

26. (AES)

In the Central Administrative Tribunal Allahabad

Bench Lucknow.

O. A. 238 of 1989

Kulwant Singh Applicant

Versus

Union of India and others Respondents

Reply on behalf of the Respondents:

Para 1: Needs no reply.

Para 2: Needs no reply.

Para 3: The Contents of paragraph 3 of the application are not admitted. It is stated that the application is barred by limitation.

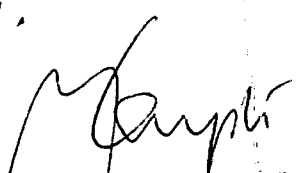
Para 4:

1: Issue of office order No.L/31M/DSL/POH/76 dated 16.5.'77 as contained in Annexure No. 1 to the application are not denied. It is also not denied that the applicant ^{was} absorbed in pursuance to that order .

2: Not denied.

3. That the contents of /aragraph 3 of the application are not correct. The staff mentioned from serial no. 17 to 37 have ^{been} appointed directly in skilled trade whereas the applicant came to the worksshop later after their joining, as such he cannot be placed above them.

4. Needs no reply.


मुख्य कार्यालय प्रमुख,
उ.रे. एवं उच्च कार्यालय
लुधियाना, लुधियाना
C W M
N.R./Lcco, C.B /Lko.

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Para 4:

5: That the contents of paragraph 5 of the application are not denied.

6: That the contents of paragraph 6 of the application are not denied

letter

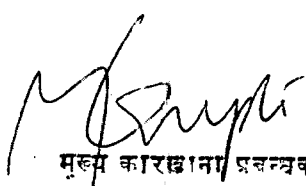
7. Issue of ~~Office order~~ by Dy. C.M.E.(W) being no. L/6-E/DSL/Artisan dated 9.2.1979 as contained in Annexure No. 7 to the application is not denied. The contents are verifiable from the letter itself.

8. That the contents of paragraph 8 of the application are admitted. It is further stted that Sri Brij Nandan and others moved writ petition in the High Court, but before it could be finalised, the adminstration corrected the seniority list already circulated and in response the applicant and shri M.M.Misra DSL-703 were reverted by fixing correct position, Hence the case was no contested by the parties.

9. No denied.

10. Not denied.

11. That the contents of paragraph 11 to 13 of the application are admitted to the extent that he was earlier promoted as Gr. II w. ef. 25.10.'78 and Gr. I wef. 1.11.'84 but all these promotions were held illegal as he was given undue promotion due to adminstrative error, whereas actually he would have not been promoted, had his seniority fixed correctly, which mistake was corrected vide Office S.O.No. 129 ft. 19.2.'87 as contained in Annexure No.11 to the application.


मुख्य कारखाना प्रबन्धक,
उ.रे. रेल इंजन कारखाना
चारवाग, लखनऊ
C W M
N.R./Loco/C.B./Lko.

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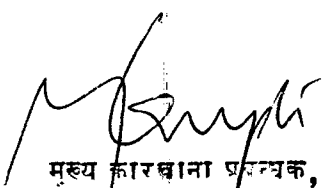
Para 4:

14: That the contents of paragraph 14 of the application are not admitted. It is incorrect to say that the applicant was not advised of his reversion at Kapruthala where he working at that time. The copy of reversion order as contained in Annexure No. 11 to the application was ^{endorsed} marked to Dy. C.M.E. (W) Kapurthala, ^{in whom the applicant was working} for necessary action and he would have advised him.

15: That in reply to the contents of paragraph 15 of the application, it is stated that the applicant having been reverted from Gr. 1 to Gr.II fitter vide S.O.No. 129 dt. 19.2.'87 and on his coming back from Kapurthala, he was posted in the workshop as Gr. II on his due position,

16: Issue of seniority list No.L/50E/DSL/Seniority/87 dated 10.9.1987 as contained in Annexure No. 13 is not denied. Since he was working as Gr.II fitter, question of his name appearing in the said seniority list did not arise, as the same was of Gr.I employees. The names of Shri Budhi Prakash, Hattishan Ali and Karuna Shanker (S.no.62 to 64) have been correctly in the said seniority list, as they were senior to the applicant because they held the skilled post on 5.5.'77 before the posting of the applicant in shop on 17.5.'77.

orders as contained in
17: Issue of Annexure No. 14 are not denied. It is stated that class IV staff were ~~not~~ promoted as skilled class III and then sent for training at PSTS and that para 303(A) is not applicable to the case of promotion. It is applicable when training is given before recruitment.


मुख्य कारखाना प्रमुख,
उ.र. रेल इंजन कारखाना
बाराणसी, लखनऊ
C.W.M.
N.R./Loco/C.B./Lko.

A 68

Para 4:

18: Submission of representation is not denied.

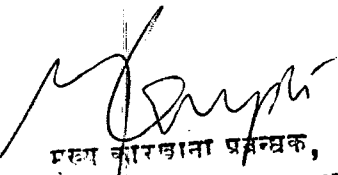
19: In reply to the contents of paragraph 19 of the application, no time limit can be attached to correction of administrative error and they can be corrected as and when they are found. It is further submitted that the applicant was working as skilled fitter in electric loco shed Kanpur since 23.4.'74 before his transfer to Lucknow and posted at his own request on 17.5.'77 computing bottom seniority. Due to administrative error, the length of service of other employees who were clubbed for further advancement alongwith the applicant, was not compared with the position of the applicant in the seniority as a whole. When this error was detected later on, seniority was corrected and the name of the applicant was brought to its correct place. His reversion is justified.

20: That the contents of paragraph 20 of the application are not admitted. It is submitted that it is not a case of his name being omitted. Since the applicant was not working as Gr. I at the time when seniority was issued, the question of his name appearing therein did not arise. The representation of Shri A.K.Srivastava was considered on its merit. As already stated above, there is no time provided for correcting administrative errors. They are corrected as and when they come to the knowledge of the administration.

M. Singh
 मुख्य कारखाना प्रबन्धक,
 उ.र. रेल इंजन कारखाना
 बाराबंकी, लखनऊ
 N.R./Loco/22/100.

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- Para 4:
21: That in reply to the contents of paragraph 21 of the application, it is not denied that on the representation of the applicant, pay was revised vide S.O.No.610 dt. 21.10.'88. The said revised was corrected later on vide office S.O.no. 191 dated 22.4.'89 as contained in Annexure No. 16 to the application.
- 22: That in reply to the contents of paragraph 22 of the application, the issue of revised Staff order No. 191 dated 22.4.'89 superseding the previous order no. 610 as his pay was wrongly fixed is not denied. The drop in pay emoluments is due to reversion from higher post to lower post.
- 23: That in reply to the contents of paragraph 23 of the application, it is stated that no such representation was submitted as alleged.
24. Submission of representation is not denied.
25. That in reply to the contents of paragraph 25 of the application, it is submitted that no such representation/appeal was made by the applicant, as no copy is available in the record of the workshop.
- 26: Submission of representation dated 22.3.'88 is not denied. The same was replied by office letter No. L/120E/DSL/80 dated 8.8.'88 whereby his reversion was held justified.
- 27: Needs no reply.


मुख्य कारखाना प्रबन्धक,
उ.र. वि. इ. कारखाना
वा. वि. इ. वि.
(CV)
N.R./Lccc/1-1/80.

(A20)

Para 4:

28: That the contents of paragraph 28 of the application are not admitted. It is however stated that the submission of the copy of the order, as alleged was of no value, unless it was accompanied by the copy of writ petition and relief claimed therein.

29: The submission of representation dated 4.4.'89 by the applicant is not denied and the same duly disposed off, as he was not due his promotion as Gr. I.

30: Issue of letter no. L/120E/CAT/87 dated 15/17-4'89 by C.W.M. Loco Workshop Charbagh is not denied.

31. That in reply to the contents of paragraph 31 of the application, it is stated that no question of disposal arose, since no representation dated 25/10/87 was received in the office of Loco Work Shop Lucknow as already stated in Para 25. Moreover he is working as Grade II fitter alongwith his seniors and will be promoted on his turn.

Para 5: Debied. None of the ground is tenable under law.

6: That in reply to the contents of para 6, it is submitted that whatever representations were submitted by the applicant they were duly disposed off.

7. Needs no reply.

8. Denied. The applicant is not entitled to any relief and the application is liable to be dismissed.

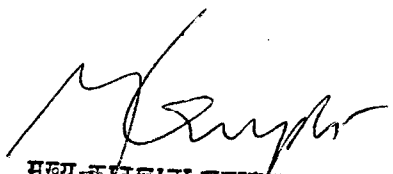
M. Singh
मुख्य कारखाना प्रबन्धक,
उ.रे. रेल इंजन कारखाना
वा.म., लखनऊ
N.R. 4/1989 No.

(A712)

Para 9: Denied. The applicant is not entitled to any interim relief.


Para 10:
11: Need no reply from the respondents.
12: Need no reply.

Lucknow.
dated: 10.12.'91


मुख्य कार्यवाही प्रबन्धक,
उ.रे. रेल इंजन कारखाना
चारबाग, लखनऊ.
C.W.M.

Verification. N.R./Loco/C.B./Lko.
working as Chief works

I, Y. P. Gupta
Manager in the Loco Workshop Northern Railway Charbagh
Lucknow duly authorised and competent to sign and verify
this reply do hereby verify that the contents of paras
1 to 12 of this reply are based on information derived
from record and legal advice which is believed to be true.
Signed and verified this 10th day of Decemeber 1991 at
Charbag h Workshop Lucknow.


मुख्य कारखाना प्रबन्धक,
उ.रे. रेल इंजन कारखाना
चारबाग, लखनऊ.
C.W.M.
N.R./Loco/C.B./Lko.

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

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O.A. No. 238 OF 1989

Kulwant Singh ... APPLICANT

VERSUS

Union of India & Others ... RESPONDENTS

REJOINDER REPLY
TO THE REPLY OF THE RESPONDENTS

I, Kulwant Singh, aged about 42 years, S/o Shri Harbans Singh, R/o H.No. C-1799, (Mini L.I.G.), Rajajipuram, Lucknow, states as under :-

Filed today

3/3/92

1. That the Deponent is the Applicant in the above Original Applicant and as such, fully conversant with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Counter Reply of the Respondents and as such, states hereinafter.

2. That the contents of Paragraphs 1 & 2 of the Reply need no comments.

...2.

Kulwant Singh

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3. That the contents of Paragraph 3 of the Reply are denied and the contents of Paragraph 3 of the Original Application are reiterated as correct. It is stated that the Applicant was reverted from the post of Highly Skilled Diesel Electrical Fitter Grade - I, to Highly Skilled Diesel Electrical Fitter Grade - II on 02.07.1987 (Annexure No. 12 to the Original Application) against which the Applicant represented through his first Representation dated 16.07.1987 (Annexure No. 17 to the Original Application) and thereafter preferred several Reminders. However, the Representation was rejected on 15th April 1989 (Annexure No. 24 to the Original Application) and thereafter the Applicant preferred this Original Application on 04th September 1989. As such, the Original Application is within limitation as prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. That the contents Paragraph 4.1 of the Reply are denied and the contents of Paragraph 4.1 of the Original Application are reiterated as correct. The Applicant joined Diesel Shop, Locoworkshop, Charbagh, Lucknw on 12th May 1977 but he was posted there on ~~07th~~^{17th} May 1977. The Applicant is entitled for seniority in the Grade of Skilled Diesel Electrical Fitters w.e.f. 12th May 1977 keeping in view Para 312

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(Signature)

APR 74

of the Indian Railways Establishment Manual. A copy of the Paragraph 312 of the Indian Railways Establishment Manual is being annexed as ANNEXURE NO.R-1 to this Rejoinder Reply. However, the Applicant was initially appointed as Skilled Fitter after selection through Railway Service Commission, Allahabad on 22nd April 1974 after six months training. The Applicant was given seniority there keeping in view his date of appointment as ^{23rd} ~~22nd~~ April 1974 and not as 09th October 1973, date on which he joined the training. A copy of the offer of Appointment dated 13th Sept. 1973 and Recruitment-cum-Training letter dated 09th Oct. 1973 is being annexed as ANNEXURE NO.R-1A & R-1B to this Rejoinder Reply.

5. That the contents of Paragraph 4.2 of the Reply need no comments.

6. That the contents of Paragraph 4.3 of the Reply are denied and the contents of Paragraph 4.3 of the Original Application are reiterated as correct. In the Seniority List, the incumbents from Sl.Nos. 17 to 37 were junior to the Applicant as they were appointed on the post of Skilled Diesel Electrical Fitter after 12th May 1977. The incumbents from Sl.Nos. 17 to 37 were sent on training, in May 1977, but they were posted temporarily as Skilled Diesel Electrical Fitters through letters dated 26.11.1977, 02.12.1977, 23.12.1977 and 10th March 1978 and later on posted on newly sanctioned posts through letter dated 18th

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March 1978. The persons at Sl. Nos. 17 to 37 were temporarily posted on the post of Skilled Diesel Electrical Fitters after 26.11.1977. A copy of the letter dated 18th March 1978, temporarily posting the incumbents from Sl. Nos. 17 to 37 is being annexed as ANNEXURE No. R-2 to this Rejoinder Reply. The seniority of Skilled Diesel Electrical Fitters who have obtained training in the same Course are entitled for their seniority under Para 303 of the Indian Railways Establishment Manual in the order of merit obtained at the examination held at the end of the training period before being posted against working posts. However, the inter se seniority with others is determined on the basis of Para 302 and 324 of the Indian Railways Establishment Manual. A copy of the Paras 302, 303 & 324 of the Indian Railways Establishment Manual is being annexed as ANNEXURE No. R-3 to this Rejoinder Reply.

7. That the contents of Paragraphs 4.4, 4.5 & 4.6 of the Reply need no comments.
8. That in reply to the contents of Paragraph 4.7 of the Reply it is stated that the Applicant was granted bottom seniority to the persons who have already been appointed and posted as Skilled Diesel Electrical Fitter prior to 12th May 1977 but was placed above those persons

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D. P. Dahiya

APG

who were then sent on training and later on posted as Skilled Diesel Electrical Fitters after 26th November 1977, which is evident from Annexure No. R-2 to the Rejoinder Reply.

9. That in reply to the contents of Paragraph 4.8 of the Reply it is stated that Mr. Brij Nandan and four others filed a Writ Petition No. 383 of 1979 before the Hon'ble High Court, Lucknow Bench, which was later on transferred to Central Administrative Tribunal and numbered as T.A. No. 429 of 1987 (T) against Order dated 09th February 1979 (Annexure No. 7 to the Original Application) which was later on dismissed as in default by the Hon'ble Tribunal through Order dated 25th August 1988. It is here relevant to state that one Mr. A.K. Srivastava who has not represented or filed any Petition against the Order dated 09th February 1979 prior to 03th September 1986, preferred a belated Representation on 03th September 1986 and on the basis of the said Representation the Applicant was adversely effected through letter dated 19th February 1987. The five persons who preferred the Writ Petition have not preferred any Representation to the Departmental Authorities on the basis of which it can be said that the Order dated the 19th February 1987 was passed. Also, the Applicant was not given any opportunity of any

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D. P. Dahi

APP

kind, keeping in view the Representation dated 03th September 1986 and as such, the Order dated 19th February 1987 was passed in utter violation of the principles of natural justice. The Representation of Mr. A.K. Srivastava was time barred keeping in view Para 321 of the Indian Railways Establishment Manual as the said Representation about the assignment of the Applicant's seniority was preferred after one year of the passing of the Order dated 09th February 1979. A copy of Para 321 of the Indian Railways Establishment Manual is being annexed as ANNEXURE No. R-4 to this Rejoinder Reply.

10. That the contents Paragraph 4.9 & 4.10 of the Reply need no comments.

11. That the contents of Paragraphs 4.11, 4.12 & 4.13 of the Reply are denied and the contents of Paragraphs 4.11 to 4.13 of the Original Application are reiterated as correct. The Applicant was promoted as highly skilled Diesel Electrical Fetter Grade - II w.e.f. 25th October 1978 and later on promoted to the post of highly skilled Diesel Electrical Fitter Grade - I w.e.f. 01.01.1984. The Applicant had already been granted benefit keeping in view the Order dated 09th February 1979 as he has already been promoted twice on

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the basis of his grade Seniority. The Order dated 19th February 1987 was passed on the basis of a belated Representation in utter violation of the provisions of the Indian Railways Establishment Manual and the principles of Natural Justice. No mistake was committed in determining the seniority of the Applicant while passing the Order dated 09th February 1979.

12. That the contents of Paragraph 4.14 of the Reply are denied and the contents of Paragraph 4.14 of the Original Application are reiterated as correct. The Applicant was not informed about the Order dated 19th February 1987 at Kapoorthala and he came to know about the said Order on 02nd July 1987. However, the Order dated the 19th February 1987 was passed on a belated Representation of one Mr. A.K. Srivastava in utter violation of the principles of natural justice as the Applicant was not given any opportunity of any kind prior to passing the Order dated the 19th February 1987 despite the fact that the settled seniority was being disturbed after a lapse of more than eight years.

13. That the contents of Paragraph 4.15 of the Reply are denied and the contents of Paragraph 4.15 of the Original Application are ...8.



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reiterated as correct. The Applicant was reverted illegally and the Applicant represented against the said reversion through Representation dated 16th July 1987. The settled seniority of the Applicant since 1979 was disturbed on the basis of the belated Representation of one Mr. A.K. Srivastava without affording any opportunity to the Applicant.

14. That the contents of Paragraph 4.16 of the Reply are denied and the contents of Paragraph 4.16 of the Original Application are reiterated as correct. It is stated that the Applicant's Representation dated 16th July 1987 against the Order dated 19th February 1987 and reversion w.e.f. 02nd July 1987, was pending consideration before the Competent Authority.

15. That the contents Paragraph 4.17 of the Reply are denied and the contents of Paragraph 4.17 of the Original Application are reiterated as correct. It is stated that the seniority of all those who under go training in a common Course is determined in the order of merit obtained in the Examination held at the end of Training period before being posted against working posts keeping in view Para 303 of the Indian Railways Establishment Manual. The

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B. P.

AP/10

incumbents at Sl.Nos 17 to 37 had under gone Training in the same Course. As such, Para 303 is applicable. However, the inter se seniority with the others shall be determined on the basis of Paras 302 and 324 of the Indian Railways Establishment Manual. It is here relevant to be stated that the Applicant has already under gone Training for six months - from 09th October 1973 to April 1974 - and was posted thereafter as skilled Fitter. The Applicant was awarded seniority in Traction Department, Allahabad Division, from the date after his Training, keeping in view the merit obtained at the Examination, held at the end of the Training period.

16. That the contents of Paragraph 4.18 of the Reply need no comments.

17. That the contents of Paragraph 4.19 of the Reply are denied and the contents of Paragraph 4.19 of the Original Application are reiterated as correct. The settled seniority, since January 1979, was disturbed after a lapse of more than eight years on the basis of the belated Representation dated 03rd September 1986 of one Mr. A.K. Srivastava. The incumbents at Sl. No.s 17 to 37 were awarded seniority on the basis of the fact that they were appointed as Skilled Diesel

...10.

DP

Electrical Fitter after 26th November 1977 keeping in view the merit obtained by them at the Examination held at the end of their Training period. No error was committed in awarding seniority to the Applicant through the Order dated 09th February 1979.

18. That the contents of Paragraph 4.20 of the Reply are denied and the contents of Paragraph 4.20 of the Original Application are reiterated as correct. It is stated that keeping in view Para 321 of the Indian Railways Establishment Manual, the Respondents are stopped from revising the seniority after the lapse of one year. The Applicant was not given any opportunity on the belated Representation dated the 03rd September 1986 of one Mr. A.K. Srivastava.

19. That the contents of Paragraphs 4.21 & 4.22 of the Reply are denied and the contents of Paragraphs 4.21 & 4.22 of the Original Application are reiterated as correct. The reversion of the Applicant from the post of highly skilled Diesel Electrical Fitter Grade - I to Grade - II was illegal and the Applicant was entitled for salary in the pay scale of Rs.1320 - 2040 instead of 1200 - 1800.

...11.

R. P.

20. That the contents of Paragraph 4.23 of the Reply are denied and the contents of Paragraph 4.23 of the Original Application are reiterated as correct. The Representation dated 16th July 1987 was duly got received and which was forwarded by the then Dy. Shop Superintendent, Generator Section, Mr. G.D. Tara Chandani. The Original Receipt of the Representation shall be produced before the Hon'ble Tribunal as and when directed.

21. That the contents of Paragraph 4.24 of the Reply need no comments.

22. That the contents of Paragraph 4.25 of the Reply are denied and the contents of Paragraph 4.25 of the Original Application are reiterated as correct. The Appeal to the General Manager was duly got received and the Original Receipt shall be produced before the Hon'ble Tribunal as and when directed. The Appeal was also sent through Registered Post.

23. That the contents of Paragraph 4.26 of the Reply are denied and the contents of Paragraph 4.26 of the Original Application are reiterated as correct. The Opposite Parties replied to the Applicant regarding his Representation through letter dated 15th April

K. P. Dabhi

A23

1989 (Annexure No. 24 to the Original Application).

24. That the contents of Paragraph 4.27 of the Reply need no comments.
25. That the contents of Paragraphs 4.28 & 4.29 of the Reply are denied and the contents of Paragraph 4.28 & 4.29 of the Original Application are reiterated as correct. It is stated that the Applicant is being adversely effected due to the redetermination of seniority and the Reversion Order.
26. That the contents of Paragraph 4.30 of the Reply need no comments.
27. That the contents of Paragraph 4.31 of the Reply are denied and the contents of Paragraph 4.31 of the Original Application are reiterated as correct. The Representation dated 25th October 1987 was duly got received and the Original Receipt shall be produced before the Hon'ble Tribunal as and when directed.
28. That in reply to the contents of Paragraph 5 of the Reply are denied and the contents of Paragraph 5 of the Original Application are reiterated as correct. The grounds are tenable in the eyes of Law.



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29. That in reply to the contents of Paragraph 6 of the Reply it is stated that the Representation of the Applicant was decided through letter dated 15th April 1989 (Annexure No. 24 to the Original Application), as such, the Applicant preferred this Original Application before the Hon'ble Tribunal thereafter.
30. That the contents of Paragraph 7 of the Reply need no comments.
31. That the contents of Paragraphs 8 & 9 of the Reply are denied and the contents of Paragraphs 8 & 9 of the Original Application are reiterated as correct. The Applicant is entitled for the relief and interim relief claimed in the para under reply.
32. That the contents of Paragraphs 10, 11 & 12 of the Reply need no comments. The Original Application is full of merits and deserves to be allowed with cost to the Applicant.

Place : Lucknow

Dated : 1/3/92



DEPONENT

ASB

V E R I F I C A T I O N

Verified that the contents of Pragraphs 1 to 32 of this Rejoinder are true and correct to the best of my personal knowledge and belief based on personal information and records. The lgal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the 01st day of March 1992 at Lucknow.


D E P O N E N T

ANNEXURE NO. R 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

....

Original Application No.238 (L) of 1989.

Kulwant Singh Applicant
Versus
Union of India & Others Opp. Parties

Para 312.

TRANSFER ON REQUEST -- The seniority of railway servants transferred at their own request from one railway to another should be allotted below that of the existing confirmed, temporary and officiating railway servants in the relevant grade in the promotion group in the new establishment irrespective of the date of confirmation or length of officiating or temporary service of the transferred railway servants.

Note:- (i) This applies also to cases of transfer on request from one cadre/division to another cadre/division on the same railway.

[Rly. Bd. No.E(NG) I-85 SR 6/14 of 21-1-1986].

(ii) The expression "relevant grade" applies to grade where there is an element of direct recruitment. Transfers on request from Railway employees working in such grades may



Contd...p/2

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be accepted in such grades. No such transfers should be allowed in the intermediates grades in which all the posts are filled entirely by promotion of staff from the lower grade(s) and there is no element of direct recruitment.

[No. E(NG) I-69 SR 6/15. dated 24-6-1969) ACS-14].



Regu

NORTHERN RAILWAY

Divl. Supdt's Office,

No. ~~220/1/1966~~

Div. Allahabad, 22/

13-9-73

Name: Sri Kulwant Singh / Hari Singh
Address: No 32 A Vegetable ground
Pamlaugh Lucknow

RE: TEMPORARY APPOINTMENTS

Nature of appointment: Tempy elect. Letter (RS)

Grade: Rs 110 - 180 (AS)

Rate of pay per mensem: Rs 110/-

- I am prepared to offer you post in grade and on rate of pay specified above plus usual D.A. subject to your passing the prescribed medical examination by an authorised Medical Officer of this Rly. and (for subordinate staff only) production of your original certificate and satisfactory proof in support of your age such as birth or Matriculation certificate etc.
- It must clearly understood that the appointment is terminable on 14 days notice on either sides, if the period of service rendered by you is less than 5 years and on completion of three years one month notice on either sides. You have no option to leave service by paying 14 days one months pay in lieu of notice to the administration. If you leave the service without giving requisite notice suitable action will be initiated against you. No such notice will be require on return to duty of the absentee in whose place you may be engaged in which case your service will automatically terminate from the date in former resumed duty. Also no such notice will be required if the termination of service is due to your mental or physical incapability or to your removal or dismissal for serious misconduct.
- ~~You will not be eligible for any pension or any benefits under the State Railway Pay or Gratuity Rules or to any absence allowance and those admissible to temporary employees under the rules in for from time to time during such temporary service.~~
- You will be held responsible for the charge and care of Govt. money goods and all other property that may be entrusted to you.

F.T.C.

[Signature]

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5. You will be required to take oath or allegiance to the Indian republic in the form prescribed below and fill in the declaration regarding marriage.

" I Rohant Singh do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established, that I will carry out the duties of my office loyally, honestly and with impartiality. so help me God".

Rohant Singh

SIGNATURE OF THE CANDIDATE.

NOTE:- Conscientious objectors to oath taking may strike out the word "Swear" from the above declaration.

6. You will conform to all rules and regulations applicable to your appointment.

7. You are liable to be transferred any where on Railways in the exigencies of services.

8. If you intend taking up the appointment on these conditions please signify your acceptance and call at this office by the 27-9-73 at the latest, failing which this offer will lapse and will not be renewed and your name will be removed from the panel.

9. Every individual appointed to the above posts shall if so required be liable for military service in the Railway Engineers Unit of Territorial Army for a period of seven years in the Territorial Army service and 8 years in the territorial Army reserve as for such periods as may be laid down in this behalf from time to time.

NOTE:- You are required to produce character certificate from two Gazetted Officers either Central or State pending receipt of character verification report from Civil Authorities.

Sharma

Personnel Officer, / A.C.
Signature and designation of the appointing authority

" I accept the offer of appointment on the terms detailed above".

Signature of the Candidate:

Rohant Singh

Rohant

No. TEM 2/TRD/Rectt

Divl. Supdt 's office,
N. Rly Allahabad D/-

APD

3-12-73

Shri

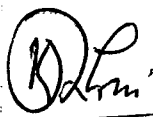
S/O Shri

Sub: Recruitment and Training of
Apprentice Elect.fitter (PSI), ~~Elect~~
~~(C)~~ Motor Mech., Linesman Gr.Rs.
110-180 (AS).

On your being declared fit in class BI you are appointed
as an apprentice elect.fitter (PSI), ~~Elect (C)~~ Motor Mech.
Gr.Rs. 110-180 (AS) on the following terms and conditions-

- 1) The period of apprenticeship will be of six months / three months.
- 2) During training you will be paid a stipend of Rs. 110/- p.m. plus dearness allowance as admissible under the rules.
- 3) You will not be eligible to contribute towards P. fund during the period of apprenticeship.
- 4) If you fail to maintain satisfactory progress or is found physically unfit for service or guilty of misconduct your apprenticeship will be terminated without prior notice.
- 5) No guarantee or promise of employment on completion of apprenticeship can be given.
- 6) Before joining the training you will be required to deposit a security of Rs. 25/- pledged in favour of the CAO, N. Rly Baroda House, Now Delhi which will be forfeited in case you leave the apprenticeship or your apprenticeship is terminated.
- 7) After successful completion of training and if vacancies exist you will be absorbed as Elect. Fitter (PSI), Elect. fitter (C), Motor Mech., Linesman Gr. Rs. 110-180 (AS) plus allowances as admissible under the rules.
- 8) You will be required to execute an agreement of apprenticeship on the prescribed form embracing the above conditions.
- 9) On successful completion of the training you will have to serve the Rly. administration for a minimum period of five years, if required by the Administration. In case you fail to serve the administration for a period of five years as stated above, or wish to withdraw from training for any reasons which are not beyond your control or try to withdraw by wilfully absentsing yourself or adopt any other unfair tactics. You will be liable to pay the balance of the

p.t.o.



of training as well as any other money paid to you during the period of training by way of stipend / pay -tc.

10) You will not be allowed to withdraw from training except any reasons which are beyond your control.

11) If you accept the appointment on these terms and conditions please report to the CTFC (Training School)
SFC

for your training commencing immediately.

12) After successful completion of the training you will be examined by the Administration, finally before you are posted against the regular post. A repeat course if considered necessary by the Administration shall be given to you according to the rules.

13) On appointment you are liable for military service in the Railway Engineering units of the Territorial Army for a period of seven years in the Territorial Army reserve or for such period may be laid down in this behalf from time to time.

Divisional Personnel Officer
N. Rly Allahabad. *smk/psd*
18/10/73

Copy to the CTFC (Training School) SFC
for information. The candidate has passed medical examination in B-1 vide medical certificate No. 19 dated 22/24-9-73 issued by D.M.O. Allahabad. The date on which he is to join for training may please be intimated to this office.

Training Program
Done
SFC

I accept the above conditions.

18/10/73

Dalm

Locomotive Works
Charbagh Lucknow.

No. L/105E/DSL

Dt. 18.3.1978.

ALL CONCERNED
N.Rly. GB, Lucknow.

SUB:- Transfer of diesel trained staff from various shops
to Diesel Shop Charbagh.

The following diesel trained staff of electrical trade who were temporarily posted as fitters in various shops vide this office letter of even no. Dt. 26.11.1977, 2.12.77, 23.12.77 and 10.3.1978 are transferred with immediate effect to Diesel Shop Charbagh against newly sanctioned post of Skilled fitters in-grade No. 260-400 vide Dy.CME Charbagh's letter no. 818/DSL/3/Locos Dt. 14.3.1978

S/Sri :-	Present T.No.	Revised T.No.
1. Anuj Kumar	SM-18	DSL-286
2. Aja! Kumar	SM-20	" 287
3. Manchar Lal Dogra	SM-27	" 288
4. A.K. Bajpai	SM-28	" 289
5. Karuna Shanker	SM-31	" 290
6. Rais Ahmad	MTR-98	" 300
7. Ashok Kumar	MTR-109	" 295
8. Krishna Kumar Singh	ELB-74	" 278
9. K.K. Misra	ELB-78	" 277
10. B.P. Pandey	ELB-79	" 261
11. Narendra Singh	ELB-80	" 260
12. Ram Swaroop	ELB-81	" 259
13. Narendra Singh Katiyar	ELB-82	" 257
14. Ram Chander	ES-313	" 255
15. Triloki Singh	ES-4	" 254
16. Swendra Kumar Pal	ES-21	" 246
17. Arvind Banerjee	ES-32	" 215
18. Ramesh Chander	ES-35	" 292
19. Rama Kant	ES-43	" 293
20. Prakash Chander	ES-319	" 294
21. Budhi Prasad	ES-318	" 295
22. O.P. Sahu	ES-522	" 296
23. Sohan Lal	ES-528	" 297
24. Abhitsham Ali	BS-58	" 298
25. Krishna Shironani	BS-60	" 299

These men should be spared immediately and the D.O. will be provided vide them in due course of time.

This has the approval of Dy.CME (W). Charbagh Lucknow.

For Dy.Ch.Mechl. Engr. (W)
Charbagh Lucknow.

(Signature)

889/18-3-78

(RAB)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

....

Original Application No. 238(L) of 1989.

Kulwant Singh Applicant
Versus
Union of India & Other Opp. Parties

Para 302.

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

(Signature)

they should be put in alternate positions, the promotees being senior to the direct recruits, maintaining inter-se-seniority of each group.

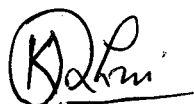
Note - In case the training period of a direct recruit is curtailed in the exigencies of service, the date of joining the working post in case of such a direct recruit shall be the date he would have normally come to a working post after completion of the prescribed period of training.

(No.E (NG) I-78-SR-6-42 dt. 7.4.1982 ACS.132)

Para 303.

The seniority of candidates recruited through the Railway Recruitment Board or by any other recruiting authority should be determined as under :-

- (a) **Candidates who are sent for initial training to training schools will rank in seniority in the relevant grade in the order of merit obtained at the examination held at the end of the training period before being posted against working posts. Those who join the subsequent courses for any reason whatsoever and those who pass the examination in subsequent chances, will rank junior to those**



AA5

who had passed the examination in earlier course.

(b) In the case of candidate who do not have to undergo any training in training school. the seniority should be determined on the basis of the merit order assigned by the Railway Recruitment Board or other recruiting authority.

Para 324.

Staff Directly Recruited in the Diesel Locomotive Works.

Trainees and Apprentices who were undergoing their training/apprenticeship on the date of formation of the Diesel Locomotive Works shall be deemed to have been taken as such and shall be assigned seniority on completion of their training and absorption in a working post based on the merit list drawn at the time of completion of the training/apprenticeship.

Persons other than Trainees and Apprentices who have been directly recruited in the Diesel Locomotive Works from a panel of an earlier date shall be senior to those recruited from a panel of a later date, and in the case of recruitment from the same panel, seniority shall be determined on the basis of the position of the persons in the panel arranged in order of merit. In the case of Trainees and Apprentices, seniority shall be determined on the basis of the merit list drawn up at the time of completion of the training.



ANNEXTURE No. R 4

APG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

....

Original Application No.238(L) of 1989.


Kulwant Singh	Applicant
	Versus	
Union of India & Others	Opp. Parties

Para 321.

PERMISSION TO RAILWAY SERVANTS TO PERSUE SENIORITY
LIST :-

(a) Railway servants may be permitted to see the seniority lists, in which their names are placed, or if this cannot conveniently be arranged, they may be informed, on request, of their place on the seniority list.

(b) Staff concerned may be allowed to represent about the assignment of their seniority position within a period of one year after the publishing of the seniority list. No cases for revision in seniority lists should be entertained beyond this period.



व अदाकत श्री मात ~~केन्द्रीय प्रशासनिक कार्यकरण~~ ~~रखण्डपीठ लखनऊ~~ महोदय
 [वादी] अपीलान्ट श्री ~~भारतसंघ व उप मुख्य प्राणिक~~ ~~भारतसंघ~~ ~~वर्षागत काम~~
 प्रतिवादी [रेस्पान्डेन्ट] ~~कोको~~ ~~भारतसंघ~~ ~~वर्षागत काम~~
 कुम्भवनत लि. बलाम वादी [अपीलान्ट]
 भारतसंघ व समय प्रतिवादी [रेस्पान्डेन्ट]

सं० मुकदमा नं० 238 सह 1989(L) पेशी की ती 07/12 1989 ई०

ऊपर मुकदमा में अपनी ओर से श्री सजुन भागवत रम शायिकता लखनऊ

एगडवोकेट/वकील महोदय को अपना वकील नियुक्त करके [इकरार] करता हूँ और
 लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
 पेशी व जवाब दे ही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटाये
 या हमारी ओर से डिग्री जारी करावे आर रुपया सबूत करे या सुलहनामा
 या इकबाल दावा तथा अपील व लिगरानी हाजिरी आर हमारे या अपने हस्ताक्षर
 से दाखिल करे आर तसदीक करे या मुकदमा उठावे या कोई रुपया जमा करे या हमारी
 विपक्षी उपरीकसाली का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त
 [दस्तकती] रसीद से लेवे का पंच नियुक्त करे
 वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है आर होगी
 इसलिए यह वकालत नाम लिख दिया कि प्रमाण रहे आर समय पर काम आवे ।

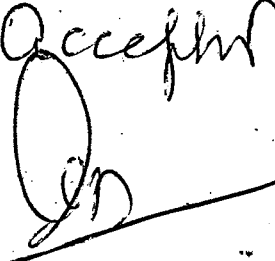
F-T
 2
 20/11/89

हस्ताक्षर... Dy. C M E (W)
N. Ry. Loco. CB. Lko.

साथी [गवाह]
 दिनांक-.....महीना.....सन् 19...ई०

नाम अदालत
सं० मुकदमा
नाम फरी कैस.....बलाम.....

मुकदमा/21488

Accepted


001
 25-4-89

व अदालत श्री नाम कैन्द्री प्रशासनिक दायीकरण खण्ड पीठ लखनऊ महोदय
 विवादी। अपीलान्ट श्री भारत संघ व मुख्य यंत्रिक अधिकारी, यणत नामा
 प्रतिवादी। रेस्पान्डेन्ट। लोको - चारबाग लखनऊ
कुलपन्त सिंह बनाम वादी। अपीलान्ट।
भारत लंघ भारी प्रतिवादी। रेस्पान्डेन्ट।
 सं० मुकदमा Regno-238 सन। 1989(6) पेशी की T/O 7/12/1989 ई०
 ऊपर मुकदमा में अपनी ओर से श्री अर्जुन भागवत, रेल दायीकरण, लखनऊ

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और
 सिद्धे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
 पेशी व जवाब दे ही व प्रश्नोत्तर करे या कोई कामज दाखिल करे या लौटाये
 या हमारी ओर से डिमरी जारी करावे आर रुपया सबूत करे या सुलहनामा
 या इकबाल दावा तथा अपील व लिबराली हाजिरी आर हमारे या अपने हस्ताक्षर
 से दाखिल करे आर तसदीक करे य मुकदमा उठावे या कोई रुपया जमा करे या हमारी
 विषयी पेशी कराती। क दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त
इस्तफती। रसीद ले लेवे का पंथ नियुक्त करे
 वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है आर हमारी
 इसलिए यह वकालत नाम लिख दिये कि प्रमाण रहे आर समय पर काम आवे ।

F T
 20/1/1990

हस्ताक्षर.....
 Chief Works Manager
 Loco Motive Work Shop
 N.Rly. Charbagh, Lucknow.

साक्षी। गवाह।
 दिनांक-..... महीना..... सन। 19... ई०

नाम अदालत.....
 सं० मुकदमा.....
 नाम फरी-कैल..... बनाम.....

1588-75-25

मुकदमा/2/488

Accepted
 [Signature]

In the Central Administrative Tribunal

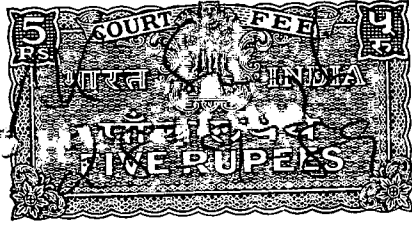
ब अदालत धीमात्

[वादी अपीलान्त]

प्रतिवादी [रेंस्पाडेन्ट]

Circuit Bench Lucknow महोदय

वकालतनामा



वादी (अपीलान्त)

बनाम

प्रतिवादी (रेंस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Abdul Mannan Adwal

Shri. Asit Kumar Chaturvedi वकील
महोदय
एडवोकेट

नाम मुकद्दमा में
नाम फरीकरी

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय एवम अथवा अन्य वकील द्वारा जो कुछ पंरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा फी गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होना मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पंरवी 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... [Signature] ...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक 28/9/89 ... महीना ... सन् १६ ई०

स्वीकृत

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE OA 238 OF 89

NAME OF THE PARTIES Kulwant Singh Applicant

Versus

..... Union of India Respondent

Part A.


Sl.No.	Description of documents	Page
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2	Order sheet	A 1 to 2
3	Judgement Date @ 31.7.92	A 3 to 5
4	Petition	A 6 to 10
5	Annexure	A 11 to 26
6	Power	A 27 to 53, A 59, A 64
7	Reply	A 58
8	Rejoinder	A 65 to 71
9		A 72 to 76
10		
11		
12		
13		
14		
15		
16		
17		
18		


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 ... 14/6/2011 ...

Counter Signed.....


Section Officer/In charge


Signature of the
Dealing Assistant

Central Administrative Tribunal
Lucknow Bench.

OA 238 of 89 (U)

Kulwant Singh ——— Applicant
versus
Union of India ——— Respondent

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Check List ———	A1 - A2
2.	Order Sheet ———	A3 - A5
3.	Judgment H. 317-92 ———	A6 - A10
4.	Petition ———	A11 - A26
5.	Annexures ———	A27 - A57, A59 - A64
6.	Power ———	A58
7.	Reply of Respondents ———	A65 - A71
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Part - B.

B1 — B77

Petition, Annexures, Reply, Rejoinder.

(A)

4/9/89

19.9.89

(H) before the Court

Dec 04.9.89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 238 of 1989

APPLICANT(S) Kulwant Singh
RESPONDENT(S) Union of India & Ors.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	Two sets filed
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	-
c) Has sufficient cause for not making the application in time, been filed ?	-
4. Was the document of authorisation/ vakalatnama been filed ?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents/relied upon by the applicant, and mentioned in the application, been filed ?	-
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paging done properly ?	Yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application ?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	NO



Endorsement as to result of examination

Particulars to be Examined

- 1. Application/duplicate copy/spare copies signed? Yes
- 2. Extra copies of the application with Annexures filed? -
- 3. Identical with the Original? Yes
- 4. Defective? NO
- 5. Wanting in Annexures? -
- 6. [unclear] [unclear]? -
- 13. Have the file size envelopes bearing full addresses of the respondents been filed? Yes
- 14. Are the given address the registered address? -
- 15. Do the names of the parties stated in one 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? -
- 17. Are the facts of the case mentioned in form no. 6 of the application? Yes
 - a) Verbose? 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

dinush

ORDER SHEET

REGISTRATION No. OA 238/89 (4)
of 198.

13

APPELLANT
APPLICANT

Kulwant Singh

VERSUS

Union of India & ors.

DEFENDANT
RESPONDENT

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

Serial
number
of order
and date

19-9-89

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

Shri W.H. Haider, Counsel for the applicant
is present. The application was argued at
some length. When it was pointed out
that the application is time barred, the
Counsel for the applicant desires
make an application for condonation of
delay. In an application he made is
desired. Put up this case as and when
an application for condonation of delay
is put forward.

J.M.

OR C.M. An. No. 259/
04(1) has filed by
the learned counsel
for the applicant
for condonation of
delay.

Submitted by
h
27/8

Noted for
20.9.89
20/9/89

(SND)

Hon. Justice K. Nath, VC
Hon. K. O'Bayal, J.A.

Some of the annexures are
not legible. The applicant's
learned counsel will file
legible copies of the same
& list for admission on 12/10/89.

OR The learned
counsel for the applicant
has not filed legible
copies submitted

J.M.
VC

Serial number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

ACU

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

20/12/89

Shri A.K. Chaturvedi counsel for the applicant is present.

Shri Arjun Bhargava Counsel for the respondent requests for time to file counter reply.

Let counter be filed within 3 weeks to which the applicant may file rejoinder, if any, within a week thereafter and list this case for hearing on admission on 31-1-90.

[Signature]
A.M.

[Signature]
V.C.

(sns)

CR
No reply filed
Submitted to
Admin on
20/1

31-1-90

Hon. Justice K. Nath, V.C.
Hon. Mr. K. S. Ramu AM

See original order on main petition

Admi: bit for final disposal on 29.2.90

AM

29.3.90

No. Setting Adj to 19.9.90.

19.9.90

No Setting Adj to 24.9.90

24.9.90

No Setting Adj to 14.12.90

CR
No reply filed
S.P. 3 refer
DR(1)

Dinesh

14.12.90

Put up this case for Admission on 10.1.91 before the Hon. Bench

1.3.92

Honbl. Mr. Justice B.C. Sivaraman
Honbl. Mr. A.B. Balu AM

Now is present. either at
Mr. Justice Case is adjourned to 20.5.92

f
AM

✓
✓

072
No CA filed RA
filed 5/15/92

20.5.92

Honbl. Mr. Justice B.C. Sivaraman
Honbl. Mr. K. obayya AM

In A.C. Chatterjee learned
Counsel for appl. and M.
Bryon Bhargava for respondent.

Arguments heard. Judgment

reserved

✓

f
AM

✓
✓

31.7.92

Honbl. Mr. K. obayya AM

Judgment pronounced
today in the open Court

✓

f
AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

O.A. NO. 236 (L)
T.A. NO.

1989

DATE OF DECISION July, 1972

Kulwant Singh

PETITIONER

Advocate for the Petitioner(s)

Versus

Union of India & others.

RESPONDENT

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. K. Chayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether to be circutated to all other Benches?

GHAUSHYAM

[Handwritten Signature]
31/7/92

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Original Application No. 238 of 1989. (L)
Kulwant Singh Applicant.

Versus

Union of India & others Respondents.

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

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

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

The applicant, who is an employee of the Northern Railway, working as Grade II Fitter in the Loco Workshop, Charbagh, Lucknow, has filed this application seeking inclusion of his name in the seniority list of Grade I Fitters notified on 18.9.87 (Annexure-13) by assigning proper seniority and for setting aside his reversion from Grade I Fitter to Grade II Fitter vide order dated 1.7.87 (Annexure-12). There is also a prayer for payment of differential amount of salary and other allowances.

2. The applicant, who was working as skilled Fitter in Electrical Loco-Shed Kanpur, since 1974 sought transfer to Lucknow Diesel Workshop, agreeing for bottom seniority in his grade. His request was considered and accordingly vide order 17.5.77, he was transferred to Lucknow Workshop, in which Unit he was subsequently absorbed. Thereafter, he was promoted to the post of Grade II Fitter in 1978 and Grade I Fitter in 1984. These promotions were given to him, after prescribed trade tests, in which he was declared successful. It would appear that he went on deputation to Kapurthala Rail Coach Factory in 1986, and was repatriated to parent unit in 1987 and vide order dated 1.7.87 (Annexure-12)

B

AP7

he was given posting as Grade II Fitter and the applicant joined his duty on 2.7.87.

3. The grievance of the applicant is that from time to time, seniority lists of Electrical Fitters of Loco-shed were notified, in 1978 list he was shown at S.No.38, while he should have been placed above S.No.17, as the candidates no.17 to 37 were junior to him. On 22.1.79 the steam side staff was bifurcated and his name figured at Sl.No.5 in the seniority list and this was followed by another list on 23.1.79 which included direct recruits and promotees. There were representations against these lists, The applicant also represented seeking proper fixation of his seniority; The matter was agitated in the High Court of Allahabad in W.P.No.383/79. The writ petition, however, was dismissed. Thereupon the administration notified the seniority list of Grade I Fitter on 18.9.87. This list does not contain the name of the applicant. It is alleged by the applicant that candidates at Nos. 62 to 64 are promotees from Class IV and they are junior to him, as such he should have been included in the list and placed above S.No.62.

4. The respondents have contested the case and in the counter filed on their behalf, it is pointed out that the applicant, being a request transferee, was placed at bottom seniority in the same grade; that in the seniority lists, published earlier in 1978, 1979 there were some anomalies, certain candidates, already working in the Locoshed, before the applicant came on transfer, were not given the benefit of length of service, on

B

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representations the matter was considered and the administrative errors were corrected. Regarding the claim of seniority over candidates 17 to 37 in 1978 list, the candidates were direct recruits while candidates at S.No.62 to 64 in 1987 list were promotees from Class IV and they were already working in the Locoshed in the skilled grade, before the applicant joined which was on 17.5.77, hence according to the respondents, the seniority claim was not tenable. Promotion to Grade I Fitter is on the basis of seniority as the applicant was only Grade II Fitter, his name did not figure in the list of Grade I Fitters notified on 18.9.87.

5. We have heard the Counsels of the parties. Admittedly the applicant came to Diesel Workshop on his own request accepting bottom seniority. In the seniority list notified on 17.1.78, it is stated, those who were shown at Sr. No. 17 to 37 were juniors to the applicant, but it was contended by the respondents that they were Direct recruits whereas the applicant came to the workshop after they have joined their duties and as such he is not entitled to be placed above those candidates. Similarly in regard to the candidates at Sr. No. 62 to 64 in the seniority list of 1984, it is stated by the respondents that these employees were promotees and they were appointed to the skilled post on 5.5.77 while the applicant joined the workshop on 17.7.1977.

6. Both the counsels referred to the provisions of Indian Railway Establish Manual

B

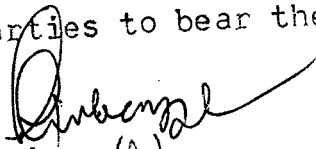
(I.R.E.M.) in support of their case. We have carefully gone through relevant paras. Para 312 speak of seniority of a request transferee from one division/Cadre to another division/Cadre; In these cases the employee is placed at bottom seniority below that of existing, confirmed, temporary or officiating employees in the relevant Grade; this has no relevance to the length of service of the employee in his earlier division/ Cadre. The case of the applicant is covered under this para. This issue is not in dispute. According to para 302, the seniority at direct recruits is arranged in order of merit position obtained at the end of the training in the examination. This is about the inter-se-seniority of direct recruits. In the case of trainees and apprentices their seniority will be reckoned from the dates of their absorption in working posts after training. We notice that these paras lay down criteria for determining seniority under different situations and that paras 303 (a) of I.R.E.M. is not attracted in cases of promotions and direct recruits who do not come under the category of apprentices. In other words, the claims of seniority of the applicant, over Sl. Nos. 17 to 37 of 1978 list who were direct recruits and who are not same as trainees and apprentices, and the promotions, Sl. No. 62 to 64 of 1977 list, who were already working in the posts prior to the induction of the applicant to the Loco Workshop at Lucknow which was on 15/7/79, are not supported by correct factual position or provisions of rules. The letter dated 9/2/79 (Annexure 7) clearly points out that the case of the applicant was considered, in all aspects before the decision of the administration was conveyed, the relevant paras runs as follows :-

"Sri Kulwant Singh belong to the group of seniority who had been inducted in diesel organisation from other sources and as such he has been assigned bottom seniority list. Sri Kulwant Singh can

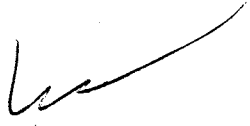
(A10)

not, therefore be grouped in the seniority list of those who were recruited directly for diesel organisation."

7. Having considered the facts and circumstances of the case, the applicant who came to the Loco Work Shop at request, accepting bottom seniority in his grade was only entitled to be placed below all the others who were already appointed to that grade and anomalies if any in determining seniority were set right by the administrative by proper application of relevant rules. We do not see that the impugned seniority list dated 18.9.87 calls for any interference and accordingly the application is dismissed as without merit. Parties to bear their costs.


Member (A)

Dated 31/8 July, 1992


Vice-Chairman

In the Hon'ble Central Administrative
Tribunal Circuit Bench Lucknow

M.P.N. 313 of 1991(L)

In Re:

O.A.No. 238 of 1989(L)

(A8)

Filed for
~~25-7-91~~
25-7-91

Kulwant Singh

Applicant

Versus

Union of India & others ..

Respondents

Application for Exparte Hearing
of the original application
====

The applicant most respectfully submits as under:-

1. That the above original application was admitted in the year 1989. But the Opposite Parties till date has not filed any Counter Affidavit due to which the applicant is suffering irreparable loss as the applicant is working on the reverted post of Highly Skilled Grade II (Electrical Fitter). The hearing of the application is being delayed due to opposite parties.

Filed today
27/5/91

Therefore it is most respectfully prayed that for the reasons stated above this Hon'ble Tribunal may be pleased to decide the original application exparte at the earliest in the interest of justice.

Dated, Lucknow:

20/5/1991

27

Kulwant Singh

Applicant

Abil Kumar Chaturvedi
Counsel for the Applicant

19/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Warrant before Tribunal
19.9.89
See 04.9.89

O.A. No. 238/89(L)

Balwant Sing, aged about 40 years son of Harbans Singh r/o
H.No.C-1799 (Mini LIG) Rajaji Puram, Lucknow, employed as Electric
Fitter (Diesel) Grade II (T.No.DSL/650)Loco W/S N.Rly.,
Charbagh, Lucknow ... Applicant
versus
The Union of India and ... Defendants.
Others.

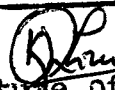
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19/89

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Lucknow:
Dated : 4/9/89

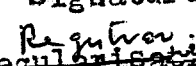

Signature of Applicant

FOR USE IN THE TRIBUNAL

Date of filing :

Regularisation:

Regularisation No

Signature

for Regularisation.

(11)

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 238 of 1989 (L)

Kulwant Singh, son of Sri Harbans Singh, aged about 40 years, resident of House No.C-1799 (Mini LIG) Rajaji Puram, Lucknow (226 017)
Diesal Electric Fitter Grade II (T.NO.DSL-650)
Loco Work Shop, N.Rly., Char Bagh, Lucknow.

...APPLICANT

Versus

1. The Union of India through The General Manager,
Northern Railway, Baroda House, New Delhi.
...RESPONDANT No.1
2. The Chief Work Shop Manager, N.Rly, Char Bagh,
Lucknow
...RESPONDANT No.2
3. The Deputy Chief Work Shop Manager, N.Rly.
Char Bagh, Lucknow
...RESPONDANT No.3

DETAILS OF APPLICATION:

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

Staff order No.129 dated 19-2-87 passed
Additional Chief Mechanical Engineer (now
designated as Chief Work Shop Manager) Loco
Work Shop, N.Rly., Char Bagh, Lucknow, in
reference to Annexure No.11.

4/9/89
R. Sharma

AP

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 this Tribunal.

3. LIMITATION

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

4. FACTS OF THE CASE

1. That the applicant came on transfer from Kanpur accepting bottom seniority and joined Diesel P.O. Shop on 12-5-1977, and he was absorbed there against frozen vacancies of Steam Side Staff, as per Dy.C.M.E (W) Rly. Char Bagh, Lucknow by letter No. L/31E/DSL/POH/76 dated 16-5-77. A photostat copy of the order is Annexed herewith forming part of this application as ANNEXURE No.1.

2. That the Dy.C.M.E (W) Loco Shed, Char Bagh, N.Rly Lucknow, issued a Provisional Seniority List of Diesel Electrical Fitter in the pay scale of Rs.260-400 on 30-8-1978. A Photostat copy of the list is annexed herewith forming part of this application as ANNEXURE No.2.

3. That the applicant challenged the validity of the above mentioned Seniority List, as his name was placed at Serial No.38 instead of at S.No.17, on the grounds that the

4/9/89
D. K. Singh

(A/3)

incumbants from Sl.No.17 to 37 were junior to him, ^{and one} ~~who were~~ made senior to him in the said Seniority List. A Photostat copy of the application addressed to the Respondant No.2 is annexed herewith forming a part of the application as ANNEXURE NO.3.

4. That the Dy.C.M.E (W) N.Rly.Char Bagh, Lucknow bifurcated the Provisional Seniority List as mentioned in para 3 above. After bifurcation another Seniority List containing the names of the Steam Side Staff was issued on 19-1-1979 in which the name of the applicant was placed at Sl.No.5 at the bottom. A photostat copy of the Seniority List is annexed herewith forming a part of this application as ANNEXURE NO.4.
5. That another Seniority List dated 23-1-1979 was issued containing the names of Skilled Electrical Fitters, Diesel Shop, who have been directly appointed in the Diesel Organisation and also of those Class IV Artisans Staff promoted in the scale of Rs.260-400. A photostat copy of the Seniority List is annexed herewith forming part of this petition as ANNEXURE No.5.
6. That Brij Nandan and four others who have been directly recruited in the Diesel Organisation made a representation to the Respondant No.3 against the first Seniority List issued on 19-1-1979, in which the name of the applicant finds place at Sl.No.5 on the basis of which a Trade Test was to be held for promotion as highly skilled Grade II Fitters. A photostat

P. Nandi
4/11/89

AW

copy of which is annexed herewith forming a part of this petition as ANNEXURE No.6.

7, That the Respondant No.3 vide his order dated 2-9-1979 rejected their application on the grounds that belong^{the applicat} to the group of seniority of staff who have^{been} inducted in Diesel Organisation from other sources. A photostat copy of the Dy.C.M.E (W) letter No.4/6-E/DSL/Artisan dated 9-2-1979 is annexed herewith forming a part of this petition as ANNEXURE No.7.

8. That being aggrieved with the decision of the Respondant No.3 Sri Brij Nandan and 4 others (i) Karuna Shanker Pandey (ii) B.S Bhadauria (iii) Rama Kant and (iv) S.P.Srivastava filed a Writ Petition No.383 of 1979 in the Hon'ble High Court, Lucknow Bench, challenging the validity of the bifurcated Seniority List dated 19-1-1979 and 23-1-1979 on the basis of which the candidates were called to appear in the Trade Test of H.S.Fitter Gr.II in the ratio of 3:2 respectively from the two Seniority Lists as referred to above.

There was also a request in the Writ Petition to stay the Trade Test, and the Hon'ble High Court admitting the Writ Petition stayed the operation of the Trade Test.

4/4/89
K. Mani

9. That Sri Abdul Mannan, learned counsel for the applicant did not press the continuance of the Stay order and consequently the Stay order was vacated on 30-4-1979 by the Hon'ble High Court.

A23

The applicant further declares that he had nor previously filed any application, Writ Petition or any suit regarding the matter in respect of which the application has been made, before any court or any other authority or any other Bench or the Tribunal, nor any such application, writ petition or suit is pending before any one of them.

8. RELIEFS SOUGHT:

1. That a direction be issued declaring that the reversion of the applicant from H.S Fitter Grade I to H.S Fitter Grade II is illegal, void and un-enforceable in law and the applicant continues to be working as H.S Fitter Grade I with all emoluments, salaries, ~~emoluments~~ allowances and benefits attached thereto.
2. That by an order or direction the Respondants be directed to place the name of the applicant at the proper place in the Seniority List published by them on 18-9-1987.
3. That the Respondants be ordered to pay the difference of pay and allowances of the H.S Fitter Grade I and the H.S Fitter Gr.II to the applicant w.e.f 2-7-1987.
4. That any other relief which this Hon'ble court deems just and fit.

4/9/89
R.P.

A24

9. INTERIM ORDER, IF ANY, PRAYED FOR:

By order or direction the Respondants be directed to change the pay scale of the applicant in his present capacity of Grade II Fitter as per the proforma fixation of pay Circulated vide Staff Order No.610 dated 21-10-1988 in reference to the Annexure No.15 filed with this petition.

10. MODE OF FILING THE PETITION:

The application is being presented personally in the Office of the Central Administrative Tribunal, Circuit Bench, Lucknow.

11. PARTICULARS OF THE POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE:

- 1. No.of Postal order : DD₆ 825022
- 2. Valuation of Postal Order: Rs.50.00

12. LIST OF ENCLOSURE:

ANNEXURE No.1

1. Letter No.L-31/DSL/POH/76 Dt.16-5-77 re: Posting order of Kulwant Singh.

2. ANNEXURE No.2 Seniority List Dt.30-8-78.

3. ANNEXURE No.3 Representation Dt.11-9-78 reg: Seniority.- by Kulwant Singh.

4. ANNEXURE No.4 Seniority List of S.K.Fitters Dt.19-1-79 (Steam Staff) .

4/9/89
Kulwant Singh

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5. ANNEXURE No.5 Seniority List Dt. 23-1-79 reg: S.K.Fitters appointed directly.
6. ANNEXURE No.6: Representation by Brij Nandan and others dated 1-2-79.
7. ANNEXURE NO.7: Representation cancelled by Dy.C.M.E dated 2-2-1979.
8. ANNEXURE No.8.: Result of Trade Test of Fitters Grade II dated 1-5-1979.
9. ANNEXURE No.9 : Promotion Order as Fitter Gr.II w.e.f 25-10-78 to 1-10-85.
10. ANNEXURE No.10 : Trade Test result of Fitter Gr.I. dated 9-1-85.
11. ANNEXURE No.11 : Staff Order No.129 Reg: Revision and Fixation of Pay dated 19-2-87.
12. ANNEXURE No.12 : Joining letter dt. 1-7-87 of Kulwant Singh.
13. ANNEXURE No.13 : Seniority List of Fitter Gr.I dated 18-9-1987.
14. ANNEXURE No.14 : Training Course of Class IV for six months directly recruits dt. 4-5-77.
15. ANNEXURE No.15 : Staff Order No.610 Dt.21-10-88 reg: Re-Fixation of Pay.
16. ANNEXURE NO.16 : Staff Order No.191 reg: withdrawal of previous fixation dt. 23-4-89.
17. ANNEXURE No.17 : Representation dt.16-7-87 to C.W.M, Loco W/S Char Bagh, Lucknow.
18. ANNEXURE No.18 : Representation to A.C.M.E reg: reconsideration of Reversion order dt. 26-8-87.
19. ANNEXURE No.19 : Representation to G.M.E(P) N.R.Ly Baroda House, New Delhi dt. 20-10-87.

4/9/89


A26

- 20. ANNEXURE No.20 : Appeal to C.W.M/Loco/C.B/LKO dated 24-3-1988 reg: representation of seniority.
- 21. ANNEXURE No.21 : Refixation of Pay vide S.O No. 191 dated 22-4-1989.
- 22. ANNEXURE No. 22 : Judgement Dt.25-8-88 reg: C.A.T Writ No.429 of 1987 (T)
- 23. ANNEXURE No.23 : Representation Dt. 4-4-89 reg: assigning of seniority in Gr.I.
- 24. ANNEXURE No.24: Letter No.L/120E/CAT/87 dt. 15/17-4-89 reg; Seniority in Gr.I

VERIFICATION:

I, Kulwant Singh, aged about 40 years s/o Sri Harbans Singh, working as Diesel Electrical Fitter Grade II in the Office of the Chief Work Shop Manager, Loco Shop, N.Rly., Charbagh, Lucknow, resident of H.No.C-1799 (Mini LIG) Rajaji Puram, Lucknow-226017 do hereby verify that the contents of paras 1 to 4, 6, 7 and 10 to 12 are true to my personal knowledge and paras 5, 8 to 9 are believed by me to be true on the basis of legal advice and that I have not suppressed any material fact.

Dated : 4 -9-89

Place: Lucknow.

Signature of Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

^{KD}
Balwant Singh, aged about 40 years son of s/o Harbans Singh
r/o H.No. C-1799 (MINI LIG) Rajaji Puram, Lucknow (226 017)
Employed as Diesel Electric Fitter Grade II (T.NO.DSL-650)
Loco W/S N.Rly., Charbagh, Lucknow... Applicant

versus

The Union of India and others... Respondants.

I N D E X

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R. Prasad
4/9/89

S.No.	PARTICULARS	Page No.
17.	Annexure No.16 (Staff Order No.191 dt. 23-4-89 reg:Withdrawal of previous fixation)	19
18.	Annexure No.17 (Representation dt.16-7-87 to C.W.M Loco W/S Charbagh, Lucknow.)	20-21
19.	Annexure No.18 (Representation to A.C.M.E dt.26-8-87 reg: reversion order)	22-23
20.	Annexure No.19 (Representation to G.M.E(P) N. Rly., Baroda House, New Delhi dt.20-10-87)	24-25
21.	Annexure No.20 (Appeal to C.W.M dt.24-4-88 reg: Representation of seniority)	26
22.	Annexure No.21 (Refixation of Pay vide S.N.O No.191 dt.22-4-89)	27
23.	Annexure No.22 (Judgement dt.25-8-88 reg: C.A .T Writ No.429/87 (T)	28
24.	Annexure No.23 (Representation dt.4-4-89 reg: assigning of seniority in Gr.I)	29-30
25.	Annexure No.24 (Letter No.L/120E/CAT/87 dt.15/17-4-89 reg: Seniority in Gr.I)	31
26.	P O W E R	32

Lucknow:

Dated : 4/9/89


Signature of Applicant.

Annex

L-31E/DSL/POH/76

Dt. 16.

From. Dy. CME (W)
N. Rly. Charbagh, Lko.

To,
The Chi.
N. Rly., Lucknow.

Sub:- Posting of Shri Kulwant Singh S/o Shri Harbans Singh
DSL Electric fitter in Grade- 260-400 (RS)

Shri Kulwant Singh S/o Shri Harbans Singh Diesel
Electric fitter of PSI Kanpur Pay 270/- P.M. in grade Rs. 260/
(RS) who has reported for posting here on 12/5/77 in diesel P
POH Shop, is posted in the same pay, Scale in diesel shop
from 17/5/77 F.N. against Steam Side frozen vacancies
in bottom Seniority as per extent rules.

He is allotted T.No. DSL 234 and the period from
12/5/77 to 16/5/77 is treated as waiting for orders

Forward orders will follow

for Dy. CME (W)
N. Charbagh, Lucknow.

Copy to Hc/ Pay bill one Sttd(W) CB LKO for
information n/a please.

Sd/-

for Dy. CME (W)
N. Rly., Charbagh, LKO.

ATTESTED

W. H. Haidari
W. H. HAIDARI
Advocate High Court

W. H. Haidari

A29

Annexure H23

सेवा में,

श्री मानू उपमुख्य यांत्रिक अभियंता लोकोशाप
चारबाग, लखनऊ ।

विषय: सिनिथारिटी के लिये आपत्ति

सविनय निवेदन यह है कि 30.8.78 को डिप्लेयर की गई प्रोविजनल सिनिथारिटी लिस्ट में मेरी सिनिथारिटी उचित स्थान पर फिक्स नहीं की गई है अतः मैं आपका ध्यान निम्न परिस्थितियों की ओर आकृष्ट करना चाहता हूँ ।

1. मे डोजल पी.ओ.एच शाप लखनऊ ए.एल.डी. डिपोजन में आन रिक्विस्ट 12.5.77 को आया था ।
2. प्रोविजनल लिस्ट के अनुसार सि.न. 17 और 37 तक के सभी लड़के उस समय डोजल ट्रेनिंग थे जिनमें अधिकांश क्लीनर से डापरेक्टर डोजल ट्रेनिंग बनाये गये तथा कुछ डापरेक्टर डोजल ट्रेनिंग बनाये गये ।

अतः क्रमांक 17-से 37 तक का कोई भी लड़का उस समय डोजल इलेक्ट्रिक फिटर नहीं था और न ही इन्होंने एक दिन भी डोजल इलेक्ट्रिक फिटर की हैसियत से काम किया ।

अतः आपसे विनम्र निवेदन है कि मेरी लेन्थ आज सर्जिस तथा रिक्लड डोजल इलेक्ट्रिक फिटर की हैसियत से इस वर्ग में काम करने की अपील को ध्यान में रखते हुये मेरी सिनिथारिटी उचित स्थान पर फिक्स की जाय आपकी महान कृपा होगी ।

धन्यवाद,

आपका भविनिष्ठ

{ सुखदेव सिंह } 11.9.78
डा. एस. एल. 234

ATTESTED
W. H. HAIDARI
Advocate High Court

Kathri

Seniority list of Skilled Electric Fitters (Steen Staff) of DISSEL/SHOP as on 19.1.1979.

Agg

Sl. No.	Name	Ticket No.	Date of Birth	Date of Appointment
1.	Pramod Kumar Parasar.	DSL-228	4.11.41	5.10.69
2.	M.P. Sinha	DSL-265	6.7.46	3.8.70
3.	Dulj Chand	DSL-213	10.4.39	4.11.61
4.	N.N. Joshi	DSL-266	6.4.41	22.2.74
5.	Kulwant Singh	DSL-234	18.8.49	23.4.74

Sd/-

For Deputy Chief Mechanical Eng. (Works) NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

Dt. 19.1.79.

ATTESTED
W. H. HANNOY
Advoca H

Signature

ANNEXURE NO. 5

A31

SENIORITY LIST OF SKILLED ELECTRICAL FITTERS OF DIESEL SHOP WHO HAVE BEEN DIRECTLY APPOINTED IN DIESEL ORGANISATION FROM AT OR 23.1.1979.

Sl. No.	Name and Ticket Number	DSL-	Date of Birth	Date of appointment in skilled	Department
1.	2.	3.	4.	5.	6.
	Surveeri.				
1.	Mehdi Nath Gupta.	226	10.2.42	17.11.71	Transfer from diesel shop on administrative ground
2.	B. N. Privastava.	221	8.2.47	22.12.75	
3.	Avdesh Kumar.	207	25.7.52	15.5.76	
4.	Prig Nandan.	204	10.3.52	11.5.76	
5.	Haquikat Ali.	206	17.11.53	14.5.76	
6.	S. P. Privastava.	205	10.12.52	11.5.76	
7.	S. L. Gupta.	268	3.7.52	18.5.76	
8.	Pran Nath.	201	2.10.52	8.5.76	
9.	Mond. Ayub Siddiqi,	202	9.7.52	10.5.76	
10.	Punjab. (S/O)	203	22.1.48	10.5.76	
11.	Harish Chand (S/O)	208	7.9.48	17.5.76	
12.	H. A. Khan.	267	21.1.49	18.3.76	
13.	Ahtisham Ali.	298	16.8.44	6.5.77	
14.	Narender Singh.	260	16.7.52	6.5.77	
15.	Surendra Kumar Dal.	246	6.10.52	6.5.77	
16.	Ram Chander.	255	15.8.52	6.5.77	
17.	Ramesh Chandra.	292	1.1.52	6.5.77	
18.	Arvind Prank.	215	3.9.53	6.5.77	
19.	Triloki Sharma.	254	5.4.50	6.5.77	
20.	Narender Singh Matiyar,	257	20.11.53	6.5.77	
21.	K. A. Khan.	277	10.8.52	6.5.77	
22.	B. P. Pandey.	261	18.3.53	6.5.77	
23.	Rama Kant.	295	22.8.53	6.5.77	
24.	Prakash Chandra Pandey,	294	3.9.53	6.5.77	
25.	Ram Swarup.	259	10.2.54	6.5.77	
26.	Budhi Prakash (S.O.)	295	10.8.52	6.5.77	
27.	Shohan Lal (S.O.)	297	20.7.47	6.5.77	
28.	K. S. Pandey.	290	24.11.51	6.5.77	
29.	O. P. Saha.	296	1.4.52	6.5.77	

ATTESTED

W. H. H. H.
Advocate High Court.

A32

1 ^o	2 ^o	3 ^o	4 ^o	5 ^o
30.	Rais Ahmad. 300	1.7.52.	6.5.1977.	
31.	K. K. Singh. 270	25.8.52	6.5.1977.	
32.	Ashok Kumar Bajpai. 289	8.7.52.	6.5.1977.	
33.	Ajai Kumar. 287	15.9.52.	6.5.1977.	
34.	Hansraj Lal Dogra. 238	30.10.53.	6.5.1977.	
35.	Anuj Kumar. 286	2.7.57.	6.5.1977.	
36.	Imbarak Ali. 259	13.3.52.	28.7.78.	
37.	Dev Raj Bora. 270.	15.10.53.	28.7.78.	
38.	Ram Phal. 272	15.1.53.	28.7.78.	
39.	Balbir Singh Shandoriya. 230	2.1.54.	28.7.78.	
40.	Krishna Kumar Panney. 220	7.6.55.	28.7.78.	
41.	Prem Kumar Srivastava. 223	15.8.55.	28.7.78.	
42.	Gulshan Chand Harsi, 219	16.10.58.	28.7.78.	
43.	Majumdar Kumar Srivastava. 211	23.5.57.	28.7.78.	

For Deputy Chief Mechanical Engineer (Works) 28/12/80.
A. Ali, Mocoamp, Sharnbagh, Lucknow.

28/- 11/11/80.
23.1.77.

Advocate High Court
W. H. HAIDARI

ATTESTED

(Signature)

933

दोहर नं० 6

हैजा में,

जाना. उप मुख्य न्यायाधीश,
होने काफ़ी करवाए,
किसी

वि.नं.:- क्रेड-11 फ़िटर के पंफ़ोनसि के परता के बन्दध में ।

सोच,

विदेक उड हैजा प्रार्थना का के न के द्वारा क्रेड-11
परता के लिए हुने के परिचरम प्राण करीबों के सूच के संदर्भ
में कस विदेक है ।

1- कस सुखें में, कस 234 वि न र कजाकरण कस कस
विदेक के विना 12-5-77 को कसो सु के धा बाटा कसो वि विरिटा
पर हुन क के उपर कस करीब क्रेड-11 के कस कर 5-2-79 के
परता को के विरिटा हु है ।

2- कस कस बाटा कसो विरिटा कस कर को कस कस
कसो कस कस कस कर कस के के कस को के करीब कर को
कसो ।

कस: कस के विदेक के को सुखें सिंह का क्रेड को
र कस के कस कर कस कस कर कर को कस को कस को
कस के कस कस को विरिटा कस कर को कसो कस कस को
कस को कस के कस कस करीबों के सुखें कस को कस
के कस कस कस को के कसो है ।

कस काफ़ी

विना 1-2-79

प्रार्थना

TESTED
W. H. HAIDARI
State High Court

कस कस कस कस
सुखें कस

Handwritten signature

134

Dt. 9.2.79

Locomotive Works
Charbagh, LUCKNOW.

No. L/6E/DSC/Artisan

The Shop Supdt. (DSL) Elect.
N. Rly., Loco Charbagh,
LUCKNOW.

Sub.: Promotion of staff as H.Sk. Gr.II Fitters.

Ref.: Representation of skilled diesel (electrical) fitter dt. 1.2.79.

The representationist may please be advised that the seniority list has been compiled as per instruction of G.M.(P) received under letter No. 755E/90-11(Elic) dt. 23.8.78, a copy of which has already been circulated to all concerned. Both the recognised unions of these works have also agreed to follow the principles and guide lines issued under G.M.(P)'s letter quoted above. On the basis of these instructions two seniority lists have been issued one in respect of those who were deputed directly for the diesel organisation and the other for those having been inducted in diesel organisation from various sources. Sri Kulwant Singh belong to the group of seniority who had been inducted in diesel organisation from other sources and as such he has been assigned bottom seniority in that particular group of seniority list. Sri Kulwant Singh can not, therefore be grouped in the seniority list of those who were recruited directly for diesel organisation.

(Signature)

For Deputy Chief Mechanical Engg.
(W)

ATTESTED

W. H. HAIDARI
Advocate High Court

(Signature)

Annexure No. 8

No. L/6E/DSL/Artisan

Dated: 1/5/1979

Dy. Chief Mech. Engineer (W)
CB, Lucknow.Shop Superintendent (DSL)
Loco Shop, Charbagh, LKO.Subject:- Trade test result of skilled electrical fitter
for the post of HSK Gr. II fitter.

The following skilled electrical fitter Gr. 260-400 (RS) have been trade tested for the post of HSK Gr. II electrical fitter Gr. 330-480 (RS) and their result are given against their names.

S.No.	Name & T.NO.	Result
<u>DSL/Staff.</u>		
1-	Sri Punjab (S/K) DSL- 621	Suitable
2-	Sri Kashi Nath Quan DSL- 643	Suitable
3-	Sri B.K. Srivastava DSL- 638	Suitable
4-	Sri Harish Chand DSL- 626	Suitable
5-	Sri Hidayat Ali Khan DSL- 679	-d -

Steam Staff

1.	Sri Permad Kumar Parasar DSL- 644	Suitable
2.	Sri M.P. Sinha DSL- 677	Suitable
3.	Sri Duli Chand DSL- 631	-do-
4.	Sri N.N. Joshi DSL- 678	-do-
5.	Sri Kulwant Singh DSL- 650	-do-
6.	Sri M.M. Misra DSL- 703	-do-

For Dy. Chief Mech. Engineer (W)
Loco C.B. LKO.

(A.P.O.)
Sign.

ATTESTED
W. H. HAITARI
Advocate, High Court

(Signature)

N. Rly., Locomotive Workshop C. B. LKO.

No. 427 Dated 11/5/1979

In term of GM (P)'s letter No. 581E/203-1 of 7/9/78 and office S. O. No. 380, dated 25/11/78 the following Senior Most Staff who promoted as HSL Gr. II electrical fitter is grade 530- 480 (RS) from the date of noted against each are now treaded as promoted from 1/5/78 against 45% ungraded post Date of Permotion

1. R. S. Tewari DSL- 628	5/7/78
2. R. C. Singh DSL- 661	5/8/78
3. Jagannath (S/C) DSL- 639	5/8/78
4. Gopi Nath DSL- 665	5/8/78
5- Yogender Singh DSL- 655	23/8/78
6- S. N. Singh DSL- 632	23/8/78
7- Bades DSL- 642-	25/8/78

Consequently the following skilled electrical fitter Gr. II 260-400 (RS) of DSL shop being borne on the appread list for promotion of HSR Gr. I electrical fitter Gr. 330-480 (RS) are temporarily appointed to afficiate as such against the above vancacies on pay and date noted against them.

<u>DSL Staff</u>	Present Pay	Fixed on	Date fro which
1- Sri Panjab (S/C) DSL- 621			
2- Sri Kashi Nath DSL- 643	272 302	330 330	5/8/78 5/8/78

Stam Staff

1. Sri Permud Kumar DSL- 644	308	330	5/8/78
2. Sri M.P. Sinh DSL- 677	308	330	5/8/78
3. Sri Dali Chand DSL- 531	374	380	23/8/78
4. Sri N. N. Joshi DSL- 678	290	330	23/8/78
5. Sri Kulwant Singh DSL- 659	284	330	25/10/78

The following skilled electrical fitter Gr. 260-400 of DSL- Shop being ~~is~~ borne on the appread list for permotion of Gr. II afficiates as such against existing vacancy w. e. f. 12/5/79 ~~is~~ noted against teach

DSL Staff

1. Sri B. K. Srivastava- DSL 638	284	330
2. Sri Haris Chand DSL- 628	272	330
3. Hidayat Ali DSL-	266	330

Steam Staff

1. Sri M.M? Misra DSL- 7 3	2
----------------------------	---

The above employees must understed that the above arrangements js purely temporary and in future if any employee is found senior to them they will have no claim in this respect.

for Dy. Chief Mech. Engineer
Sr. Illegible (A. P. 2.)

APPROVED
W. H. 11-10-79
R. H.

A37

Trade Test Result

No. L/6^L/DSL/Articisan/Upgradation/85 dt. 9.1.85

The following skilled and H.S.K. II grade 260-400 and Gr- 330-480 fitters Gunras Machinist has been trade tested as H.S.K. Gr. II & H.S. Gr I gr. 330-480 and Rs. 380-560 (RS) respectively and passed the trade test. Gr. I.

(1) Kulwant Singh H/SK Gr. I

Gr. II

2. K.K. Misra - 686
3. B.P. Pazf -673
4. Rama Kant - 697
5. P. C. Pandey - 698
6. Ram Swarop - 671
7. K.K. Singh - SL- 687

for Dy. CME, Loco Shop
N. Rly., Charbagh, lko

TESTED
W. H. HAIDARI
Advoca. High Court
W. H. Haideri

10. Mr. M. K. Maitra, BSc-703 who was transferred from Dy. G.S.I. () to Class Work v.o.f. 29.8.78 and was engaged exclusively in Sr. grade in Steamship group has now been reassigned exclusively handling work in own request, below all the existing Sr. grade staff (Directly recruited and steam side) prior to 29.8.78 accordingly he is placed below Sr. I holder along BSc-689 and above Sr. I U. A. No. 251-655 in the group of HSK (Gr. I/Steam/Fitter).

Due to the reassignment of seniority his position is as under:-

Row & Col.	Date of Birth	Date of App. in Sr. Grade	Date of Pro. Pay already drawn in Sr. I	Date of Pro. Pay already drawn in Sr. II	Date of Pro. Pay already drawn in Sr. I	Date of Pro. Pay already drawn in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II
1	18.8.43	23.4.74	25.10.78	350/-	350/-	350/-	350/-	350/-	350/-	350/-	350/-	350/-
2	6.1.78		1.10.79	350/-	350/-	350/-	350/-	350/-	350/-	350/-	350/-	350/-
3			1.10.81	354/-	354/-	354/-	354/-	354/-	354/-	354/-	354/-	354/-
4			1.10.82	362/-	362/-	362/-	362/-	362/-	362/-	362/-	362/-	362/-
5			1.10.83	370/-	370/-	370/-	370/-	370/-	370/-	370/-	370/-	370/-
6			1.10.84	380/-	380/-	380/-	380/-	380/-	380/-	380/-	380/-	380/-
7			1.10.85	390/-	390/-	390/-	390/-	390/-	390/-	390/-	390/-	390/-

10. Mr. M. K. Maitra, BSc-703 who was transferred from Dy. G.S.I. () to Class Work v.o.f. 29.8.78 and was engaged exclusively in Sr. grade in Steamship group has now been reassigned exclusively handling work in own request, below all the existing Sr. grade staff (Directly recruited and steam side) prior to 29.8.78 accordingly he is placed below Sr. I holder along BSc-689 and above Sr. I U. A. No. 251-655 in the group of HSK (Gr. I/Steam/Fitter).

Due to the reassignment of seniority his position is as under:-

Row & Col.	Date of Birth	Date of App. in Sr. Grade	Date of Pro. Pay already drawn in Sr. I	Date of Pro. Pay already drawn in Sr. II	Date of Pro. Pay already drawn in Sr. I	Date of Pro. Pay already drawn in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II	Pay provided in Sr. I	Pay provided in Sr. II
1	12.7.57	6.1.78	12.5.79	330/-	330/-	330/-	330/-	330/-	330/-	330/-	330/-	330/-
2	29.8.78		1.5.80	338/-	338/-	338/-	338/-	338/-	338/-	338/-	338/-	338/-
3			1.5.81	346/-	346/-	346/-	346/-	346/-	346/-	346/-	346/-	346/-
4			1.5.82	354/-	354/-	354/-	354/-	354/-	354/-	354/-	354/-	354/-
5			1.5.83	362/-	362/-	362/-	362/-	362/-	362/-	362/-	362/-	362/-
6			1.5.84	370/-	370/-	370/-	370/-	370/-	370/-	370/-	370/-	370/-
7			1.5.85	380/-	380/-	380/-	380/-	380/-	380/-	380/-	380/-	380/-
8			1.5.86	390/-	390/-	390/-	390/-	390/-	390/-	390/-	390/-	390/-
9			1.1.86	1230/-	1230/-	1230/-	1230/-	1230/-	1230/-	1230/-	1230/-	1230/-
10			1.5.86	1520/-	1520/-	1520/-	1520/-	1520/-	1520/-	1520/-	1520/-	1520/-

no is entitled any for Sr. II and accordingly his pay already fixed vide column 7 & 8

for del. of Let. Local Department

W. H. HAIDARI

ADVOCATE H.K.

Signature

AMO

NORTHERN RAILWAY LOCOMOTIVE WORKSHOP/CHARBAG/LUCKNOW

S. O. No. 472

DATED: 01. 7. 1987.

In terms of Dy. Chief. E. Rail Coach Factory KMI'S letter No. RcF/EMLE/K-109 d t. 25.6.87, Shri Kulwant Singh IX. T. No. DSL-650 who was previously transferred from these works to Kapurthala vide S. O. No. 824 dt. 8. 11. 86, has been transferred back W. E. F. 25.6.87 A. N. from Kapurthala to these works and reported for duty on 26.6. 87, is hereby accommodated as HSK Gr. II Elect. Fitter on Rs. 1230/- in Gr. 1200-1800 (N.P.S) W. E. F. 2. 7. 87 (F.N.) against one of the existing vacancies of JPM temp. transferred from JPM to Gr. II(L) (F) till the suitability test of J. P. M. is finalised, the arrangement will cease.

Absence period from 26.6.87 to 1.7.87 may please be treated as waiting for a posting order. He is allotted T. No. DSC-650

This has got the approval of competent authority.

Sdc

For chief workshop manager,
Loco shop, Charbagh, Lucknow

Copy to:- OS/DSL, OS/Pay Bill, OS/TO, SAC/JS, H/C Pass, for
information and necessary action pl.

Dy. C. E. E. Rail Coach Factory Kapurthala for information
in ref. to his letter quoted above.

for Chief Workshop Manager,
Loco shop, Charbagh, Lucknow.

ATTESTED
W. H. HAIDARI
Advocate High Court

(Signature)

MEMBERS' NAMES *LOGSHEET NUMBER *ON DASH *REVISION
 Serial List of Mem. Gr. I (Nise)/Pitler) Gr. 2 1980-2040 of PSL Shop

S.No: Memo S/Serial	S.No: PSL	D.O.B	D.O.A	D.O.A in Present Grade.	Offg position.
1. R.A.Varma	659	5-7-38	27-11-61	26-11-75	Offg C/Man
2. W.K.Srivastva	675	15-1-34	6-9-58	"	-do-
3. A.P.Nigam	606	7-6-37	14-12-57	15-5-73	-do-
4. D.C. Nath	730	16-9-36	26-7-59	4-3-77	-do-
5. S.H.Dutta	676	11-4-34	1-3-59	26-11-75	-do-
6. A.K.Chatterjee	660	1-11-36	"	"	-do-
7. V.K.Tewari	662	1-7-39	3-4-60	23-2-77	
8. Meva Lal S/O	663	8-10-35	4-3-59	15-3-78	
9. Ganti Pd.	664	5-7-38	1-10-56	1-6-78	
10. G.K.Yadav	666	10-1-41	31-12-60	1-8-78	
11. S.O.Lal	665	12-10-37	11-7-60	"	
12. R.C.Vaish Dov-2		10-3-40	12-1-61	"	
13. Birla Singh ER-22	767	30-3-31	4-4-67	"	
14. R.B.Joshi	674	23-10-53	13-5-56	"	
15. Manmaya Lal SC	650	7-3-42	5-1-63	25-10-78	
16. S.M.Srivastva	627	2-1-37	5-1-60	26-4-79	
17. R.S.Towari	628	27-7-36	1-3-62	"	
18. R.C.Sinha	661	15-6-42	1-7-62	"	
19. Yogendra Singh	655	15-12-41	19-9-62		
20. S.N.Singh	652	12-2-42	1-11-63	"	
21. Gopi Nath SC	653	3-7-40	15-10-62	17-12-81	
22. Basudeo	642	10-2-40	24-7-67	1-7-82	
23. R.K.Parsar	644	4-11-41	3-10-69	28-7-82	
24. R.K.Singh BPS-32	768	6-12-58	4-10-79	1-4-83	
25. Harbans Lal BS-491	741	18-3-32	20-7-59	1-1-84	
26. Gopi Nath BS-22	742	13-4-38	3-3-59	1-1-84	
27. SP. Sinha	577	14-7-46	3-3-70	1-1-84	
28. K.H.Cyan	643	10-2-42	11-7-71	1-1-84	
29. Ranjab S/O	621	22-1-48	10-5-76	1-1-84	
30. A.H.Jochi	673	6-4-31	22-2-74	1-1-84	
31. Dull Chand	631	10-4-39	3-11-61	1-1-84	
32. Kishan Kumar BNY-192	22-27	13-2-36	18-9-66	1-1-84	
33. Bhayan Deon S/O BPS-94	802	24-3-50	18-7-75	1-1-84	
34. K.J.Tewari BNY-143	807	6-12-35	"	1-5-84	
35. Chhotey Lal BS-49	814	1-9-36	8-11-55	17-7-84	

(Contd. . . 2/-)

ATTESTED
 W. H. HAIDARI
 Advocate H.gh Court

ATTESTED

AUS

Extract from The Dy.C.M.E (W)/CB/LKO order No.L/105E/DSL dated 4-5-77 reg: Six Months Training Course as Diesel Fitters. (ELECTRICAL)

The following candidates who have been screened & found suitable for training as Diesel Fitters Mechanical & Electrical vide Office Notice No.105E/DSL/77 dt. 30-4-77 are spared on and from 5-5-77 & are 81E/DSL/Policy /directed to report to PSTS for their training for 6 months against existing sanctions of diesel trainees vide Hd.Qrs.Office Letter No.803E/5302/111 dt.17-7-76. The trade in which they should be given training is indicated against their names. They will draw Rs.260/- p.m as trainees in Grade Rs.260-400 (PS). Apprentices against items B.D.& E including Diploma Holders are absorbed on Rs.260/- p.m.

A.Act. Apprentices working at present as cleaners in Diesel Shops.

S.No.	Name	Present T.No.	D.T.No.	Trade
1.	S/Sri Narendra Singh	DSL-75	1	Electrician
2.	Triloki Sharma	-103	2	-do-
3.	Surendra Kumar Pal	-76	3	Wireman
4.	Arvind Parmanik	-92	4	Electrician
6.	Ram Chander	-93	5	-do-
6.	Narendra Singh Kariyar	-105	6	-do-
7.	Ramesh Chandra	-94	7	-do-
9.	Krishna Kumar Misra	-11	9	Electrician
10.	Bhanu Pratap Pandey	-12	10	-do-
16.	Ram Sarup	-48	16	Wireman
17.	A.K.Shonker	-51	17	DSL Fitter
20.	Budhi Pd.	-50	20	Wireman

B.Act apprentices not working in these shops at present.

23.	Om Prakash Sahu	s/o Shri S.R.Sahu	DT-23	Wireman.
24.	Krishna Kumar Singh	" "	Bhisham Singh-24	Electrician
27.	Sohan Lal	" "	Kalu Ram	-27 Wireman
28.	Naresh Chandra	" "		-28 DSL Mechanic
30.	Krishna Gopal Arora			-30 M.W

D - Diploma Holders not working at present in these shops.

32.	Ajai Kumar	s/o late Sri Ram	-32 Dip.Elec.Engg
37.	Karuna Shanker	" S.S.Pandey	-37 -do-

The Ex-act apprentices from Sl.No.23 to 30 and Diploma Holders from Sl.No.31 to 46 will be only allowed to under go the training after they are medically fit.

Signature:

for Dy.Chief Mech.Engg (W)
Loco Charbagh, Lucknow.
C/CTK,HC/PB,SAO(W)/CB, SS/DEL/Mech.,SS/DEL/Elect.,CI,ES,PSTS,SEc.
MEMU/URMU for information and necessary action please.

Signature
for Dy.C.M.E(W)/CB/LKO.

ATTESTED
W. M. HAIDARI
Admco. H. C. C.

(Signature)

(Handwritten mark)

Northern Railway- Locomotive Works- Charbagh, Lucknow.

S.O.No. 610 Dated. 21/10/88

In supersession of this office's O.No.129 dt.19.2.87, the pay of Sri Kulwant Singh DSI-650, Item No.9, already fixed is revised as under :-

Pay already drawn in the grade 'Pay now revised in HSK Gr.II of HSK Gr.II v.e.f.28.6.86 i.e. E/Fitter v.e.f. 28.6.86. the date of his reversion from HSK Gr.I to HSK Gr.II (E/Fitter)

Date	Grade	Pay	Date	Grade	Pay
1.10.85	330-80	390/-	1.10.85	330-480	398/-
1.1.86	380-560	392/-	1.1.86	1200-1800	1320/-
1.1.85	"	404/-	28.6.86	"	1320/-
1.1.86	"	416/-	1.10.86	"	1350/-
1.1.87	1320-2040	1410/-	1.10.87	"	1380/-
1.1.86	1230-1800	1200/-	1.10.88	"	1430/-
1.1.87	"	1230/-			
1.1.88	"	1260/-			

Arrear if due may be paid accordingly. This has the approval of competent authority.

For Chief Works Manager,
NR/Loco Works/CE/LKO.

Copy to : OS/TO, P.S. Pass, SAO (w)/CB/SS/LBL for inf. & n/a.

BN/13.10.88

ATTESTED
W. H. HAIDARI,
Advocate High Court
(Signature)

NORTHERN RAILWAY LOCOMOTIVE WORKS CHARBAGH LUCKNOW

S.O. No. 191

Dated: 22/4/89

MS

The staff order No. 610 dated 21.10.88 and S.O.No. 542 dated 15.9.88 regarding refixation of pay on reversion as Gr-II of S/Sri Kulwant Singh Dsl-650 and M.M.Misra Dsl- 703 are hereby cancelled as they have wrongly been given the benefit of increment. The pay which had already been allowed vide S.O.No. 129 dated 29.2.87 may be treated as correct in cases of above staff. However their revised pay are noted below :-

S.No.	Name	T.No.	Pay revised	Date
1:	S/Sri Kulwant Singh	DSL-650 Gr-II Fitter	Rs. 330/- (300-400)	1.1.84
			Rs. 338/- -do-	1.1.85
			Rs. 346/- -do-	1.1.86
		NPS	Rs. 1200 (1200-1800)	1.1.86
			Rs. 1230/- -do-	1.1.87
			Rs. 1260/- -do-	1.1.88
			Rs. 1290/- -do-	1.1.89
2:	M.M.Misra	DSL-703 Gr-II Fitter	Rs. 302/- (260-400)	1.8.85
			Rs. 308/- -do-	1.8.86
		NPS	Rs. 1110/- (950-1500)	1.1.86
			Rs. 1200/- (1200-1800)	28.6.86
			Rs. 1230/- -do-	1.6.87
			Rs. 1260/- -do-	1.6.88

Accordingly, the pay of the above staff may be changed as shown above.

sd.
For Chief Works Manager
N.Rly. Charbagh Lucknow.

Copy to:- S.S (N.O., SS/Dsl, O.S/P.B., SAG(W) and above staff for information and n/action.

For Chief Works Manager
N.Rly. Charbagh Lucknow

ATTESTED

RE/17/4/

W. H. HAIDARI
Advocate High Court

K. D. K.

The Chief Works Manager,
N.Rly. Locomotive Works,
Gharbasi, Lucknow.

Sub:- An Application for keeping in-abeyance my reversion order from H.Sk. Grade I to H.Sk. II as stipulated in your office Staff order No. 472 of dt. 1/7/87.

Respected Sir,

On coming my coming back from R.C.F. Kapoorthala and joining duty in loco workshop, Lucknow I have come to know from your above cited letter I have been reverted from the post of H.Sk.Gr.I to H.Sk.Gr.II in Elect. Fitter(DSL), without giving me a chance to represent my case against the above cited impugned order and I have performed a petition to ACME/Loco/CB/LKO to review my case on following grounds beside other.

GROUNDS:

1. That on my joining duty in DSL shop/CB/LKO, I was assigned bottom seniority in the steam side frozen & vacancy against which direct DSL recruited staff with Sh.A.K.Srivastava, DSL-625 made an representation to the then Dy.C.M.E. which was rejected vide his letter No.L/6E/DSL/Art. dt. 9-2-79.
2. That above seniority list was prepared on administrative ground in terms of GM(P)'s letter No.755E/90-II (Eic) dt.23-8-78.
3. That having being aggrieved by the decision of the then Dy.CME Sri Brij Nandan and other directed recruited staff filled a writ petition No.383 of 1979 in the Hon'ble Court of Judicature Allahabad High Court Lucknow Bench which was opposed by the administration & Sh.Brijnandan and others could not get any relief from the court
4. That in the above petition the following person made opposite party.
 - a) GM(P)/N.Rly.Baroda House, New Delhi.
 - b) Dy.CME/N.Rly.Loco Workshop/LKO.
 - c) Sh.Kulwant Singh, DSL-650
 - d) Sh.Madan Mohan Misra, DSL-
5. On the basis of ^{Seniority} unity as refd.in para I the petitioner was called for trade test and passed the same and promoted as H.Sk. Gr.II (DSL-Elect) fitter on 25th Oct.1978 and continued upto 31.12.1983.
6. That the petitioner was again promoted in H.Sk.Gr.I on 1.1.1984 and still continuing i.e. he has already put in 3 years 1 month 19 days and thus he has assumed the ~~existing~~ status of permanent staff in the category of H.Sk.Gr.I and cannot be reverted in manner and procedure adopted by ACME in terms of his order cited in the subject matter.
Dy.CME
7. That the reversion order of the petitioner is against constitutional safe guard available to him.
8. That ACME is not empowered to Act against the policy of GM(P) letter cited in para II.

--- Continue ---

Received

ADVOCATE
W. H. HAIDARI
Advocate H. Court
[Signature]

AMF

With above lines it is requested that the enforcement of your above cited letter regarding my reversion from H.Sk.Gr.I to H.Sk.Gr.II DSL-Elect.Fitter may please be keep in abeyance till the decision on my review application to ACME, Loco, CB LKO which is being submitted seperately, and the application of Sh.A.K. Srivastava DSL-625 is against the petitioner is time ~~matrix~~ bond under the Indian Limitation Act.

Bard

Thanking you,

Yours faithfully,

(Signature)

(KULDEEP SINGH)

DSL-Elect.Fitter,

T.No. DSL-650, Gr.II.

Diesel Shop, CB LKO.

Dated: 16.7.1987

ATTESTED
(Signature)
W. H. HAIDARI
Advoca. High Court
(Signature)

AM

To

Additional Chief Mechanical Engineers,
Loco Workshop, Charbagh,
L U C K N O W.

Through : PROPER CHANNEL

Subject : Petition to reconsider the reversion order and
refixation of seniority.

Ref. : A.C.M.E's. S.O.No. 129, dt. 19.2.87.

.....

R/Sir,

Having been aggrieved by your above cited order through which I have been reverted from the Post of H.Sk.Gr.I to H.Sk.Gr.II as a result of the refixation of the seniority after a lapse of 8 years and one month I am preferring this review application.

The brief history of my case is as under :-

1. That I came on transfer from Traction Department Kanpur (ALD Division) to Loco/CB/LKO as fitter in Scale 260-400 on 12.5.77 after accepting bottom seniority and I was absorbed against the frozen vacancy of steam side in the Diesel Shop.

2. That on my resumption a seniority list of skilled electrical fitter (Steam staff) of Diesel staff was circulated on 19.1.77 under the signature of Dy. C.M.E. (U) which is in Annexure-I.

3. That an another seniority list of skilled electrical fitter who were directly appointed in the Diesel shop was also published on 23.1.79 under the signature of Dy. C.M.E./Loco/CB/LKO which is in annexure-II.

4. That having aggrieved against the seniority list as mentioned in Annexure-I the skilled Diesel Directly recruited staff made representation to the then Dy. C.M.E. (U) on 1.2.79 which was rejected and they were informed vide letter No. L/6E/DSL/Artisan dt. 9.2.79, Annexure-III, and

5. That on the basis of my seniority a trade list was held for high skilled gr.II and I passed the same as circulated by Dy. C.M.E. (U) Loco/CB/LKO, No. C/6E/DSL/Art. dt. 11.5.79, Annexure - IV.

6. That on the result of trade test, I was promoted as H.Sk. fitter gr.II from 25.10.78 and worked up to 31.12.82 i. e. five years and one month 3 days only.

7. That from 1.1.84 I was promoted as H.Sk. Gr.I fitter after a trade test and continued up to 30.6.87.

8. That neither the copy of above cited reversion order has been
Contd...2.

ATTESTED
By, H. MAIDARI
Advocate Lucknow
[Signature]

: 2 :

furnished to me not I have been given a chance to represent my case.

9. That my above cited reversion order ^{is} an arbitrary and one sided order originated by present Dy. C.M.E. (W) who can not over rule the administrative policy laid down by the then C.M. (P) as referred in Annexure-IV, and which has been adhered to 8 years by his 4 Predecessors.

10. That seniority list once published becomes final after one year in terms of para 322(B) of Rly. Establishment Manual.

11. That the assignment of seniority as mentioned in para II have not been given any publicity and I may be permitted to say that it has been revised to benefit the Direct Recruited staff.

12. That it is learnt from the heading of SO No. 129 dt. 19.2.87 that the seniority of the following person namely Sri Briz Nandan & Sri A.K. Srivastava have been inter changed and the applicant have been placed in the bottom of serial No. 9 on representation of Sri A.K. Srivastava.

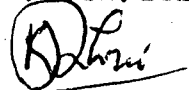
13. That the question of seniority if steam side broken staff and direct recruited staff when once closed as referred in para (4) can not be revised after a lapse of 8 years and 5 months and similarly I can not be reverted after my clear permission on merit and test in grade I after working in 3 years 6 month in grade I, when in the facts I assumed the status of a permanent staff.

14. That the policy of assignment of seniority as laid down by G.M. (P) letter as cited in Para (4) is still in force in the mechanical side Diesel staff who are also under you and the reassignment of seniority for a particular Branch in the same unit is the discrimination action which amounts to violation constitutional safeguard given in section 14 of constitution of India.

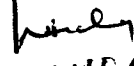
With these above few lines I request you honour to restore my position in Gr. I and cancel my reversion order passed by Dy. C.M.E.

Thanking you.

Yours faithfully,


(KULWANT SINGH)
DSL- 650
Electrical fitter
LOCO/CS/LKO

Dated : 26/8/87

ATTESTED

W. H. HAIDARI
Advocate High Court



General Manager (Personnel)
N. Ry. Board House,
New Delhi.

Through Proper Channel.

Sub : Appeal against the reversion order from H. Sk. gr. I fitter to H. Sk. fitter gr. II and re-fixation of seniority terms of A.C.M.E. Loco Workshop Charbagh, Lucknow S.O. No. 129 of dt. 19.2.87.

Respected Sir,

Having been aggrieved by the A.C.M.E. letter cited above through which I have been reverted from H. Sk. gr. I to H. Sk. gr. II fitter as a result of re-fixation of Seniority after a lapse of 8 years and one month. Hence I am submitting this appeal to your honour.

In this connection I further beg to state that I have already submitted two applications on 18.7.87 and 26.8.87 to A.C.M.E. Loco workshop Charbagh, Lucknow, to review my case (Annexure I and II) But even after the lapse of ~~three~~ month there is no response. The brief history of my case is as under:

1. That I came for transfer from Traction Department Kanpur (AID Division) to Loco/CB/Lko as fitter in Scale 260-400 on 12.5.77 after accepting bottom seniority and I was absorbed against the frozen vacancy of steam side in the Diesel shop.
2. That on my resumption a seniority list of skilled electrical fitter (Steam staff) of Diesel shop was circulated on 19.1.79 under the signature of Dy.C.M.E. (W) which is in Annexure I.
3. That an another seniority list of skilled electrical fitter who were directly appointed in the Diesel shop was also published on 23.1.79 under the signature of Dy.C.M.E./Loco/CB/Lko which is in Annexure -II.
4. That having aggrieved against the seniority list as mentioned in Annexure -I the skilled Diesel directly recruited staff made representation to the then Dy.C.M.E. (W) on 1.2.79 which was rejected and they were informed vide letter no. L/6E/DSL/Artisan dt. 9.2.79 Annexure-III.
5. That on the basis of my seniority a trade test was held for High skilled gr. II and I passed the same as circulated by Dy.C.M.E. (W) Loco/CB/Lko. letter no. L/6E/DSL/Art. dt. 1.5.79. Annexure-IV.
6. That on the result of trade test I was promoted as H. Sk. fitter gr. II from 25.10.78 and worked up to 31.12.83, i.e. five years one month 3 days only.
7. That from 1.1.84 I was promoted as H. Sk. gr. I fitter after a trade test and continued up to 30.6.87.

contd...2.

*Received two copies
def 29/10/87*

ATTESTED
[Signature]
W. H. HAIDARI
Advocate High Court

[Signature]

ASV

(2)

8. That neither the copy of above cited reversion order has been furnished to me nor I have been given a chance to represent my case.

9. That my above cited reversion order is arbitrary and one sided originated by present Dy. CME (W) who can not over rule the administrative policy laid down by the then G.M. (P) as referred in Annexure -IV and which has been adhered to 8 years by his 4 predecessors.

10. That seniority list once published becomes final after one year in terms of para 322 (B) of Rly. Establishment Manual.

11. That the assignment of seniority as mentioned in para 21 have not been given any publicity and I may be permitted to say that it has been revised to benefit the Direct Recruited staff.

12. That it is learnt from the heading of S.O. No. 129 dt. 19.2.87 that the seniority of the following person namely Sri. Briz Nandan & Sri A.K. Srivastava have been inter changed and the applicant have been placed in the bottom of Serial No. 9. on representation of Sri A.K. Srivastava which is clear violation of the G.M. (P)'s decided policy as laid down vide letter no. 7382/90-II(ELIC) dt. 23.8.78 narrated in Annexure-III which is a part of this application.

13. That the question of seniority in steam side Station staff and direct recruited staff when once closed as referred in para (4) cannot be revised after a lapse of 8 years and 5 months and similarly I can not be reverted after my clear promotion on merit and test in grade I after working in 3 years 6 month in grade I, when in the facts I assumed the status of a permanent staff.

14. That the policy of assignment of seniority as laid down by G.M. (P) letter as cited in para (4) is still in force in the Mechanical side Diesel staff who are also under A.C.M.E. and the reassignment of seniority for a particular Branch in the same unit is the discrimination action which amounts to violation of constitutional safe guard given in section 14 of constitution of India.

With these above few lines I request your honour to restore my position in Gr. I and cancel my reversion order passed, by Additional Chief Mechanical Engineer Loco Workshop, Charbagh, Lucknow.

Thanking you,

Yours faithfully,

20/10/87

Dated : 12-10-87

(KULWANT SINGH)
DSL-650,
Diesel Electrical Fitter,
Loco Workshop Charbagh,
Lucknow.

NOTE: The post of A.C.M.E. is now C.W.M. (Chief Works Manager). Advance copy to G.M. (P), Manager, N. Rely Baroda House, New Delhi.

W. H. HAIDARI
Advocate, High Court

ANNEXURE No. 20

ASV

To,

The Chief Works Manager,
Loco/C.B/Lucknow.

Sub:- Petition to reconsider the reversion
order and refixasation of Seniority.

Ref:- A.C.M.E's S.O. no. 129 dated:
19-2-1987.

Sir,

Please call for my representation dated: 16-7-1987
and 26-8-1987 on the above subject and expediate your
decesion immediately, I have been put to recurring
financial loss of about Rs 250/- per month due to my
reversion from the post of H.SK Grade I to H.SK Grade
II Diesel electrical fitter as a result of refixasation
of ~~seniority~~ seniority after 8 years and 6 months.

Thanking you,

Dated: 22-3-1988

YOURS FAITHFULLY

(Signature)

(KULWANT SINGH)
D.S.L.-650.

Forwarded

Spk

28/3/1988

*RECEIVED
28/3/1988*

*Received on copy
to AS/E by 24/3/88*

TESTED

(Signature)
W. H. HAIDARI
Advocate High Court

Central Administrative Tribunal
Circuit Bench
Lucknow

(153)

T.A. 429 of 07 (T)

Pooj Nandan - vs - D.O of 208.

ORDER

25.0.08

Hon. Ajay Joshi, A.M.
Hon. G. S. Sharma, J.M.

None is present either ~~the~~
for applicant or for respondent
nos 1 & 2. Sri H. H. Haidari
is present for respondent no 3.

The transferred application
(inst. petition no. 303 of 1979)
is accordingly dismissed
by default.

s/d
J.M.

s/d/-
A.M.

Checked by

(Sd/-) _____
24/8/88

u.n.s.

ADVOCATE
W. H. HAIDARI
Advocate H.gh Court

RECEIVED
24/8/88

24/8/88

ASU

To,
Chief Workshop Manager,
Locoshop Charbagh,
Lucknow.

Sub: Reassignment of Seniority in Grade Ist.

Respected Sir,

Kindly arrange to reassignment my seniority in the Group of Grade Ist Diesel Electrical Fitters as the WP No. 383 of 1979 has been dismissed by the central Administrative Tribunal, Lucknow on 25.8.88 and order of "Dismissed indifault" have been passed by the Honourable bench of the court. Hence my seniority ~~xxxx~~ should be refixed in original position as before 7.2.87, the copy of the judgment is herewith this application.

Thanking you.

Yours faithfully,

Dated : 7.22.88

(KULWANT SINGH)

DSL- 650

ATTESTED
W. H. HAIDARI
Advoca - High Court
[Signature]

A.S.S.

To

Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.

Sub:- Refixsation of Seniority in Grade 1st.

Respected Sir,

In continuation of my application dated 7/12/88 I further beg to inform you as under:-

- (1) That Mr. Brij Nandan and others file a writ Petition No. 383 in 1979 against my fixsation of Seniority before the High Court Allahabad Lucknow Bench and the same has transfered to Central Administrative Tribunal Allahabad Additional Bench Registered then as T.A. 429 of 87(T).
- (2) That I was made respondant No. 3 in the said W.P. and contested the same through my counsel Sri W. H. Haideri (Advocate).
- (3) That on the date of final hearing on 25/8/88 neither the applicant nor the counsel for the Railway appeared.
- (4) That the counsel for the Railway contested the case all along the hearing but did not attend on the date of final hearing and as such the case also stood dismissed in default against the Railway as well.

Contd...2

ATTESTED
W. H. HAIDARI
Advocate



ASG

: 2 :

(5) That my counsel was present and pleaded the case in my favour and consequently the case was decided ex parte against the applicant as well as the Railway meaning thereby the position of original Seniority assigned to me because a matter of res judicata in terms of law and neither the Railway nor the applicant have right to challenge the Seniority originally assigned to me.

The copy of expert judgement of the Hon^{ble} ^{Court of} Central Tribunal (Lucknow Bench) is enclosed herewith for perusal and reassigning my Seniority originally allowed to me before Feb. 1987.

Thanks,

Yours faithfully,

(. KULWANT SINGH)

T. No. DSL-650

Diesel Electrical Fitter

Loco Shop, Charbagh, Lucknow.

Date: 4/4/1989.

Received one copy
4/4/89 A/S

ATTESTED

W. H. HAIDARI
Advocate High Court

(Signature)