCE LEAVE ON HALF AVERAGE PAY BI - BALANCE INSTALMENTS			

PAY SLIP XIII

STAMP

P. K. Pandey

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पंजी दुर्गा- पादे व वनन ~~संख्या 4. वि~~ 8/5

The Controller of Stores  
Northern Railway  
Baroda House  
New Delhi.

An-~~XV~~

Subject:- Representation against order N. R/172 dated 22.8.1988 passed by the Deputy Controller of Stores R.R.O. Alambagh, Lucknow declaring the representationist as failed in suitability test for the post of Senior Clerk held on 21.7.88 in the office of Deputy Controller of Stores.

Sir,

I, Ramesh Kumar Pandey, the representationist, most respectfully submits as under:-

1. That the representationist was initially appointed as Khilasi on 3.4.1957 under the R.R.O. Alambagh, Lucknow. He was promoted to the post of Junior Clerk w.e.f. 12.1.1974. He was selected and his name was included in the penal of "Junior Clerks" declared on 4.11.1977. In the seniority list of the junior clerks prepared on the basis of penal dated 4.11.1977, his name finds mention at S.No. 10.
2. That the post of senior clerk is required to be filled in by promotion on the basis of suitability test.
3. That for the purpose of promotion to the post of senior clerk, vide <sup>Office Order NO 247 Dated 15.2.82</sup> issued by the Deputy Controller of Stores, R.R. Alambagh, Lucknow, 34 persons eligible for promotion to the post of senior clerks were called.

P. K. Pandey

Alambagh  
JRS

Office  
Copy

Received  
6/9/88

appear in the suitability test scheduled to be held on 4.3.1982. The representationist was also called to appear in the said suitability test.

4. That the representationist appeared in the above referred suitability test on 4.3.1982 and his performance remained excellent.

5. That certain persons who were not called to appear in the aforesaid suitability test filed writ petition in the Hon'ble High Court and obtained stay order to the effect that the result of the suitability test held on 4.3.1982 may not be declared untill further orders of the court.

6. That the representationist during the pendency of the aforesaid writ petition was promoted to the post of senior clerk vide order no. E/81 dated 23.4.83 w.e.f. 19.4.1983 and since then the representationist has all along been working satisfactorily on the said post without any complaint against his work, conduct and integrity. He has more than 5 years satisfactory service to his credit as senior clerk. He has also passed Stores Training Course held w.e.f 8.4.85 to 10.5.85 at E.R. Regional Training School, Chandauli.

7. That ultimately writ petition referred to above in which stay order was obtained, was finally heard and decided by the Central Administrative Tribunal after the transfer from the Hon'ble High Court and the stay order earlier operating against the Railway Department with regard to the declaration of the result of the suitability test held on 4.3.1982, came to an end by

P. K. Pandey

Amrinder  
Singh

decision of the writ petition itself.

8. That instead of declaring the result of the suitability test held on 4.3.1982 in which the representationist duly appeared and his performance remained excellent, the Deputy Controller of Stores, R.R. Alambagh, Lucknow vide office order No. 247 E dated 30.6.1988 called 123 persons including the representationist. His name finds mention at S. No. 10 in the said order.

9. That in the order dated 30.6.1988 referred to above, it was made clear that failure to appear in the test <sup>in</sup> pursuance to order dt. 30.6.1988 would lead to loss of promotion and seniority of the post.

10. That the suitability test was held on 21.7.1988 in which 121 persons including the representationist appeared. Two persons whose names are mentioned in the order dated 30.6.1988 did not appear in the suitability test held on 21.7.1988.

11. That the Deputy Controller of Stores vide office order no. E/172 dated 22.8.1988 published the result of 125 persons. Two persons who did not appear in the suitability test held on 21.7.88 (Sri L.N. Sharma and Munoo Ram) have also been included in the order dated 22.8.88 and have been shown to have passed the suitability test.

12. That the names of above two persons have been illegally included in the order dated 22.8.88 as they did

P. K. Pandey

Approved TLE  
Jme



not appear in the suitability test on 21.7.88. The Deputy Controller of Stores further committed illegality in including the names of two other persons who were not even called to appear in the test vide order dated 30.6.88.

13. That in the order dated 22.8.88, the representationist have been shown to have failed in the suitability test held on 21.7.88.

14. That the suitability test held on 21.7.88 is absolutely illegal and without any authority of law in as much as there is no provision in the Railway Rules to conduct another suitability test <sup>When one suitability test</sup> has already been held for the posts in question and its result is still awaited and undeclared.

15. That the Deputy Controller of Stores, N.R. Alambagh, Lucknow till date has neither passed any order cancelling the earlier suitability test held on 4.3.1982 nor there exists any legal and valid ground for cancelling the same.

16. That the result of the suitability test declared vide order No. E/172 dated 22.8.1988 is nullity in the eye of law and is not binding against the representationist and on that basis he can not be adversely affected in any manner whatsoever.

~~17. That it is expedient in the interest of justice that the result of suitability test held earlier for the post of Senior Clerk on 4.3.1982 may be declared null and void by the court on 21.7.88 including the result declared vide order No. E/172 dated 22.8.1988.~~

P. K. Pandey

Amend T/C  
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~~declared illegal and be set aside.~~

17. That even otherwise also the representationist having officiated on the post of senior clerk w.e.f. 19.4.83 vide order no. E/81 dated 23.4.83 will be deemed to have been confirmed on the post of ~~Senior Clerk~~ in view of order No. E (E.O.) I- 69 & B 5/31 dated 5.2.1972, circulated vide Head Quarter's Order No. 831 E/26-IV (E IV) dated 3.5.1972 (Printed S.No. 5886) and can not be declared failed in the suitability test.

18. That the Deputy Controllers of Stores also lost sight of para 212 of the Indian Railway Establishment Manual where it is provided that the declaration of unfitness should be made same time provisions to the time when promotion of the Railway Servant is being considered. There exists no legal and firm material for declaring the representationist as unfit for the post as he has been holding the said post satisfactorily w.e.f 19.4.83.

19. That it is expedient in the interest of justice that the result of the suitability test held earlier for the post of senior clerks on 4.3.82 may be declared and the suitability test held on 21.7.82 including the result published vide order No. E/172 dated 22.8.82 may be declared illegal and be set aside.

Prayer

It is, therefore most respectfully prayed that your Honour may be pleased to direct the Deputy Controller

P.K. Pandey

Approved TIC.  
JMS

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-6-

of Stores , M.R. Alambagh, Lucknow to declare the result of the suitability test held on 4.3.82 in pursuance to call letter no. 247 dated 15.2.82 in which the representationist also appeared and his performance remained excellent and declare the suitability test held on 21.7.82 as illegal and void contrary to Rules and without any authority of law, and also <sup>cancel</sup> the result of the suitability test published vide office order No. B/172 dated 22.8.82 issued by Deputy Controller of Stores , M.R. Alambagh, Lucknow after considering the facts and circumstances stated herein before.

Lucknow

Dated 6.9.82

Yours Faithfully  
Pankaj Kumar Pandey  
(Pankaj Kumar Pandey)  
Senior Clerk  
Dy. C.O.S. M.R. ANV Lucknow

Copy to:-

1. G.M. M.R. Baroda House, New Delhi.
2. Dy. C.O.S. M.R. ANV, Lucknow.

Advance copy to:- REGD-AD

1. G.M.M.R. Baroda House, New Delhi.
2. Controller of Stores , Baroda House, New Delhi.

P. K. Pandey

Approved TIE

*[Signature]*

श्री. के. प्र. कार्यरत काननक

पं. जं. कुशा. चानेव - प्र. भा. ड. XVI

(26)

The Controller of Stores,  
Northern Railway, Baroda House,  
New Delhi.

Am - XVI

Sir,

Sub: Representation against Order No E/172 dated 22.8.1988 passed by the Dy Controller of Stores, N.R. Alambagh, Lucknow declaring representationist as failed in suitability test for the post of Senior clerk held on 21.7.1988 in the office of the Dy Controller of Stores.

Ref:- My Representation sent to your honour through Regd. post dated 6.9.88.

With due respect, I beg to submit as under:-

That the applicant was appointed as khallasi on 3.4.57 under the kind contrbl of DCOS/Amv/Lko now Dy COS. later on promoted as Junior clerk on 30.10.78.

That the applicant was further promoted to the post of Sr. clerk in grade Rs. 330-560 vide office order no E/81 dated 23.4.1983 on adhoc basis. Since then I have been officiating as senior clerk without any break and had entry in my C.Rs. That it is not understood as to how I have been reverted as junior clerk from senior clerk when I have officiated as senior clerk for more than 5 years. As per orders, I should have been regularised as senior clerk suo-moto without subjected to any suitability test.

That I have been tested for the post of senior clerk alongwith others and declared failed which was wrong and subsequently reverted to the post of Junior clerk vide office order NoE/19 dated 21.9.88. which is also wrong in the eye of law.

That my representation is still lying under your kind contrbl but no fruitful reply received so far I am facing irreparable loss in these days of hardships.

I therefore request your honour kindly to look into my case and issue necessary instruction to Dy COS/Amv/Lko to set a

P. K. Pandey

August 1988  
J. K.

7/9  
aside the office order issued by Dy COS/Asst/Lucknow vide  
office order no B/192 dated 21.9.88 and Regularise my service  
as senior clerk as I have been officiating as senior clerk  
of 23.4.83 for more than 5 years.  
An early reply is requested please.

Yours Faithfully

Dated 31.10.88

Pankaj Kumar Pandey

Senior clerk Under Dy COS/Asst/Lucknow.

P. K. Pandey

Akshay T12

*[Signature]*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

O.A.No.173 of 1989.

Sri Pankaj Kumar Pandey

....Petitioner

Versus

Union of India and others

....Opposite Parties

COUNTER REPLY ON BEHALF OF OPPOSITE PARTIES

I, Jagdish Narain, son of Sri Late Manji Lal, presently working as Asst Personnel Officer in the Office of the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow hereby solemnly state as under:-

1. That I am presently working as Asst Personnel Officer in the Office of the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow and is looking after the above mentioned case on behalf of the answering opposite parties and have read and understood the contents of the above mentioned case and I am duly authorised and competent to file this reply on behalf of the answering opposite parties.

2. That the contents of paragraphs 1 and 2 of the petition are admitted.

3. That the contents of paragraph 3 of the petition are admitted only to the extent that the petitioner was appointed to 'officiate' as clerk on adhoc basis with effect from 12.01.1974 and the petitioner has not suffered any injustice as he was not considered fit for promotion prior to 12.01.1974.

सहायक कार्यालय अधिकारी (भ)  
Asst. Personnel Officer (Stores)  
उ.रे.०, आलम्बाग, लखनऊ  
J. Rly. Alambagh Lucknow

4. That the contents of paragraphs 4 and 5 of the petition are admitted.

5. That the contents of paragraph 6 of the petition are admitted only to the extent that the name of the petitioner

was included in the panel of 04.11.1977 with effect from 30.10.1978 alongwith other employees, but his name was placed at the bottom of the panel which is evident from the Annexure No.-2 of the petition.

6. That the contents of paragraph 7 of the petition, as stated, are not admitted. It is respectfully submitted that since the services rendered by the petitioner prior to empanelment dated 04.11.1977 was **ad hoc** for all purposes, therefore, he was not allowed seniority from 12.01.1974. The averment to the effect that he was appointed on 16.11.1974 is contrary to the facts on record and hence, the same are specifically denied.

7. That the contents of paragraph 8 of the petition are admitted.

8. That the contents of paragraphs 9, 10<sup>11</sup> and 12 of the petition, as stated, are not admitted. It is most respectfully submitted that the petitioner was called to appear in suitability test vide notice dated 15.02.1982. The examination was conducted on 04.03.1982. But in the Writ Petition No.1183 of 1982 filed by one Sri H.S.Maurya in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench Lucknow, the Hon'ble High Court was pleased to order vide its order dated 16.03.1982 that Sri H.S. Maurya shall also be permitted to participate in the said suitability test and the result of such test shall not be announced unless Sri Maurya has also been allowed to appear in the test, hence no test was conducted till 21.07.1988.

सहायक कार्मिक अधिकारी (म)  
Asstt. Personnel Officer (Stores)

उ.रे.०, आलम्बाग, लखनऊ

N. Rly. Alambagh, Lucknow

That the contents of paragraph 13 of the petition are denied. It is respectfully submitted that Sri H.S. Maurya was called to appear in the suitability test only on 21.07.1988 and he was neither called to appear in the test before 21.07.1988, nor, any suitability test was held prior to 21.07.1988 due to pendency of litigation before Hon'ble High Court as well as before the Central Administrative Tribunal.

10. That the contents of paragraph 13(ii) of the petition are admitted.

11. That the contents of paragraph 14 of the petition

are admitted. It is respectfully submitted that the Notice No.247-E dated 15.02.1982 for the post of Senior Clerk was quashed by the Hon'ble Central Administrative Tribunal, Allahabad vide judgment and order dated 14.12.1987 in T.A. No.626 of 1987: Hari Shankar Morya versus Union of India & others (earlier numbered as Writ Petition No.1183/82 before Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow). A photostat copy of the judgment and order passed by the Hon'ble Central Administrative Tribunal, Allahabad dated 14.12.1987 is being annexed herewith as ANNEXURE No.A-1 to this reply.

12. That the contents of paragraph 15 of the petition are denied. It is respectfully submitted that the Notice dated 15.02.1982 stands quashed in view of the decision of the Hon'ble Supreme Court in S.L.P.No.11488-89 dated 01.05.1989 in the case of Ram Milan Tiwari versus Union of India and others, a copy of which has been annexed as Annexure No.5 to the petition.

13. That the contents of paragraph 16 of the petition, as stated, are not admitted. It is respectfully submitted that the petitioner was appointed to officiate as Senior Clerk in Grade Rs.330-560(R.S.) with effect from 19.04.1983 on purely temporary, local and ad hoc basis pending suitability test and decisions of the pending writ petitions, which would not confer any claim for seniority and/or promotion in future as mentioned in Office Order No. E/81 dated 23.04.1983, a true copy of which is being annexed herewith as ANNEXURE No.A-2 to this reply.

सहायक कार्यालय अधिकारी (पु.)  
Asstt. Person. Officer (Stores)  
च.रे.०, आलमबाग, लखनऊ  
N. Rly. Alambagh, Lucknow

14. That the contents of paragraph 17 of the petition are denied. It is respectfully submitted that since the promotion of the petitioner as Senior Clerk was ad hoc for all purposes, no weightage for such promotion can be given to the petitioner as it has been held by the Hon'ble Central Administrative Tribunal, Allahabad in T.A.No.627(T) of 1987: Ram Shiromani Pandey versus Union of India and others, whose case was similar to that of the petitioner. It is pertinent to mention that Ram Shiromani Pandey is also an employee of this office and was in chain of ad hoc promotion. A true copy of the judgment and order of the Hon'ble Central Administrative Tribunal, Allahabad in T.A.



No.627/87(T) is being annexed herewith as ANNEXURE No.A-3 to this reply.

15. That the contents of paragraph 18 of the petition are admitted with a clarification that eventhough, the petitioner has passed the 'Stores Training Course' a certificate to that effect has been annexed as **Annexure No.4** to the petition, he has passed the same in the capacity of clerk, and this course is not a substitute for the suitability test for the post of Senior Clerk.

16. (a) That the contents of paragraph 19(a) are denied. The Notice No.20-E dated 16.05.1985 was issued for the selection of serving Graduate Clerk Grade Rs.330-560 (RS) conducted by the General Manager (P), Northern Railway, New Delhi, which was to be held on 02.06.1985 at New Delhi, and this was not a promotion order as alleged by the petitioner, which is evident from the **Annexure No.7** of the petition.

(b) That in reply to the contents of paragraph 19(b) it is submitted that the promotion orders dated 15.10.1985 was in terms of the orders of the General Manager (P), N.Railway, New Delhi dated 23.09.1985 in respect of those employees who passed the selection test conducted by the G.M.(P) on 02.06.1985 against the 'Serving Graduate Quota' which is evident from the **Annexure No.8** from the petition.

(c) That those serving Graduate Employees, who had passed the selection test held on 02.06.1985 as mentioned in the preceeding paragraphs 16(a) and 16(b) were appointed to officiate as Head Clerk on **ad hoc and provisional basis** with effect from 13.04.1988 due to pending litigation and it was made clear to such appointees that they will have no claim for seniority or promotion in preference to those who may be considered senior to them after the finalisation of court case/s, the fact which is evident from the **Annexure No.9** to the petition.

15-6-90  
सहायक कार्मिक अधिकारी (म)  
Asstt. Personnel Officer (Stores)  
उ० रेल०, आ० म०, बल्लभगढ़  
N. Rly. Alambagh, Lucknow

Since the petitioner is not in the field of eligibility against 'Serving Graduate Quota' hence, he can not have any grudge against the appointees who were appointed against the said quota, who applied and qualified for the post of Senior Clerk. The seniority position of the petitioner as clerk has nothing to do with the selected serving graduates.

17. That the contents of paragraph 20 of the petition are denied. It is respectfully submitted that the Notice No.29-E dated 15.09.1988, a copy of which is being annexed as **Annexure No.9** to the petition, is for the depositing of 'Security Money' for promotion to the post of DSK-III Grade Rs.1400-2300 on ad hoc basis only and not for the post of Senior Clerk Grade Rs.1200-2040 (RPS).

18. That the contents of paragraph 21 of the petition are denied. It is respectfully submitted that the Notice No.247-E dated 15.02.1982 stands quashed in view of the decision of the Hon'ble Central Administrative Tribunal in T.A.No.626/87(T), a true copy of this decision is being annexed as ANNEXURE No.A-1 to this reply.

It is further submitted that the petitioner was called to appear in the suitability test for the post of Senior Clerk Grade Rs.1200-2040 (RPS) vide Notice No.247-E dated 30.06.1988 and he had appeared in the said test for his own prospects.

17-6-80  
हायत कामिक अधिकारी (म)  
At. Personnel Officer (Stores)  
Rly. Alambagh, Lucknow

19. That the contents of paragraphs 22 and 23 of the petition are admitted. It is submitted that the petitioner appeared in the suitability test held on 21.07.1988 for the post of Senior Clerk Grade Rs.1200-2040, but was declared failed vide Office Order No.E/172 dated 22.08.88 (a copy of which has been annexed as **Annexure No.12** to the petition and was reverted to his substantive post of Clerk Grade Rs.950-1500 (RPS) alongwith other employee who had failed in the said test except one candidate belonging to the Scheduled Caste category vide Office Order No.E/192 dated 20.09.1988 (a copy of which has been annexed as **Annexure No.1** to the petition).

20. That the contents of paragraph 24 are denied. It is

respectfully submitted that Sri Padam Lal, who was officiating as Head Clerk Grade Rs.1400-2300 on ad hoc basis was reverted from the post of Head Clerk, but was allowed to work as Senior Clerk Grade Rs.1200-2040 (RPS) for 'in service training' for 6 months as he belonged to the Scheduled Caste community. Sri Padam Lal died on 31.12.88.

21. That in reply to the contents of paragraph 25 it is most respectfully submitted that the order dated 20.09.1988 was implemented with immediate effect and with the issuance of the said order, the petitioner stood reverted. The copies of the said order were given to the different incharges. The documents mentioned by the petitioner in the paragraph under reply are authentic only for payment and issue of pass and in case of any doubt, the reliance is being placed on the basic document i.e., the order dated 20.09.88. No employee can be allowed to continue to work on a post for which he has been declared unsuccessful after reversion order has been issued. The petitioner can not claim benefit for the period which he worked in an ad hoc capacity. The result of the suitability test held on 04.03.1982 in pursuance of Notice dated 15.02.1982 stands quashed as explained earlier.

17-4-90  
 सहायक कार्यालय अधिकारी (म)  
 Stt. Personnel Officer (Stores)  
 रेलवे, आलम्बाग, लखनऊ  
 Rly. Alambagh, Lucknow

22. That the contents of paragraph 26 of the petition need no comment from the answerin opposite parties.

23. That in reply to the contents of paragraphs 27 and 28 it is most respectfully submitted that the Controller of Stores, New Delhi as well as the petitioner have already been informed vide this office letters No.247-E dated 01.11.88 and 24.09.88 on his appeal dated 06.09.88 addressed to the Controller of Stores, Northern Railway, Baroda House, New Delhi, a copy of which was endorsed to this office. True copies of the said letters are being annexed as ANNEXURE No.A-4 and ANNEXURE No.A-5 to this reply.

24. That the contents of paragraph 29 as stated, are denied. It is respectfully submitted that only those employees, who had passed the suitability test, were promoted to the post of Senior Clerk Grade Rs.1200-2040.

25. That in view of the submissions already made, the

contents of paragraph 30 stands replied.

26. That in view of the decision of the Hon'ble Central Administrative Tribunal, Allahabad dated 14.12.87 in T.A.No 627/87(T), the period of officiation on ad hoc basis can not be counted as a regular one and the petitioner can not claim any benefit for such officiation. Para 31 is denied.

27. That in view of the submissions already made in the paragraph 13 of this reply, the contents of paragraph 32 of the petition are denied.

28. That the contents of paragraph 33 of the petition are denied. It is most respectfully submitted that the name of Sri Lalta Prasad, who was senior, was to be included, but it was not done due to oversight. Later on, Sri Lalta Prasad was called to appear in the suitability test held on 21.07.88 vide Notice No.247-E/1 dated 16.07.88, a copy of which is being annexed as ANNEXURE No.A-6. Sri Lalta Prasad was subsequently declared selected in the said test.

29. That in view of the submissions already made in the paragraph 12 of this reply, the contents of paragraph 34 of the petition are not admitted.

Lucknow Dated:

17.12.90

17-12-90  
सहायक कार्यालय अधिकारी (भ)  
Asstt. Personnel Officer (Stores)  
उ० रेल०, अलांबाग, लखनऊ  
N. Rly. Alambagh, Lucknow

#### VERIFICATION

I, Jagdish Narain, presently working as Asstt Personnel Officer, in the Office of Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow, hereby verify that the contents of paragraph 1 are true to my personal knowledge and those of paragraphs 2 to 29 are based on record and the same are believed to be true. That no part of this reply is false and nothing material has been concealed.

Lucknow Dated:

17.12.90

17-12-90  
सहायक कार्यालय अधिकारी (भ)  
Asstt. Personnel Officer (Stores)  
उ० रेल०, अलांबाग, लखनऊ  
N. Rly. Alambagh, Lucknow

A/6

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW.**

O.A.No.173/89(L)

Sri Pankaj Kumar Pandey

....Petitioner

Versus

Union of India and others

....Opposite Parties

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**ANNEXURE No.A- 1**

.....P.T.O.

1/8/80

Annexure ①

RESERVED

## CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

\*\*\*\*\*

Registration (T.O.) No. 526 of 1937

Hari Shanker Morya ..... Petitioner-Applicant.

Versus

Union of India &amp; others ..... Respondents.

\*\*\*\*\*

Hon'ble S. Zahoor Hasan, V.C.

Hon'ble Ajay Johri, A.M.

(Delivered by Hon. Ajay Johri, A.M.)

Writ Petition No.1153 of 1982 has been received on transfer from the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow under Section 29 of the Administrative Tribunals Act XIII of 1980. The petitioner, Hari Shanker Morya, <sup>2406</sup> ~~was~~ working as a Clerk in the Northern Railway in stores department at Lucknow. In the petition it has been said that the recruitment to the post of Clerk is made 33 1/3% by promotion from amongst class IV staff of the same department and the remaining by direct recruitment through Railway Service Commission (RSC). Against the promoted quota of 33 1/3% in the year 1977 a panel of class IV employees of the Stores Department was drawn. This panel was announced on 4.11.1977. Respondents 3 to 11, who had participated in the selection <sup>3</sup> ~~procedure~~ did not find their names in the original panel. Those who were placed on the panel were promoted to the post from class IV category to class III category. The petitioner in this petition was selected through the RSC in the quota prescribed for direct recruits and was appointed with effect from 13.10.1979, <sup>4</sup> ~~in~~ the Stores

A/19

Department of the Northern Railway at Lucknow. Various types of pressures were brought by respondents 3 to 11 to get their names included in the promotee quota panel of class IV employees which was announced on 4.11.1977. Their requests were initially turned down by a letter dated 28.1.1980 (Annexure 'I' to the writ petition). But ultimately on 15.3.1980 the said respondents 3 to 11 were included in the panel of class IV employees which was announced on 4.11.1977. According to the orders they were to be adjusted against the existing or future promotee vacancies falling in the quota. The petitioner's grievance is that he had already come through a regular source of direct recruitment and was senior to respondents 3 to 11 who joined as Clerks on 18.3.1980 but <sup>on</sup> their inclusion in the panel of 4.11.1977 they became senior. According to the petitioner the inclusion of respondents 3 to 11 in the panel was illegal as the panel had a life of two years and it had exhausted on 4.11.1979. In the order promoting respondents 3 to 11 it was also mentioned that they will be replaced on the availability of candidates selected by the RSC as the promotion order (Annexure 'III' to the writ petition) shows. The Deputy Chief Controller of Stores called 34 persons on 15.2.1982 for a selection on seniority basis for further promotion to the post of Senior Clerk. In this list respondents 3 to 4 <sup>6 11 5</sup> were also included and the petitioner was eliminated and has not been called though he was an earlier appointee to the post of Clerk. The petitioner has, therefore, challenged this action of the respondent no. 12 and prayed for the issue of a writ in the nature of certiorari quashing Annexures 'I', 'III' and 'IV' to the writ petition after summoning the records in original from respondents

- 13 -

1, 2 and 12 and a writ in the nature of mandamus commanding respondents 1, 2 and 12 to draw the list for consideration and selection of persons for the post of Sr. Clerks in accordance with the provisions contained in para 302 of the Railway Establishment Manual on the basis of length of service on the post of Clerk with all consequential benefits to him.

2. In their reply to this petition the Government-respondents have admitted that the petitioner was appointed as a temporary clerk after selection by KSC and respondents 3 to 11 were promoted as clerks against the 33 1/3% quota reserved for them. According to the respondents the normal life of a panel is for two years but it does not bar inclusion of names in the panel subsequently. The panel formed on 4.11.1977 was consumed on 9.11.1977, but the names of 9 employees, viz. respondents 3 to 11 were included in March, 1980 and they were also promoted in March, 1980. The General Manager has full powers to make rules with regard to non-gazetted railway servants under their control in terms of para 158 of the Indian Railway Establishment Code, Volume I. It has further been stated in the reply that subsequently after the formation of the panel of 4.11.1977 three Scheduled Caste employees were included in the panel in April, 1978. Four employees were included in the panel in October, 1978 and 9 employees were included in the panel in March, 1980 and all employees included in the panel were promoted immediately after inclusion. The 9 employees, viz. respondents 3 to 11 were originally senior in class 17 category to some of those who were unpanelled on 4.11.1977 and who were included in the panel prior to them. It has further been said that the respondents 3 to 11 were senior in terms of the Rule 302 of the



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Indian Railway Establishment Manual and since the 9 employees, viz. respondents 3 to 11 were senior to those who were empanelled earlier the inter se seniority was maintained as provided in Rule 302 of the Manual. It has further been stated that in the group of RSC selected candidates <sup>at times</sup> it happens that a candidate of higher panel position is directed for appointment later than a candidate in a lower panel position and even a candidate selected at an earlier date ~~has~~ is directed for appointment after the candidate of a later selection. Therefore, date of appointment in the same group is not the criteria for determining the seniority and the General Manager (P) is fully authorised to relax or modify the rules regarding recruitment and training of classes III & IV staff. They are also authorised to issue order for <sup>the</sup> division of these rules and they are also competent to frame rules with retrospective effect. According to them the condition of replacement of RSC selected candidates was only to protect <sup>the</sup> the quota of direct recruits. This has no concern with the seniority of those already appointed and since those 9 employees, respondents 3 to 11, were senior to those who were empanelled earlier and were given protection of their inter se seniority they became senior to the petitioner. A suitability test for senior clerks was held on 4.3.82 but the results had been withheld as per the High Court's order dated 3.3.1982 in Writ Petition No. 1027 of 1982, R.S. Pandey and others v. Union of India and others.

3. We have heard the learned counsel for the petitioner, Sri R.P. Srivastava, Sri C.P. Agarwal pleaded on behalf of the respondents. The main contention raised before us by the learned counsel for the

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petitioner was that these 9 employees, respondents 3 to 11 were put on the panel against future vacancies in promotee quota and they could <sup>only</sup> get their seniority from the date the vacancies arose. The petitioner had <sup>not</sup> been recruited earlier and joining earlier to them cannot lose seniority to them. According to him the names were not included under any specific rule but on the request of a Labour Union, Sri C.P. Agarwal submits that the panel formed on <sup>4.11.77</sup> 4.11.1977 became non-existent in 1979. However, since the amendment has been made retrospectively the natural <sup>conclusion</sup> cordary that seniority should also be given to those whose names were included from a retrospective date would follow. Nothing else was contested before us.

4. According to para 158 of the Indian Railway Establishment Code, Volume I, which in the new edition of the Code is para 124, the General Managers of Indian Railways have full powers to make rules with regard to Railway servants in Group C & D under their control provided they are not inconsistent with any made by the President or the Ministry of Railways. Under this para, therefore, according to the respondents the General Manager was fully competent to relax or modify the rules regarding recruitment and training of class III & IV staff and that this also gives them competency to frame rules with retrospective effect. The point that has been raised in this petition is that a panel which was formed on 4.11.1977 and which was consumed on 9.11.1977 was interfered with in 1980 when the life of the panel both on account of its <sup>having been used & consumed</sup> exhaustion or even if we take the life as two years, had exhausted. It is not a question of any power being exercised to make a new rule. The rule

X

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in regard to the life of the panel or in regard to modification of panel has not been changed by the General Manager. What has been done is that <sup>continuing to exist</sup> ~~against the~~ rules without any modification having been done <sup>to them</sup> or without any new rule having been ~~enunciated~~ a panel which had expired was interfered with and new names were added in the panel. We do not agree to the contention raised by the learned counsel for the respondents that this addition of names in an exhausted panel was in terms of any revised rules that were made by the General Manager. No such rules have been brought to our notice by the learned counsel nor any such notification has been shown to us. The panels are normally drawn for the size as advertised both for reserved communities and others. In case <sup>some candidates leave</sup> ~~they are~~ absented themselves from a particular examination and it becomes necessary to declare a panel before the supplementary examinations are held, only a provisional panel is formed. This is not the position in this case. After the panel had <sup>been</sup> approved it <sup>was</sup> published and notified. In regard to amendment of a panel the orders issued by the Railway Board by their letter No. EAC 157 PM 1/47, dated 5.2.1969 have not been superseded. This lay down that a panel once approved could not normally be cancelled or amended and if after formation of a panel and its approval any procedural irregularity or other <sup>defects</sup> ~~defects~~ are found and it is considered necessary to cancel or amend it this has to be done after obtaining the approval of the next higher authority than the person who approved the panel. Panels are normally modified only for clerical mistake, over sight or administrative error. Railway Board's letter No. E(NC)1-71 PM-106, dated 15.12.1971 which lays down life of the panel has also not been

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modified. The currency of a panel starts from the date of its approval and it remains current for a period of two years or till exhausted whichever is earlier. It is for this reason that any representations against the panel are allowed to be made within two months of the publication. Such being the position in regard to the rules on the amendment and life of panels and there being no order shown to us which has modified the rules on the amendment of panels or has authorised an amendment of a non-existent panel, i.e. after the life of the panel has expired, we reject the contention raised by the learned counsel for the respondents that the General Manager can change or modify <sup>a non-existent panel</sup> the rules and, therefore, he could <sup>existing a</sup> amend <sup>it</sup> under the modified rules amend the panel after the same had exhausted.

5. Our attention has also been drawn to an office Order No.E/20, dated 28.1.1982 which has been annexed as Annexure 'A' to the rejoinder affidavit filed by the petitioner. This letter issued by the Deputy Controller of Stores, shows that the employees whose names were included in the panel of clerks declared on 4.11.1977 <sup>were</sup> are not eligible for proforma fixation as they were promoted after their cases were considered and names included in the panel as a result of the special request made by the Union and not due to administrative error. If this was the position the vires of the General Manager amending the panel which had no administrative error can also not be accepted. The Selection Board had finalised a panel and the same was approved by the competent authority and announced on 4.11.1977. The fact that there was no administrative error in the formation of this panel will go to indicate that there were some extraneous

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influence which were working behind the scene and which ultimately resulted in the General Manager yielding to the special request made by the Union.

6. In the affidavits filed by respondent no. 10 it has been stated that if the panel had inherent <sup>S</sup>leakage or irregularity it could be amended, modified or cancelled. It has further been said that in the present case the panel was not drawn according to para 216(h) of the Indian Railway Establishment Manual and a large number of seniors amongst successful candidates were overlooked. Para 216(h) of the Indian Railway Establishment Manual is about the arrangement of the names of selected candidates which is to be done in accordance with seniority, except for those who are declared outstanding and who are placed at the top of the list. We had summoned the selection proceedings to satisfy ourselves about the fact that the seniors were actually left out <sup>as such</sup> ~~because~~ para 216(h) had not been followed. We, however, were told that the selection proceedings are not any more available while it has been contended by the petitioner that they are not being deliberately brought before the Tribunal to avoid the facts being placed correctly. Whatever may be the situation the fact that the respondents have not been able to prove their case will go against them and we do not agree that seniors were actually left out because if that would have been so the matter would have been agitated immediately after the publication of the panel and not after a long time. Perhaps if it was so the administration would have also taken steps to modify or cancel the panel with its currency. Therefore, the plea taken that seniors were left out, though they were successful, because of the

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wrong arrangement of seniority, i.e. in violation of para 216(h) is rejected. As a matter of fact as late as on 28.1.1980 the Deputy Controller of Stores, Alambagh, Lucknow request to increase the panel from 40 to 50 had been rejected.

7. The respondents have relied on the case of Ramesh Chand Malik v. Union of India and others (S.L.J. 1987 (2) Ctr 601). In this case the Cuttack Bench of this Tribunal had held that the applicant could not be made to suffer for mistake of the Department. As has been pointed out above it has been admitted by the respondents that there was no administrative error and the inclusion of the name was done on the request of the Union. Therefore it cannot be said that the panel was amended because there was a mistake made by the Department. No material has also been brought before us to support this view. We can only say that the powers in this case <sup>9</sup> were exercised by the General Manager were arbitrary and not in keeping with the principles of natural justice. To quote Benjamin Cardozo, J. "The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight errant roaming at will in pursuit of his own idea of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to the principal necessity of order in the social life". There could be nothing better to <sup>9</sup> say in regard to the exercise of powers by those, who have to judge an issue brought before them. We feel that the General Manager had over stepped the principles

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inunclated and the panel could not be amended by him at that late stage.

8. In H.L. Vith and others v. Union of India and others (1984 (1) S.L.R. 99) a Division bench of the Delhi High Court had held that it <sup>is well</sup> ~~is well~~ settled that when material shows the decision to have been made in total disregard of all relevant considerations and on non-existing or irrelevant basis, the decision can only be described as arbitrary and it will fall <sup>of</sup> of Article 14 of the Constitution. It was further observed that from a positivistic point of view, equality is antithetic to arbitrariness and equality and arbitrariness are sworn enemies : one belongs to the rule of law while the other to the whim and caprice of an absolute monarch. Therefore, the action of the General Manager in enlarging the panel after it had already exhausted can best be termed as arbitrary and not in accordance with rules and, therefore, it has to be set aside.

9. In Registration (O.M.) No. 314 of 1967, Buresh Prasad Choubay v. Union of India & others, in para 7 we had said so :

"The Government-respondents have admitted that they included the name of respondent no.3 in the panel declared on 7.4.1982 on 23.2.1985 after the Railway Board gave them instructions to enlarge the panel and to include the name of respondent no.3 as he had qualified in the selection held in 1981, but could not be empanelled because he was not senior enough. Since no panel existed after the panel of 7.4.1982 got exhausted, there was nothing which should have been enlarged and the order given by the Railway Board by their letter no. E(NC)/1/83/PM1/45/NFIR, dated 30.1.1985 was as a matter of fact an ineffective order and could

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not be enforced. In this letter the Railway Board have taken the plea that in 1981 DLW administration did not take into account one post of Hindi Superintendent in the grade of Rs.700-900 created in DLW and the consequent vacancy on account of the same in the category of Hindi Assistant Grade 1. They have further said that the post was to be filled by a direct recruit earlier and after sometime when the Board decided that it should have been filled by promotion, they have taken action to fill it up as a regular measure and this was contrary justification given by DLW. There is no doubt that the post was sanctioned in 1981 but on the Government-respondents' own averment this post fell in the quota of direct recruitment and it was only on 29.5.1982 that the board took a decision to fill it up by promotion. Thus at the time when this post was declared to be filled by promotion, the panel, as a result of the selections held in 1981, had already been finalised and perhaps also exhausted. The blame, therefore, for not counting this vacancy could not have been thrown on the shoulders of DLW by the Railway Board. The fact remained that the panel was finalised on 7.4.1982 and at that time the post of Hindi Superintendent was a direct recruitment post and it would not have created a consequential vacancy which could have been included in the total number of posts to be filled while forming the panel as a result of 1981 selection. Therefore, we are not convinced that the orders given by the Railway Board were based on correct facts and that they were not in violation of the existing rules on the formation of panels. Such an order is, therefore, liable to be set aside as this may affect the promotion prospects of the petitioners, and thus inclusion of the respondent no.3 in the panel by enlarging it cannot be sustained."



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petition. The orders issued by the respondents on 15.3.1980, 18.3.1980 and 15.2.1982, which have been challenged by the petitioner, are quashed. [The petitioner will be further eligible for being considered for the post of Sr. Clerk in accordance with their seniority position which should be prepared in terms of para 302 of the Indian Railway Establishment Manual. The parties are left to bear their own costs.]

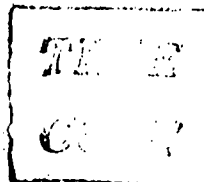
SS  
Vice-Chairman.

SS  
Member (A).

Dated: December 16, 1987.

PG.

On  
18/12



SS Dubey 18/12/87  
(S. S. DUBEY)  
SECTION OFFICER  
Central Administrative Tribunal  
Allahabad.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

O.A.No.173/89(L)

Sri Pankaj Kumar Pandey

....Petitioner

Versus

Union of India and others

....Opposite Parties

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ANNEXURE No.A-2

.....P.T.O.

## NORTHERN RAILWAY:

Dated: 23-4-1983

Office Order No.E/ 81

The under-noted employees, in Grade Rs.260-400(Rs) are appointed to officiate as gr. Clerk w.e.from 19.4.'83 for 3 months on pay noted against each in Grade Rs.330-560(Rs) purely temporary, local and adhoc basis pending suitability test and decision of writ Petitions. This will not confer any claim for seniority and promotions in future. These promotions have been made in exigencies of service.

S.No.	Name	Place of working.	Pay.
1.	Sri Gurbachan Singh	TPP/AMV.	380/- (Rs.366/- +14/-)
2.	" Sathoo Ram	-do-	392/- (Rs.374/- +18/-)
3.	" Brij Nath	AMV/Depot	340/- (Rs.326/- +14/-)
4.	" Rama Nand Yadav	TPP/AMV	350/- (Rs.334/- +16/-)
5.	" S.Karmakar	AMV/stores	392/- (Rs.374/- +18/-)
6.	" Pooran Masi (S.C.)	AMV	330/- (Rs.278/- +52/-)
7.	" Baccha Lal	ETD/CNB	330/- (Rs.284/- + 46/-)
8.	" Ram Gulam Yadav	AMV/Depot	360/- (Rs.350/- + 10/-)
9.	" Tej Bahadur Singh	VYN/Depot	330/-
10.	" Radhey Shyam	AMV/Depot.	330/- (Rs.290/- + 40/-)
11.	" Panna Lal Seth	" "	390/- (Rs.290/- + 40/-)
12.	" Jawaher Lal- II(S.C.)	" "	330/- (Rs.314/- + 16/-)
13.	" Uma Shanker	-do-	330/- (Rs.278/- +52/-)
14.	" Pankaj Kumar Pandey	-do-	330/- (Rs.314/- + 16/-)
15.	" Bal Kishore	-do-	330/- (Rs.290/- + 40/-)
16.	" C.K. Pandey	CB/stores	330/- (Rs.290/- +40/-)
17.	" B.D. Mishra	AMV/stores	330/- (Rs.290/- +40/-)
18.	" K.N. Malviya	-do-	340/- (Rs.326/- + 14/-)
19.	" Kamta Pd.	-do-	330/- (Rs.290/- +40/-)
20.	" Gulshan Lal	-do-	330/- (Rs.290/- +40/-)
21.	" Puttu Lal Yadav	-do-	330/- (Rs.290/- +40/-)
22.	" Ram Shanker	CB/Depot.	340/- (Rs.326/- + 14/-)
23.	" R.D.Saxena	AMV/Depot	350/- (Rs.334/- +16/-)
24.	" Ram Milan Tewari	DSL/CB.	350/- (Rs.334/- +16/-)
25.	" Mannu Ram (S.C.)	AMV/Depot	330/- (Rs.278/- +52/-)
26.	" Shiv Balak	VYN/Depot	330/-
27.	" L.N. Sharma	AMV/Depot	330/- (Rs.278/- +52/-)
28.	" Jagdish Pd.Srivastava	CB/Depot	330/- (Rs.320/- + 10/-)
29.	" Rama Shanker	AMV/Depot	330/- (Rs.284/- +46/-)
30.	" Baboo Singh	ETD/CNB	350/- (Rs.334/- +16/-)
31.	" Ram Adhar Singh	AMV/Depot	330/- (Rs.278/- + 52/-)
32.	" Shyam Sunder (SC.)	CB/Depot.	330/- (Rs.278/- +52/-)
33.	" Radhey Lal Yadav	CB/Depot	330/- (Rs.290/- +40/-)
34.	" Jang Bahadur Shukla	AMV/Depot	330/- (Rs.290/- +40/-)
35.	" T.N. Tewari	TPP/AMV	330/- (Rs.290/- + 40/-)
36.	" C.N. Tripathi.	DSL/CB	330/- (Rs.320/- + 10/-)
37.	" Jagmohan Lal (S.C.)	CB/Depot.	330/- (Rs.290/- + 40/-)
38.	" Sankatha Pd.	AMV Depot	330/- (Rs.320/- + 10/-)
39.	" T.N. Shukla	CB/Depot	330/- (Rs.314/- +16/-)
40.	" R.S. Pandey	-do-	350/- (Rs.334/- +16/-)
41.	" Mohd Yamin	TPP/AMV	350/- (Rs.334/- +16/-)
42.	" V.N. Asthana	CB/Depot	330/- (Rs.320/- +10/-)
43.	" Padam Lal (S.C.)	AMV/Depot.	350/- (Rs.334/- + 16/-)
44.	" S.N.-Trivedi	CB/Depot.	330/- (Rs.290/- +40/-)
45.	" Paras Ram Singh	AMV/Depot.	330/- (Rs.278/- +52/-)
		CB/Depot.	340/- (Rs.326/- +14/-)

Contd.....2..)

- 2 -

S.No.	Name	Place of	Pay.
46.	Sri Kishan Lal	working.CB/Depot	330/- (Rs. 278/- + 52/-)
47.	" Mohan Lal Singh	AMV/Depot	Rs. 330/- (Rs. 314/- + 16/-)
48.	" L.S. Pandey	AMV/Depot	Rs. 330/- (Rs. 290/- + 40/-)
49.	" Phai Lal (S.C.)	AMV/Depot	Rs. 330/- (Rs. 290/- + 40/-)
50.	" Sonan Lal	-do-	Rs. 330/- (Rs. 290/- + 40/-)
51.	" Chandra Pal Singh	TPP/AMV	Rs. 330/- (Rs. 308/- + 22/-)
52.	" Kailash Pandey	VYN	Rs. 330/-
53.	" Ram Nath (S.C.)	AMV	Rs. 330/- (Rs. 314/- + 16/-)
54.	" Raghua Ram	AMV/Depot	Rs. 330/- (Rs. 290/- + 40/-)
55.	" Shiv Kumar Misra -I	-do-	Rs. 330/- (Rs. 284/- + 46/-)
56.	" K.D. Tripathi	-do-	Rs. 330/- (Rs. 284/- + 46/-)
57.	" D.C. Sribastava -	CB/Depot	Rs. 330/- (Rs. 284/- + 46/-)
58.	" N.K. Sharma	CEB/ETD	Rs. 330/- (Rs. 284/- + 46/-)
59.	smt. Mehar Fatima	AMV/Depot	Rs. 330/- (Rs. 284/- + 46/-)
60.	H.N. Ram (S.C.)	AMV/Depot	Rs. 330/- (Rs. -do-)
61.	" Kartar Singh (S.C.)	CNB	Rs. 330/- (Rs. -do-)
62.	" Satrughan Pawan (S.C.)	VYN	Rs. 330/- (Rs. -do-)
63.	" Bishambhar Dayal (S.C.)	AMV/Depot	Rs. 330/- (Rs. -do-)
64.	" Lal ji Pasi (S.C.)	AMV/Depot	Rs. 330/- (Rs. 296/- + 34/-)
65.	" Shiv Behari	AMV/Depot	Rs. 330/- (Rs. 284/- + 46/-)
66.	" Shiv Ram (S.C.)	ETD/Depot	Rs. 330/- (Rs. -do-)
67.	" Girja Shanker (S.C.)	TPP/Depot	Rs. 330/- (Rs. 278/- + 52/-)
68.	" Mahadeo Lal	TPP/AMV	Rs. 330/- (Rs. 296/- + 34/-)
69.	" S.P. Dasa	AMV/Depot	Rs. 330/- (Rs. 278/- + 52/-)
70.	" A.K. Adhikari (S.C.)	TPP/AMV	Rs. 330/- (Rs. -do-)
71.	" Panchanan Pandit (S.C.)	CB/Depot	Rs. 330/- (Rs. -do-)
72.	" Mohd. Sajid	AMV/Depot	Rs. 330/- (Rs. -do-)
73.	" Azizuddin Siddique	CNB	Rs. 330/- (Rs. -do-)
74.	" H.S. Maurya	AMV/Depot	Rs. 330/- (Rs. -do-)
75.	" A.K. Malviya	AMV/Depot	Rs. 330/- (Rs. -do-)

for Dy. Controller of Stores, 22.4.83.  
N.Rly., Alambagh/Lucknow.

Copy forwarded to

1. S.A.O. (W)/N.Rly., Alambagh, Lucknow.
2. S.A.O. (W)/N.Rly., Charbagh, Lucknow.
3. D.C.O.S./N.Rly., Charbagh, Lucknow.
4. A.C.O.S./ETD/CNB.
5. A.C.O.S./VYN (6) A.C.O.S./DSL/CB-Lucknow.
7. A.C.O.S./T.P.P. AMV/Lucknow.
8. H.C./Bills, AMV/Charbagh.
9. Parties Concerned.

RK.23/4

Original in Case  
Order 247B

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

O.A.No.173/89(L)

Sri Pankaj Kumar Pandey

....Petitioner

Versus

Union of India and others

....Opposite Parties

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ANNEXURE No.A-3

.....P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
23-A Thompson Road, Allahabad

No. CAT/Alld/

Dated Allahabad, the 18.12.87

OFFICE MEMO

Registration No. 12627 of 198

Ammevwa M(3)

Ram Shivram Rudey  
versus

Applicant

G. O. D. S. (12)

Respondent

A copy of the Tribunal's Order/Judgement dated 16.11.87  
in the above noted case is forwarded for necessary action.

Enclosure: Copy of Order/Judgement Dated 16.11.87

To

Deputy Registrar

DK

RESERVED

## CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

\*\*\*\*\*

Registration (T.A.) No.627 of 1987

Ram Siromani Pandey &amp; another .... Petitioner-Applicant

Versus

Union of India &amp; others ..... Respondents.

\*\*\*\*\*

Hon'ble S. Zaheer Hasan, V.C.  
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. Ajay Johri, A.M.)

Writ Petition No.1027 of 1982, Ram Siromani Pandey & another v. Union of India & others, has been received on transfer from the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow under Section 29 of the Administrative Tribunals Act XIII of 1985. In this writ petition the order dated 28.1.1982 passed by respondent no.2 determining the seniority of the petitioners vis-a-vis the respondents 5 to 18 (private respondents) and the order dated 18.2.1982 rejecting the petitioners' representations against the order of 28.1.82 and another order dated 15.2.1982 calling persons to appear in the suitability test for the post of Sr. Clerk have been challenged. The petitioners' case is that the petitioner no.1 was promoted to the post of Clerk on ad hoc basis in September, 1972 and since then he has been continuously working on this post. He was regularised in 1977 by a selection in which he along with others appeared and qualified and he was put on the panel announced on 4.11.1977. In the case of petitioner no.2, he was promoted in December, 1974 as a Clerk and was also

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regularised in the panel of 4.11.1977. The private respondents were promoted to the post of Clerk from the post of Khallasi long after the promotions of the petitioners. Respondent nos. 5 to 10 were promoted in November, 1977 while respondents 11 to 18 on 18.3.1980. These private respondents had also been called to appear in the selection held in 1977 and were declared successful, as a result of which their names were also included in the panel announced on 4.11.1977. The Government-respondents, however, have not held any test earlier to 1977, though the petitioner no.1 was put to officiate in 1972 and the petitioner no.2 in 1974. By the impugned order dated 28.1.1982 respondents 5 to 18 were made senior to petitioners nos. 1 and 2. Feeling aggrieved by the aforesaid impugned order they represented on 16.12.1982 for the correction of the seniority list, but their representations were rejected. Thereafter respondents 5 to 18 have been called to appear in the suitability test for promotion to the post of Sr. Clerk on 4.3.1982, while the petitioners have not been called, though they claimed themselves to be senior to the private respondents 5 to 18. According to the petitioners the post of Sr. Clerk is a non-selection post and the persons senior in service have a preferential right to be considered for promotion. The claim of seniority by the petitioners is on the grounds that they were promoted long before the promotion of private respondents 5 to 18. Under para 302 of the Indian Railway Establishment Manual seniority should be determined with reference to the date of promotion, but the Government-respondents ignored this criteria. They have, therefore, prayed for the



issue of a writ in the nature of certiorari quashing the impugned order dated 28.1.1982 and the orders dated 18.2.1982 and 15.2.1982 (Annexures 'I', 'II' & 'III' to the writ petition), and for the issue of a mandamus commanding the answering respondents to determine the seniority of the petitioners vis-a-vis respondents 5 to 18 in accordance with the provisions contained in para 302 of the Indian Railway Establishment Manual and to consider the petitioners and to allow them to appear in the suitability test for promotion of Sr. Clerks.

2. According to the respondent no.1 the seniority of all the 53 employees, who had been finally brought on the panel declared on 4.11.1977 has been maintained vide Office Order No. E/20, dated 28.1.1982 and the persons called to appear in the suitability test for promotion of Sr. Clerk were not junior to the petitioners. The promotion of petitioner no.1 made in September, 1972 was a temporary ad hoc arrangement and the petitioner no.2 was made in December, 1974. Both the petitioners continue to work on ad hoc basis and were allowed to draw increments. According to them about 300 class IV employees were called for written test for selection as Clerks against the vacancies reserved for promotees in the year 1977. 103 persons qualified in the written test out of which 37 were placed on the provisional panel of promotee quota by a duly constituted selection Board. Subsequently 3 Scheduled Caste candidates' names were added against the de-reservation of posts reserved for Scheduled Tribes and four more persons were placed on the panel on the representation of the recognised Union after a review of the result by the competent authority and their interview. In March, 1980 the General Manager

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extended the panel and thus all the remaining persons were put on the panel and their names were interpolated in accordance with their basic seniority. Petitioner no. 1 was too junior and petitioner no. 2 was still lower in the list, therefore, the claim of the petitioners that ~~that~~ they are seniors is incorrect and without basis. They have denied that para 302 of the Indian Railway Establishment Manual applied to their case. According to the Government-respondents the inter se seniority cannot be <sup>1</sup>altered, therefore, the respondents 5 to 18, who were seniors to the petitioners, were placed senior to them. The work on ad hoc basis since 1972 for petitioner no. 1 or 1974 for petitioner no. 2 does not give them seniority because respondents 5 to 18 are senior by virtue of their date of appointments and their inter se seniority could not be disturbed by the ad hoc temporary officiating arrangements in which the petitioners were put <sup>to work</sup>. The seniority has been fixed strictly in terms of para 302 of the Indian Railway Establishment Manual. The petitioners had appeared in the test held in 1977 without any claim about their having already acquired seniority on the basis of ad hoc promotion.

3. We have heard the learned counsel for the parties. Sri R.C. Saxena, learned counsel for the ~~the~~ petitioners, made a submission that respondents 5 to 18 had failed in the test held in 1977 and the inclusion of their names even by review of the results on the request of the Union cannot be accepted. The panel had exhausted. Its currency was two years and it had become non-existent. There was also no administrative error in the formation of the panel and the names were included in March, 1980. The officiating period of the petitioners should also

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count for seniority in the same manner as confirmation is counted for seniority. Sri R.K. Nigam, the learned counsel for some of the private respondents, however, mentioned that there were five transactions before which the panel formed in 1977 was finalised. Initially 31 persons were promoted, thereafter another 6 S.C. candidates were added and then another 7 persons were added during 1978 and finally 9 more were added before the panel became final.

4. The learned counsel for the Government-Respondents had <sup>repeatedly</sup> ~~repeated~~ the contentions on the grounds that officiating promotion could not give the benefit of seniority to the petitioners as they had not become the members of the service. He has relied on the case of P.D. Agarwal & others v. State of U.P. & others (1987 (4) SLR 136).

5. In this writ petition what has been challenged is an order dated 28.1.1982 which says that the employees whose names were included in the panel declared on 4.11.1977 are not eligible for proforma fixation as they were promoted as Clerks in the grade of Rs.260-400 (RS) after their cases were considered and names included in the panel as a result of the special request made by the Union and not due to administrative error. The letter further says that all the men who have now finally been included will retain their original inter se seniority in the panel and accordingly the Office Order dated 30.10.78 is modified and they listed 53 names on the basis of the inter se seniority. This order <sup>applies</sup> ~~apply~~ to certain persons who were included in the panel declared on 4.10.1977 on the special request made by the Union and it denied them proforma fixation. The other order that has been

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dated  
impugned is/18.2.1982 on the representations made by  
the petitioners on 16.2.1982 saying that the ad hoc promo-  
tions gives no claim and the persons who have brought on  
one and the same panel will maintain their original  
seniority, the inter se seniority not being disturbed.  
The third impugned order that has been challenged by the  
petitioners is dated 15.2.1982 which gives a list of the  
clerks working in the grade of B.260-400 (RS), who were  
required to appear in the suitability test for promotion  
as Senior Clerks. The petitioners have ~~ask~~ further asked  
for determination of the seniority in accordance with  
the provisions contained in para 302 of the Indian  
Railway Establishment Manual. In the grounds for prefer-  
ring the writ petition they have only mentioned that  
seniority given to respondents 5 to 18 was in contraven-  
tion <sup>of</sup> the statutory provisions of para 302 of the  
Indian Railway Establishment Manual because the petitioners  
were promoted much earlier than the respondents 5 to 18  
and because their representations for giving them seniori-  
ty from the date they started officiating have been  
rejected.

6. Para 302 of the Indian Railway Establishment  
Manual is on the subject of Seniority in Initial Recruit-  
ment Grade. It says that seniority among the incumbents  
of a post in a grade is governed by the date of appoint-  
ment to the grade. It further goes on to say that in  
categories of posts partially filled by direct recruit-  
ment and partially by promotion, seniority should be  
determined by the date of promotion in the case of a  
promotee and date of joining of the working post in the  
case of direct recruit subject to maintenance of inter se  
seniority of promotees and direct recruits among themselves.

The petitioners' claim is that since they started work on ad hoc basis in 1972 and 1974 they should be given seniority from those dates.

7. In the case of Ashok Gulati v. B.S. Jain (AIR 1987 S.C. 424) the Hon'ble Supreme Court had observed thus :-

"According to the accepted canons of service jurisprudence seniority of a person appointed must be reckoned from the date he becomes a member of the service.....It is well settled that an ad hoc or fortuitous appointment on a temporary or stop-gap basis cannot be taken into account for the purpose of seniority even if the appointee was qualified to hold the post of a regular basis, as such temporary tenure hardly counts for seniority in any system of service jurisprudence."

8. In the case of P.L. Agarwal & others v. Sta of U.P. & others (1987 (4) SLR 134) in para 27 of the judgment the Hon'ble Supreme Court had observed thus :-

"27. Similar observations were also made by this Court in the case of State of Gujrat v. C.G. Desai, (1974) 2 SCR 255. Therefore we make it clear that the period of service rendered by the ad hoc appointees before their service has been duly regularised in accordance with the regularisation rules cannot be taken into account in reckoning their seniority in service. Their seniority in service will be counted only from the date when such ad hoc appointees after regularisation in accordance with concerned rules have become members of the service."

9. The above ratios make it clear that the period of service rendered by the ad hoc appointees before their services have been duly regularised in accordance with the regularisation rules cannot be taken

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into account in reckoning their seniority in service. The length of continuous officiation cannot be reckoned as basis for determining the seniority in case of those who are appointed in purely ad hoc stop-gap arrangement basis against the rules of regular promotion. Seniority can only be reckoned from the date a person becomes a member of the service. The Hon'ble Supreme Court had held in Ashok Gulati's case that no principle or rule lays down that the length of continuous officiation is the only relevant criteria in determining seniority in a particular grade or cadre irrespective of any specific rule of seniority to the contrary. They had further said that the principles laid down in the two leading cases of 'N.K. Chauhan & S.B. Patwardhan' which were reiterated by them and in 'Balleshwar Dass's case' and subsequently followed in several decisions are not an authority for any such proposition.

10. There is no doubt that the petitioners were appointed on ad hoc basis, one in 1972 and the other in 1974. In view of the aforesaid pronouncement by the Hon. Supreme Court the period of continuous officiation cannot be counted for giving them seniority and, therefore, their petition on the ground that they should be given <sup>not</sup> seniority/on the basis of their empanelment on 4.11.1977 but on the basis of their continuous officiation after their ad hoc promotions is liable to be rejected.

11. On the above considerations we dismiss this writ petition without any order as to costs.

38  
Vice-Chairman.

Dated: December 14, 1987.

PG.

SS  
Member (A).

FILED  
G-17

(D. S. DUBEY)

SECTION OFFICER

Central Administrative Tribunal

Aizahabul.

18/12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

O.A.No.173/89(L)

Sri Pankaj Kumar Pandey

....Petitioner

Versus

Union of India and others

....Opposite Parties

ANNEXURE No.A-4

No.247-E

Dated 24.9.88

To,

Sri Pankaj Kumar Pandey, Clerk.  
Dy.C.O.S. Office, N.Rly.,  
Alambagh, Lucknow.

Sub :- Application dated 6.9.88.

With reference to your application quoted above you are informed that the suitability test for the post of Sr.Clerk gr. Rs.330-560(RS)/1200-2040(RPS) held in year 1982 has been quashed by the Central Administrative Tribunal, hence the question of announcement of the result of that test does not arise.

Since you failed in the suitability test held for the post in July,'88 it is regretted to inform you that this office can not help you at this stage.

Sd/-  
for Dy. Controller of Stores,  
N.Rly., Alambagh, LKO.

TRUE COPY

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW.**  
**O.A.No.173/89(L)**

**Pankaj Kumar Pandey**

**....Petitioner**

**Versus**

**Union of India and others**

**....Opposite Parties**

**ANNEXURE No.A-5**

पत्र सं० 247-ई०

दिनांक 1-11-88

भण्डार नियन्त्रक,  
उ०रे०, बड़ौदा हाउस,  
नई दिल्ली ।

विषय :- श्री पंकज कुमार पाण्डेय, लिपिक का प्रार्थना पत्र दिनांक 6-9-88.

संदर्भ :- आपका पत्रांक 92-एस०/1/स्टाफ-ए०एम०वी०/517/5 एस०जी० दिनांक 10/17-10-88.

उपरोक्त संदर्भ में यह सूचित करना है कि श्री पंकज कुमार को उचित उत्तर दिया जा चुका है कि सन् 1982 में हुए वरिष्ठ लिपिक के 'सूटेबिलिटी टेस्ट' के परिणाम को घोषित करने का प्रश्न ही नहीं उठता क्योंकि वह केन्द्रीय प्रशासनिक अधिकरण के आदेश द्वारा 'क्वैश' कर दिया गया है और निर्णय के बाद की गई जुलाई '88 के 'सूटेबिलिटी टेस्ट' में असफल होने के कारण कुछ भी नहीं हो सकता है अतः वरिष्ठ लिपिक के तदर्थ प्रोन्नति से लिपिक के पद पर लगाना नियमानुकूल है । श्री पाण्डेय ने इस उत्तर के प्रतिकूल आगे कुछ भी नहीं लिखा है ।

ह०/-  
कृते उप भण्डार नियन्त्रक,  
उ०रे०, आलमबाग, लखनऊ ।

सत्य प्रतिलिपि



A/95

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**LUCKNOW BENCH, LUCKNOW.**  
**O.A.No.173/89(L)**

**Pankaj Kumar Pandey**

**....Petitioner**

**Versus**

**Union of India & others**

**....Opposite Parties**

**ANNEXURE No.A-6**

पत्र संख्या- 247 ई0/1

दिनांक 16.7.88

श्री लालता प्रसाद,  
वरिष्ठ लिपिक (तदर्थ),  
आलमबाग भंडार ।

विषय :- सूटेबिलिटी टेस्ट ।

आप दिनांक 21.7.88 को इस कार्यालय में होने वाली सूटेबिलिटी परीक्षा में सम्मिलित हों । आपका नाम एस0पी0 नायक के नीचे रखा गया है ।

ह0-  
कृते उप भण्डार नियन्त्रक,  
उ0र0, आलमबाग, लखनऊ ।

सत्य प्रतिलिपि