

NAME OF PARTIES

G.A. 28/90(L)

Smt Meera Banerjee Datta

U. S. J. Datta

PART (A)

Check List - A-1 to A-2 ✓

Order Sheet - A-3 to A-6 ✓

Final Judgment Dated - A-7 to A-9 dt (22.4.93)

Petition for Contempt - A-10 to A-26 ✓

Annexure - A-27 to A-45, A-67 to A-70 ✓

Counter Affidavit - A-47 to A-56 ✓

Rejoinder Affidavit - A-58 to A-66 ✓

M.P. - A-68 & 69, A-72 to A-82 ✓

Power - A-46, A-57, A-71, A-83 ✓

PART (B) - B-1 to B-59 ✓

1- Notice / A84 to A85

PART (C) - C-1 to C-2

Wec. de d. c. u. / destroyed

plab
So (5)

DATED

(22)

GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

General Administrative Tribunal
Lucknow
Date of Filing 23/8/90
Date of Receipt by Post

Registration No. 269 of 1989 90 (4)

Deputy Registrar (1)

APPLICANT(S) Shri A. K. Banerji
RESPONDENT(S) U. O. 9

84/8
23/8

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?
b) If not, by how many days it is beyond time?
c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed ?
5. Is the application accompanied by B.D./Postal Green✓ for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
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 ?
c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

yes

yes

yes

yes

yes

N.A.

yes

yes

yes

yes

yes

yes

yes

yes

yes

No

269/90 (2)

(1)

(A3)

17-9-90

No setting Adj to 9.10.90

(2)
9.10.90

No setting Adj to 22.10.90

(3)
22.10.90

No setting Adj to 6.11.90

(4)
6.11.90

Hon'ble Mr M.V. Prickar, AM.
Mr. P.K. Agrawal, JM.

Due to resumption of Bar Association case is Adj to 19.11.90

(5)

19/11/90

Hon. Mr Justice K. N. Raju, JC.
Hon. Mr. M. M. Singh, AM.

(1)
B. or C.

We have heard Sri Radhika Raman for the applicant. The claim, in brief, is that under the orders contained in Annexure - A 4 dt. 10/5/83 the applicant, among others, was to be considered as posted against certain upgraded posts in the scale of Rs. 700-900 (Rs) without selection and would also be entitled for all consequential reliefs as per Rule, but despite representations made, the last representation ^{being} Annexure - A 11 dt. 7/1/90, appropriate orders have not been passed to implement those directions. Issue notice to respondents to show cause why the application may not be admitted and why they have not implemented their own decision contained in Annexure - A 4, dt. 10/5/83. List for admission on 14/1/91 when the case may be disposed of finally.

M. M. L.
Am.

Dr
JC

not as
served
22-11-90

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW
.....

Am

ORDER SHEET NO. _____

O.A./T.A. No. 269/90

OFFICE REPORT	DATE	ORDER
---------------	------	-------

18-9-92 Hon m Justice Vc S, Vc
Hon m K Goyys, Am

There is an application
for substitution. The same
is allowed.

list on 13-11-92
for further hearing

2 Am
Am
VC

O.R. 13-11-92

case is
S.F.H.

8
17/11/92

No singing of m. adf
to 18-11-92

AS

OR
SFH
25/2/93

OR
File Received
today
2/3/93

OR
Notice issued
on 22/3/93
H

(tgk)

A.M.

V.C.

Date
12.4.93

OR
Notices not
relivered
SFH
2/4/93

OR
For N. K. Banerji (for 1/4/93)
affidavit served
C.A. N. K. Banerji
2/4/93

26/2/93. Hon.Mr.Justice U.C.Srivastava,V.C.
Hon.Mr. K. Obayya, A.M.

Issue notice to Smt. Nina Banerjee,
Widow of late Shri B.C. Banerjee,
House No.L/169, Sector E, LDA Colony,
Kanpur Road, Lucknow, informing her
that their Counsel, who was representing
her husband's case has died and as such
if she is interested in pursuing the
matter the applicant may make some
other arrangements i.e. employ
some other advocate. Otherwise the
case will be disposed of in her
absence. List this case on 9/4/93.

Honble Mr. S.N. Banerji J.M

The power has been held
on behalf of Sri Varay ~~Krishna~~
Krishna on behalf of the ~~applicant~~
applicant. None stands on
behalf of the dependents.
List this case for ~~ad~~ hearing/
disposal on 22.4.93.

J.M.

104. No. 269/53

22/4/53

AB

Hon. Mr. S.N. Prasad, J.M

The case called out ~~at~~^{for} several times at intervals. Shri Vijay Krishna Counsel for the applicant in person. None responds on behalf of respondent. Despite repeated calls at intervals.

Heard, Learned Counsel for the applicant. Judgment dictated separately.

J.M

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

.....

Original Application No. 269 of 1990 (L)

Smt. Meera Banarjee & others Applicants

Versus

Union of India & others Respondents

Hon'ble Mr. S.N. Prasad, M.M.

1. The Present applicants are the legal heirs of the deceased applicant Shri A.K. Banarjee who has died during the pendency of this case and in his place the present applicants have been substituted.

2. The former applicant approached this Tribunal for directing the respondents to allow him the special pay of Rs. 150/- per month of higher scale of Rs. 840-1040/- from the date his next junior was allowed the said benefit by refixing his pay ~~under present scale after allowing~~
~~benefit in accordance with the rules of the Government of India~~
and also to revise his Pension, gratuity, commutation of Pension and leave encashment on the basis of refixation of his pay and he may also be declared entitled to arrears of salary and Pension and other retirement benefits with 18% interest from the date of arrears in question accrued due till their payments.

3. Briefly stated the aforesaid deceased applicant was initially appointed to the post of Charge-man in the pay scale of Rs. 65-85 from 28.12.1945 and in due course of time he was promoted as Chargeman Grade-C, senior Chargeman, Foreman Grade-C and Foreman Grade B and lastly as Foreman Grade-A in the pay scale of Rs. 450-575 (AS) and

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-2-

was redesignated as Assistant Shop Superintendent.

4. It has further been stated that the pay scale of Rs. 450-575 of Foreman Grade-A was revised to Rs 700-30-900 w.e.f. 1.1.1973 from which date the pay of the applicant in that scale was fixed at Rs. 760/- as would be evident from the pay certificate issued by the Workshop Engineer, Northern Railway Carriage and Wagon Shop, Alambagh, Lucknow (Vide Annexure-A-5)

5. The Railway authorities decided that the Post of Foreman Grade-A which was redesignated as Assistant Shop Superintendent as also the selection post and as such the applicant and 17 others who were holding the post of Foreman Grade-A and which were redesignated as Assistant Shop Superintendent, filed writ Petition No. 681 of 1973 in Lucknow Bench of Allahabad High Court challenging that the said post was non-selection post and that writ petition was contested by the respondents and in that connection the respondents furnished a list of 63 persons for 18 posts and in that list the name of the applicant figured at a serial No. 5 and as such the applicant was entitled to be confirmed on the 5th post of Foreman Grade-A/Assistant Shop Superintendent (vide Annexure A-1)

6. The main grievance of the deceased applicant appears to be that despite his best efforts and many representations including the last representation dated 21.5.1990 (vide Annexure A-10) addressed to the General Manager, N.Rly. Baroda House, New Delhi nothing could materialise and as such the deceased applicant approached this Tribunal.

7. The learned counsel for the applicant, while drawing my attention to the contents of the application and papers annexed thereto has urged that the above representations of the applicant dated 21.5.90 (Annexure A-10)

Ad

has not been decided by the General Manager, N. Rly, Baroda House, New Delhi and if the same is decided by him^{me} by reasoned and speaking order at an early date that may go a long way in substantially redressing the grievances of the applicants and as such a suitable direction to this effect be issued to the respondents.

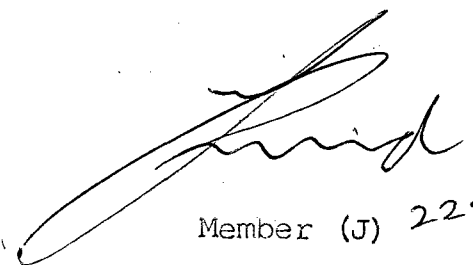
8. Having considered all the view points and all the aspects of the matter I find it expedient that the ends of justice would be met if the General Manager, N.Rly, Baroda House, New Delhi (Who is respondent No. 2 in this case) is directed to decide the above representation of the deceased applicant dated 21.5.90 (Annexure A-10) by reasoned and speaking order in accordance with the extant rules and regulations and order/direction of the Railway Board in this regard, with^a a period of three months from the date of receipt of the copy of this judgement; and I order accordingly.

9. The application of the applicants is disposed of as above. No order as to costs.

Lucknow.

Dated : 22.4.93

(g.s.)



Member (J) 22.4.93

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A

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 23/8/90
Date of Receipt by Post.....

Deputy Registrar(J)

Sub
23/8

FORM I

Application Under Section 19 of the Central Administrative Tribunal's Act, 1985.

**

Title of the case:- Refixation of pay and revision of pension and other pensionary benefits.

I N D E X

<u>Sl. No.</u>	<u>Description of documents relied upon</u>	<u>Pages</u>
1	2	3
1.	Original application.	1-14
2.	Copy of list containing 68 persons eligible for appointment as Foreman Grade-A, who were required to appear for examination and selection -- Annexure A.1	15-16
3.	Copy of judgment dated 9.5.79 for the Allahabad High Court in Petition No. 681 of 1973.. -- Annexure A.2	17-20
4.	Order dated 27.4.1981 of Hon'ble Supreme Court of India -- Annexure A.3	21
5.	Copy of letter dated 15.5.83 of the General Manager Rly Manager No. Annexure A.4	22-23
6.	Copy of certificate dated 14.2.85 to basic pay drawn by the applicant from 1.1.81 to 30.11.1980.. 0.8.71 till Annexure A.5	24
7.	Copy of Medical certificate regarding illness and treatment of applicant's prolonged treatment.. -- Annexure A.6	25
8.	Copy of applicant's representation dated 29.5.1989 to G.M. -- Annexure A.7	26
9.	Applicant's representation dated 31.5.1989 to G.M. -- Annexure A.8	27

Noted for
17.9.90
Resubm
Adv
23/8

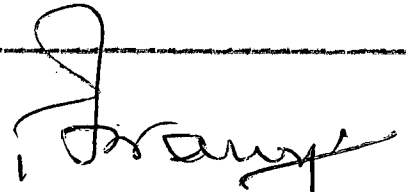
Filed today
Sub
23/8/90

Prasanna

(A11)

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10. Applicant's representation dated 1.7.89 to Member Railway Board .
-- Annexure A.9 ... 28
11. Applicant's representation dated 21.5.1989
-- Annexure A.10 ... 29
12. Applicant's representation dated 7.1.90 to Deputy Chief Grievances, N.Rly.
-- Annexure A.11 ... 30
13. Applicant's representation dated 14.7.1990 to the Workshop Electrical Engineer, N.Rly C & W shop, Alambagh, Lucknow.
-- Annexure A.12 ... 31-32
14. Senior Personnel Officer (M) to N.Rly. letter No. 754/148-III-Etri. Dated 16.10.1979
-- Annexure A.13 ... 33
15. VAKALATNAMA 34



Sig. of the Applicant
Advocate

Through Radhika Raman, Advocate
Counsel for the Applicant

Dt/- August 1990

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FOR USE IN TRIBUNAL'S OFFICE

DATE of FILING.. ..

REGISTRATION No. ..

SIGNATURE OF REGISTRAR

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW:

**

vide order of

Honble Tribunal

of 18/9/92 the

substitution

is made

as under

Shri A.K. Banerji aged about 68 years
son of late Shri B.C. Banerji, residing
in House No. L/169, Sector-E, LDA
Colony, Kanpur Road, Lucknow.

.. .. Applicant

Versus

1) Shri Meena Banerji

2) Shri Sandhya
Banerji

3) Shri Bilhas
Banerji

4) Mrs. Ashi

Banerji

Resident
Advocate

1. Union of India, through the Secretary
to the Government of India, Ministry
of Railways, New Delhi.

2. The General Manager, Northern Railway
Headquarter Office, Baroda House,
New Delhi.

3. The Workshop Electrical Engineer,
Northern Railway, Carriage and
Wagon Shop, Alambagh, Lucknow.

.. .. Respondents

Details of Application

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

No particular order is being challenged
in this application. Directions are sought to be given
to the Respondents to refix under next below rule
the pay of the applicant from the date his next
junior has been given the benefit of higher scale
of pay of Rs. 840-1040 or special pay of Rs.150/-
per month by illegally ignoring the legitimate
claim of the applicant and to refix his pension,

Shri Banerji

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gratuity, commutation of pension and leave encashment as may be admissible after refixation of his pay.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the relief sought in this application is within the jurisdiction of this Tribunal.

3. Limitation

The applicant further declares that the application is within limitation period prescribed in Section 21 of the Administrative Tribunal's Act 1985 as no particular order has been challenged and the initial cause of action arose in the month of May 1989 when the applicant gained knowledge that the benefit of higher scale pay of Rs. 840-1040 has been allowed to his juniors by illegally ignoring his legitimate claim for that higher scale with the result that he has been allowed less pension etc. than what he is legally entitled. Recurring cause of action therefore arises from month to month resulting in recurring financial loss to the applicant.

4. Facts of the case

4.1. That the applicant was initially appointed to the post of Charge hand in the scale of Rs. 65-85 from 28.12.1945 in the erstwhile Eastern Railway which ^{was} later taken over by the Central Government and was redesignated as Northern Railway.

4.2. That from 1.8.1946 the applicant was appointed to the post of charge-man grade 'C' in the scale of Rs. 100-180. He was appointed on the post of Electrical Chargeman on a monthly pay of Rs. 193.00 at Lakshar from 5.12.1956. With effect

Pranay

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from 2.12.1960 the applicant was promoted to the post of Senior Chargeman in the scale of Rs. 250-380 and was transferred to Moradabad.

The applicant was further promoted and appointed to the post of Foreman 'C' grade in the scale of Rs. 335-425 with effect from 8.3.1966. He was promoted and appointed to the post of Foreman 'B' grade in the scale of Rs. 370-475 from 27.6.70 and was posted under the Chief Engineer, Railway Electrification, Kanpur. With effect from 10.8.71 the applicant was transferred to Kalka and was appointed as Foreman Grade 'A' in the scale of Rs. 450-575 (AS) and was redesignated as Assistant Shop Superintendent.

4.3. The pay scale of Rs. 450-575 of Foreman Grade-A was revised to Rs. 700-80-900 with effect from 1.1.1973 from which date the pay of the applicant in that scale was fixed At Rs. 760.00 as would be evident from the pay certificate issued by the workshop Engineer. Northern Railway Carriage and Wagon shop, Alambagh, Lucknow. A copy of that certificate is at Annexure A-4.5

4.4. That the Railway authorities ~~ix~~ decided that the post of Foreman Grade 'A' which were redesignated as Assistant Shop Superintendents being the selection posts, 63 persons including the applicant were called upon to appear for examination and selection for the said posts though ^{some of them} ~~they~~ were already holding those posts. Against that decision, the

Ram

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applicant and 17 others made a representation to the General Manager and Chief Electrical Engineer. On the basis of the representations the selection was postponed but later the Railway Administration ~~against~~ decided to hold fresh selection and examination for the said 18 posts of Assistant Shop Superintendents. The applicant and 17 others who were holding the posts of fore-man grade 'A' which were redesignated as Assistant Shop Superintendent, filed writ petition No. 681 of 1973 in Lucknow Bench of Allahabad High Court challenging the said decision of the Railway Authorities to hold fresh selections for the said posts. It was contended by the petitioners that these posts are not selection posts. In connection with this writ petition the Respondents furnished a list of 63 persons who had been asked to appear in the selection and examination for the 18 posts of Foreman Grade A/Assistant Shop Superintendents. In that list the names of 63 persons had been arranged in the order of seniority and the applicant's name figured at serial No. 5. The applicant was therefore entitled to be confirmed on the 5th post of Foreman Grade A/Assistant Shop Superintendent from amongst the first 18 persons figuring in that list. A copy of that list is being filed as Annexure.A.1

4.5. That the Hon'ble High Court allowed the said writ petition and held that the posts in question are not selection posts and they issued mandamus commanding the opposite parties not to hold selection for 18 upgraded posts of Foreman Grade B in view of the

Dr. Singh

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Railway Board's decision in pursuance of which the petitioners and others were appointed. A copy of the judgment of the Hon'ble High Court is being filed as Annexure A-2.

4.6. That the Union of India filed a Special Leave Petition against the said judgment dated 9.5.1979, before the Hon'ble Supreme Court of India who were pleased to dismiss the said S.L.P. vide their order dated 27.4.1984, a copy of which is being filed as Annexure A-3.

4.7. That two years after the dismissal of the Special Leave Petition by the Hon'ble Supreme Court of India, the General Manager, Northern Railway, Headquarters office, Baroda House, New Delhi, issued orders in his letter No. 754-E/148-III(E.II.A) dated 10.5.1983 saying that the 18 senior-most persons mentioned therein may be considered as posted against the 18 upgraded posts in the grade Rs. 450-575(AS)/700-900 (AS) without selection and that they will be entitled for all consequential reliefs as per rules on the subject. It was mentioned in the letter aforesaid that the employees may be informed accordingly but no intimation was given to the applicant in this connection though his name figured at sl. No. 4 in the order of seniority as shown in the list attached with that letter as he had retired from service on attaining the age of superannuation on November 30, 1980 though he was entitled to all consequential benefits on the basis of the judgment of the

Dr. Ramy

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Hon'ble High Court and up-held by the Supreme Court of India. A copy of that letter dated 10.5.1983 is being filed as Annexure A-4.

4.8. That on the basis of Mian Bhai Award which was accepted by Government sometime in 1970 all Foremen grade A/ Assistant Shop Superintendents in the scale of Rs. 700-900 became entitled to a special pay of Rs.150.00 per month and this special pay was stopped from the date the holder of the said posts were given the higher scale of Rs. 840-1040 from 1.1.73. As the applicant had retired on 30.11.1980 he was not given the consequential benefits of the Hon'ble High Court's judgment and order dated 4.5.1979 in terms of the orders of the General Manager's letter dated 10.5.1983 though he was entitled to the said benefits upto 30.11.1980 upto which date he was in service as he was 4th in order of seniority amongst the 18 persons who were petitioner's in the said writ petition.

4.9. That it will be borne out from the certificate dated 14.2.1990 issued by the Workshop Electrical Engineer, Northern Railway, Carriage and Wagon Workshop, Alambagh Lucknow that the applicant was promoted to Foreman's Grade A- redesignated as Assistant Shop Superintendent in the scale of Rs. 450-575 (AS) vide Railway Board's letter No.PC/72/ALT/62-2/82/12 dated 12.3.1973 and GM (P)'s letter no. 754-E/148/E.ii a dated 8.5.1973. That certificate also shows that the pay drawn by the

Dasgupta

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applicant from 10.8.71 to 30.11.1980. A copy of the above certificate is at Annexure A-5.

4.10. That in the year 1982 the applicant fell seriously ill and became victim of various complicated diseases which rendered him incapable to move about. He had to remain bed ridden for about 7 years during which period he underwent prolonged treatment and had to undergo a major operation. A copy of the medical certificate about the prolonged illness and treatment of the applicant granted by Dr. Virendra Mohan MBBS, MD FICA (USA) Retired Professor of Jhansi Medical College is being filed as Annexure-A.6.

4.11. That in the month of May 1989 an old colleague informed the applicant that the General Manager, Northern Railway has issued orders in his letter dated 10.5.1983 to allow consequential benefits to all the 18 writ petitioners on the basis of the High Court's judgment and order dated 9.5.1979. Thereafter the applicant was able to procure a copy of the said letter dated 10.5.1983 of the General Manager, Northern Railway, a copy of which is ~~being~~ filed at Annexure. ~~was~~ A-4

4.12. That the applicant made a representation dated 29.5.1989 to the General Manager (P) Northern Railway Headquarters office, New Delhi praying for refixation of his pay and pension and payment of arrears. A copy of the said representation is being filed as Annexure ~~A-6~~ A-7

Dr. Virendra

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4.13. That the applicant made a further representation dated 31.5.1989 to Respondent no.2 for refixation of his pay and pension and payment of arrears , but it proved of no avail. A copy of that representation is being filed as Annexure A-8

4.14. That a further representation dated 1.7.89 was made by the applicant to the Member of Staff Railway Board praying for refixation of his pay and pension and payment of arrears so that he may meet heavy amount for his treatment of Cancer but this representation too did not evoke any response from the authorities concerned. A copy of that representation is at Annexure A-9

4.15. That when his earlier representations did not bear any fruit another representation dated 21.5.1990 was made to the General Manager of Northern Railway. The applicant had prayed therein that as per Mian Bhai award he should be allowed a special pay of Rs. 150.00 and the pay scale of Rs. 840-1040 admissible to Foreman Grade 'A' on the basis of seniority cum suitability as his juniors have been given those benefits though he was the Senior-most. No action was taken on that representation , a copy of which is being filed as Annexure A-10

4.16. That his earlier representations failed to revoke any response, the applicant made a representation dated January 7, 1990 to the Deputy Chief Grievances, N.Rly. Baroda House, New Delhi saying that

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though ^{Dewani} Sri Govind Ram ~~Fewari~~ who is junior to the applicant and is 16 places below him in the seniority list has been promoted to the grade of Rs. 840-1040 (RS) on 16.10.1979 in GM(P) letter No.754E/148-III -(E.IIA) dated 16.10.1979 but that scale has not been allowed to the applicant who was in service in October 1979. It was prayed in that representation that the applicant be promoted in the grade Rs.840-1040 with consequential benefits given to his junior. A copy of that representation is being filed as Annexure A-10-11

4.17. That the last representation dated 14.2.1990 was made to the Workshop Electrical Engineer, N.Rly. Carriage and Workshop, Alambagh, Lucknow, praying that the applicant be allowed the scale of Rs. 840-1040 and his pay and pension be refixed with other benefits. More than 6 months have passed but that representation too has proved of no avail. A copy of that representation is being filed as Annexure- A-12

4.18. That the applicant has been able to procure a copy of letter No. 754/148-III(E.IIa) dated 16.10.1979 of Senior Personnel Officer (N) N.Rly in which a number of his juniors have been promoted to the higher scale of Rs. 840-1040 during his service period by ignoring his legitimate claim when his service record, have throughout remained of a high order and his supersession by his juniors is ~~xxx~~ violative of Articles 14 & 16 of the Constitution

Dewani

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of India. The applicant also understands that some of his other juniors have been given the scale of Rs. 840-1040 much before October 1979. The applicant is therefore, entitled to that scale under next below rule from the date his next junior has been promoted to that scale. A copy of the said letter dated 16.10.1979 is being filed as Annexure A-13

4.19. That the facts mentioned above prove to the hilt that the applicant is entitled to special pay of Rs. 150.00 per month on the basis of Mia Bhai Award upto the date higher scale of Rs. 840-1040 was not allowed to him and he is also entitled to refixation of his pay in the said scale under next below rule from the date his next junior has been promoted to that scale and he should be paid arrears on refixation of his pay and pension etc. with interest @18 per cent from the date the arrears accrued due till the date of payment.

~~XXXXX~~

5. Grounds for relief with legal provisions.

5.1. Because the supersession of the applicant for higher scale of Rs. 840-1040 is illegal and unconstitutional within the meaning of Article 14 and 16 of the Constitution of India.

5.2. Because Opposite parties have arbitrarily denied the benefit of higher scale of Rs. 840-1040 by allowing that scale to the juniors during the service-period of the applicant and as such their action is

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illegal and unconstitutional.

5.3. Because of being senior to Sri Dewani who figures 16 places below the applicant in the seniority list and others junior to him and having excellent service records, he is entitled to get under next below rule the benefit of his higher scale of Rs. 840-1040 or a special pay of Rs.150.00 per month which was allowed to his juniors.

5.4. Because the benefit of pay scale of Rs,840-1040 has become payable to the applicant from the date his next junior has been allowed the said scale even if it necessitates the creation of a supernumerary post to meet his legitimate claim.

5.5. Because the applicant during his service period was not aware that his juniors have been allowed the higher scale of Rs. 840-1040 and orders have been issued by O.P.No.2 as late as in May 1983 to allow the consequential benefits on the basis of the judgment dated 9.5.1979¹⁹⁷⁹ which was up-held by the Hon'ble Supreme Court of India in April 1981 and due to the continuous sickness for about 7 years and lack of knowledge about this, the question of claiming the benefit in question earlier did not arise.

6. Details of remedies exhausted:

The applicant came to know about the contents of Respondent No.2 letter dated 10.5.1983 in May 1989 after his recovery from the prolonged sickness from various diseases and cancer. The applicant then sent

Drang

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representation dated 29.5.1989 to respondent no.2 for refixation of his pension etc. on the basis of refixation of his pay followed by various representations and reminders. The applicant is now left with no other alternative remedy except to invoke the jurisdiction of this Hon'ble Tribunal for enforcement of his legal and constitutional rights by filing this application ^{from} before them.

7. 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 or any authority or any other bench of Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought

The applicant prays for grant of following reliefs:

Respondents concerned be directed to allow the applicant the special pay of Rs. 150/- per month or higher scale of Rs. 840-1040 from the date his next junior was allowed the said benefit by refixing his pay under next below rule after allowing stagnation increments admissible under the rules and also to revise his pension, gratuity, commutation of pension and leave encashment on the basis of refixation of his pay and he may also be declared entitled to arrears of salary and pension and other retirement benefits

[Handwritten signature]

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with 18% interest from the date the arrears in question accrued due till their payment along with the costs of this application. -

9. Interim relief if any prayed for -

No particular interim relief is prayed for except that respondent no.2 be directed to intimate to this Hon'ble Tribunal the date on which the applicant's next junior was allowed the special pay of Rs. 150.00 per month as well the date he was allowed the next higher scale of Rs. 840-1040 earlier than the date on which Sri G.R. Dewani was allowed the said scale during the service period of the applicant so that the correct date for allowing the said special pay and higher scale may be determined.

10. The application will be submitted to the Hon'ble Tribunal by the applicant's counsel personally.

11. Particulars of postal orders filed in respect of the application fee of Rs. 50.00

1. Indian Postal order No.

2. Date of issue of postal order. 802 468548

3. Details of the post office which issued the postal order. ^{Date 18.8.90} New Hyderabad Post Office, Lucknow.

12. List of enclosures:

1. Postal order worth Rs. 50.00

2. Annexures A-1 to A-13 as shown in the Index

3. Wakalatnama in favour of Sri R.Raman and R.S.Srivastava, Advocate.

Verification

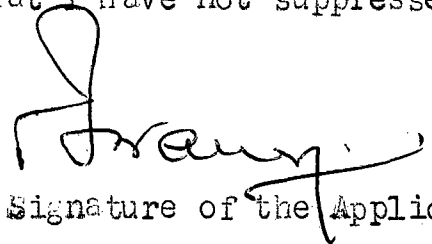
I, A.K.Banerji son of late Sri B.C.Banerji aged about 68 years resident of House No. L/169, Sector-E, L.D.A. Colony, Kanpur Road, Lucknow, do

[Signature]

A2B

-14-

hereby verify that the contents of para 1 and 2, 4 to 12 above are true to my personal knowledge and those of para 3 are believed to be true on legal advice received and that I have not suppressed any material fact.



Signature of the Applicant

Lucknow:

August 1990.



Through Radhika Raman, Advocate
Counsel for the Applicant

Radhika Raman
Advocate, High Court and
Services Tribunals,
C - 4 Sector - A - 1,
Mahanagar, LUCKNOW.

Staff eligible for the selection of BPO grade E. 450-475 (AS)

1. Sri A.S. Virdhal	Offg. DES	ILI D.
2. B.L. Baga	Offg. BPO. 370-475	JU shop
3. Harinder Singh	"	JUD shop
4. P. S. Kapoor	"	LKO D.
5. A. K. Banerji	"	JUD. Shop/ILD D.
6. E. B. Pandit	"	CS(C) ILI
7. Anwar Nath Agrawal	Offg. BPO 450-475	WFO(D) ILI
8. R. K. Mohan	Offg. BPO 370-475	WFO LKO
9. K. P. Singh	"	"
10. Jasjit Singh	"	JUD shop
11. H. K. Gupta	"	JU shop
12. H. C. Siddiqui	"	WFO(D) STO CS, LKO
13. K. P. Singh	"	CS(C)
14. K. P. Singh (SC)	"	WFO/LKO
15. H. S. Sharma	"	ILI D.
16. Bithan Nath	"	WFO/LKO
17. J. R. Logan	"	WFO/LKO D.
18. L. Loder Singh	"	WFO shop
19. Zahar Singh	"	B's Delhi
20. Roshan Singh	"	WFO shop
21. Govind Raj Agrawal	"	JU
22. R. K. Bhalla	"	WFO/LKO
23. Jasjit Singh	"	WFO/shop
24. H. K. Mukerjee	"	WFO/LKO/RD/ILKO
25. P. K. Chopra	"	WFO/Diva.
26. B. C. Parhar	"	Delhi Diva.
27. B. C. Kahi	"	ILI
28. G. S. Vasudevan	"	Delhi Division
29. P. D. Khadka	"	CS(C) ILI
30. K. C. Tewari	"	F.
31. D. J. Hazaregan	Offg. BPO 370-475	Delhi Division

[Signature]

[Signature]
 Radhika Raman
 Advocate, High Court and
 Services Tribunals,
 C - 4 Sector - A - 1,
 Mahanagar, LUCKNOW.

(16/11/28)

32. Sri B. K. Dasgupta	Off. Secy. 335-423	300 shop
33. " B. K. Dasgupta	"	ATN Shop
34. " Manjit Singh	"	ET
35. " J. K. Dasgupta	Off. Secy. 335-423	300 shop
36. " E. C. Bhattacharya	"	ALD Div.
37. " Brij Lal	"	ALI Div.
38. " V. B. Vaid	"	ALD Div./13 Div.
39. " P. L. Das	"	LD Div.
40. " Gargharas Chatterjee	"	LD Div.
41. " Ram Lohaniya	"	ALD Div.
42. " Ram Chandra Das	"	ALI Div.
43. " Mohan Dasgupta	"	"
44. " J. S. Jhari	Off. Secy. 335-423	ALD/ALI Div.
45. " A. K. Mukerjee	"	ALD/22.
46. " S. P. Joshi	Off. Secy. 335-423	ALD/22 Div.
47. " B. K. Chandra	"	Patel Division
48. " C. L. Jha	"	ET
49. " Karnail Singh	"	ALI Div.
50. " Tarabha Singh	"	BN Div.
51. " B. P. Singh	"	BN Div.
52. " Hirraja Singh	"	TFD/ALI Div.
53. " B. L. Sharma	"	TFD Div.
54. " Harin Das	"	LD Div.
55. " B. W. Gupta	"	ALD Div.
56. " Jant Singh	"	BN Div.
57. " H. C. Khatter	"	ET
58. " P. C. Das	"	TFD/BN/ALD
59. " V. N. Mahotra	"	ET
60. " R. P. Sharma	"	BN/ALD Div.
61. " Balwant Sai	"	Ja Div.
62. " Gyan Singh	"	TFD Div.
63. " Dinoo Chandra	"	ET

Time 10:30
T
Raj

Accepted
Radhika Ramani
Advocate, High Court and
Services Tribunals,
C - 4 Sector - A - 1,
Mahanagar, LUCKNOW.

Date on which application
is made for copy accom-
panied by the requisite
stamps.

10.5.79

Date of
posting
Notice on
Board.

22.5.79

Date of
delivery
of copy

24.5.79

Signature of
official
delivering
copy.

sd/-


A-2

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Central Administrative Tribunal
Circuit Bench, Lucknow
O.A. No. 1990/L
Ak Bhang
Applicant
Versus
Respondents
Annexure No. A-2

Writ Petition No. 681 of 1979.

Sri P.S.Kapoor and others,

..... Petitioners

Versus

Union of India and others

..... Opp. Parties.

Writ Petition under Article 226 of the
Constitution of India.

Lucknow dated 9.5.79.

Writ Petition No. 681 of 1979. 1973

P.S.Kapoor and others, V. Union of India and others.

Hon'ble K.S.Verma, J

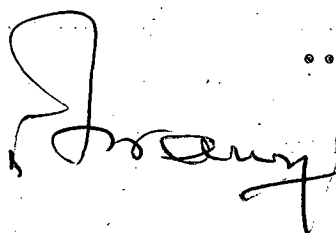
Hon'ble U.C.Srivastva, J

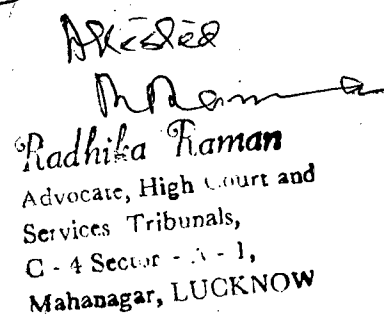
(Delivered by Hon'ble U.C.Srivastva J.)

The petitioners to the Writ petition have challenged the examination to the post of Assistant Shop Superintendent in the Northern Railway on which they have been working on the ground that they being rightful incumbents to the said post, no Selection to the same could be made to the said posts which are non selection posts.

The petitioners were selected to the posts of Electrical Foreman in the grade of 335-425, but they were subsequently promoted in the next higher grade of Rs. 370-475 on the basis of seniority cum suitability, though no order for their confirmation was passed, According to the petitioner they were entitled to be confirmed in view of the Railway Board's circular in this behalf.

....2/




Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW

In the year 1969 certain disputes were referred by the Government to the Railway Rates Tribunal for arbitration which was presided over by Mia Bhai, a retired Judge of the Gujrat High Court, and the said tribunal took certain decisions which were accepted. The demand of the National Federation of Indian Railways for grant of special pay of Rs. 150/- per month to Foreman A was accepted, while the demand for the grant of special pay of Rs. 100/- per month to Foreman B was not accepted and it was decided that all posts of Foreman B in the Grade of Rs. 370-475 in Mechanical, Electrical, Signal and Telecommunication Workshops and Foreman in Scale Rs. 335-485 in Civil Engineering Workshop be upgraded in scale of Rs. 450-575 and redesignated as Assistant Shop Superintendent with effect from 1.8.1970. It was also decided that the pay of incumbents of the upgraded posts be fixed proforma from 1.8.1970 under Rule 2018-B of the Railway Establishment Code Volume II. The Petitioners alongwith 12 other incumbents i.e. in all eighteen persons who were already working in the Workshop in Foreman Grade B were consequently upgraded and were placed in the scale of Rs. 450-575 and were also given enhanced arrears of pay with effect from the date of their appointment on the redesignated post of Assistant Shop Superintendent.

The General Manager Northern Railway subsequently decided to hold a selection for the post of Assistant Shop Superintendent/Foreman grade Rs. 450-575 and called the persons including the petitioners and other incumbents of the upgraded posts for selection and examination. Against the said decision the petitioners filed a representation to the General Manager and Chief Electrical Engineer and on their representation the selection was postponed, but subsequently the Railway Administration again decided to hold a fresh selection and called 63 persons including the petitioners for the aforesaid 18 posts. The petitioners have filed the present writ petition challenging the same.

.....3/-

Radhika Raman
Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

(19)
A-31

Learned Counsel for the petitioners contended that in view of the decision of the Railway Tribunal contained in Annexure -I, which was accepted by the Railway Board in pursuance of which the petitioners were upgraded and redesignated, no selection for the said 18 posts could have been held as the said posts are non selection posts and the Railway Administration confused these posts with the posts of Foreman Grade 7A which was selection post.

The contention on behalf of the Railway Administration is that admittedly promotions were given to the petitioners, but they were never confirmed and officiated as Workshop Superintendents and that is why they were given a new grade, but the post being selection posts, the selection was being validly held under paragraph 210 of the Railway Establishment Manual mentioning the list of selection and non-selection posts contained in Appendix-6 and any deviation from the said list will need prior approval of the Railway Board.

No Material has been placed before us from which it could be inferred that the posts in question are selection posts. It has been alleged that approval or holding selection was taken from the Railway Board. From the Railway Board's Circular copy of which has been annexed as Annexure-15 to the rejoinder affidavit it appears that the Railway Board did not take a decision to hold a selection of atleast these 18 posts on which the petitioners are working. The Railway Board decided that the posts of Assistant Shop Superintendent in the scale of Rs. 450-575 may be filled by positive act of selection and the posts of Shop Superintendents carrying a special pay of Rs. 150/- on the basis of suitability cum fitness. In the view of the Railway Board's decision it is clear that so far as these posts are concerned there is no question of holding the selection.

On behalf of the opposite parties it was contended that in view of Mia Bhai Railway Tribunal's decision the position has changed, by this contention does not carry any

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Alexis

M. D. S.

Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

force in view of the decision of the Railway Rates Tribunal itself upgrading and re-designating the posts. The upgradation and redesignation of a post does not mean change of the posts itself. In a case from Maharashtra which went up to the Supreme Court it was held that revision of pay Scales would not mean change of post, that is promotion from one class to other. The Court made the following observation in the State of Maharashtra and others V Association of Maharashtra Education Service Class II Officers and others (1974 IV Supreme Court Cases 706).

" The contention that Lecturers in Class II of the Maharashtra Education Service must present themselves for selection before the public Service Commission was introduced apparently on a misunderstanding of the Scheme initiated by the University Grants Commission. That Scheme envisages no promotion of Lecturer from one class to another. It concerns itself with the revision of any scales of the collegiate teachers and its object was to raise the salary structure as one of the basic essentials, for improvement of educational Standards'.

Thus it is clear in the present case that the post of Foreman Grade B was only redesignated and upgraded but the post itself was not changed and in view of the Railway Board's decision so far as 18 persons including the petitioners are concerned no selection is to be held and the proposed selection to these posts of Foreman Grade B is without authority of law as the decision of the Railway Board carries the force of law.

The Writ petition is allowed. Let a writ of mandamus be issued commanding the opposite parties not to hold selection of 18 posts of Foreman Grade B which were upgraded, in view of the Railway Tribunal's decision in pursuance of which the petitioners and others were appointed. No order as to costs.

sd/- K.S.Verma

sd/- U.C. Srivastva.

9.5.1979.

[Handwritten signature]

[Handwritten signature]
Rajendra Kumar
Additional High Court and
Services Tribunal,
C-4 Sector-1,
Maharaja, LUCKNOW

Item No. 9.

Court No. 7

Supreme Court of India
Record of Proceedings.

PETITION FOR SPECIAL LEAVE TO APPEAL (Civil No. 6677 of 1979)
(From the Judgment and order dated 9.5.79 of the High Court
Allahabad in W.P. No. 681 of 1973)
In the Central Administrative Tribunal
Lucknow
O.A. No. 1000 of 1979
Applicant
Versus
Respondents

V E R S U S

Shri P.S. Kapoor & Ors.

RESPONDENT(S)

(With appla. for ex-parte Stay)

Dated :- 27.4.81 this petition was called on for hearing today.

COIAM

Hon'ble

Hon'ble Mr. Justice R.S. Pathak

Hon'ble Mr. Justice Beharul Islam.

For the Petitioner(s)

Mr. T. Banerjee, A.G.

Miss. Subhashini, Adv.

For the Respondent.

Mr. Yogeshwar Prasad, Adv.

Mr. Ashok K. Srivastava, Adv.

Mrs. Romi Chabara.

UPON hearing counsel the Court made the
following.

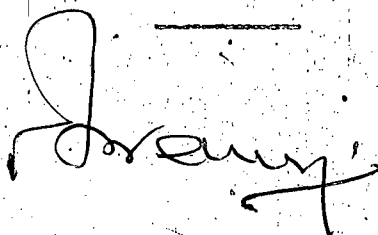
O R D E R

Special Leave Petition is dismissed.

Sd/-

COURT MASTER.

2012/



Pradhibha Ramani
Advocate, High Court and
Services Tribunals,
C - 4 Sector - A - 1,
Mahanagar, LUCKNOW.

In the Central Administrative Tribunal

O.A. No. 1990(L)

Ak Barmy Applicant

Versus

Respondents

Annexure No. A4

Northern Railway

Headquarters Office,
Beroda House, New Delhi.

Dated: 10.5.1982.

No.754E/148-III (EIIA).

The Divl. Rly. Managers,
N.Rly., DLI, MB, IKO, ALD, FZR, BKN & JU.
Dy. CEE (W)/CB-Lucknow.
DEE (W) BKN-JU.
Dy. CME (W) Jagadhri & Amritsar.
SEF/Const I-II-III-IV/DLI-IKO.
WARE/Repair Shop, Delhi.
Dy. CPO (HQ) & Dy. CPO (a).

Subj:- Grant of special pay as Foreman 'A' and upgrading the posts of Foreman 'B' to Foreman 'A' in Workshops.

Ref:- Railway Board's letter No. PC-72/RLT-69/2 dated 12/3/73.

As a result of Mia-Bhai Tribunal Award received under Railway Board's letter quoted above, 18 posts of Electrical Foreman 'B' Rs. 370-475 (AG) were upgraded to Grade Rs. 450-575 (AG) in Workshops vide this office letter No. 754E/148 (EIIA) dated 13.4.73. Although these posts are classified as selection posts but in view of High Court/ALD Lucknow bench/Lucknow observations no selection can be held so far these 18 upgraded posts are concerned as reproduced below:-

"Thus it is clear in the present case that the post of Foreman 'B' was only redesignated and upgraded, but the post itself was not changed and in view of Rly. Board's decision, so far as 18 persons are concerned, no selection is to be held and the proposed selection to these posts of Foreman 'B' is without authority of law, as the decision of the Rly. Board carries the force of law. The writ petition is allowed. Let a writ of mandamus be issued commanding the opposite parties not to hold selection of 18 posts of Foreman 'B' which were upgraded."

The special leave petition filed by the Rly. Administration against the above judgement was also dismissed by the Supreme Court on 27/4/81 and the judgement of the High Court/IKO bench is now final to be implemented.

In view of the above court judgement, it has been decided that the following 18 senior-most persons may be considered as posted against the above 18 upgraded posts in Grade Rs. 450-575 (AG)/700-900 (AG) without selection in terms of instructions contained in para 2(ii) of Rly. Board's letter No. PC-72/RLT-69/2 dated 12/3/73 circulated under this office letter No. 754E/148/EIIA dated 6.4.73. They will, therefore, be entitled for all consequential relief as per rules on the subject. The employees may also be informed accordingly.

Encl/On reverse.

Sd/- Amrit Lal
for General Manager (P).

Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanager, LUCKNOW.

A 28
23

Names of Sr. most 18 persons considered selected in Grade
Rs. 450-575 (AS)/700-900 (RS) without selection in view of
Supreme Court judgement delivered on 27.4.1981.

Sl. No.	Name.	Last Position.	Divn. Shop.
1.	S/Shri S.L. Bagga	Retired on 28/2/77	JU Shop.
2.	Narender Nath	-do- 2/4/74	JU Shop.
3.	P.S. Kapoor	Shop Supdt./LKO	
4.	A.K. Banerjee	Retired on 30.11.80	
5.	E.B. Pandit	EFO/HQ.	
6.	A.N. Anand	Offg. in Cl. II/RS.	
7.	R.K. Nehru	ASS/LKO Shop.	
8.	Khazan Singh	Retd. on 30/4/80.	LKO Shop.
9.	Jagjit Singh	Shop Supdt./Com. II.	
10.	N.N. Gupta	Expired on 25.12.1978	JU Shop.
11.	H.U. Siddiqui	Shop Supdt./ALD.	
12.	Sohan Singh	Shop Supdt./LKO Shop.	
13.	K.P. Singh (SC)	Offg. in Class II.	
14.	B.S. Sharma	EFO/ALD	
15.	Vishwa Nath	Retired on 30/6/76	LKO Shop.
16.	J.R. Logaru	Offg. in Cl. II (Diesel/LKO).	
17.	L. Inder Singh	Retd. on 31.12.1980.	BKN Shop.
18.	Mehar Singh	Retd. on 30.6.1977.	BE/DLI

Ramy

Radhika Raman
Advocate, High Court and
Services Tribunals,
C - 4 Sector - A - 1,
Mahanagar, LUCKNOW.

In the Central Administrative Tribunal

(Main Bench, Lucknow)

O.A. No. 1990 (L)

A.K. Banerjee Applicant

Versus

Union of India Respondents

Annexure No. A-5

जी.ए.नं. 19-ए/जनरल 99 छोटा

G.L. 19-A/Genl. 99 Small

उत्तर रेलवे NORTHERN RAILWAY

TO WHOM IT MAY CONCERN

Certified that Shri A.K. Banerjee, S/o Late B.C. BANERJEE, was employed in this Department from 28.12.45 to 30.11.80 and retired on 30.11.80 (AN) under age-limit.

Shri A.K. Banerjee, Ex Foreman 'B' promoted to Foreman Gr. 'A' and re-designated as Asstt. Shop Supt. in Grade Rs.450-575 (AS) vide Rly. Board's Letter No. PC-72/ALT/ 69-2/82/12-273/2412/73 and G.M.(P)'s letter No. 754-E/148/E-11a dated 8.5.73.

Pay already drawn:- In Gr. 'B' Rs. 450-575 (AS) in T.S. 370-475. Pay now revised and fixed as under

450/- on 10.8.71 ... On 10.8.71 - Rs. 500/-
475/- " 7.4.72 ... On 7.4.72 - Rs. 525/-
475/- " 1.8.72 ... On 1.8.72 - Rs. 525/-

Pay drawn as Under:-

Date	Pay
10.8.71 ...	Rs. 500/- (AS)
10.8.72 ...	Rs. 525/- "
1.1.73 ...	Rs. 760/- (RS)
10.8.73 ...	Rs. 795/- (RS)
1.6.74 ...	Rs. 830/- (RS)
1.8.74 ...	Rs. 865/- (RS)
1.8.75 ...	Rs. 900/- (RS)

Max. of the Pay Scale till retirement.

14.2.20

Work North India Regional Engr.
NORTH CENTRAL RAILWAY
Alambau, Lucknow

[Signature]

[Signature]

Nadhiya Ramani

Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

Dr. Virendra Mohan

M.B.B.S., M.D., F.I.C.A. (U.S.A.)

Residence:

273 Hind Nagar,
Kanpur Road, LUCKNOW

In the Central Administrative Tribunal

O.A. No. 1990 (L)

...A.K. Banerjee... Applicant

Versus

...Umayyandip... Respondents

Annexure No. A-6

Regd. No. 6626 U.P.

Clinic :

425-D/6,

E-Block Market, Hind Nagar,
LUCKNOW

9.00 A.M. to 12.00 Noon

6.00 P.M. to 8.00 P.M.

Dated 20.7.1990

• Fellow of Royal
Society of Medicine
U.K.

• Fellow of International
College of Angiology
U.S.A.

• Ex. Professor G.S.V.M.
Medical College,
Kanpur

• Retd. Professor, MLB
Medical College,
Jhansi.

Certified that Shri A.K. Banerjee, resident of L169, Sector E, L.D.A. Colony, Kanpur Road, Lucknow suffered from Diabetes Mellitus, Piles & Fistula. He was in a serious condition and remained bedridden since 1982. Later on he was found to have developed carcinoma rectum and had to undergo operation in May 1986. After the operation he has been suffering from several complications for which he has been treated from time to time.

Signature of Shri Banerjee is attested herewith

(Signature of Shri Banerjee)

Signature Attested *(Signature of Dr. V.M. Bhatnagar)*

Dr. V.M. Bhatnagar

M.B.B.S., M.D., F.I.C.A. (U.S.A.)

Reg. No. 6626

(Signature of Dr. V.M. Bhatnagar)

(Signature of Dr. V.M. Bhatnagar)

Dr. V.M. Bhatnagar

M.B.B.S., M.D., F.I.C.A. (U.S.A.)

Reg. No. 6626

Attested

(Signature of Redhila Ramon)

Redhila Ramon
Advocate, High Court and
Services Tribunals,

C-4 Sector 11,
Mahanagar, LUCKNOW.

To
The general Manager(p),
Noetherm Railways
Head Qes.Office
New Delhi.

In the Central Administrative Tribunal

(Lucknow Bench, Lucknow)
1990 (L)

O.A. No.
A.K. Banerjee ... Applicant

Versus
Union of India & Ors. ... Respondents

Annexure No. A-7

A-7
Annexure - 2/18

Sir,

Sub: Refixation of Pay and Pension and
Payment of arrears thereof of A.K. Banerjee
ASS/W/LKO.

Ref: a) Railway Board, s letter No. PC-72/RLT-69-2
dt. 12-3-73

b) Judgement of the High Court LKO Bench: 9-3-79.

c) Supreme Court Judgement dt. 27-4-81

d) G.M./P/NDLS. letter No. 754-E/148/Elii. a. dt. 6-4-73

e) -do- -do- dt. 10-5-83

f) -do- -do- dt. 29-12-87

Vide GM(p) NDLS letter No. dated 10-5-1983 quoted above my seniority was refixed at S.No. 4 among the 18 other persons in view of the Supreme Court Judgement delivered on 27-4-1981 and has advised that all the 18 persons listed therein are entitled for all consequential relief as per Rules on the subject.

In the light of this, the seniority was further fixed in scale Rs. 840 - 1040 (RS) with effect from the date our Junior was promoted viz 16-10-79 vide your office letter of even No. dated 29-12-1987.

In this connection, I regret to inform you, that my name and the names of other 12 persons/employees listed -vide your office letter of even No. dated 10-5-1983, have not been shown in the circular released and circulated on 29-12-1987.

I actually retired on 30th NOVEMBER, 1980: as such I am entitled and eligible for all consequential relief vide your letter dt. 10-5-1983 and 29-12-1987. With effect from 16-10-1979. My Basic pay was Rs. 900/- and my pay was stagnated on Rs 900/- for last 3 years before my retirement Hence it is requested that refixation of my Pay and Pension and payment of arrears thereof be effected and paid to me at your earliest without any further delay.

Dated: 29-5-1989.

A.K. Banerjee
(Retired AS./Dy. CEE/W)
N.Rly. Lucknow.
L-159-Sector-E-
L.D.A. Colony
Kanpur Road
Lucknow-226005.

Attended
M. S. ...
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

AD (27)

CA-8

In the Central Administrative Tribunal

Court Bench, Lucknow

The General Manager (P),
Northern Railways,
Head Qrs. Office,
'Baroda House',
New Delhi.

O.A. No.

1990(L)

Ak Banerjee Applicant

Versus

Union Indicators Respondents

Annexure No. A-8

Sir,

Sub: Refixation of pay and pension and payment of
arrears thereof of A.K. Banerjee ASS/W/LKO.

- Ref: a) Railway Board's letter No. PC-72/RLT-79-2
dt. 12-3-73.
b) Judgement of the High Court LKO Bench; 9-3-79.
c) Supreme Court Judgement dt. 27-4-81.
d) G.M./P/NDLS. letter No. 754-G/148/Eiii. a dt. 6-4-73
e) -do- -do- dt. 10-5-83
f) -do- -do- dt. 29-12-87.

Vide GM(P) NDLS letter No. dated 10-5-1983 quoted above my
seniority was refixed at S.No. 4 among the 18 other persons in
view of the Supreme Court Judgement delivered on 27-4-1981
and has advised that all the 18 persons listed therein are
entitled for all consequential relief as per Rules on the subject.

In the light of this, the seniority was further fixed in scale
Rs. 840-1040 (RS) with effect from the date our Junior was promoted
viz 16-10-79 vide your office letter of even No. dated 29-12-87.

In this connection, I regret to inform you, that my name and
the names of other 12 persons/employees listed - vide your
office letter of even No. dated 10-5-1983, have not been shown
in the circular released and circulated on 29-12-1987.

I actually retired on 30th November 1980, as such I am entitled
and eligible for all consequential relief vide your letter dt.
10-5-1983 and 29-12-1987. With effect from 16-10-1979, My Basic
pay was Rs. 900/- and my was stagnated on Rs. 900/- for last
3 years before my retirement.

Hence, it is requested that refixation of my Pay and Pension
and Payment of arrears thereof be effected and paid to me at
your earliest without any further delay.

Dated: 31st May, '89.

A.K. BANERJEE
(Retired ASS/Dy. CEE/W)
N.Rly. Lucknow.
L-169, Sector 'E',
L.D.A. Colony,
Kanpur Road,
Lucknow-226 005.

Attested

Radhika Raman
Advocate, High Court and
Sessions Tribunals,
C-4 Sector - A-1,
Mahaganagar, LUCKNOW.

To

The Member of Staff,
RAILWAY BOARD,
RAIL BHAWAN,
NEW DELHI

In the Central Administrative Tribunal
Lucknow Bench, Lucknow

O.A. No.

A.K. Banerjee

1990(2)

Applicant

Versus

Respondents

Annexure No.

A-9

Sir,

Sub:- REFIXATION OF PAY AND PENSION AND PAYMENT
OF ARREARS THEREOF OF A.K. BANERJEE ASS/W/LKO.

Ref. Railway Board's letter No. PC-72/RLT-89-2
dated 12.3.73.

- (b) Judgement of the High Court LKO Bench: 9.3.79.
- (c) Supreme Court Judgement dated 27.4.81.
- (d) G.M./P/NDLS letter No. 754-G/148/Eiii of
dated 6.4.73. &
- (e) Of even No. dated 10.5.83 &
- (f) Of even No. dated 29.12.87.

Vide GM(P) NDLS letter No. dated 10.5.83 quoted above my
seniority was refixed at S.No.4 among the 18 other persons in
view of the Supreme Court Judgement delivered on 27.4.1981
and has ~~been advised~~ advised that all the 18 persons listed
therein are entitled for the consequential relief as per
Rules on the subject.

In the light of this, the seniority was further fixed in scale
Rs.840-1040(RS) with effect from the date our Junior was
promoted viz. 16.10.79 of GM(P)'s letter No. even dated 29.12.87.

In this connection I regret to inform you that my name
and the names of some other persons/employees listed vide
GMF, NDLS letter of even No. dated 10.5.83, have not been shown
in the circular released and circulated on 29.12.1987.

I actually retired on 30th Nov., 1980, as such I am entitled
and eligible for all the consequential relief vide GM(P) NDLS
letter dated 10.5.1983 and 29.12.87. My basic pay was Rs.900/-
and my pay was stagnated on Rs.900/- for the last 3 years
before my retirement.

I appealed to GM(P) NDLS but to no response.

Hence, it is requested that refixation of my Pay and Pension
and Payment of arrears thereof be effect and paid to me at
your earliest without any further delay.

I am victim of cancer and I had to pay heavy amount for my
treatment and refixation and payment of arrear will help me a
lot.

Thanking you,

Yours faithfully,

(A.K. BANERJEE)

(Retd. ASS/Dy. CEE/W/N.Rly. LUCKNOW)

L-169, Sector 'E', L.D.A. Colony,

Kanpur Road, LUCKNOW-226005

Dated:- 1.7.1989

Copy to - G.M. (P) N.Rly. New Delhi

Radhika Ramani
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

ANN (29)

A-10

Ammerman - 10/10

To,

The General Manager
N. Rly. Baroda House,
New Delhi.

In the Central Administrative Tribunal

Circuit Bench, Lucknow

O.A. No.

AR Bannin

1990(47)
Applicant

Versus

Union Indral
Others

Respondents.

Annexure No

A/10

Sir,

Sub: Grant of Special pay of Rs 150/- as Foreman
Grade 'A' + the scale of Rs 840-1040(R.S) as
Shop Supdt.

I was working as Foreman Grade 'A' Since 10.8.71 in the scale of Rs 450-575 (A.S) and redignated as Asst. Shop Supdt.

As per award of Mia Bhai Tribunal a special pay of Rs 150/- was granted to Foreman grade 'A' and the scale of Rs 840/1040(R.S).

This special pay of Rs 150/- or the scale of 840-1040 be granted on the basis of seniority cum suitability. as per order of Railway Board, Judgement of high court Allahabad.

This special pay was not granted to me till the date of my retirement i.e. on 30.11.80. and juniors to me were given the scale.

In this connection I have submitted many appeal but no response up-to-date.

I again request your honour to grant me this special pay + grade with consequential relief being the Senior most person from the date the juniors have promoted + given the scale.

Thanking you,

Yours faithfully

Dated : 21.5.90

(A.K. Banerjee)
Ex-Asst. Shop Supdt.
Alamtagh, Lucknow.

Address: L-169, Sector 'E',
L.D.A., Colony, Kanpur Road,
LUCKNOW.
N.Rly. Charbagh, Lucknow.

Copy to : Dy. Chief Electrical Engineer,

Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

To

In the Administrative Tribunal

Annexure (30)

The Deputy Chief/Grievance Officer,
Northern Railway,
Baroda House,
New Delhi-110 001

1990 (L)

Applicant

Dated: 7 January 1990

Versus

Respondents

Annexure No. A/1

Sub: Issuing of clear order for availing
consequential relief vide GM(P) letter
No.754E/148-III (EIIA) dated 10.5.1983.

Sir,

I would like to draw your kind attention for the following
few lines to issue instructions to avail consequential relief
as mentioned in G.P(P)'s letter referred to above.

I was retired under age limit on 30.11.80 as Electrical
Assistant Shop Supdt. from Carriage & Wagon Shops, Northern Rly.,
Alambagh, Lucknow in Grade Rs.700-900 (R.S.)

I was promoted in grade Rs.450-575 (A.S.) w.e.f. 10.8.71
in view of Mia Bhai Tribunal award (in support Service Record
Certificate is enclosed).

G.M.(P) issued letter No.754E/148 III (EIIA) dated
10.5.83 showing a list of 18 persons those are not to be required
for appearing selection in grade Rs.450-575 A.S. - Rs.700-900(R.S.)
(in that list my name is also included).

Under the terms of above letter my promotion in grade
Rs.450-575 is to be regularised from 10.8.1971.

Seniority for promotion in Grade Rs.840-1040 (RS) is
taken from the date of promotion of Grade Rs.700-900 (RS).

In this connection I beg to submit that Shri Govind Ram
Diwane (Working at present as Shop Supdt./Jodhpur Workshop) promoted
in grade Rs.450-575 (AS) vide GM(P)'s letter No.754 E/182(EIIA)
dated 22.4.75 junior to me who had been promoted in Grade Rs.840-
1040 (RS) on 16.10.1979 vide GM(P)'s letter No. 754-E/148 III(EIIA)
dated 16.10.79 whereas I had to retire on 30.11.80 without getting
my due promotion in Grade Rs.840-1040 R.S.

In view of my retirement and for want of relevant document
I could not preferred my appeal earlier.

I humbly request you that necessary instruction may kindly
be issued for my promotion in Grade Rs.840-1040(RS) with consequen-
tial benefits since promotion given to my junior quoted above.

Early reply is solicited.

Encl: As above.

Yours faithfully,

(A.K. BANERJEE)

Ex. Asst. Shop Supdt.(Elec)
C&W Shops, Northern Rly.,
Alambagh, Lucknow

Resi: L-169, Sector 'E',
LDA Colony, Kanpur Road,
Lucknow - 226005.

Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW

O.A. No. 1990(L)
Applicant

The workshop Electrical Engineer,
N.Rly.C&W.Shop,
Alambagh, Lucknow.

Versus
Respondents

Annexure No. 12

(31)
13
Annexure-14

A-13
A-12

Sub: Grant of special pay of Rs.150/- as Foreman 'A'
and scale of Rs.840/1040(RS) as shop Superintendant
with all consequential relief.

Ref:

1. Judgement of Allahabad High Court(Lucknow Bench) dated 9.3.1979.
2. Supreme Court's Judgement dated 27.4.1981.
3. Grant of special pay to Foreman 'A' and up grading the post of Foreman 'B' to Foreman 'A' in workshop.
4. The names of 16 seniormost person upgraded from Foreman 'B' to Foreman grade 'A' in scale Rs.450/575 (AS)700/900(RS) without selection as per order of Allahabad Highcourt(Lucknow Bench), Railway Boards letter N.P.C-72/RLT-69-2 of dated 12.3.1973 and G.M(P)s letter N.754E/148-III (EIIIA) of dated 10-5-83.

On 10-8-1971 I was posted at Kalka workshop as Foreman 'B' on Rs.450/- in scale Rs.370/475. Subsequently my post was upgraded to Foreman grade 'A' by the award of Mia Bhoi Tribunal in scale Rs.470/575(AS) from 10-8-1971 and redesignated as Assistant shop superintendant.

The Existing Foreman grade 'A' was got a special pay of Rs.150/-. Since then (10.8.1971)

Special pay be granted on the basis of suitability and fitness as per order of Railway Board.

The Administration insisted to appear for selection for the grant of special pay which was resisted by us being the award of Mia Bhoi Tribunal by upgrading the post.

On 10-8-1973 I was transferred from Kalka to Lucknow at carriage and Wagon Shop as Assist. Shop Superintendant (TL and power).

[Handwritten signature]

.....2.

[Handwritten signature]

[Handwritten signature]

Radhika Raman
Advocate, High Court and
Services Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW

I got the revised scale of pay and fixed on Rs.760 WEF 1.1.73 and Rs.795 on 10-8-1973 (this can be verified from my S.R.)

We filled a writpetition against the order of administration to appear for selection in the High Court of Allahabad (Lucknow Bench) vide writ petition No.6810 1973 and its Judgement delivered on 9-5-1979.

Petition for special leave to appeal filed by administration in Supreme Court and Judgement delivered on 27-4-1981.

I was retired under age limit on 30-11-1980 as Assist. Shop Suptt. from Carriage and Wagon Shop Northern Railway Alambagh in grade Rs.700/900 on 30-11-1980. Where as I should be retired as Shop Suptt. in scale Rs.840/1040 (Rs) as per Judgement of High Court Allahabad (Lucknow Bench), Railway Board's letter No. P.C-72/RLT-64-2 of dated 12-3-1973 and general manager (P)'s letter No. 764E/148-III (EIIA) of dated 10-5-1983.

Under the terms of letter under reference, and I am entitled for the special pay from 10-8-1971 and scale of Rs.840/1040 since revised scale implimented with all other consiquential benefits being senior most which was not giving to me.

In view of retirement, long sickness and for wants of relevent documents, I could not preferred my appeal earlier.

So, I humbly request your honour now and to refix my pay and pension with all other benefits at your earliest.

Thanking you,

Dated -
D.A. 4 Pages
containing all
references.

Yours faithfully

(A.K. BANERJEE)

Ex. Asst. Shop Suptt. (Electrical)
Carriage & Wagon Shop
Northern Railway, Alambagh
Lucknow.

L-169 Sector 'E'
L.D.A. Colony Kanpur Road,
Lucknow-226 005.

14/7/90
Workshop Electrical Engineer
N. 1 & Wagon Shops
Alambagh LUCKNOW.

Radhika Raman
Advocate, High Court and
Sessions Tribunals,
C-4 Sector - A-1,
Mahanagar, LUCKNOW.

In the Central Administrative Tribunal

(Civil Bench, Lucknow)

O.A. No.

AK Banny

Applicant

Versus

Respondents

Annexure No

Annexure - 13

Adm G B E has passed the following orders

1. Shri N M Kalis officiating Shop Supit Gr 840-1040(RS) working under Bridge M/S Juc is transferred to Firozpur and posted as SEFO against the newly upgraded post
2. Shri G R Dewani officiating ASS Gr 700-900(RS) working under DAKE (W) JU is transferred to BKN Shop and put to officiate as SS in Gr Rs 840-1040(RS) and DED(W) against and existing vacancy by operating the same post of its original grade i.e 840-1040(RS) when Dewani reports there
3. S K Chopra officiating SFO Gr Rs 700-900(RS) under DRM/FZR is promoted and put to officiate as SS Gr Rs 840-1040(RS) in Bridge M/S JUC against vacancy of N M Kalis item No 1-
4. Shri B S Parhar officiating SEFO gr Rs 700-900(RS) working under SES(Const)-I, New Delhi is promoted and posted as SEFO in Gr Rs 840-1040(RS) in same capacity and organisation against newly created post
5. Shri B S Kalsi officiating SFO(P) Gr Rs 700-900(RS) working in CEE's office, Baroda House is promoted to Gr Rs 840-1040(RS) and posted as SFO(PLG) ID Qrs Gr Rs 700-900(RS) to Gr Rs 840-1040(RS) in lieu of the post of SFO(CHG)/Delhi Gr Rs 700-900(RS) already upgraded to Gr Rs 840-1040(RS) vide APO(M) D O letter No 803/5/4741(ORG)(Elia) dated 9/10/79 temporarily for a period of two months only. The post of SFO(CHG) Delhi will continue to be operated in Gr Rs 700-900(RS) for a period of two months
6. Shri R S Bardi officiating as SFO(PLG) Gr Rs 700-900(RS) working in CEE's office, Baroda House is posted as SFO in the same grade against vacancy of Shri B S Kalsi item No 5 above
7. Shri D S Hemrajani officiating as SFO Gr Rs 700-900(RS) under DRM/AID is promoted to Gr Rs 840-1040(RS) and posted to officiate as SFO Gr Rs 840-1040(RS) under DRM/LKO against new upgraded post
8. Shri R S Sukhoja officiating SFO Gr Rs 700-900(RS) under DRM/FZR is promoted to Gr Rs 840-1040(RS) and posted to officiate as SFO under SES(Const)-I New Delhi vice Shri Gyan Singh SFO Since promoted to Class-II

Further action may please be taken accordingly

Sd/-

G Ramchandran
Sr Personnel Officer (M)

No 754/143-III(Elia), dated 16/10/1979

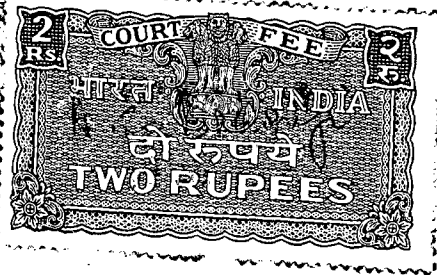
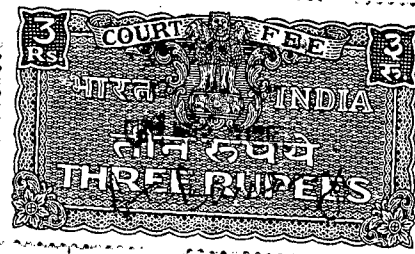
Attested
Radhika Ramani
Secretary, High Court and
Tribunals,
Sector - A - 1,
Maharaja, LUCKNOW

व अदालत धोमान्
[वादी अपीलान्त]
प्रतिवादी [रेंस्पाडेन्ट]

In the Central Administrative Tribunal

महोदय

का वकालतनामा
Circuit Bench, Lucknow



A.C. Banerji

Union of Indian rollers

बनाम

प्रतिवादी (रेंस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री Radhika Raman, Advocate,
C-4, Sector-A, Kahanagar, Lucknow.
वकील
श्री एस. सिन्हा, Advocate, 4553 Vikramnagar, Lucknow. महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (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 कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल 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) रसाद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी 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

Radhika Raman
Advocate,
C-4, Sector-A, Kahanagar,
Lucknow.

दिनांक

महीना

सन् १६

ई०

स्वीकृत

AMTD

Filed for 26.7.91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
(Circuit Bench, Lucknow)

I N D E X

IN

REGISTRATION NO. 269 OF 1990.

(District : Lucknow)

A.K.Banerjee - - - - - Petitioner.

Versus

The Union of India & others - - - Respondents.

S.No. Particulars of papers

Page Nos.

1. Written Statement.

1 to 9

(Signature)
(A.K.Gaur)

Advocate
COUNSEL FOR THE RESPONDENTS.

Dated: May ,1991.

Filed today
58u
10/5/91

JBL
31/5/91

1998

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.
(Circuit Bench, Lucknow)

WRITTEN STATEMENT

On behalf of

Union of India and others ----- Respondents.

IN

REGISTRATION NO. 269 OF 1990.

DISTRICT : LUCKNOW

A.K.Banerjee ----- Petitioner.

Versus

Union of India and others ----- Respondents.

The humble reply to the aforesaid petition
on behalf of the abovenamed respondents Most Respectfully
Showeth as under:-

1. That the contents of paragraph no.1 to 3 of
the petition call for no comments.
2. That the contents of paragraph no.4.1 of the

23/5/91

A-ug

petition are not disputed as these are matters of record.

3. That the contents of paragraph no.4.2 of the petition are not admitted and are denied. It may be stated that the petitioner was appointed as Electrical Chargeman grade C in scale Rs.100-180 with effect from 1.8.1946. The petitioner ^{was} further appointed as Chargeman on monthly pay of Rs.193/- at Lakshar with effect from 5.12.1956. The petitioner's contention that he was promoted to the post of Senior Chargeman in the scale of Rs.250-380 with effect from 2.12.1960. In fact the petitioner was ~~not~~ promoted to the post of Senior Chargeman with effect from 27.12.1960 and was transferred to Moradabad. It will not be out of place to mention here that petitioner was further promoted on the post of Foreman grade B in pay scale of Rs.370-475 with effect from 27.6.1970 and was posted under the Chief Electrical Engineer, (A TR Line), Railway Electrification, Kanpur. The petitioner was further promoted on the post of Asstt.

JO
24/8/71

AS

-3-

Shop Superintendent in grade Rs.450-575 with effect from 10.8.1971 and posted at Kalka. The contrary allegations contained in para under reply are ~~misst~~ distorted on all material point.

4. That the contents of paragraph no.4.3 of the petition are matters of record hence call for no comments.

5. That the contents of paragraph no.4.4 of the petition are matters of record hence call for no comments. It is significant to mention here ~~h~~ that as a result of Railway Tribunal's of 1969 headed by Miabhoy award the post of Foreman grade 'B' in scale Rs.370-475(AS) in Mechanical/Electrical and Signal Communication Workshop were upgraded to scale of Rs.450-~~552~~ 575(AS) and were ~~xxxx~~ redesignated as Assistant Shop Superintendent with effect from 1.8.7

The pay of incumbents posted against upgraded posts was to be fixed proforma with effect 1.8.7

29991

AST

-4-

the date of upgradation of the post and the actual payment was to be made from 1.8.1972. Consequently selection for 18 upgraded posts of Assistant Shop Superintendent/ Foreman grade 'A' in scale Rs.450-575 for workshop was initiated. It would be pertinent to mention here that some of the employees, however filed a writ petition in the High Court, Allahabad in the year 1973 against filling up of these upgraded post by process of selection and pleaded that the same should be filled up strictly according to the seniority. The Hon'ble High Court, Allahabad allowed the writ petition in their favour and directed that all the upgraded posts should be filled without holding any selection.

It is also pertinent to mention here that a Special Leave Petition against the aforesaid judgment of Allahabad High Court was preferred by the Railway Administration in Supreme Court of India but the same was dismissed.

In compliance of the above courts' order, 18 senior most persons were considered to be promoted

20/5/79

AS2

-5-

on the upgraded posts in grade Rs.450-575(AS) without selection in terms of instructions contained in Railway Board's letter No.PC-72/RLT-69/2 dated 12.3.73 and G.M.(P)'s letter No.754-E/148-III/ELIA dated 10.5.1983. All the other allegations contained in para under reply are misconceived and shall be suitably dealt with at the time of hearing of the case.

6. That the contents of paragraph no.4.5, 4.6, 4.7 of the petition are not admitted and are denied. A reference is craved to the preceding paragraph of this reply.

7. That the contents of paragraph no. 4.8 of the petition as stated are not admitted and are denied. The contrary allegations contained in para under reply shall be suitably dealt with at the time of hearing of the case.

8. That the contents of paragraph no.4.9 of the petition are not disputed being matter of record

JO
27/5/81

9. That the contents of paragraph no.4.90 of the petition as stated are not admitted and are denied. It may be stated here that the petitioner was retired from service on 30.11.80.

10. That the contents of paragraph no.4.11 of the petition are matters of record hence call for no comments. The detailed instructions has already been given in the Generala Manager's letter dated 10.5.1983 and the same shall be suitably dealt with at the time of hearing of the case.

11. That the contents of paragraph no.4.13,4.14, 4.15,4.16 and 4.17 of the petition are not admitted and are denied. The petitioner's alleged representations have not been received in the office of the respondents. The petitioner is put to strict proof of allegations contained in paragraphs under reply.

12. That the contents of paragraph no.4.18 of the petition are not admitted and are denied. It may be stated that the promotion in grade Rs.840-1040(RS).

ASU

-7-

has been given to the staff who has qualified in the selection in grade 700-900(Rs). It is also pertinent to mention here that the petitioner has not qualify the selection in grade 700-900 till the date of his retirement i.e. 30.11.80 as such his promotion to grade Rs. 840-1040 could not be made. The petitioner was retired from service in the year 1980, but the judgment of the High Court Allahabad as upheld by the Supreme Court was received in April, 1981, consequently the petitioner's contention that the persons mentioned in Annexure No.13 of the application filed in the CAT, Lucknow, prior to receipt of court judgment is not tenable. The whole ~~xxxx~~ position has already been clarified in General Manager's letter No.754-E/148-III (EIIA) dated 10.5.83 which was issued after Supreme Court's judgment. The contrary allegations have been made ~~xxx~~ with a view to lend colour to the instant case.

13. That the contents of paragraph no.4.19 of the petition are not admitted and are denied. The allegations contained in para under reply shall be suitably dealt with at the time of hearing of the case.

Dep'ty

1788

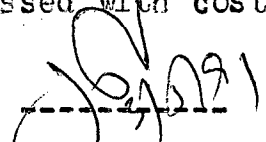
14. That all the grounds taken by the petitioner are not tenable in law and the petition has no legs to stand and liable to be dismissed as such.

15. That the petitioner has not exhausted departmental remedy and as such the petitioner is liable to be dismissed on this ground alone.

16. That the petitioner's petition is time bared and liable to be dismissed on this account also.

17. That the petitioner is not entitled to any of the reliefs claimed in this petition.

18. That the petitioner's petition is frivolous, vexatious and liable to be dismissed with cost.

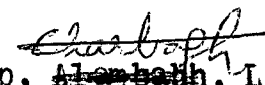


(For Respondents)
~~XXXXXXXXXX~~

Verification

I, Gurmail Singh designation

Office of the Workshop Electrical Engineer, Northern

Railway, Carriage and Wagon Shop, ~~Alambagh~~  Lucknow
Alambagh

do hereby verify that the contents of paragraph no.1 to

A-86

-9-

18 of this reply are ~~tr~~x based on perusal of official record and legal advice which all I believe to be true No part of ~~if~~ it is false and nothing material has been concealed.

Verified on this day of May, 1991
at Allahabad.

[Signature]
Verified on this day of May, 1991
at Allahabad.
(For Respondents)

Central Administrative Tribunal
Circuit Bench
Lucknow.

487

इन दी हाई कोर्ट आफ जूडिकेचर एट इलाहाबाद

[अभिभाषक पत्र वकालतनामा]

अपील नं. 269/90(L) सन् १९९१/१
निगराना A.K. BANERJEE वादी/प्रतिवादी
बनाम VS. अपीलान्त
म कि Union of India & others वादी/प्रतिवादी
हम रेस्वान्डेंट

उपरोक्त प्रकरण (मुकदमा) में अपना पक्ष समर्थन हेतु
हम A.K. GAUR
Advocate, High Court
B.L.G. FLAT NO. 11
8, CIRCULAR ROAD
ALLAHABAD

कानूनी करता हूँ
— शुल्क (केहनताना) नियत करके आना/हमारा अभिभावक (वकील) नियुक्त — और यह स्वीकार
निश्चित करता हूँ करते हैं
— कि उक्त सज्जन हमारी ओर के बाद-बत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी) बाद स्वीकार
पत्र, विवाद पत्र, पुनरवलोकन एवं पुनर्निर्णय प्रार्थना पत्र (दरखास्त) शापथिक कयना (हलफनामा)
प्रवर्तन-पत्र (दरखास्त इजराय) मुजबात अपील निगराना इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं
लेखादि की प्रतिलिपिया अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यक-
रानुसार शापथिक पुष्टीकरण करे और आवश्यक जवाब करे और लेखादि की प्रतिलिपियां एवं हमारे
प्राप्त धन को अपने हस्ताक्षरी पाबती देकर प्राप्त करे हमारी ओर से किसी को मध्यस्थ तथा साथी
(गवाह) माने और उससे सम्बन्धित प्रार्थना पत्र प्रस्तुत करे तथा उसका समर्थन करे तथा तसदीक करे
बाद पत्र उठावे छोड़े अथवा समझौता करे तथा मुलहनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना पत्र
दाखिल करके उनका समर्थन करे अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री ये भर पाई
होने के समय तक स्वतः या संयुक्त करे आवश्यकता होने पर किसी अन्य वकील महोदय को करे।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये माँति — सर्वप स्वीकार
हम को मुस को

मैं कानूनी होगी। अगर — शुल्क तथा विशेष शुल्क आखिरी बहस के वक्त उक्त सज्जन को न हूँ/वे तो उसको
हम निश्चित अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी नरै उपरोक्त दशा में उक्त सज्जन का
कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभावक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि

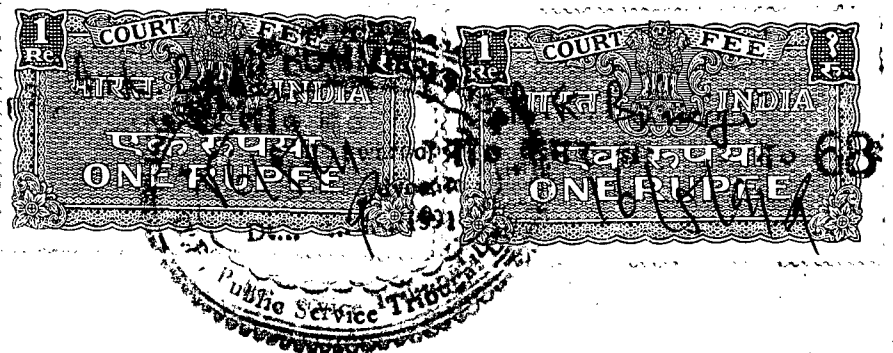
माह

सं०

A-58

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

Application Registration No. 264 of 1990(L)



A.K. Banerjee Applicant

Vs.

The Union of India and others ... 0 Respondents

REJOINDER AFFIDAVIT IN REPLY TO THE COUNTER
AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, A.K. Banerjee aged about 69 years son of
late Sri B.C. Banerjee resident of House No. L/169,
Sector 'E', L.D.A. Colony, Kanpur Road, Lucknow, do
hereby solemnly affirm and state on oath as under:-

- 1- That the deponent above named has read and
understood the contents of the reply to the
original application, filed on behalf of the

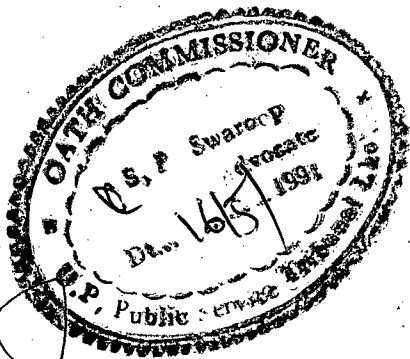
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AS

- 2 -

respondents and is well acquainted with the facts deposed to below.

- 2- That paras no. 1 and 2 of the reply of the respondents need no reply.
- 3- That in reply to para 3 of the reply, it is stated that though the factual position as stated in para 2 of the original application has been substantially admitted by the respondents in para 4.2 of their reply and yet they have denied the contents of para 4.2 of the application. It has not been pointed out as what part of the contents of para 4.2 of the original application is distorted on material points. This shows the inimical attitude of the respondents towards the applicant to deprive him of his legitimate dues to which he is legally entitled.
- 4- That para 4 of the reply needs no reply from the applicant.
- 5- That in reply to para 5 of the reply, it is stated that on the one hand the respondents have stated that para 4.4 of the original application needs no comments and on the other,



contd....

A-88

- 3 -

they have stated that the allegations contained in para 4.4 of the application are misconceived and shall be dealt with at the time of final hearing. The reply of the respondents are wholly evasive and incomplete and are not admitted and the contents of para 4.4 of the application are correct and are reiterated.

- 6- That the contents of para 6 of the reply are misconceived and are emphatically denied and the contents of paras 4.5, 4.6 and 4.7 of the original application represent the correct position and are reiterated as correct. No evidence whatsoever has been adduced by the respondents to disprove the contents of the said paras 4.5, 4.6 and 4.7 of the original application and as such, the contents of these paras of the application shall be deemed to have been admitted by the respondents.

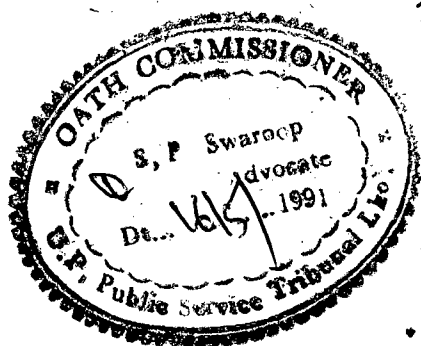


- 7- That the contents of para 7 of the reply are wholly misconceived and are emphatically denied and the contents of para 4.8 of the original application are correct and are reiterated. The respondents have not supported their denial by any evidence whatsoever and as such they will be deemed to have admitted the contents of para 4.8 of the original application.

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- 8- That the para 8 of the reply needs no reply.
- 9- That the contents of para 9 of the reply are misconceived and are denied and the contents of para 4.10 of the application are correct being supported by medical certificate and are reiterated.
- 10- That the contents of para 10 of the reply need no reply except that the order of the General Manager, Northern Railway, New Delhi, contained in his letter dated 10.5.83 (Annexure No.A-4) were not implemented in the case of the applicant.
- 11- That the contents of para 11 of the reply are wholly false and are denied and the contents of paras 4.12, 4.13, 4.14, 4.15, 4.16 and 4.17 of the application are correct and are reiterated. It is also stated that all the representations at Annexure A-7, A-8, A-9 and A-10 were sent to the addressees concerned. The representation dated 20.5.89 addressed to the General Manager, Northern Railway, New Delhi, has been sent by registered post, a photo copy of receipt no.1380 dated 1.6.84 issued by the Post Office is being filed as Annexure No. RA-1. Similarly, the



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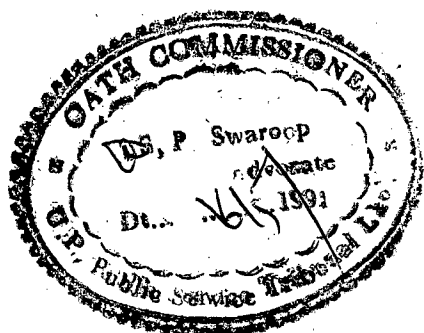
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A-62

- 5 -

representation at Annexure No. A-9, A-10 were also sent by registered post as would be evident from the receipt issued by the Post Office. One photo copy of each of the receipts are being filed as Annexure No. RA-2, and RA-3 respectively. The perusal of annexure A-12 would show that the representation at Annexure A-12 was delivered in the office of Respondent No.3 on 14.2.90 and the receiving official has appended his signature in token of receipt and has also affixed the official seal of the office of respondent No.3. It stands substantiated that the representations, in question, were sent to the concerned authorities and they are supposed to be available in the office of the said authorities. It thus also stands substantiated that Sri Gurmail Singh who has verified the contents of the reply on behalf of the respondents has given a false and fabricated statement within the meaning of Section 192 of the IPC and has rendered himself liable to be punished under section 193 IPC. This false evidence has been fabricated by the respondents to deny the legitimate financial entitlement to the applicant and to mislead this Hon'ble Tribunal who may initiate criminal proceedings against the said Sri Gurmail Singh.

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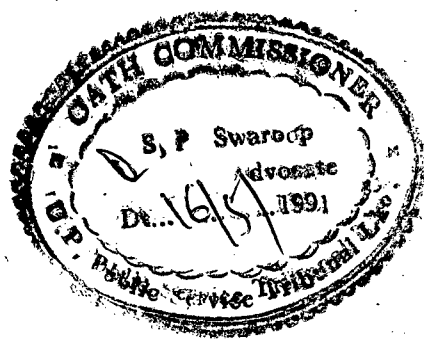


183

- 6 -

12- That the contents of para 12 of the reply are not admitted as stated and the contents of para 4.18 of the original application are correct and are reiterated. It is also ^Q asserted that Sri G.R. Deiwani ^Q being junior to the applicant was promoted to the post of ^{Shop} Superintendent in the scale of Rs 840 - 1040 while the applicant's legitimate claim for appointment in the said scale of Rs. 840 - 1040 was arbitrarily ignored and thereby his fundamental rights under Article 14 and 16 of the Constitution have been deliberately infringed by the authorities concerned. The arbitrary and illegal supersession of the applicant is, therefore, unconstitutional. The ^Q service records of the applicant throughout ^{his} ~~and the~~ service career remained of a high order and as ^{such} ~~and~~ there was no ground whatsoever to pass him over for promotion to the said higher scale post by his junior. No relevant material has been adduced in the reply indicating the reasons for supersession of the applicant nor it has been clarified whether the case of the applicant was considered for promotion or he was arbitrarily excluded from the field of eligibility. The reply of the respondents is, therefore, wholly vague and unacceptable. In case, the applicant would have

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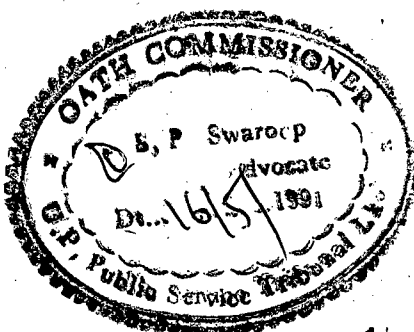
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- 7 -

gained knowledge about the promotion of his junior Sri Dewani during service period, he would have represented against his illegal and arbitrary supersession. The applicant came to know about the promotion of Sri Dewani long after his retirement and immediately there-after he filed his original application. The applicant is, therefore, entitled to be given the benefit of the pay scale of Rs. 840 - 1040 from the date Sri Dewani was promoted to the post of ^{Asst. Secy} Superintendent in the said scale with all consequential benefits including refixation of his pay, pension and other pensionary benefits.

13- That the contents of para 13 of the reply are wholly misconceived and are emphatically denied and the contents of para 4.14 of the application are correct and are reiterated. In para 13 of the reply, the respondents have not furnished any evidence to show as to why the applicant is not entitled to the benefits claimed in para 4.19 of the application and as such the denial ^{contained} ~~claimed~~ in para 13 of the reply is meaningless having no evidentiary value in the eyes of law.

Sharma



14- That the contents of para 14 of the reply are misconceived and are emphatically denied and

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A268

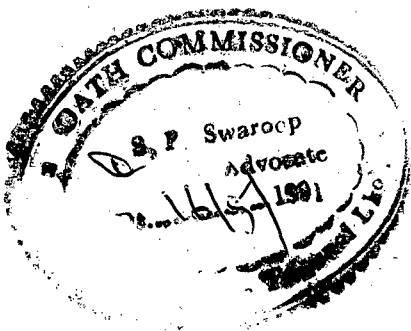
- 8 -

and it is asserted that the grounds mentioned in the application are tenable in law and fully justify the grant of relief claimed therein.

15- That the contents of para 15 of the reply are wholly false and misconceived and are denied. The applicant has furnished documentary evidence with the rejoinder affidavit showing that he made various representations in this connection and as such, he shall be deemed to have exhausted the departmental remedies.

16- That the application shall be deemed to be within limitation as refixation of the pay of the applicant in the scale of Rs. 840 - 1040 will result in revision of his pension and as such, the cause of action for filing this application arises from month to month and it is ~~cause~~ ^{case} of continuous cause of action.

17- That the contents of paras 17 and 18 of the reply are wholly misconceived and are emphatically denied and it is asserted that in view of the fact and ground mentioned in the fore-going paras and in the application, it deserves to be allowed in toto with costs.



Dated: Lucknow:

May 16, 1991

Deponent

AG

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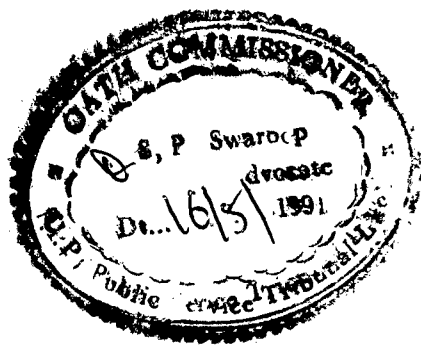
VERIFICATION

I, A.K. Banerjee, the deponent do hereby
verify that the contents of paras 1 to 13 of this
rejoinder affidavit are true to my personal knowledge
and belief and those of paras 14 to 17 thereof are
believed by me to be true and on the basis of the
legal advice received, no part of it is false,
so help me GOD.

Dated: Lucknow:
May 16, 1991.

[Signature]
Deponent

I identify the deponent
who has signed before me.



[Signature]
(Radhika Raman)
Advocate

17/05/91
A.K. Banerjee
Radhika Raman
Advocate

[Signature]
OATH COMMISSIONER
S. P. Swarup
16/5/91

In the Central Administrative Tribunal, Lucknow Bench, Lucknow

Misc. Application No. 643 of 1992

In Ref. OA No.264 of 1990 (L)

A.K.Banerji

....

Applicant

versus

Union of India and others ...

Respondents

Fixed for 31.7.92

Application for substitution of legal heirs of the Applicant now deceased.

On behalf of the applicant it is most respectfully stated as under :-

1. That the applicant above named died of cancer on May 16, 1992 at 10.30 A.M. leaving behind his legal heirs whose details are given below :-

1. Smt. Meera Banerjee aged about 62 years residing in House No. L/169, Sector 'E', L.D.A. Colony, Kanpur Road, Lucknow. - Wife
2. Km. Sandya Banerjee aged about 43 years, daughter, residing in House No. L/169, Sector 'E', L.D.A. Colony, Kanpur Road, Lucknow.
3. Sri Bibhas Banerji, aged about 35 years, Son, residing in House No. L/169, Sector E, L.D.A. Colony, Kanpur Road, Lucknow.
4. Mrs. Arti Goswami aged about 33 years W/o Junior Warrant Officer, Pinto Park, Palam, New Delhi-Daughter.

A copy of the death certificate is at Annexure-A.

2. That if the application succeeds and this Hon'ble Tribunal hold that the deceased Applicant was entitled to promotion on higher post, his legal heirs will be entitled to financial benefits.

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F.T.
27.7.92
②

Bibhas Banerji

A 69

3. That in the said circumstances it is necessary in the interest of justice that the names of the legal heirs of the deceased applicant mentioned in the para I above may be substituted in the original application in place of the name of the said applicant as Applicants Nos. 1, 2, 3 and 4 respectively.
4. That the substitution application is within limitation.
5. That Applicant Nos. 1, 2 and 4 have authorised applicant No. 3 to file this application on their behalf as well.

P R A Y E R

Wherefore it is most respectfully prayed that this Hon'ble Tribunal be pleased to allow the names of the legal heirs of the deceased applicant ^{to be substituted} in the original application ~~be allowed to be substituted~~ in place of the names of the said original applicant.

Lucknow
July 1992

Bibhas Banerji
(Bibhas Banerji)
Applicant No. 3

VERIFICATION

I, Bibhas Banerji aged about 35 years son of Late Sri A.K. Banerji, the deceased applicant, do hereby verify that the contents of para 1 & 5 above are true to my personal knowledge and paras 2 to 4 above are believed by me to be true on the basis of legal advice received and that I have not suppressed any material fact.

Lucknow
July 1992

Bibhas Banerji
Signature of Applicant No.3

Through

Advocate
Counsel for the Applicant.

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Annexure-A

काउन्टर फाइल रिपोर्ट बुक ॥ मृत्यु ॥

मृत्यु की रिपोर्ट

नगर महानगरपालिका लखनऊ मुकाम नभित्त अफसर लिखने वाला

बुक नं० 420

सीरियल नं० 36

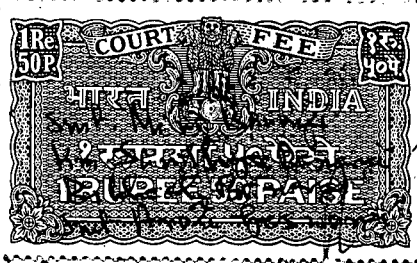
तारीख रिपोर्ट 84/6/92 रिपोर्ट करने वाले को दिया जायेगा

विषय जो लिखे जावेंगे

- 1- मृत्यु का समय तथा तारीख 16/5/92 10:35 AM
- 2- मृत्यु का स्थान तथा मृतक का नाम 3 अगिलो बुआ (वगडो)
- 3- अनाथ पुत्र
- 4- जात हिन्दू जाति मृतक 71 वर्ष
- 5- पेशा पिता माता
- 6- मृत्यु का कारण हृदय रोग
- 7- धर्म के अन्दर टीका या विला टीका
- 8- नाम व रहने की जगह जनानेवाली का नाम मुहल्ला 27 लोडी प. कोलेजी
- 9- गृह संख्या 2-769 Sector E
- 10- जगह जहाँ जलाया, दफनाया या बहाया गया
- 11- नाम चिकित्सक जिसने रोगी की अन्तिम चिकित्सा की हो 510 डी.के.ए. रु. का B.M.H.S.
- 12- नाम रिपोर्ट करने वाले का पुत्र का विवाह लगभग 2 वर्ष
- 13- कब से शहर में रहता है
- 14- ह० लिखने वाले का नाम डा. दाखिला

True Copy
Raman

Radhika Raman
Advocate, High Court and
Services Tribunals,
4 Sector - A - 1,
Mahanagar, LUCKNOW



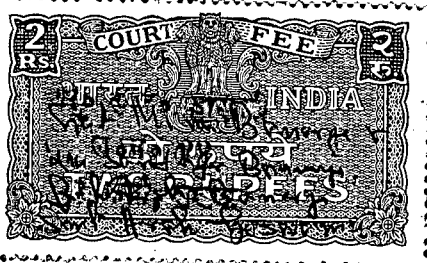
In the Central Administrative Tribunal
Lucknow Bench, Lucknow

प्रतिवादी [रेस्पॉडेन्ट]

वकालतनामा

Original Application No. 264 of 1990 (L)

M. Smit. Sandhiga ^{B. n. n. n.} _{B. n. n. n.}



(बादी अपीलान्त)

Union of India voters बनाम

(प्रतिवादी रेस्पॉण्डेंट)

१३ ५०

ऊपर लिखे मुकद्मा में अपनी ओर से श्री Rashika Raman, Advocate

व. Sri R. S. Srivastava, Advocate वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिवरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तलबीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी बिपक्षी (करीकस्मानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (इस्तखती) रसीद से लेवे या बंध नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होया मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

y Mirza Samir

71. Mira Bamerjee
72. Savdhy Bani
हस्ताक्षर
73. Bishar Borego
4. Anoli Ghoswami

(गवाह)

महीना

सन् १८ ई०

Adm
Raman

Radhika Raman-
Advocate, High Court and
Services Tribunals,
C - 4 Sector - A - 1,
Mahanagar, LUCKNOW.

A72

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

Misc. Application No. 500 of 1991 (L)

IN RE

O.A. No. 264 of 1990(L)

A.K. Banerji

.... Applicant

Vs.

Union of India and others Opposite Parties

FFH. 23.9.91

APPLICATION OF CUMMONING OF RECORDS
FOR THE PERUSAL OF THE HON'BLE TRIBUNAL

The applicant above named most respectfully states
as under:-

- 1- That it will be in the interest of justice and for adjudication of issues involved in this case that the following records be summoned from the respondents concerned for the perusal of this Hon'ble Tribunal at the time of final hearing:-

(I) The proceedings of the selection committee on whose recommendations Sri G.R. Dewani who was junior to the applicant, was promoted to the post of Shop Superintendent in the scale of Rs. 840 - 1040 (RS) vide orders dated 16.10.79 at Annexure No.A-13 of the original application.

contd....

Filed today
26/8/91

RR

A-13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

Misc. Application No. 560 of 1991

IN RE

O.A. No. 204 of 1990(L)

A.K. Banerji Applicant

Vs.

Union of India and others Opposite Parties

APPLICATION OF COMMONING OF RECORDS
FOR THE PERUSAL OF THE HON'BLE TRIBUNAL

The applicant above named most respectfully states
as under:-

- 1- That it will be in the interest of justice and for adjudication of issues involved in this case that the following records be summoned from the respondents concerned for the perusal of this Hon'ble Tribunal at the time of final hearing:-

(I) The proceedings of the selection committee on whose recommendations Sri G.R. Dewani who was junior to the applicant, was promoted to the post of shop superintendent in the scale of Rs. 840 - 1040 (Rs) vide orders dated 16.10.79 at Annexure No.A-13 of the original application.

contd....

(II) The proceedings of subsequent selection committees which made selections for promotion to the post of shop superintendent on/basis of the orders of the Hon'ble Lucknow Bench of Allahabad High Court after the rejection of the S.L.P. filed against that judgment in the supreme Court, was rejected by them and in terms of the order dated 10.5.83 of the General Manager of Northern Railway (Annexure A-4) of the application.

P R A Y E R

WHEREFORE it is most respectfully prayed that the respondents concerned be directed to produce the above mentioned records before this Hon'ble Tribunal on the date of final hearing.

Dated: Lucknow:

August , 1991.

(Radhika E-aman)
Advocate,
Counsel for the applicant.

A-74

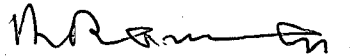
- 2 -

(II) The proceedings of subsequent selection committees which made selections for promotion to the post of Shop Superintendent on/^{the}basis of the orders of the Hon'ble Lucknow Bench of Allahabad High Court after the rejection of the S.L.P. filed against that judgment in the Supreme Court, was rejected by them and in terms of the order dated 10.5.83 of the General Manager of Northern Railway (Annexure A-4) of the application.

P R A Y E R

WHEREFORE it is most respectfully prayed that the respondents concerned be directed to produce the above mentioned records before this Hon'ble Tribunal on the date of final hearing.

Dated: Lucknow:
August ,1991.


(Radhika Raman)
Advocate,
Counsel for the applicant.

GOVERNMENT OF INDIA, (BHARAT SARKAR)
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

EG-1

No. E (G) 90

LL3— 3 (282)

New Delhi, Dated. 27-11-1990

To,

The Registrar, Central Administrative Tribunal,

.....
.....
.....

Sub :—

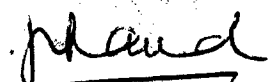
..... ON NO. 269/90

..... Sh. A. K. Banerji

Sir,

I am directed to refer to your summons/orders dated 22/11/90 on the subject mentioned above and to state that the General Manager, Northern Railway is the competent authority to deal with this matter. The summons/orders in question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,


for Secretary, Railway Board.

DA : Nil.

No. E (G) 90

LL3 -3

New Delhi, Dated. 27-11-1990

Copy together with the summons/orders received from the Tribunal/ Court are forwarded in original to the General Manager, Northern Railway for further necessary action.

The next date of hearing is.....

DA/As above.

R.B. Press. July-89. 10,000 F.

Desk Officer, Establishment,
Railway Board.

A-76

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 269 of 1990 (L)

A.K.Benerji

... Applicant.

Versus

Union of India & Others

... Respondents.

19.11.1990

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

Hon'ble Mr. M.M.Singh, A.M.

We have heard Shri Radhika Raman for the applicant. The claim, in brief, is that under the orders ~~dated~~ contained in Annexure- A 4 dt. 10.5.83 the applicant, among others, was to be considered as posted against certain upgraded posts in the scale of Rs. 700-900(Rs) without selection and would also be entitled for all consequential reliefs as per Rule, but despite representations made, the last representation being Annexure-A11 dt. 7.1.90, appropriate orders have not been passed to implement those directions. Issue notice to respondents to show cause why the application may not be admitted and why they have not implemented their own decision contained in Annexure-A 4, dt. 10.5.83. List for admission on 14.1.91. When the case may be disposed of finally.

Sd/

Sd/

A.M.

V.C.

//TRUE COPY//

(Mohd. Umar Khan)

21/11/90
Joint Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Sd/

✓
Checked by
h



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No.OA/TA/

5339-41

dated the 22-11-90

O.A.NO. 269/90(L)

Registration no.-----of 1990

A.K.BANERJEE

APPLICANT

VERSES

UNION OF INDIA & OTHERS

RESPONDENT

1. UNION OF INDIA THROUGH THE SECRETARY TO THE GOVT. OF INDIA MINISTRY OF RAILWAYS NEW DELHI.
2. THE GENERAL MANAGER NORTHERN RAILWAY HEADQUARTER OFFICE BARODA HOUSE NEW DELHI.
3. THE WORKSHOP ELECTRICAL ENGINEER NORTHERN RAILWAY CARRIAGE AND WAGON SHOP ALAMBAGH LUCKNOW.

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 14 day of 12/11/1990 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 20 day of 11/11/1990.



DEPUTY REGISTRAR

ENCL: COPY OF PETITION WITH COURT'S ORDER DATED 19.11.90

1578

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 269 of 1990 (L)

A.K.Benerji ... Applicant.
Versus
Union of India & Others ... Respondents.

19.11.1990

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

Hon'ble Mr. M.M.Singh, A.M.

We have heard Shri Radhika Raman for the applicant. The claim, in brief, is that under the orders ~~contained~~ contained in Annexure- A 4 dt. 10.5.83 the applicant, among others, was to be considered as posted against certain upgraded posts in the scale of Rs. 700-900(Rs) without selection and would also be entitled for all consequential reliefs as per Rule, but despite representations made, the last representation being Annexure-A11 dt. 7.1.90, appropriate orders have not been passed to implement those directions. Issue notice to respondents to show cause why the application may not be admitted and why they have not implemented their own decision contained in Annexure-A 4, dt. 10.5.83. List for admission on 14.1.91. When the case may be disposed of finally.

Sd/
A.M.

Sd/
V.C.

//TRUE COPY//

(Mohd. Umar Khan)
Joint Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Sd/



Checked by
L

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 269 of 1990 (L)

A.K.Benerji ... Applicant.
Versus
Union of India & Others ... Respondents.

19.11.1990

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

Hon'ble Mr. M.M.Singh, A.M.

We have heard Shri Radhika Raman for the applicant. The claim, in brief, is that under the orders ~~XXXXXX~~ contained in Annexure- A 4 dt. 10.5.83 the applicant, among others, was to be considered as posted against certain upgraded posts in the scale of Rs. 700-900(?) without selection and would also be entitled for all consequential reliefs as per Rule, but despite representations made, the last representation being Annexure-A11 dt. 7.1.90, appropriate orders have not been passed to implement those directions. Issue notice to respondents to show cause why the application may not be admitted and why they have not implemented their own decision contained in Annexure-A 4, dt. 10.5.83. List for admission on 14.1.91. When the case may be disposed of finally.

Sd/

A.M.

Sd/

V.C.

//TRUE COPY//

Sd/

269/90

A80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

Misc. Application No. 500 of 1991

IN RE

O.A. No. 204 of 1990(L)

A.K. Banerji

.... Applicant

Vs.

Union of India and others Opposite Parties

FFFI 23-9-91

APPLICATION OF SUMMONING OF RECORDS
FOR THE PERUSAL OF THE HON'BLE TRIBUNAL

The applicant above named most respectfully states
as under:-

- 1- That it will be in the interest of justice and for adjudication of issues involved in this case that the following records be summoned from the respondents concerned for the perusal of this Hon'ble Tribunal at the time of final hearing:-

(I) The proceedings of the selection committee on whose recommendations Sri G.R. Dewani who was junior to the applicant, was promoted to the post of shop superintendent in the scale of Rs. 840 - 1040 (Rs) vide orders dated 16.10.79 at Annexure No.A-13 of the original application.

Adm m

A 81

- 2 -

(II) The proceedings of subsequent selection committees which made selections for promotion to the post of Shop superintendent on/^{the}basis of the orders of the Hon'ble Lucknow Bench of Allahabad High Court after the rejection of the S.L.P. filed against that judgment in the Supreme Court, was rejected by them and in terms of the order dated 10.5.83 of the General Manager of Northern Railway (Annexure A-4) of the application.

P R A Y E R

WHEREFORE it is most respectfully prayed that the respondents concerned be directed to produce the above mentioned records before this Hon'ble Tribunal on the date of final hearing.

Dated: Lucknow:

August , 1991.

Radhika R-aman
(Radhika R-aman)
Advocate,
Counsel for the applicant.

Central Administrative Tribunal
Lucknow Bench, Lucknow.

AS

O.A.No. 269/90 (L)

A.K.Banarjee ----- Applicant.
versus
Union of India & others. --- Respondents.

DATED : 26-2-93.

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. K. Obayya, A.M.

Issue notice to Smt. ^{Nina} ~~K.K.~~ Banarjee, Widow
of Late Shri B.C. Banarjee, House No. L/169,
Sector E, IDA Colony, Kanpur Road, Lucknow,
informing her that their counsel, who was
~~K.K.~~ representing her husband's case has
died and as such if she is interested in
pursuing the matter the applicant may make some
other arrangements i.e. employ some
other advocate. Otherwise the case will be
disposed of in her absence. List this case
on 9-4-93.

Completed
15/3/93

Sd/-
A.M.

Sd/-
V.C.

Behandrs
15/3

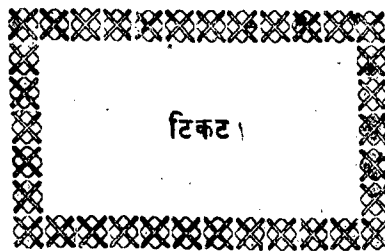
Q

In the Central Administrative Tribunal, Lucknow Bench
बनालत श्रीमान.....लुक्नु.....महोदय

[बादी अपीलान्ट]

प्रतिवादी [रेस्पाडन्ट]

वकालतनामा



टिकट

(बादी अपीलान्ट)

A. K. Banerjee
बनाम

Union of India vs. (प्रतिवादी रेस्पाडन्ट)

O.A. नं. मुकद्दमा 269 सन् 90(4) पेशी की ता. 9-4-1991 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Vijay Krishna

व..... High Court Lucknow वकील महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरोकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमरी जारी करावें और रुपया वसूल करें या मुनहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसबीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (करीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या बंध नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफा 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 Minna Banerjee

साक्षी (गवाह)..... (गवाह).....

दिनांक..... महीना..... सन् १९ ई०

अबोधित

Minish

श्री विष्णु (श्री) ACKNOWLEDGMENT

~~D. A. 269/90~~

क्र.सं.क. पथ/घोटाकाई/विकेट/पारसंभ/प्राप्त हुआ

नि.प्र.प्राप्त हुआ
११/४/७३

Received a Registered Injured

Letter/Postcard/Packet/Parcel

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पाने
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Good night, good people!

19
Date of order/Date of delivery

॥ इन्द्राय नमः ॥ श्री गणेशाय नमः ॥

॥ भिषग्विद्यायां श्रीचक्राचार्यः ॥

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M. Bannister

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

No. CAT/LKO/Jud1/ 4638

Dated : 22/3/93

Registration No. O.A. No. 269/90 (C)

A.K. Banarjee ----- Applicant

V E R S U S

U.O.I. & others. ----- Respondents

Smt. Nina Banarjee widow of Late Sri B.C. Banarjee,
House No. 1169, Sector E, LDA Colony Kanpur Road,
Lucknow.



Please take notice that the applicant above named has presented an application a copy of X thereof is enclosed herewith which has been registered in this Tribunal has fixed 9th day of April 93 show-cause as to why the petition be not admitted. Counter may be filed within X weeks. Rejoinder, if any, to be ~~FILED~~ filed within X weeks thereafter. *for employ some other Counsel (Advocate)*

If, no appearance is made on your behalf, you pleader of by some on duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given by hand and the seal of the Tribunal this 15th day of March 93 1993.

Encl. Copy order dt/ C
(m.m.)
26-2-93.

O/ Be 15/3
For Dy. Registrar
15/3/93