

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Lucknow* BENCH

OA/TA/RA/CP/MA/PT 239/90 of 20.....

Dinesh Kumar.....Applicant(S)

Versus
Union of India & others.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

*B/C. Weeched out/ destroyed**On 07/8/12*

Signature of S.O.

Signature of Deal. Hand

22.5.95.

Hon'ble Mr. V.K. Seth A.M.

Hon'ble Mr. D.C. Verma, J.M.

Applicant:- Sri Som Kartik learned counsel for the applicant and B.M. for Sri L.P. Shukla, Advocate.

Respondents:- None.

Sri Kartik seeks four weeks further time to file R.A.

List for hearing on 31-7-95.

H.N.

J.M.

A.M.

31.7.95.

Hon'ble Mr. Justice D.C. Saksena - V.C.

Hon'ble Mr. V.K. Seth - A.M.

List has been revised.

No one has responded on behalf of the applicant.

Sri Siddharth Varma, counsel for the respondents is present. We further find that despite sufficient grant of time to file Rejoinder Affidavit no Rejoinder Affidavit has been filed.

The applicant does not intend to pursue the case it appears and accordingly the C... is dismissed in default for non-prosecution.

H.N.

J.M.

V.C.

B.C.

GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

27/7/80

Registration No. 239 of 1980 Docs

REPLICANT(S)

Dinesh Kumar

REPLACEMENT(S)

U.O.L

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 ? Yes
3. a) Is the appeal in time ? Yes
b) If not, by how many days it is beyond time ? Yes
c) Has sufficient cause for not making the application in time, been filed ? Yes
4. Has the document of authorisation/ Vakalatnam been filed ? Yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/- Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?
 - a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ? Yes
 - b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? Yes
 - c) Are the documents referred to in (a) above neatly typed in double space ? Yes
7. Has the index of documents been filed and pairing done properly ? Yes
8. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? Yes
9. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? No

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/soare copies signed ? *Y*

12. Are extra copies of the application with annexures filed ?

(a) Identical with the Original ?

(b) Defective ?

(c) Missing in annexures

13. Are the ~~file~~ size envelopes bearing full addresses of the correspondents duly filed ? *No*

14. Are the given address the post office address ? *Y*

15. Is the name of the parties stated in the copies tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *NA*

17. Are the facts of the case mentioned in item no. 6 of the application ?

(a) Concise ? *Y*

(b) Under distinct heads ?

(c) Numbered consecutively ? *Y*

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

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

19. Whether all the remedies have been exhausted. *Y*

Desh/

CA. 235/95 - 1

06/10/95

D.R.

Plaintiffs are present.

List on 8/12/95 for
filing R.A. reference.

st

R
- D.R.

(8-2-95)

D.R. R.A. has not been filed
8/12/95. Let it be filed by 8/2/95

No further time will be
allowed.

R
D.R.

08/2/95

D.R.

Learned counsel for the
respondent is present. No
R.A. filed. None for the
applicant. Sufficient time has
already been granted
for filing R.A. Place before
the Hon'ble Bench on 20/3/95
for orders under Rule 12 of the
Procedure Rules.

st

R

- D.R. (J)

28/3/95 - No setting of DB adj to

22/5/95

804

27.7.1990

Hon'ble Mr. Justice K. Nath, V.C.

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

The applicant will produce a copy of the order dated 12.11.1979 by which he was promoted as Chergeman-Grade-II. He will also file a copy of the representation made by him in compliance of the order dated 11.7.1990 contained in Annexure-3 alongwith a supplementary affidavit within a week.

See original order on which petition

Issue notice to the respondents to show cause why this petition may not be admitted and what action they have taken on the representation made by the petitioner in reply to Annexure-3 and list for orders on 13.8.1990. In the meanwhile the applicant may not be reverted from the post of SS (M) in the grade of Rs. 2375 - 3500. The applicant shall serve respondents 1 and 2 out of court with a copy of this order as well as notices of this case. Office may make available copies of notices to the applicant counsel within 24 hours. Issue notice to respondent No.3.

Sd/-

A.M.

R.M./

Sd/-

V.C.

*Issue notice**on**1-8-90**(M.G.)*

DR to. Danti notices were issued to Sri L.P. Shukla but he for the applicant has not received any acknowledgement alongwith the affidavit on regards under CAT. Procedure Rule 1906.

Respondents have not filed any reply.

Notice was issued to O.P. No. 1 by Repd. Post 1.8.90. No concerned Repd. cover letter been return back.

*S. S.O.**8/10/90*

Later on he for the applicant has filed supplementary affidavit.

S. S.O.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

18

OA. No. 239

OF 19 90 (S)

Dinesh Kr vs. U.O (

| Sl. No. | Date | Office Report | Orders |
|---------|-----------------------|--|---|
| | | | <u>5-12-90</u> No. Sdly. Ad to 12.12.90. |
| | <u>OR</u> 10/12/90 | No reply filed. S. FA L 10/12 | |
| | | | <u>12.12.90</u> D. R. Both the parti- are present to been R. A. has not. f by applicant. c side is not pres- case is listed befor me on 8/1/91 for filing R. A. S/ |

8/1/91.

D R
Shri S. Verma
made appeara
on behalf of the
respondent. He
has filed C. O.
Applicant is not
is advised to
Ordered to file
R. A. by 1/2/91

26-7-92

D.R.

Both the parties are absent.
Rejoinder has not been filed.
Applicant is directed to file Rejoinder
by 26-9-92.

24-9-92

D.R.

Both the parties are absent.

No Rejoinder has been filed.

Applicant is ordered to file
Rejoinder by 26-11-92

26-11-92

D.R.

None is present for the
parties and rejoinder
has not been filed till
to day. applicant to file
it by 25-1-93

25-1-93

D.R. Rejoinder has
not been filed yet.

Plays before the
Hon'ble Bench on
26.3.93 & 1.4.

Applicant may
file the rejoinder
if any by that
date.

26-3-93

No hearing (in adj.)
on 13.4.93

7/7/93 8
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

C. A. No. 239 of 1990 (L)

Dinesh Kumar Applicant
Versus
Union of India & others Respondents

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| 4. | Annexure No.3- Letter dated 11.7.1990 containing the letter dated 5.7.1990 advising the seniority position of the applicant. .. | .. 15 - |
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| 6. | Patent. .. | .. 16 |

Dated Lucknow
July 26, 1990.

Dinesh Kumar
Signature of the applicant

27/7/20

V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Dinesh Kumar Applicant
Versus
Union of India & others Respondents

FORM -I

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

For use in Tribunal's Office:

Date of Filing _____

Registration No. _____

Dinesh Kumar

27/2/90

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

D.A. No. 07 1990 (L)

Dinesh Kumar Applicant

Versus

Union of India & others Respondents

Details of application :

1. Particulars of the applicant:

(i) Name of the applicant : Dinesh Kumar, aged about 40 years,

(ii) Name of father son of Sri Shyam

(iii) Designation & office in : Behari, Shop Superintendent (Tool Maker),

(iv) Address for service of : Northern Rly. Loco Workshop, Charbagh, Lucknow, resident of C&B 32 B, Burry Road, Alambagh, Lucknow.

2. Particulars of the Respondents:

(i) Name/or designation of : 1. Union of India

respondents. through the General

(ii) Office Address of respon- : Manager (Personnel), dents.

Northern Railway,

(iii) Address for service of : Baroda House, New all notices.

Delhi.

2. Chief Works Manager,

Loco Workshop,

Charbagh, Lucknow.

3. Uttam Singh, Deputy

Dinesh Kumar

Shop Superintendent,
Malwa Workshop, Malwa

3. Particulars of the order against which application is made :

(i) Letter No. 755-c/108-IV(EI&W)

(ii) Dated 5.7.1990

(iii) Passed by the General Manager (Personnel),
Northern Railway, Berode House, New Delhi.

(iv) Subject in brief : Revision or seniority in
the category of Dy. Shop
Superintendent (Tech. Worker),
Grade Rs.2000-3200 (P.S.),

4. Jurisdiction of the Tribunal

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

5. Limitation

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

6. Facts of the case

The facts of the case are given below :-

So. 1. That the applicant is working on the post of
Shop Superintendent at Loco Workshop, Northern
Railway, Charbagh, Lucknow. He was promoted
on the aforesaid post of Shop Superintendent
in the Grade Rs.2375-3500 D.E.F. 11.12.1989. &

Dinesh Kumar

photostat copy of the order dated 11.12.1989

Annexure-1 is filed as Annexure No.1 to this application.

6.2. That in terms of the aforesaid order dated 11.12.1989 the applicant by order of the Chief Works Manager dated 26.12.1989 was given his posting w.e.f. 27.12.1989. A photostat copy of the order dated 26.12.1989 is filed as Annexure No.2 to this application.

Annexure-2

6.3. That the applicant was earlier promoted and posted as Chargeman Grade 'A' in the scale of Rs.550-750. The promotion of the applicant as Chargeman Grade 'A' was made by order dated 12.11.1979. On the basis of this date of promotion the applicant was placed at serial No.5 in the seniority list of Chargeman Grade 'A'.

6.4. That one Bal Kishan was shown at serial No.5 in the seniority list of Chargemen 'Grade A' on the basis of his date of promotion as 29.11.1979. Bal Kishan subsequently claimed his date of promotion to be 27.10.1978. This date of promotion was confirmed by the Local Unit Administration, that is, Dy. C.M.E. Amritsar. Consequently the applicant was superseded by Bal Kishan without being afforded any opportunity for showing cause against the proposed action and the applicant was unable to challenge his supersession as the confirmation by the Local Unit Administration of Bal

Dinesh Kumar

Kishan's date of promotion was done ~~at~~ ^{at} the back of the applicant.

5.5. That one Hari Singh was subsequently promoted on the post of Shop Superintendent at Kalka in January 1989 after transferring the said post of Shop Superintendent from Charbagh Loco Workshop, Lucknow. The name of Hari Singh, however, does not find place in the seniority list on the next below post to show his eligibility for promotion as Shop Superintendent. After the retirement of Hari Singh the said post of Shop Superintendent was again restored and transferred to Loco Workshop Charbagh, Lucknow, W.e.f. 9.11.1989.

5.6. That the applicant should have been promoted on the post of Shop Superintendent on the basis of his seniority position in January, 1988 when the said post became vacant. This vacancy was not filled up and was kept in abeyance for one year. Hari Singh was promoted on the post of Shop Superintendent by transferring the said post at Kalka in January, 1989, where Hari Singh was posted. Thus it is apparent that the applicant was superseded in order to show favour to Hari Singh and only after the retirement of Hari Singh the post was restored and transferred to Loco Workshop Charbagh, Lucknow, on which the applicant was promoted on 11.12.1989.

Dinesh Kumar

6.7 That the applicant continued to discharge his duties on the post of Shop Superintendent at Loco Workshop, Charbagh, Lucknow, diligently, efficiently and to the entire satisfaction of his superior authorities. There was no complaint against his work from any quarter.

6.8 That by letter of the Chief Works Manager, Loco Workshop, Charbagh, Lucknow, dated 11.7.1990 the applicant was informed about the General Manager (Personnel)'s letter No. 755-E/108-IV(EiiW) dated 5.7.1990 revising the seniority position in the category of Dy. Shop Superintendent (Tool Maker) in the grade Rs.2000-3200 on the basis of the claim of one Uttam Singh. A photostat copy of the letter dated 11.7.1990 containing the letter dated 5.7.1990 revising the seniority position of the applicant is filed as Annexure No.3 to this application.

6.9 That the seniority position of the applicant is sought to be revised by the aforesaid letter of the G.M.(P) dated 5.7.1990 on the basis of the claim of Uttam Singh for seniority over the applicant by seeking to change his recorded date of promotion from 16.9.1980 to 1.1.1979. Uttam Singh is at present working as Dy. Shop Superintendent at Kalka under the control of Jagadhri. By the aforesaid letter dated 11.7.1990 the applicant was required to submit his representation by

Dinesh Kumar

20.7.1990 and in case no representation is received by 20.7.1990, the claim of Uttam Singh would be confirmed.

5.10 That the applicant in the aforesaid circumstances is once again facing imminent threat of supersession on the basis of patently belated and baseless claim of Uttam Singh without affording reasonable opportunity to the applicant to show cause against the claim of Uttam Singh. The contents of the letter of the G.M. (P) dated 5.7.1990 that the decision to revise the seniority position of the applicant on the basis of the belated and untenable claim of Uttam Singh has already been taken and requiring the applicant to submit his representation within an unreasonably short period, that is, by 20.7.1990 is wholly arbitrary, unjust and in violation of the principles of natural justice.

5.11 That the seniority position of the applicant over and above Uttam Singh stands confirmed and finalised and the same cannot be revised or happen at this belated stage.

5.12 That the seniority list for the post of Chargeeman Grade 'A' alongwith other category posts was circulated vide G.M. (P)'s letter No.752-E/318(EIIW) dated 5.12.1984. Objections, if any, were required to be made within one month. No objection whatsoever was raised by Uttam Singh at that time and the seniority

Dinesh Kumar

list for Charge man Grade 'A' became final.

6.13 That meanwhile the applicant alongwith others including Uttam Singh was promoted from the post of Charge man Grade 'A' to Asstt. Shop Superintendent/Dy. Shop Superintendent (Tool Maker) in the grade Rs.700-900 (Rs.2000-3200(R.S.)) The seniority list on the post of Asstt. Shop Superintendent/Dy. Shop Superintendent (T.M.) was circulated vide GMP/NOLS No.752-E/318/(EIIW) (Prov.) dated 26.5.1987 and objections were again invited within one month. But no objections were filed by Uttam Singh against his seniority position vis-a-vis the applicant. A photostat copy of the seniority list as circulated by letter dated 26.5.1987 is filed as Annexure No.4 to this application.

6.14 That the applicant was finally promoted as Shop Superintendent (Tool Maker) in the grade of Rs. 2375-3500 at Loco Workshop Charbagh, Lucknow, by order dated 11.12.1989, as already stated above. But no claim was made by Uttam Singh for promotion on the said post of Shop Superintendent nor any objection was raised by him at the time of the applicant's promotion by order dated 11.12.1989. Thus the claim of Uttam Singh is inordinately belated and suffers from laches right from 12.11.1979 when the applicant was promoted as Charge man Grade 'A' and thereafter when the combined seniority list including the seniority position in the category of Charge man Grade 'A' was circulated

Dinesh Kumar

by letter dated 5.12.1984 for objections but no objections were filed by him and thereafter when the applicant was promoted as Asstt. Shop Superintendent on 1.1.1984 and thereafter when the seniority list of Asstt. Shop Superintendent/Dy. Shop Superintendent was circulated by letter dated 26.5.1987 for objections but no objections was raised by Uttam Singh against the applicant's seniority position above him. Thus the claim of Uttar Singh for seniority over the applicant on the basis of the applicant's promotion as Chargeman Grade 'A' on 12.11.1979 is highly belated and suffers from laches and is accordingly time barred and no revision of the seniority list can be made as it will have the effect of the applicant's reversion. The applicant believes that a decision to revert him in the garb of revising the seniority list has already been taken to show undue favour to Uttam Singh and the same is clearly evident from the order dated 5.7.1990. The said order is, therefore, wholly malafide, arbitrary and without jurisdiction and amounts to discrimination of the applicant in service in violation of Articles 14 and 16 of the Constitution of India.

To Grounds for relief :

(a) Because the letter dated 11.7.1990 informing of the revision of seniority in the category of Dy. Shop Superintendent (TM) on the basis

Dinesh Kumar

of the representation of Uttam Singh is illegal, arbitrary and without jurisdiction.

(B) Because the claim of Uttam Singh for seniority over the applicant on the basis of his promotion to the post of Chargeeman Grade 'A' as far back as 12.11.1979 is not maintainable as it is highly belated and time barred.

(C) Because the seniority list on the post of Chargeemen Grade 'A' circulated by letter dated 5.12.1984 showing the applicant senior to Uttam Singh became final when no objection against the same was raised by Uttam Singh.

(D) Because thereafter the seniority list on the next promotional post of Asstt. Shop Superintendent/Dy. Shop Superintendent circulated by latter dated 26.5.1987 again showing the applicant senior to Uttam Singh also became final when no objection to it was raised by Uttam Sing and finally when no objection was raised to the applicant's promotion as Shop Superintendent (TM) on the basis of his seniority.

(E) Because the order dated 5.7.1990 communicated by letter dated 11.7.1990 seeking to revise seniority in the category of Dy. Shop Superintendent (TM) on the basis of Uttam Singh's claim for seniority with retrospective effect is wholly arbitrary and without jurisdiction.

Dinesh Kumar

(F) Because the applicant is sought to be reverted on the basis of a belated and time barred claim of Uttam Singh which suffers from laches and amounts to the applicant's discrimination in service in violation of Articles 14 and 16 of the Constitution of India.

3. Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

3. Matters not previously filed or pending with any other court :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

4. Reliefs sought :

In view of the facts mentioned in para 5 above the applicant prays for the following reliefs:-

(1) To quash the order dated 5.7.1990 as circulated by letter of the Chief Works Manager dated 11.7.1990 (Annexure No.3).

Dinosh Kumar

(11) To direct the opposite partie not to revert the applicant from the post of Shop Superintendent (TM), Loco Workshop Charbagh, Lucknow, by revising his seniority position on the basis of the time barred claim of seniority by Uttam Singh.

(12) To pass any other order as deemed just and proper in the circumstances of the case.

11. Interim order, if any prayed for :-

Pending final decision on the application, the applicant seeks issue of the following interim order :-

Operation of the order dated 5.7.1990 of General Manager (P) seeking revision of seniority in the category of Dy. Shop Superintendent (TM) be stayed and the applicant be not reverted on the on its basis.

12. Particulars of Postal Order in respect of the application fee :-

1. Number of Indian Postal Order 862 414735-

2. Name of the issuing Post Office M.C. Branch

3. Date of issue of Postal Order 26/7/90

4. Post office at which payable, Allahabad

13. Details of Index :-

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

Dinesh Kumar

13. List of enclosures : As per index.

Verification

I, Dinesh Kumar, aged about 40 years, son of Sri Shyam Behari, working as Shop Superintendent (TM), Northern Railway Loco Workshop Charbagh, Lucknow, resident of C&W 32-B Burry Road, Alambagh, Lucknow, do hereby verify that the contents from paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Lucknow.

Date : July 26, 1990.

Dinesh Kumar
Signature of the applicant.

Dinesh Kumar

The Central Administrative Tribunal
बाधालत श्रीमान एवं बैच लिंक सहोदय

वादी (मुद्रित)
मुद्रित (मुद्रालेह)

का

वकालतनामा

O.A.N.

of 1990

१८८

Dinesh Kumar

Union of India & Others प्रतिवादी (रेस्पान्डेन्ट)

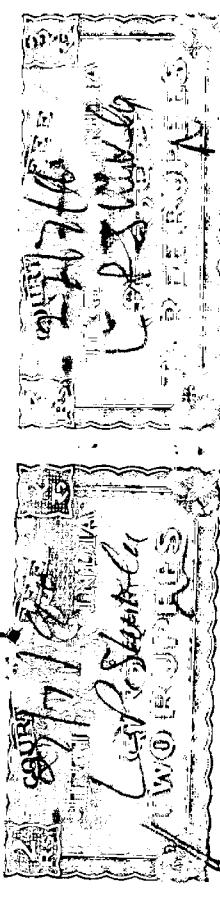
नं० मुद्रमा

जन पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Lal Shukla Advocate वकील

C-700 Manager Lucknow एडवोकेट महोदय



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

Dinesh Kumar
हस्ताक्षर

Dinesh Kumar
Signature

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

X
LX

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

D.A. No. of 1990 (L)

Dinesh Kumar

.....

Applicant

Versus

Union of India & others

Respondents

List of Enclosures

| S.I. | Description of documents | Page Nos. |
|------|---|-----------|
| No. | relief upon. | |
| 1. | Order dated 11.12.1989 promoting the applicant on the post of Shop Superintendent. | .. / 3 - |
| 2. | Order dated 26.12.1989 of the Chief Works Manager giving posting to the applicant on the post of Shop Superintendent w.e.f. 27.12.1989. | .. / 4 - |
| 3. | Letter dated 11.7.1990 containing the letter dated 5.7.1990 revising the seniority position of the applicant. | .. / 5 - |
| 4. | Seniority list as circulated by letter dated 26.5.1987. | .. / 6 - |

Dated Lucknow

July 26, 1990.

Dinesh Kumar
Signature of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BACH, LUCKNOW

D.A. No.

of 1990 (L)

Dinesh Kumar

.....

Applicant

Versus

Union of India & others

Respondents

ANNEXURE NO.1

NORTHERN RAILWAY

Headquarters Office,
Baroda House, New Delhi.

NOTICE

CWE has passed the following orders:-

(1) Shri Dinesh Kumar, Dy. SS(TM) Grade Rs. 2000-3200 (RPS) AMV-Shop LKO is transferred to CB-Shop LKO & is appointed to an official as SS(TM) Grade Rs. 2375-3500 (RPS) against the post which was restored/transferred to CB-Shop LKO from JUDW under this notice No. 755-E/135/VI/EIIW dated 1/9/-11-39.

NR

NB:- The Promotion of Shri Dinesh Kumar is subject to final decision from Supreme Court & CAT-Delhi & also there is no DAR/Vigilance/SPE cases are pending against him at W/Shop level.

(Gopi Ram)
Sr. Personnel Officer (M).

Dated: 11/12/1989.

No. 755-E/135/VI/EIIW.

(1) Dy. CME, AMV-LKO.

(2) CWM/CB-LKO.

Dinesh Kumar

Sivan,
11/12/1989.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW DEPT, LUCKNOW

O.A. No.

of 1990 (L)

Dinesh Kumar

.....

Applicant

Versus

Union of India & others

Respondents

ANNEXURE NO 2

det 26/12/89

Dinesh

S.O. No. 317

In terms of IPO (J)'s No. 7552/135/VI/III of 11.12.89 Sri ~~.....~~ Kumar (Ly. SS/DM of CW) who was pay Rs. 2600/- in Gr. 2000-3200 has been promoted as SS/DM in Gr. 2375-3500 w.e.f. 11.12.89 & posted in CW b/s/LKO. Accordingly after having been spared by Ly. C.E./AKV/LKO on 18.12.89 as vide R. No. 662 dt. 16.12.89 & L/No. TR/E-1/89 of 18.12.89 Sri Dinesh Kumar has reported in these Works XX on 18.12.89 & waited for posting order. Sri Dinesh Kumar is now posted as SS/TT on pay Rs. 2750/- in Grade 2375-3500 w.e.f. 27.12.89 M. The service from 19.12.89 to 26.12.89 is treated as waiting for posting orders.

Subsequent non joining of Sri Dinesh Kumar as SS/TT following changes are ordered with immediate effect :-
 1. Sri Kewal Krishan, (Mech) working as SS/TT is transferred to Inspection shop vice Sri Ram Selaat who has already been transferred to M. shop vide this office R. No. 313 dt. 23.12.89.
 This has the approval of CW/C/LKO.

For Chief Works Manager,
 M.Y.Loko b/s/C/LKO.

Copy to :- 1. C.P. Pass, R. No. 28/135, Ly. C.E./AKV/LKO
 for info.
 2. The CW(P)/M.L.S for info release.

For Chief Works Manager,
 M.Y.Loko b/s/C/LKO.

Sd/26.12.89

Dinesh Kumar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

(15) *Ans*

O.A. No. of 1990 (L)

Dinesh Kumar

.....

Applicant

Versus

Union of India & others Respondents

NORTH INDIAN RAILWAY LOCOMOTIVE WORKSHOPS CHURBAGH LUCKNOW.

N.O. 652/33/Dy.33/ TM/90.

Dt. 11.7.90.

Sri Dinesh Kumar
Ch-^g Supdt. (TM)
Loco, Churbagh, LKO.

The Copy of GM(P) Letter D^ No. 755-E/103-IV (Eiiw) dt. 5.7.90 as reproduced below is sent herewith for information and if you want to represent any thing against the proposed seniority x-ray you should submit your representation within a week to enable this officer to forward the same to HQ. M/s. Office within stipulated time.

Ans
for Chief Works Manager,
MR/Locoshops, Churbagh, LKO.

Sub:- Revision of seniority in the category of Dy. SS (TM) grade Rs. 2000-3200 (RPS)-case of Shri Uttam Singh Dy. SS (TM) KIK-Workshop.

At the time of holding modified selection to the posts of Dy. SS (TM) grade Rs. 700-900 (RS)/Rs. 2000-3200 (RPS) under restructuring Scheme the seniority of Shri Uttam Singh Ch/men 'A' (TM) grade Rs. 550-750 (R3)/Rs. 1600-2660 (RPS) was fixed below Shri Dinesh Kumar as their date of promotion as such was w.e.f. 12.1.79 and 16.9.80 respectively as intimated by ACO (W)CB/LKO and ACME (W) JUDW. Both the above named staff have been placed on the select list of Dy. SS (TM) grade Rs. 700-900 (RS)/Rs. 2000-3200 (RPS). On promotion Shri Dinesh Kumar as Dy. SS (TM) grade Rs. 2375-3500 (RPS) Shri Uttam Singh has represented that ACME/JUDW had intimated his date of promotion as Ch/men 'A' (TM) grade 550-750 (R3)/Rs. 1600-2660 (RPS) to Headquarters Office as 16.9.80 wrongly Rs. 1600-2660 (RPS) w.e.f. 1.1.70 as per ACME (W) JUD's Notice No. 753-E/6/16 (EI) dated 24.10.83. As a result of the above, the facts have been seniority of Shri Uttam Singh has to be revised and he is to be placed above Shri Dinesh Kumar but before doing this, the above position may please be intimated to Shri Dinesh Kumar and if he has to represent any thing against this he should submit his representation within fortnight. In case no representation is received from him upto 20.7.90 the above change in the seniority list will be made.

Dinesh Kumar

Last Sh. Bal Kishan ASY/ASR Subs. me
vide 803-E/12-A EII-n dt 3.8.86

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

LUCKNOW AND LUCKNOW

U.S.A. No. 10990 (L)

Dinesh Kuber

Vararia
Applicant

Union of India & Others -

Circulated with GPO/MAR 1/11/2005/318/510 : 14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW

D.L. No. 209 of 1990 (L)

Dinesh Kumar Applicant

versus

Union of India & others Respondents

Supplementary Affidavit

I, Dinesh Kumar, aged about 40 years, son of Sri Shyam Behari, Shop Superintendent (Tool Maker), Northern Railway, Loco Workshop, Charbagh, Lucknow, Resident of C&W 32 B, Burry Road, Alabagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant in the above application and as such is fully conversant with the facts deposed to herein.
2. That the applicant was promoted as Chargeeman Grade 'M' by order dated 12.11.1979 on adhoc basis being the senior most Chargeeman Grade 'M'. The applicant continued to work on the promoted post of Chargeeman Grade 'M' for over three years without any break. A photocast copy of the order dated 12.11.1979 promoting the applicant as Chargeeman Grade 'M' is filed ~~and~~ as Annexure No.5 to this supplementary affidavit.
3. That by order of the General Manager (Personnel), Northern Railway, Baroda House, New Delhi, dated 5.12.1984 as circulated on 15.12.1984 the applicant was approved for regularisation as Chargeeman

Annexure 5

Grade 'B' W.S.F. 12.11.1979. The said letter dated 15.11.1984 was circulated along with the seniority list indicating that the applicant was regularised as Chargeeman Grade 'B' W.S.F. 12.11.1979. A photostat copy of the letter dated 15.12.1984 along with the seniority list is filed as Annexure No.6 to this supplementary affidavit.

Annexure 5

4. That the aforesaid seniority list alongwith the letter dated 15.12.1984 indicating that the applicant was promoted as regular Chargeeman Grade 'B' W.S.F. 12.11.1979 was circulated to all the Workshops in Northern Railway including the Lucknow Unit.
5. That in terms of the order dated 11.7.1990 (Annexure No.3), the applicant preferred his representation dated 17.7.1990 through proper channel, that is, the Chief Works Manager, Loco Workshop, Northern Railway, Lucknow. One advance copy of the said representation was sent to the General Manager (Personnel) by registered speed post on the same date, that is, 17.7.1990. A photostat copy of the applicant's representation is filed as Annexure No.7 to this supplementary affidavit.

Annexure 7

Lucknow Dated

Deponent,

August 7, 1990.

Verification

I, the above-named deponent, do verify

That the contents of paragraphs 1 to 5 of this affidavit are true to my own knowledge and belief. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated:

Deponent.

August 7, 1990.

I identify the above-named deponent who has signed before me,

(Signature)
Sri C. P. Shukla
Advocate.

Solemnly affirmed before me on August 7, 1990

at 2⁰ a.m./p.m. by Sri Dinesh Kumar

the deponent who is identified by

Sri C. P. Shukla (Sri, L. P. Shukla)

Advocate, High Court, Allahabad.

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

S. Dinesh Kumar

*17/8/90
TBC*

17/8/90

D/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O. A. No. 239 OF 1980 (L)

Dinesh Kumar Applicant

Various

Union of India & others..... Respondents

Annexure No. 5

N.Rly. Office of the Dy. C.M.E. (W), C&W Shops, Army, Lucknow.

S.O.No. 1002, of 1979 Dated: Nov. 12, 1979.
In continuation of S.O.No.983 of 79 one post of C/man Tool Maker
Gr.B 425-700RS is upgraded as C/man Tool Maker Gr. 'A' 550-750RS
and Shri Dinesh Kumar Srivastava, the seniormost is put to officiate
as C/man Gr. 'A' on pay Rs.550/-PM in Gr.Ps.550-750RS and posted against
this upgraded post w.e.f. 12.11.79 P.M.

Shri Dinesh Kumar Srivastava must understand that this is purely a
temporary local adhoc arrangement and it will not confer upon him
any right or claim for such promotion over his seniors in future.

for, by C.M.E. (W)/Army, D.R.C.

No. LC.E/795/A/PR Dated: Nov. 12, 1979.

C/- to AGS/Tool M. n, CTR, Hrs, by, CAO(W), SCC/Super, Leave Clerk for
inf. & n/acton.

Dinesh Kumar

27/9/80
R.S.G.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

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O. A. No. 239 of 1980 (L)

Dinush Kumar

.....

Applicant

Vorug

Union of India & others.....

Respondents

Annexure No. - 6

Office of the Dy. C.M.E (W), C & W Shops
Alamgagh, Lucknow.

No. DCME/741/Pt. II. D. 15.12.84

The NSS (Tool Room)
Amr. LKO.

Re: - Seniority list of Cman A
(Tool Makers) Gr. R. 550-750 (RS)

In terms of G.M.(W)/INDIS letter
No. 752E/318 E/112 dt. 5.12.84, the provision-
al Seniority list of Cman A (Tool Makers) Gr.
R. 550-750 (RS) who are proposed to be
promoted as Ass (Tool Makers) Gr. R. 700-
900 (RS), is sent herewith for information
to the Staff concerned. Objections of the
Staff if any, may be submitted to
this office through Sp. Messengers
by 17.12.84 certainly. Otherwise the
Seniority list will be treated as
final and H.O. Office will be
advised accordingly.

DA
me Bhatti

1. 11.12.84

for Dy.C.M.E (W)
Amr. LKO.

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TOOL MAKERS

| Sl. No. | Name. | D.O.B. | D.O.A. | Date of regular promotion. | W/Sharp. | S/C/SR. |
|---------|-------|--------|--------|----------------------------|----------|---------|
|---------|-------|--------|--------|----------------------------|----------|---------|

| | | | | | | |
|-----|----------------|---------|----------|----------|----------|--------------|
| 1. | Niranjan Singh | 16-6-50 | 21-7-50 | JDC | No ✓ JUD | |
| 2. | S.A. Tiwari | 25-6-51 | 25-11-58 | 6-9-73 | AMV (X) | - ✓ PAF |
| 3. | R.J. Pandey | 5-9-40 | 28-1-59 | 21-6-77 | QB | - ✓ CB |
| 4. | Ram Gopal | 16-6-27 | 13-6-52 | 1-1-79 | JG | - (X) ✓ MKN |
| 5. | Dinesh Kumar. | 1-1-51 | 24-11-75 | 18-11-79 | AMV | - ✓ PAF |
| 6. | Bal Kishan | 20-3-35 | 24-11-56 | 30-11-79 | ASR | - ✓ RA |
| 7. | Uttam Singh | 1-4-40 | 14-5-61 | 16-9-80 | JUD | No (X) ✓ JUD |
| 8. | S.S. Pandey | 15-9-57 | 16-1-56 | 1-10-80 | QB | - ✓ |
| 9. | Jai Kishan. | 5-5-53 | 1-4-49 | 11-10-80 | BMW | - PAF |
| 10. | B.N. Banerjee | 24-7-51 | 1-2-49 | 1-11-80 | QB | - |
| 11. | Shoo Mangal | 7-10-67 | 18-7-78 | 1-4-81 | BMW | - PAF |
| 12. | Gian Singh | 12-6-58 | 15-5-61 | 12-1-82 | ASR | -do- |
| 13. | Hanget Ram | 5-11-58 | 14-7-58 | 19-5-82 | ASR | -do- |

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

D. A. No. 239 OF 1990 (L)

Dinsah Kumar

Applicant

Vorug

Union of India & others.*****

Respondents

ANNEXURE NO 7

To

The General Manager(P),
N. Railway H.Q. Office,
Baroda House,
N. Delhi.

Sub:- REQUEST FOR SUPPLY OF DOCUMENTS FOR APPEALING AGAINST
PROPOSED REVISION OF SENIORITY LIST IN CATEGORY OF DY. SS/
TH. GRAD B. 2000 - 3200 (RPS) AFTER LAPSE OF SIX YEARS IN LIST
OF 84 BASED.

RPS:- CWM/Chagbagh letter No. 66E/88/Dy. SS/TH/90 dt. 11.7.90 ref
the GM(P) letter No. 755E/100-IVE11(W) dt. 5.7.90.
Seniority list of ~~1986~~ in the application:-
1. Combined Seniority list of All grades of TM Supervisor
vide GM(P) 752E/318E11(W) dt. 5.12.84.
2. Seniority list circulated vide GM(P) letter No. 752E/3/
318E11(W) provisional dt. 26.5.87 of ASS(TM).
3. Modified selection list of ASS(TM) vide GM(P) letter No.
755-E/188-IV/E-11(W) dt. 21.2.86 in which Sh. Bal Kishan
of ASR Super seated me.

Respected Sir,

With due respect I beg to bring the following facts for
your consideration regarding repeatedly and intentionally injustice
is being done with the career of young blood which not only
causing mental humiliation but also insult to dignity by deliberat-
ly humpering my rights.

1. That in above said seniority list referred at Sl. No. 1
my name ~~was~~ was above to Sh. Bal Kishan of ASR and Sh. Uttam
Singh of JUD the date of promotion to grade B. 530 - 750 was as
below:-

| | |
|-----------------|-------------------|
| 1. Dinsah Kumar | 12.11.79 Alambagh |
| 2. Bal Kishan | 29.11.79 ASR |
| 3. Uttam Singh | 16.9.80 JUD |

So, I would have been promoted after Sh. Dhanpat Singh

Dinesh Kumar

at Charbagh Lucknow being ~~known~~ next eligible senior at that time as per referred list serial No. 1.

2. But after retirement of Sh. Dhanpat Singh from Charbagh, the post ^{was} transferred to JUD to adjust Sh. Hari Singh of KLK as SS/TM Grade Rs. 2375 - 3500 (RPS), whereas he was no where stands in above/said seniority lists.

3. When post of BKM of SS/TM was likely to arise to avail opportunity Sh. Bal Kishan of ASR appealed that his date was 27.10.⁷⁸ instead of 29.11.79 and it was wrongly recorded, confirmed by his local administration and so easily he was placed above me after lapse of 2 years. I kept ~~know~~ giving honour to decision of administration, resulting he was posted as SS/TM BKM. As upto 1.1.79, Grade Rs. 550 - 750 was selection post under H.Q. office controlled. I don't know whether he was in panel at that time, by which he was benefitted.

4. After restoring the post from JUD, retirement of Sh. Hari Singh of KLK and also adjusting the S.S. of Machinist trade at Charbagh/TM. Ultimately I was promoted on above post from 16.12.89 being next senior in 14th after so much loss. My promotion was approved by competent authority and after thoroughly ~~ex~~ checking seniority list by concerned office.

5. Now, after completion of my six month as SS/TM Charbagh Sh. Uttam Singh of KLK/JUD have appealed in same manner, as Sh. Bal Kishan have super seated stating that now his date of promotion of Grade 550 - 750 was.p. 1.1.79 not 16.9.80, and have recommended by his unit administration after lapse of six years. He has soughted only when opportunity have come instead of appealing within stipulated time limit.

In these always circumstances, I am again going to suffer

for my no fault. So I feel some smell of manipulation which can not be ruled out. So I request your honour to please ~~try~~ investigate the whole case one again completely before doing any injustice ~~xxx~~ with me, and convey me the reply or documents on following points, so that I can represent my case in proper way.

1. Under what ground Sh. Hari Singh of KLK was promoted, where as he was no where stands in any one of the referred three seniority list.
2. Date from which the Ch/man Grade 'A' Rs. 550 - 750 was included in upgradation.
3. Under what circumstances Sh. Bal Kishan of ASR & Sh. Uttam Singh of KLK/JUD are identified as Ch/man 'A' in the grade of Rs. 550 - 750, from dates claimed by them. whether they were under select list or panel list i.e. 27.10.78 & 1.1.79 (copy of panel list of 27.10.78 which identified Mr. Bal Kishan of ASR and select list of 1.1.79 in which Sh. Uttam Singh of JUD is being identified in grade Rs. 550 - 750 may please be provided to me.
4. The paid voucher may please be confirmed from Accounts section of concerned unit whether they have been paid officiating pay or substantive pay for the period by which the both have claimed seniority on me (Sh. Bal Kishan /ASR from 27.10.78 to 29.11.79 & Sh. Uttam Singh from 1.1.79 to 16.9.80 of Jagdhari to confirm Sl. No. 1305 of the manual.

Hoping that above required documents will be given to me, to represent my case properly. And requesting you that no undue injustice will be done with me again, which will save me from unnecessary mental harrasement of my no fault. As it seems intentionally ~~xxx~~ manipulation to hamper me ~~xxx~~ deprived me of my genuine rights and ~~xxx~~

and, this will continue my faith in decision of administration.

Thanking you,

Yours faithfully,


(Dinesh Kumar)
Shop Supdt. TM
N. Railway, Loco,
workshop, Charbagh,
Lucknow.

Date:- 17/7/1990

Lucknow-

Advance copy to G.M., N. Rly.
requesting him to kindly stop
repeated in justice with me.

X
1/2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

O.A.No.239/90(L)

Sri Dinesh KumarApplicant
Versus
Union of India and othersRespondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENT No.1 AND 2

I, A.K.Rao, presently posted as Chief Works Manager, Locomotive Work Shop, Northern Railway, Charbagh, Lucknow solemnly state as under :-

1. That the undersigned is presently posted as Chief Works Manager, Locomotive Work Shop, Northern Railway, Charbagh, Lucknow and is arrayed as Respondent No.2 in the above mentioned case and as such, well conversant with the facts stated in this reply. The undersigned is duly authorised to file this reply on behalf of Respondent No.1 also.

2. That prior to giving reply to the contents of the above mentioned application it is most respectfully submitted that prior to 31.12.1983, the post of Deputy Shop Superintendent (Tool Maker) Grade Rs.700-900(RS)/Rs.2000-3200(RPS) was a selection post and was filled on the basis of positive act of selection, i.e., written test followed by viva-voce test.

That the Railway Board, vide their letter No.PC-III/93/UPG/3 dated 1.05.1984, while issuing instructions for cadre review under re-structuring scheme, decided that the existing classification of post covered under re-structuring order on 'selection' and 'non-selection', as the case may be, remain unchanged, but 'under these orders, the selection for the post of Deputy Shop Superintendent (TM) grade Rs.700-900(RS)/Rs.2000-3200(RPS) was to be arranged on the basis of 'scrutiny' of service records.

That keeping in view the above mentioned orders of the Railway Board, a selection to the post of Deputy Shop Superintendent (TM) under modified procedure was held from amongst senior most suitable Charge Man 'A' (TM)

3/2

2/2

AD

grade Rs.550-750(RS) after obtaining Seniority List of Charge Man 'A' (TM) from Work Shops. Before the said selection was held, a provisional Seniority List of Charge Man 'A' was issued on 5/6.12.1984 for the information of staff and their objections, if any, were invited thereon upto 15.12.1984. One Sri Bal Kishan, Charge Man 'A', ASR Work Shop had represented against his seniority assigned to him, and after examining the position, his seniority position was changed from Serial No.6 to 3/1. It was added that one Sri Hari Ram, Charge Man 'A', ASR Work Shop was being transferred on ad hoc promotion as Deputy Shop Superintendent (TM) grade Rs.700-900(RS) ASR Work Shop to KLK Work Shop. But neither his name in the Seniority List was forwarded to Loco Work Shop by ASR, nor JUD Work Shop. When the selected staff was posted after modified selection process as Deputy Shop Superintendent (TM) KLK, where Sri Hari Ram was working on ad hoc basis against the vacancy, he represented as to why he was being replaced by a junior staff member. Thereafter, his case was examined and his name was also included in the Seniority List of Charge Man 'A' (TM) and he was placed at position 2/1, i.e., below Sri S.R.Tewari and above Sri R.S.Pandey and his regular selection was also made on the post of Deputy Shop Superintendent (TM) grade Rs.700-900 when he qualified in the said selection.

That Sri Uttam Singh, Charge Man 'A' posted as JUD Work Shop did not represent against his seniority of Charge Man 'A' (TM) with effect from 6.09.1980, and as such, his seniority was kept below Sri Dinesh Kumar (applicant), whose date of promotion as Charge Man 'A' (TM) was 12.11.1979. As a result of which, the name of the applicant was placed above Sri Uttam ^{Singh} in the Select List of Deputy Shop Superintendent (TM) grade Rs.700-900, and he was promoted as ~~Shop~~ Shop Superintendent (TM) grade Rs.2375-3500 (RPS) in Loco Shop, Charbagh, Lucknow on occurrence of vacancy. Sri Uttam ~~at this stage~~ represented against the promotion of the applicant was Shop Superintendent (TM) garde Rs.2375-3500 (RPS) raising the plea that he was senior to the applicant as Charge Man 'A' having his date of promotion as 1.01.1979. This fact was also confirmed by the Chief Works Manager, JUD. Before the question of seniority of Sri Uttam Kumar could be decided, the Competent Authority

before making any change in the seniority position of Sri Uttam Singh vis-a-vis Sri Dinesh Kumar, decided to call for objections from the applicant Sri Dinesh Kumar.

That the applicant Sri Dinesh Kumar represented against the said decision of the Competent Authority, but before a final decision in this matter could be made, the applicant has filed the present application before this Hon'ble Tribunal against his reversion from the post of Shop Superintendent (TM) grade Rs.2375-3500 (RPS) and this Hon'ble Tribunal has stayed the reversion of the applicant by its order dated 27.07.1990.

3. That the contents of paragraphs 1 and 2 of the application need no comment.

4. That in reply to the contents of paragraph 3, it is most respectfully submitted that as the history of the case has already been mentioned in the foregoing paragraph 2 of this reply, the applicant Sri Dinesh Kumar had already submitted his objections against the revision of his seniority, but before any final decision in this matter could be taken, the applicant has filed the present application before this Hon'ble Tribunal against his order of reversion, and the reversion order has already been stayed by the order dated 27.07.1990.

5. That the contents of paragraphs 4 and 5 of the application need no comment.

6. That the contents of paragraphs 6.1 and 6.2 are admitted only to the extent that the applicant Sri Dinesh Kumar was promoted as Shop Superintendent grade Rs.2375-3500 (RPS) in Loco Work Shop, Northern Railway, Chiarbagh, Lucknow with effect from 11.12.1989, as he was due for promotion on the basis of seniority in the category of Deputy Shop Superintendent (TM), which was challenged by Sri Uttam Singh, Respondent No.3, who has claimed himself to be senior to the applicant. But before the said question could be decided by the Competent Authority, the applicant has filed the present application before this Hon'ble Tribunal.

BBM

7. That the contents of paragraph 6.3 are admitted. But

it is most respectfully submitted that in view of the representation made by the Respondent No.3, the seniority of the applicant as Charge Man 'A' has to be changed and he is to be placed below the Respondent No.3 as the date of appointment of the applicant as Charge Man 'A' is 12.11.1979, whereas the date of appointment of Respondent No.3 as Charge Man 'A' (TM) grade Rs.550-750 (RS) is 1.01.1979 which has been confirmed by the Chief Works Manager, JUD.

8. That in reply to the contents of paragraph 6.4 it is most respectfully submitted that the seniority of Sri Bal Kishan was revised on his representation, keeping in view the fact that his date of promotion of as Charge Man 'A' (TM) was 27.10.1979 instead of 29.11.1979. Moreover, the seniority assigned to Sri Bal Kishan can not be assailed at present as he is not impleaded as a respondent in the present application.

9. That in view of the submissions already made in the paragraph 2 of this reply, the contents of paragraph 6.5 are not admitted.

10. That the contents of paragraph 6.6 are not admitted. It is most respectfully submitted that as Sri Hari Ram (not Sri Hari Singh as mentioned in the paragraph under reply) was senior to the applicant Sri Dinesh Kumar as Deputy Shop Superintendent (TM) grade Rs.2000-3200 (RPS) and he was nearing retirement, the vacancy of the post of Shop Superintendent (TM) grade Rs.2375-3500 (RPS) was temporarily transferred to KLK Work Shop to promote Sri Hari Ram (not Sri Hari Singh) and as such, the applicant was not due for his promotion as Shop Superintendent (TM) grade Rs.2375-3500 (RPS) with effect from January, 1988 as alleged by him in the paragraph under reply.

BKJ
11. That the contents of paragraph 6.7 need no comment.

12. That the contents of paragraphs 6.8 and 6.9 need no comment. It is, however, most respectfully submitted that the correct position has already been explained in the foregoing paragraphs of this reply.

13. That the contents of paragraph 6.10 are admitted. It

is most respectfully submitted that as a result of revision of seniority of Sri Uttam Singh in the category of Charge Man 'A' with effect from 1.01.1979 instead of 16.09.1980, Sri Uttam Singh is senior to the applicant Sri Dinesh Kumar in the cadre of Deputy Shop Superintendent (TM) grade Rs.2000-3200 (RPS) and is eligible for promotion as Shop Superintendent (TM) grade Rs.2375-3500 (RPS). It is further submitted that in compliance of the stay order granted by this Hon'ble Tribunal on 27.07.1990, the seniority of Sri Uttam Singh has not been revised and the applicant, though he is junior to Sri Uttam Singh, is working/officiating as Shop Superintendent (TM) grade Rs.2375-3500 (RPS).

14. That the contents of paragraph 6.11, being incorrect, are not admitted. It is most respectfully submitted that as explained in the foregoing paragraphs, Sri Uttam Singh is senior to the applicant Sri Dinesh Kumar in the category of Charge Man 'A' as well as Deputy Shop Superintendent (TM) grade Rs.2000-3200 (RPS).

15. That the contents of paragraph 6.12 need no comment.

16. That the contents of paragraph 6.13 are admitted. It is most respectfully submitted that the applicant Sri Dinesh Kumar was promoted as Shop Superintendent (TM) grade Rs.2375-3500 (RPS) in Loco Work Shop, Northern Railway, Charbagh, Lucknow, and only thereafter, Sri Uttam Singh had made representation for his promotion earlier to the applicant on the ground that he was senior to the applicant.

17. That the contents of paragraph 6.14 are not admitted. It is respectfully submitted that Sri Uttam Singh made a representation claiming himself to be senior to the applicant and his consequent promotion before the promotion of the applicant. It is, however, admitted that Sri Uttam Singh never represented prior to this against the seniority of the applicant in the category of Charge Man 'A' (TM) grade Rs.550-750, as well as in the category of Deputy Shop Superintendent (TM) grade Rs.2000-3200 (RPS)

B/S

18. That in view of the submissions made in this reply the undersigned is advised to state that the applicant is not entitled for any relief as claimed by him in

paragraph 7 of the application.

19. That the contents of paragraphs 8, 9, 10, 11, 12 and 13 of the application need no correction.

BR

Lucknow, Dated :
December , 1990.

VERIFICATION

I, A.H.Rao, presently posted as Chief Works Manager, Locomotive Work Shop, Northern Railway, Charbagh, Lucknow hereby verify that the contents of paragraph 1 of this reply are true to my personal knowledge and those of paragraphs 2 to 17 are based on records and the same are believed to be true. The contents of paragraph 18 are based on legal advice and the same are believed to be true. The contents of paragraph 19 are believed to be true. That no part of this reply is false and nothing material has been concealed.

BR

Lucknow, Dated :
December , 1990.

A
117
C/C

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.M. NO. 239 of 1990 (L)

Dinesh Kumar **Applicant.**

Versus

Union of India & Others **Respondents.**

27.7.1990

Hon'ble Mr. Justice K. Nath, V.C.

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

The applicant will produce a copy of the order dated 12.11.1979 by which he was promoted as Chargeman-Grade-4. He will also file a copy of the representation made by him in compliance of the order dated 11.7.1990 contained in Annexure-3 alongwith a supplementary affidavit within a week.

Issue notice to the respondents to show cause why this petition may not be admitted and what action they have taken on the representation made by the petitioner in reply to Annexure-3 and list for orders on 13.8.1990. In the meanwhile the applicant may not be reverted from the post of S.S (TM) in the grade of Rs. 2375 - 3500. The applicant shall serve respondents 1 and 2 out of court with a copy of this order as well as notices of this case. Office may make available copies of notices to the applicant counsel within 24 hours. Issue notice to respondent No.3.

Sd/-

A.M.

Sd/-

V.C.

11 True Copy 11

CRM/

महादत श्री वाम कोट्टरा पुश्चासनिक लालीकाला लालीकाला महोदय
दीपकीलालन श्री शुरुप लालीकाला पुलवाक लालीकाला लालीकाला लालीकाला
वादी रेस्पान्डेन्ट। वादी अपीलान्ट।

बताम वादी अपीलान्ट।

प्रतिवादी रेस्पान्डेन्ट।

सं मुकुदमा २४९ सं १९९० पेशी की ता ०१३.४.१९९० ₹०

ऊपर मुकुदमा में वादी और से श्री स्वामी नमा रेस्पान्डेन्ट लालीकाला महानगर

एप्टिवोट/वर्णील महोदय को अपबा वर्णील वियुक्त करके इन्हरारा रुता है और
छिपे देता है कि मुकुदमा में वर्णील महोदय स्वयं अश्वा अन्य वर्णील द्वारा जो नुक-
दरवी व जवाब दे ही व प्रश्नोत्तर करे ये जोई राष्ट्र दाविल करे या लौटाये
या हमारो जोर से डिगरी आरी करावें आर रुपया सबूत करें या सुलहनामा
या इन्हाल दावा तथा अपील व लिखानी हाजिरी आर हसारे या अपने हस्ताक्षर
से दाविल करें आर तसदीक करें ये मुकुदमा उठावें या जोई रुपया जमा करें या हम-
लिखी एपरीक्साती। तो दाविल लिया हुआ रुपया अपने या हमारे हस्ताक्षर
दृष्टकर्ती। रखीद से रेखे का पर्व वियुक्त करें
वर्णील महोदय द्वारा की गई वह सब कायदावी हमनो सर्वशा स्वीकार है आर हावी
हसलिए यह वकालत बास लिया दिया कि प्रमाण रहे जोर समय पर राम आवे।

हस्ताक्षर.....

४० वर्णील राजकमला
गावल, लालीकाला
दिल्ली-११०००८
महीना १९९० ₹०

ताम अदालत

मुकुदमा

काम करी केन बताम.....

शुरुप/21488

Accepted

Siddharth Verma

(Siddharth Verma)
Advocate

001-04-2025

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, D.P.L. Residency, Lucknow

SLC

No. C.A.T./L.C./Jd. 404 dated the

Registration No. 239/90 of 1990

Dinesh Kumar APPLICANT

VERSUS

Union of India RESPONDE

To Sri Uttam Singh Deputy Workshop Superintendent, Kalka Workshop
Kalka

(ii) Chief Works manager Loco workshop Charbagh

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 13.8.90 day of July 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this
30 day of July 1990.

DEPUTY REGISTRAR

⑥ Union of India through the General Manager (Personnel) N.R. Bhroda House
New Delhi

Final copy of Petition with Counter dated on 27.7.90 passed here.