

## FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCHOA/TA/RA/CP/MA/PT 292/90 of 20..........T.P. Chaurasia.....Applicant(S)

Versus

.....U.O.T. Board.....Respondent(S)

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Certified that the file is complete in all respects.

B/C. weeded out/ destroyed.....28/8/12.....

Signature of S.O.

Signature of Deal. Hand

3018/90  
21/3/89  
X

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 292 of 1989/90 (L)

3018  
30/8

APPLICANT(S) Shri T. P. Chawasia and another

REPRESENTANT(S) C. C. D.

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

Particulars to be ExaminedEndorsement as to result of examination

1. Is the application/duplicate copy signed ? *yes*

2. Is the address of the application and annexus correct ? *yes*

3. Is the date of the application original ? *yes*

4. Is the date of the application correct ? *yes*

5. Is the date of the application correct ? *yes*

6. Has the full address of the addressee of the application been filled ? *N.A.*

7. Has the addressee of the application been filled ? *yes*

8. Are the names of the parties mentioned in the application tally with the particulars indicated in the application ? *yes*

9. Are the signatures certified to be sure & supported by an affidavit affirming that they are true ? *yes*

10. Are the copies of the case memorandum in item no 16 of the application ? *on order No 4*

a) Single copy ? *yes*

b) Double thickness ? *yes*

c) Numbered consecutively ? *yes*

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

11. Has the parties to the interim order prayed for indicated with reasons ? *yes*

12. Whether all the remedies have been exhausted ? *yes*

Answer/

51

*Ans*  
*30/8/70*

*in the office  
 1st floor  
 1st room  
 1st floor  
 1st room  
 1st floor  
 1st room  
 1st floor  
 1st room*

*8/90*

31.8.90

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

Applicants are permitted to join together.

Heard. Admit. Issue notices to the respondents.

Counter affidavit may be filed within 8 weeks hereof.

Rejoinder affidavit may be filed within two weeks thereafter.

Listed within before Dy. Registrar for completion of pleadings.

As regards the interim relief the submission is to the effect that the applicants can not be made to appear in the examination for selection to the post of Senior Draftman. Reliance for this submission is placed on a circular of the Railway Board dated 16.11.1984 (Annexure A-4) to the main petition. We, after hearing the learned counsel for the applicants gave him opportunity to consult his clients present in the court and make statement before us whether they would like to appear in the test or would not like to take the test at their own risk. The learned counsel after consulting the clients, stated that his clients would not like to appear in the test. We make it clear that their decision not to appear in the test solely vests in them. However, in order to adjudicate the controversy effectively, we consider that the selection may be proceeded with but two posts of Sr. Draftman shall remain unfilled for a period of 14 days hereof. The applicants shall not be reverted till 11.9.90.

Listed on 11.9.90 for order on interim matter.

Sd/

A.M.

Sd/

J.E.

SD/

Hon. Justice K. Nath, V.C

Hon. Mr. M.M. Syed, A.M

Due to sad demise of Hon. Justice Kaul of High Court, L.R.  
Case is adjourned to 1 x 90  
Stay order shall continue  
till that date

M M S

A.M

GR

Notices were issued  
on 4.9.90

Neither reply nor  
any unsworn report  
over her been return  
back

S.R.O

L  
10/1

20/K

6.3.2021.

1.3.12.92

From Mr. Justice R. Nachiketan.

From Mr. K. Chatterjee, Advoc.

Shri Rajan Bhargava makes appearance on behalf of respondent and requests for and is allowed 6 weeks time to file counter. regards my S filed within 2 weeks there after. but before D.R or 30-1-91 for fixing a date if possible after completion of record. In the interim order I shall continue till then.

?

A

A. A.

D.W.

VC.

30-1-91  
D.R.

Mr. Vishwa Mohini and Shri Vinay Kumar for the applicant's side are present. A.P. is absent. Respondent did not file counter till today. Respondent is directed to file counter by 26/2/91.

SIR

19.12.91  
D. R.

Applicant is present

No appears for the

O.P. O.P. to file

Counter by 10/3/92.

10.3.92

D. R.

Applicant with counsel  
Respondent's side

Represent. counter

has already been

filed. Applicant

to file Rejoinder

by 20/5/92.

20.5.92  
D. R.

Applicant's side is

present. He is ordered

to file Rejoinder by

14/8/92

14.8.92

Applicant is present  
present for Respondent's. None  
Applicant to file Rejoinder  
by 5.11.92

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO.

D.A./T.A. NO 292/90

OFFICE REPORT \* DATE /

ORDER

3-11-92

D.R.

Both the parties are absent.

Counter has not been filed till  
to day. Respondent to file it by

23-11-92

25-11-92

D.R.

This file was not produced  
on the date fixed. So that  
on 26-11-92 notice to inform  
both the parties for the next  
date for filing Counter by

26-11-92

OR

(Right)

but (Left)  
After (to)

09/12/92

10/12/93

2.R. @ Applicant & present.

C.A has not been filed

Ans. on 12/12/93

12/12/93

S.R. Both the parties are absent.

R.A has not been filed.

Applicant to file R.A on the  
date fixed. List. on 31/12/93 for  
F.H.

ER filed by P. on 12/12/93  
(After R.A)  
(to before R.A)

12/12/93

Q. 7. 292 / 75

12/4/93

D.R.

Both the parties are present.

R.A. has not been filed today.

Aplicant to file R.A. on the date fixed List on 11/5/93 for F.H.

(✓)

CR  
R.A. filed  
S.H.  
05/5/93

11.5.93

No hearing on 11.5.93  
C.P. 12.7.93.

12/7/93

Hon. Mr. S.N. Prasad, J.M.  
Hon. Mr. B.K. Singh, A.M.

CR  
R.A. filed  
S.H.

No R.A. has been filed. R.A. may be filed within 2 weeks. List this case on 8/9/93.

B  
A.M.

J.M.

8.9.93

No hearing on 8.9.93

note

CR  
R.A. filed  
S.H.

R.A. filed

12. S.H. 15.10.93

No hearing of D.B.  
rejoin

note

12. S.H. 17.10.93

0.11.2.9.3/90

0.A.293/90

24-2-98

Hon. Mr. V. K. Seth, A.M  
Hon. Mr. D. C. Verma, J.M.

For applicant: Mr. Vishwanathini  
For respondent, Sir A. Chauhan, brief holder  
for Sri A. Chaturvedi.

List on 6-4-98 for hearing.

J.M.

V.  
D.M.

06.4.98

Case not reached adj.  
to 04-5-98 for hearing.

R  
SOL

4.5.98. No. 561 of D.R. adj  
to 01.6.98.

R  
SOL

03.7.98

No sitting of D.R. case is  
adj. to 02.9.98 for hearing.

V.  
SOL

2.9.98. - No. 561 of D.R. adj  
to 25.11.98

R  
SOL

25.11.98

No sitting of D.R. case is adj.  
to 13.4.99 for hearing.

R  
SOL

02  
Expt for non-legal  
exchanges  
Period of 1st Q.  
26/3/98

01  
Decided by  
Committee  
Chairman

27-10-99

Hon'ble Mr. D.C. Verma - Jy

Hon'ble Mr. A.K. Misra - AM

Sri V. Kumar Counsel for applicant  
 Sh. Verma Counsel for respondent  
 Heard. List for further hearing on  
 14-12-99.

*AM*  
 (AM)

*JM*  
 (JM)

14-12-99

No sitting of D.B.  
 Date adj. to 13-3-2000.

*P*  
 BCL

13/03/2000

Doctors obtained fee Told with  
 OR for 30/03/2000

30/03/2000

No sitting of D.B. as Member is not  
 available. Adjm to 12/04/2000

*DR*  
 BCL

OR  
 Pleadings are  
 Complete. Submitted  
 for hearing on 14/4/2000

13/05/2000

Hon'ble Mr. D.C. Verma - Jy  
 Hon'ble Mr. A.K. Misra - AM

Counsel for little less parties have  
 sought adjournment

OR Yes for hearing on 30/05/2000  
 on account of Ramdasini  
 holiday on 12-4-2000. Submitted  
 on 13-5-2000 for hearing

*AM*  
 (AM)

*JM*  
 (JM)

*PL*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:  
LUCKNOW BENCH, LUCKNOW.

Original Application No. 292/90 of 1998.  
T.A.R.A./C.C.P.No. of 1998.

Date of Decision: 30.6.2000.

J.P. Chauhan and another.....Applicant  
Shivam Kumar Advocate for applicant  
Versus  
.....L.C.I. & others..... Respondents  
.....Shri. S. V. Joshi..... Advocate for  
Respondents

CORAM

HON'BLE MR. D. C. Verma J.M

HON'BLE MR. A. K. Misra, J.M

1. Whether reporter of local papers may be allowed to see the judgment.
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to other benches ?

Vice Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 292/90

Lucknow this the 30<sup>th</sup> day of June, 2000.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

J.P. Chaurasia, aged about 49 years, son of late Sri Pyare Prasad mandal, resident of House No. 555 G.A/92/2, Subhash Marg, Alambagh, Lucknow.

2. Shri O.N. Chaurasia aged about 54 years son of late Sri B.L. Chaurasia, resident of 94, Jai Narain Rod, Husainganj, Lucknow.

Applicants.

By Advocate Shri Vimal Kumar.

versus

1. Union of India through Secretary Ministry of Railways, Rail Bhawan, New Delhi.

2. General Manager(personnel) Northern Railway, Headquarter office baroda House, New Delhi.

3. Chief Personnel Officer, northern Railway, baroda House, New Delhi.

4. Chief Works Manager, Northern Railway Locomotive Workshop, Charbagh, Lucknow.

Respondents.

By Advocate Shri S. Verma.

O R D E R

The two applicants of this O.A. claimed the relief for quashing of the order dated 20th August, 1990 by which the applicants were being subjected to process of selection dated 2.9.90 (Annexure 1 to the O.A.). Further prayer is to quash the selection held in pursuance thereto and to regularise the services of the applicants from the date of their continuous officiation in the grade of Rs425-700 (revised to Rs 1400-2300) on the post of Senior Draftsman with all consequential benefits and fixation of pay.

2. During the course of arguments, the learned counsel for the applicants informed that the applicant No. 2 O.N. Chaurasia has expired. The case against the



applicant No. 2 abates. The relief claimed by applicant No.1 would only be considered in this case.

2. The brief facts of the case are that the applicant No. 1 was initially appointed in the Locomotive Workshop Charbagh on 1.12.1958. The applicant was promoted as Senior Draftsman in the scale of Rs 425-700 on 21.4.82. The post of Senior Draftsman is a selection post. The applicant was however, not regularised on the post of Senior Draftsman. The Ministry of Railways issued a Cadre Review and Restructuring of Group C and D categories vide order dated 16.11.84 whereby the cadre of Draftsman was also affected. The restructuring was given effect retrospectively w.e.f. 1.1.84. The promotion ~~of the applicant~~ on the post of Senior Draftsman, in accordance with the order dated 16.11.84, was to be made only on the basis of service record without holding any written/viva voce test. On 1.1.84, there were 10 Senior Draftsmen. According to the applicant only 5 posts were considered for restructuring whereas the remaining 5, one of which was occupied by applicant No. 1 was not treated as Senior Draftsman against restructured post. Consequently, the name of the applicant was not included in the selected post of Senior Draftsman. The claim of the applicant is that all the 10 vacancies are required to be filled in on the basis of modified selection based on assessment of service record only without holding a written test and/or viva voce test.

3. The respondents' case is that the post of Senior Draftsman is required to be filled in the manner laid down in the Railway Board's letter dated 19.8.1972. This requires 25% of vacancies to be filled up from amongst the Assistant Draftsman, 25% of vacancies from amongst the Tracer and Assistant Draftsman who possessed the required qualification for apprentice mechanics and are within the age limit and the remaining 50% of vacancies were to be filled from

A

Apprentice Mechanic recruited directly by Railway Recruitment Board. The applicant's case would come in the first category of 25% which is to be filled from amongst Assistant Draftsman which may be referred to as Promotion quota. It is admitted that the Draftsman is a selection post and 25% vacancies against promotion quota can be filed up after holding regular selection. The mere fact that the applicants were officiating as Senior Draftsman does not entitle the applicants for regularisation without passing the prescribed selection. The respondents' case further is that as per Anneuxre A-2 dated 23.4.82 the applicant No. 1 J.P. Chaurasia was only put to officiate as Senior Draftsman without undergoing any selection process. The selection was held in 1989. Both the applicants appeared in the said selection but failed. Both the applicants were again called for selection in 1990 but none of them appeared and challenged the said selection by filing the present O.A.

4. The respondents' case further is that there were 11 posts of Senior Drsaftsmen but as a result of restructuring, one post was reduced, as per percentage laid down by Railway Board, i.e. 30% in the grade of Rs 425-700. After considering the whole case of restructuring, only two resultant posts came into existence as vacancy to be filled up w.e.f. 1.1.84. Accordingly, it has been submitted, the senior most persons, namely Trilok Singh and S.S. Srivastava <sup>e</sup>were accordingly promoted.

5. Heard the learned counsel for the parties at great length and have gone through the pleadings on record. It is not the case of the applicant that the applicants were promoted in the year 1982 after following due procedure prescribed for selection for the post of Senior Draftsman. The applicant was accordingly, to our mind, officiating only as a stop gap arrangement till a proper selection is made. When a



selection process was taken up in 1989 and the applicant was allowed to appear, the applicant failed to clear the test. In the O.A. or in the Rejoinder filed to the Counter reply nowhere it has been claimed that the applicant cleared the selection test held in 1989. In reply to the respondents' assertion that the applicant failed in the selection held in the year 1989, it has been asserted in the Rejoinder that the applicant, due to continuous officiating on a substantive post have got a right on the post held by him. Thus, there is no specific denial of the respondents' case that the applicant failed in the selection test of 1989. If a procedure is prescribed for selection, one can be promoted to the selected post only after clearing the said selection and not otherwise. The applicant, therefore, has no claim of promotion to the post of Senior Draftsman under promotion quota, unless he clears the selection process.

6. It may be mentioned here that when this case was taken up at the initial stage on 31.8.90 for grant of Interim Relief, an order was passed wherein it was made clear that the decision of the applicant not to appear in the test, solely vests in them. Thus, it was own decision of the applicant not to appear in the test held in the year 1990 which affected his promotion, in case of selection.

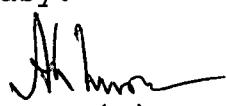
7. As regards the claim that as a result of the applicant restructuring/ be given promotion in the higher grade, ~~xxxx~~ has no merit. The applicant was only officiating against the post of Senior Draftsman. Admittedly, in the category of Senior Draftsman no additional post was available for upgrading w.e.f. 1.1.84, instead one post was reduced, as per percentage laid down by the Railway Board. Consequently, instead of 11, only 10 posts were

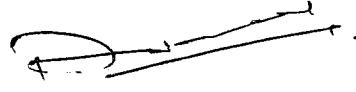


for Senior Draftsman. As a result of restructuring only 2 posts came into existence w.e.f. 1.1.84. Against these two vacancies, Trilok Singh and S.S. Srivastava were promoted. It is not the case of the applicant that Trilok Singh or S.S. Srivastava were junior. Consequently, the applicant can have no better claim as regards Trilok Singh and S.S. Srivastava.

8. The respondents have filed a chart with their counter reply giving name of 10 persons who were working against the post of Senior Draftsman and according to the respondents, 5 persons from serial Nos. 6 to 10 were working only on adhoc basis. The name of applicant No., 1 J.P. Chaurasia is at serial No. 8 of this list whereas the name of Trilok Singh and S.S. Srivastava is at serial No. 3 and 4 of this list. Thus, the applicant who stood at serial no. 8 could not have been promoted by by-passing Trilok Singh and S.S. Srivastava who stood at serial nos. 3 and 4. Thus, the applicant was rightly not given the benefit of restructuring. The respondents were not working against any rule by ignoring the name of the applicant for putting him to selection test held in the year 1990 against 25% promotion quota.

9. In view of the discussions made above, we do not find any merit in the O.A. and dismiss the same. Costs easy.

  
MEMBER (A)

  
MEMBER (J)

Lucknow; Dated: 30.6.2000 -

Shakeel/-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Sri J.P. Chaurasia & another.....Applicants

versus

Union of India & Others..... Opposite Parties.

LAW D E X

COMPILED BY

Serial	Particulars	Pages From	To
1.	Petition	1	18
2.	Annexure-I Impugned order dated 20.8.1990 passed by opp. party no. 4 in compliance with order dt. 3.8.1990 passed by U.P. 102.	19	

*Vineet Kumar*

Lucknow/Dt. 30.8.90/ Counsel for the Applicants  
30.8.90

8/8

BETWEEN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BEACH, LUCKNOW.

1. Sri J.P. Chaurasia, aged about 49 years, son of Late Sri Pyare Prasad Mandal, resident of House No. 555 G.L./92/2, Subhash Marg, Alambagh, Lucknow, at present posted as Senior Draftsman, Jig & Tool Design Office Locomotive Workshop, Charbagh, Lucknow.
2. Sri O.N. Chaurasia, aged about 54 years, son of Late Sri B.L. Chaurasia, resident of 94, Jai Narain Road, Hussainganj, Lucknow, at present posted as Senior Draftsman, Jig & Tool Design Office Locomotive Workshop, Charbagh, Lucknow.

..... Applicants

versus

*Filed today  
S.M.C  
29/8/90*

1. Union of India THROUGH Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, (Personnel), Northern Railway, Headquarter Office Baroda House, New Delhi.
3. Chief Personnel Officer, Northern Railway, Baroda House, New Delhi.

*Filed today  
31/8/90  
S.M.C*

30/8/90  
89  
10/8/90  
S.W. 300  
(2)

4. Chief Works Manager, Northern Railway,  
Locomotive Workshop, Charbagh, Lucknow.

.... Opposite Parties

APPLICATION UNDER ORDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNAL ACT, 1985.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE.

Letter no. G.m.(P) 752 E/83/E I.I.A.  
(J & I) dated 3.8.1990, passed by Opposite Party  
no.2, ordering for holding selection for the  
post of Senior Draftsman (J & I) in Grade of  
Rs.1400-00/Rs.2300/- (R.P.S.) on 2.9.1990, against  
25 % promotion quota arbitrarily and illegally  
subjecting the applicants who have acquired  
prescriptive right to hold the post of Senior  
Draftsman by virtue of their continuous officiation  
on promotional post since long and are legally  
entitled to be promoted /regularised on the said  
post on the basis of modified selection procedure  
which is legally required to be based on the  
scrutiny of the service record without holding  
any written and /or viva voce test in terms of  
Railway Ministry's Order dated 16.11.1984 contained  
in Annexure no.1-4. Further, implementation of  
order dated 16.11.1984 is also prayed for. A true  
copy of order dated 20.3.1990 passed by opposite  
party no.4 on the basis of the aforesaid letter  
dated 3.8.1990 is annexed as Annexure-1-I to this  
application.

2o. JURISDICTION OF THE TRIBUNAL.

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of this Hon'ble tribunal.

3o. LIMITATIONS.

The applicants further declare that the application is within limitation as prescribed under section 2I of Administrative Tribunal Act.

4o. BRIEF FACTS OF THE CASE.

(i) The applicants were appointed in the Locomotive Workshop, Charbagh, Lucknow in Jig & Tool Drawing Office. The details of the applicants are as under :-

Name	Father's name	Date of appointment.	Date of continuous service in grade of Rs.1400-2300
------	---------------	----------------------	---

J.P.Chaurasia Vyare Pd. 1.12.1958 21.4.1982

O.N.Chaurasia B.T.Chaurasia

2.12.1952 13.1.1988

(ii) That the applicant no.1 was promoted as Senior Draftsman in the scale of Rs.425-00-7-0.00 (Revised Rs.1400.00-Rs.2300.00) on 21.4.1982, and the applicant no.2 was promoted as Senior Draftsman on 13.1.1988. The copy of order dated 21.4.1982 and 13.1.1988 are attached as Annexure no. 2(a) and 2(b). The applicants are continuously working on the post of Senior Draftsman

since the date of their appointment on the said post without any break.

iii) That the applicant no.1 acquainted himself <sup>well</sup> with the said post of senior draftsman and has throughout been doing excellent work, so much so that he was granted Merit Certificate on 15.8.1981 alongwith cash of Rs.100/- for his meritorious services. The applicant no.2 has also been awarded on 26.1.1988 Merit Certificate for his meritorious services. The attested copies of Merit Certificates Annexure No.4-3 issued to applicant no.1 is annexed as Annexure No.4-3 to this application.

iv) That on 1.3.1985, the applicant no.1 was allowed to cross efficiency bar in the grade of Rs.1400-2300 i.e. the grade of his continuous application officiation as Senior Draftsman.

v) That the post of senior draftsman grade Rs.1400-2300-(RGP) is a selection post and the vacancies are filled in the following manner -

(a) 50 % direct recruits through Railway service Commission.

(b) 25 % from departmental serving candidates strictly in order of seniority without any training.

(c) 25 % who apply for this post with the condition that they shall have to pass the training course also.

K/21

(vi) that it is wholly unjust to penalise the applicants who had been continuously officiating on the posts of senior draftsman by not regularising them on the said post even inspite of the decision of the Hon'ble Supreme Court to this effect. It is also not fair to revert the applicants on joining the junior draftsman who are juniors to the applicants and have attained success in the written examination to be held on 2.9.90.

(vii) that the applicant no.1 having worked at the post of senior draftsman ever since 1982 and having been allowed to cross efficiency bar in the year 1985, and also having been awarded for his meritorious services. Infact, passed the selection in suitability test for the promotion for the post of senior draftsman. The satisfactory continuous officiation on the post of senior draftsman is sufficient proof of the suitability on the post of senior draftsman. The continuous officiation of applicant no.2 on the post of senior draftsman and having been awarded for his meritorious services on the post of senior draftsman without being/reverted due to inefficiency are sufficient to prove the suitability of the applicant no.2 at the post of senior draftsman.

(viii) that the Ministry of Railways issued cadre review and re-structuring of group 'C' & 'D' categories vide their order no. PI III/84/UPC/9 dated 16.11.1984, whereby the cadre of draftman was also affected. The true copy of the order

*Phourasia*

*Subhash Singh*

dated 16.11.1984 is annexed as Annexure-1-4 to this petition.

(ix) That the aforesaid re-structuring order issued by the Ministry of Railways was to take effect retrospectively on 1.1.1984 to cadre strength as on 1.1.1984 and was to include the chain/resultant vacancies. The respondent no.2 vide his letter no. 752 E/83 II A dated 18.11.1985 issued revised sanctioned strength of drawing cadre (Jig & Tools) with effect from 1.1.1984 is annexed as Annexure-No.5 to this petition.

(x) That a perusal of para 53 of the aforesaid order dated 16.11.1984 would make abundantly clear that the promotion of the applicants on the post of senior draftsman in accordance with the said order would have to be done only on the basis of <sup>seniority</sup> of service record without holding any written and/or viva voce test.

(xi) That according to the revised sanctioned strength as per list annexed with Annexure No.1-5 the strength of senior draftsman Grade 425-700 should be 30 % of the vacancies. On 1.1.1984, there should be 10 senior draftsmen in (Jig & Tools) Branch. That, according to the percentage given in the aforesaid letter the staff, should be adjusted gradewise after re-structuring as shown below -

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(7)

Chief Draftsmen	H & D Man 25%	Sr.D/man 30%	Jr.D/Man 20%
Sarva Sri Hari Singh	Sarva Sri K.N.Srivastava	Sarva Sri P.N.Agarwal	Sarva Sri Anand Chand
Kundan Lal	B.S.Saraswat	Budh Chand	Mahatma Misra
L.P.Agnihotri	Sita Ram	Kartar Singh	A.C.Ghosh
Ram Singh	D.P.Maurya	Trilok Singh	G.S.Kothiywala
Balkar Singh	Hohan Lal Chhedi Lal	S.S.Srivastava Deepak Srivastava	
J.S.Eder	I.S.Bibra	S. .Sahai	
I.S.Loch	V.N.Sardana	J.P.Chaurasia	
		S.S.Hunjan	
		U.N.Chaurasia	
Total 4 Posts	Total 7 Posts	Total 10 Posts	Total 5 Posts.

(xii) That out of 10% posts of senior draftsmen in grade 1400-2300 as per re-structuring percentage as shown above, only 5 posts are considered for re-structuring so far. The remaining draftsmen including the applicants may also be treated as senior draftsmen against re-structuring posts. Hence their names may not be included in the selection for the post of senior draftsmen to be held on 20.9.1990. In terms of the re-structuring order dated 16.11.1984, all the 10 vacancies are required to be filled in on the basis of modified selection based on assessment of service record only without holding a written test and/or viva voce test as stipulated in para 5-(i) of Annexure No.4 A-4.

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in Central Administrative Tribunal (C.A.T.) Allahabad Bench which has been admitted and as interim measure the respondents have been directed not to revert Sri B.P. Goyal from the grade of senior draftsman in the scale of Rs.425-700 (revised) till further orders. The copy of the order dated 13.2.1990 is attached as Annexure No. A-7 to this petition.

(xvii) That one of the adhoc promotees who had been continuously officiating on the post of senior draftsman for the last 8 years filed another application under section 190 of the Act before the Principal Judge Bench New Delhi, which had been admitted and on the application of interim relief the Hon'ble Tribunal Principal Bench New Delhi has been pleased to direct the respondents that the status quo as regards the continuance of the applicant in the post of senior draftsman in the Grade of Rs.1400-2300 be maintained until further orders. A true photo copy of the order dated 10.3.1989 is attached herewith as Annexure No.A-8 to this petition.

*(F. No. 24/611  
2nd March 1990)*

5. GROUND FOR RELIEF WITH LEGAL PROVISION

(1) Because the applicants are liable to be regularised on the post of senior draftsmen scale Rs.425-700 (revised - Rs.1400-2300) w.e.f. 1.1.1984 in compliance with the order dated 16.11.1984 passed by Railway Ministry, contained in Annexure No.A-4 to this petition. That as per Railway Board's letter dt. 16.4.1960, contained in Annexure No.9, any local or officiating arrangement should in any case be extended for period exceeding 3 months.

(xiii) That the respondent no.2 without considering the applicants for promotion /regularisation in compliance of the order of re-structuring contained in Annexure No.1-4 had issued an order dated 1.2.1989 directing for holding selection test for promotion to the grade of senior draftsmen (J & I) in the scale of Rs.1400-2300 and illegally included the name of the applicants also.

(xiv) That the adhoc promotions including the applicants officiating on the posts of senior draftsmen in the Northern Railway Locomotive workshop, Charbagh, Lucknow, filed a representation before the respondent no.2 through proper channel and requested for regularisation on the post of senior draftsmen and also prayed that the written examination to be held on 4.3.1989 be postponed. The copy of representation dated 28.2.1989 is annexed as Annexure No.1-6 to this petition.

*Planned  
interview*  
(xv) That however, the applicants and other adhoc ~~promotions~~ <sup>promotions</sup>ees working in the said office at Lucknow did not receive any reply to their representation till ~~as~~ <sup>as</sup> 3.3.1990 and they were forced to appear in the written examination held on 4.3.1990 but up to now the applicants have not been intimated the result of the said test held on 4.3.1989.

(xvi) That Sri D.P.Goyal working as senior draftsman since 1979 as adhoc and on officiating basis has filed original application no.327 of 1989

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II. Because, the Railway Boards' letter of 9.6.65, which provided provision to such adhoc promotees who are ~~not~~ permitted to officiate beyond 13 months against reversion without following the procedure prescribed in Discipline & Appeal Rules, has been further verified by Railway Board vide their latest circular No. RI.G-92-PH-1-294 dated 29.5.73. This circular clearly states that on C.I.P. against protection of 13 months file to Ad-hoc promotees, was rejected by the Hon'ble Supreme Court. Further, it directed to hold selections regularly and that other promotions should be resorted to ~~mainly~~ <sup>mainly</sup>. A copy of the said circular dated 29.6.83 is annexed herewith and worked as Annexure No.10 to this application.

Annexure No.10

III. Because the applicants have been officiating as Senior Draftsman in the grade of Rs.1400-2300 continuously without any break ~~for~~ with appreciation and without any stigma Hon'ble High Court of Rajasthan in Dr. Shri Sant Rao. Vs. State of Rajasthan 1975(2) I.R-94 held that the Govt. has ~~not~~ rights to continue appointments on Adhoc basis for a number of years, and such appointments are to be regularised.

In Dr. Chaman Lal Malhotra, Vs. State of H.P. 1975 -(2) I.R-806, the Hon'ble H.P. High Court has held that appointments lasting over 2 years cannot be said to be adhoc and have to be treated as regular.

Cont....11.

IV) Because, the applicants have acquired a prescriptive right on the post of the Senior Draftsman in the grade of Rs.1400-2300 by virtue of his having been suitable, as indicated in the confidential reports, grant of yearly increments on the said post and applicant no.1 also having been allowed for almost 8 years on the said post particularly in view of the fact that the applicants could not have been permitted to continue on adhoc basis for a period exceeding 6 months unless he was found suitable for the said post.

V) Because the applicant has a statutory right to be regularised in grade Rs. 1400-2300 (RPS) in terms of Personnel Branch Serial 6494 circulated by the Railway Board under No. R(RG)1-75-PH1/264 dated 25.1.76, which stipulated that -

- i) the long term adhoc arrangements should be made STRICTLY ACCORDING to seniority and suitability.
- ii) The employees who have been working in the posts on adhoc basis quite satisfactorily ~~are~~ <sup>should</sup> not be declared unsuitable.
- iii) The employees reaching the field of consideration should be ~~moved~~ <sup>saved</sup> from harassment. Copy of the confidential dated 23.1.76 is annexed herewith and marked as Annexure No. 11 to this application.

V. Because, the applicant was liable to be reverted before enquiry of 12 months or at least a warning was required to be issued to him but in fact nothing like this happened and the respondents allowed applicant to continue on the said post of Senior Draughtsman being found suitable for the said post. Railway Ministry's letter dated 22.5.66. Copy of the same is annexed herewith and marked as Enclosure A-12 to this application.

VI. Because, the applicant holds the senior position on the post of Senior Draughtsman coming within the range of election and was required to be elected in the first batch itself but the respondents failed to hold regular/proper selection test because the applicants ~~were~~ otherwise found suitable in terms of the rule of promotion orders.

VII. Because, the order of reversion, if any, passed against the applicant in pursuance of the selection which to be held as a result of the test held in pursuance of the order dated 3.8.1990, could be wholly illegal, arbitrary and discriminatory.

VIII. Because, in any case in terms of the latest latest Railway Board letter dated 26.9.63 the applicant cannot be reverted on the applicant has been continuously officiating on the post

post of Senior Draughtsman for over 18 months.

**XXXIX.** Because, the impugned order dated 3.8.90 subjecting the applicant to selection is discriminatory and violative of applicants right under Article 14 and 16 of the Constitution of India. Similarly Senior Draughtsman of the same grade have already been regularised in similar circumstances. Notice of regularisation of 13 such Draughtsman issued by Northern Railway in Lucknow Division is annexed herewith and marked as Annexure 13 to this application. The respondents cannot be selective in application of statutory rules to the detriment of a particular grades of employees. The Hon'ble Supreme Court held it ~~unconstitutional~~ in G.S. Lamba v. U.D.L. 1985(1) L.R. 687 (para 5) J. 16, 17).

**LXXX X-** Because the applicant has been holding the substantive post of Senior Draughtsman and is entitled to be given the benefit of continuous officiation in computing his length of service and determining his seniority more so when the requisite number of direct <sup>recruit</sup> regularisation is not available.

**XI-** Because, in any case the Quota rule broke down, when over number of years spreading over about a decade, the Quota Rules also breaks and there is no escape from the well settled principle of computing the period of continuous

officiation for determining the seniority. This has been so held by Hon'ble Mr. Justice E. Kadav Reddy in K.N. Misra & Ors. Vs. U.O.T and are decided on 28.8.86 ATE-2-1986-CAT-270.

XII. Because, rotational rule of seniority is inextricably linked with the quota rule and which if not implemented, there is large deviation for it regularly from year to year. it would be grossly discriminatory and violative of Article 14 and 16, as held by Hon'ble Supreme Court in AIR 1984 SC 1291. The same was again reiterated in Janardhan Vs. Union of India AIR 1983 SC-769, in C.P. Singh Vs. UOT AIR 1984 SC 1395 and P.S. Mahal v. UOT.

XIII. Because, the applicant has been continuously working against permanent post of Senior Draughtsman and it cannot be said that his long officiation for a ~~decade~~ <sup>decade</sup> on the said post was a mere temporary or local or stopgap arrangements. Such a view will be arbitrary and violative of Article 14 and 16 of the Constitution of India, because the adhoc promotion of the applicants have not been for a short period intended to meet some emergency or unforeseen circumstances as held by Supreme Court in D.R. Hegde <sup>Nim</sup> Vs. U.T.O AIR 1967 SC 1301.

XIV. Because the Hon'ble Supreme Court in case of Narendra Chadha & Ors. Vs. UOT & Ors. AIR 1986 SC-632 had laid down a famous Principle of Law

that when an officer has worked for a long period in a post and has never been reverted it cannot be held that the officer's officiation was a mere local or stop-gap or adhoc arrangement and in such circumstances the entire period of officiation has to be counted and departure from the same violates Article 14 and 16 (1) of the Constitution.

XV. Because in any case subjecting the applicants to a selection test as contemplated in the order dated 3.8.90 is full of hostile discrimination as similar situated persons from amongst adhoc promotees have already been regularised by the respondents.

XVI. Because, the post held by the applicants till today existed as on 1.1.84 and in terms of para 5.1 of the Restructuring Order dated 16.11.84 have to be filled on the basis of modified selection procedure based only on scrutiny of Service record without holding any written or viva-voce test.

XVII. Because, the job performance/suitability of the applicant has continuously been found satisfactory by way of his good confidential report without any adverse entry and further that no warning etc. has been administered to the applicant regarding his work performance being not satisfactory. On the contrary the applicants

has been awarded for his meritorious service and has also been allowed to cross the efficiency bar on the post of Senior Draughtsman.

6.

Details of the remedies exhausted :

The applicants declare that they had availed of all the remedies available to them under the relevant service rules as mentioned in para 4 of this application.

7.

Matters not previously filed or pending with any other court :

The applicant further declares that he had not previously filed any application or petition or suit regarding the matter in respect of within application has been also, before any court or any other authority or any other bench of the tribunal nor any such application, writ, petition suit is pending before any of them.

8.

RELIEF SOUGHT :

In view of the facts mentioned in para 6 have above the applicants pray for the following reliefs :-

- i) set aside and quash the order dated 20.8.90 subjecting the applicant to the process of selection on 2.9.90 (Annexure No.1).
- ii) to quash the selection held in pursuance of the order dated 3.8.1990 and 20.8.1990.

iii) to command/direction/order the respondents to regularise the applicants from his date of continuous officiation in the grade of Rs.425-700 (now revised 1400-2500(RPS) and further that the long officiation of the applicant on the post of Senior Draughtsman in the grade of Rs. 1400-2300 be counted for the purpose of ~~reaching~~<sup>REACHING</sup> his seniority in the said grade.

iv) to order the respondents to give all the ancillary benefits consequent to their regularisation in respect of promotion, pay fixation, payment of arrears etc.

v) any other relief deemed fit and proper under the circumstances of the case in addition to ~~to~~<sup>2</sup> meet the case in favour of the applicants.

9. Interim reliefs if any prayed for :

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

In circumstances placed to restrain the respondent from reverting the applicant from the post of Senior Draughtsman or replacing the applicant by either direct recruits or departmental intermediate apprentices till the decision of this case by this Hon'ble Tribunal and applicant be kindly exempted from appearing in examination held on 2.9.1990.

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10. The application is being presented personally through counsel in the office of the Hon'ble Tribunal.

11. Particulars of Bank Profit/Postal order filed in respect of the application fee :-

1. Number of Indian Postal Order — 8.02.414781
2. Name of Issuing of Post Office. High Court Po. Lucknow
3. Date of Issuing of Postal Order 29.8.1990
4. Post Office which payable. G.P.O. Lucknow. Alambagh.

12. List of enclosures.

See in the beginning of claim petition and compilation no.2.

Verification

We, Shri J.P. Chaurasia and O.N. Chaurasia aged about 49 & 54 years respectively, working as Senior Draughtsman in the office of Northern Railway, Locomotive Workshop, Charbagh, Lucknow resident of House No. 555 G.A./92/2, Subhash Marg, Alambagh, Lucknow and 94, Jain Narain Road, Husainganj, Lucknow do hereby verify that the contents of paras 1 to 6.7<sup>th</sup> are true to my personal knowledge and paras 5.8, 9<sup>th</sup> are believed to be true on legal advice and that I have not suppressed any material fact.

Lucknow, dated,  
30/8/1990

No. 1 Chaurasia

No. 2 Chaurasia

Vivakha

30.8.1990

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

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Shri. J.P. Chaurasia and others  
Versus

... Applicants

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi & others. ... Opp. party.

ANNEXURE NO. 1

Annexure No. 1

Headquarters, Executive Wing, Lucknow, LUCKNOW

1990/1991/2000/2000 Date, 20/10/90

The Chief Engineer,  
HQ. Office, J&T,  
Lucknow, 20/10/90.

Subject - Selection for the post of Sr. D/Men (J&T) in Gr. B, 1400-2300 (P.S) against 25% promoted quota.  
Refd - Ltr. No. 19/10/7524/d3/HITA(J&T) dated 3.8.1990.

In terms of G.O(P)'s letter referred to above it has been decided to hold the selection for forming a panel for the post of Sr. D/Men (J&T) in Gr.B. 1400-2300 (P.S) against 25% promoted quota at 10 hrs. in HQ Office, New Delhi in room No. 345, 3rd Floor of Annexure I. The selection will comprise of the written test and interview. The tentative calendar for this selection will be as under :-

1. Written test will be held on 2. 9. 1990.
2. Supplementary written test for absentees with valid reasons. x on 24. 9. 1990.

In the supplementary written test only those candidates will be permitted to appear who could not appear in the main test due to specific reasons clearly mentioned in G.O-7730. The intimation of which may reach this office within a week from the date of main written test. Unconditional recall from the persons who are not willing to appear in the written test may be obtained and sent to this office before the date of main written test.

Regarding the following candidates may be spared w.e.f. 2. 9. and directed for the above examination.

1.	Shri	Shri Chaurasia	Ex. D/Men
2.	Shri	Shri Chaurasia	x
3.	Shri	Shri D. N. Misra,	x
4.	Shri	Shri C. Krish,	x
5.	Shri	Shri Krishan,	x
6.	Shri	Shri D. Pravastava	x
7.	Shri	Shri D. Pravastava	x

In case any of the employees from the above list reports sick x he should submit a certificate from authorized Military Medical Officer, while issuing G.O. it should be mentioned in the letter that the employee is required to attend selection on the date mentioned above. In case the employee gets detached from other office or report sick without G.O. he should be himself aware that he has to appear in the selection on the dates mentioned above.

The staff may be asked to collect the authority letter from HQ. Office before directing them for the examination.

Sd/-  
For Chief Engineer,  
HQ. Office, Lucknow.

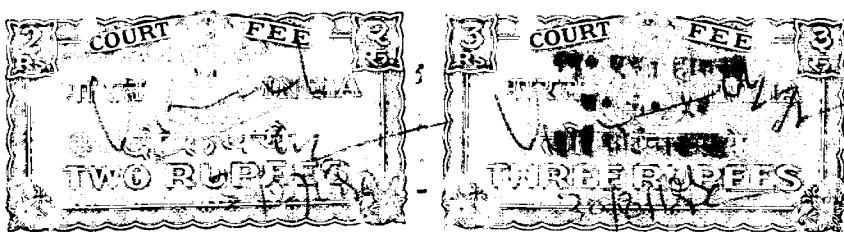
Copy to: p. 1990/2000 with the remarks that J&T passes may be issued to the above named employees Ex. HQ to J&T & J&T available from 31.8.1990 to 4.9.1990.

For signature  
J&T Executive

19/10/90

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ब अदालत श्रीमान Before Central Administrative Tribunal महोदय  
 (बादी अपीलान्ट) लैफैन्स ब्रैन्च  
 प्रतिवादी [रेस्पाउन्ट] श्री...J.P. Chaurasia का वकालतनामा  
 प्रतिवादी [रेस्पाउन्ट] O.N. Chaurasia (अधिकारी)



J.P. Chaurasia & Sonelal

बनाम (प्रतिवादी रेस्पाउन्ट)

नं० मुकद्दमा सन् पेशी की ता० Friday ११.११.१९६५  
 C.A. No. नं० ११९६०. Vimal Kumar

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Kunlesh, Moti Lal, Advocate-at-Law  
 व 126/43/5: B.N. Rao, Chaurasia, Advocate-at-Law  
 Chaurasia, Lucknow

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व ज्ञावदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या खोटाव या हमारी ओर से डिगरी जारी करावें और इप्या वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई इप्या जमा करें या हारी विपक्षी (फरोक्सानी) का दाखिल किया हुआ इप्या अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कायंबाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे छिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और इसपर काम आवे।

Accepted  
 Vimal Kumar

30.9.1960

हस्ताक्षर  
 जिम्मेदारी

साक्षी (गवाह) ... ... ... ... ... साक्षी (गवाह) ... ... ... ... ...  
 दिनांक ... ... ... ... ... महीना ... ... ... ... सन् १६ ई०

स्वीकृत  
 / /

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BUREAU, LUCKNOW.

S. i J.P. Chaurasia & others .... .... Applicant.

versus

Union of India & others. .... .... Opp. Parties.

.....

ANNEXURES

Annexure No. A-1: No. 954/L/CAT/90 dated 20.8.90

Selection for the Post of Sr.L./Jan  
(J & T) in Sr. No. 1400-2300 (UPS).

Annexure No. A-2:

- (a) S.L. No. 266 dated 23.1.82  
(Promotion letter of Sri. J.P. Chaurasia)
- (b) S.L. No. 41 dated 14.1.81  
(Promotion letter of Sri. D.L. Chaurasia)

Annexure No. A-3:

Merit Certificate 1981 Sri J.P. Chaurasia.

Annexure No. A-4: No. PC.III/84/UPS/9 New Delhi dated 16.11.  
84

Secret review and restructuring of Group  
'C' I.T. Staff.

Annexure No. A-5: No. 752 L/83 II dated 1.7.83

Re-Structuring of Rating cadre (Sis & Tech)  
S.A.F. 1.1.1984 (with list attached).

Annexure No. A-6: Copy of representation dated 21.2.1988.

Annexure No. A-7: Copy of order dated 18.2.1988, passed  
in OA No. 327/89, in Re S.P. Joel vs.  
Union of India.

Contd... 2/-

J.P. Chaurasia

Attm: D.S.

- 2 -

Annexure No. A-8: Copy of order dated 10.3.1960, passed by Principal Bench C.A. New Delhi.

Annexure No. A.9: Copy of Railway Board order dated 16.4.1960.

Annexure No. A-10: Copy of ~~Railway Board~~ Circular letter dated 26.3.1983

Annexure No. A-11: Copy of the letter dated 25.1.1976.

Annexure No. A-12. Copy of letter Railway ... stri letter dated 22.5.1966.

Annexure No. A-13 order of Regularisation issued by ~~interim~~  
D.R.M. ~~Services~~ dated 22.4.1983.

*for hearing*

*Final hearing*

*Vinay M*

*Counsel for. Appellants*

*G. S. Joshi*

*Advocate*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
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Siri J.P. Chaurasia and others ..... Applicants  
Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi & others. .... Opp. parties.

ANNEXURE NO 42 (a)

22/6

Exhibit No 22/6

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 having been issued  
to the Central Government and following exhibits

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

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Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

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Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

Exhibit No 22/6 (a) dated 1/6/2001/30/6/2001 (Exhibit No 22/6 (a))

R  
JN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
\*\*\*\*\*

Shri J.P. Chaurasia and others ..... Applicants  
versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO A3

Annexure III

NORTHERN RAILWAY  
LOCOMOTIVE WORK SHOP  
CHARBAGH, LUCKNOW.

MERIT CERTIFICATE - INDEPENDENCE DAY  
1981

Mr. .... J.P. CHAURASIA .....  
DESIGNATION ... D/MAN ..... JIG & TOOL ..... IS AWARDED THIS  
CERTIFICATE ALONG WITH A CASH AWARD OF RUPEES. ONE HUNDRED ONLY  
Rs. 100/- ..... FOR ..... HIS MERITORIOUS SERVICE .....

DURING THE YEAR, 1980-81

..... 10-03-81 .....

Addl. Mr. Chief Mechanical  
Engineer (W)

52039

TC  
W

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
See: 1000

Smt. J.P. Chaurasia and others  
Versus

.... Applicants

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO. A4

GOVT. OF INDIA  
MINISTRY OF RAILWAY  
RAILWAY BOARD

No. PCIII/84/UPG/9.

New Delhi, dated 16.11.1984

The General Manager,  
All India Railways,  
CLW, DEL and ICF.

Sub:- Cadre review and restructuring of Group 'C' 'D' staff.

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the Staff Side in the Committee of the Departmental Council of the JOM(Railways) for sometime. The Ministry of Railways have decided with the approval of the President to restructure certain categories of Group 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the foot note under the different categories should be strictly and carefully adhered to.

3. For the purpose of restructuring, the cadre strength as on 1.1.84 will be taken into account and will include Rest Giver and Leave Reserve Posts.

4. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(FR-22C)R II w.e.f. 1.1.84. The benefit of fixation effective from 1.1.1984 will also be applicable to the chain/resultant vacancies. In effect, the benefit of fixation from 1.1.84 should be given against all vacancies which arise from restructuring.

5.1 The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railways servant becomes due for promotion to only one grade above the grade of the post held by him, at present on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva voce test. Under this procedure, the categories 'Outstanding' will not exist.

5.2 In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade, above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-selection' posts (as the case may be).

5.3 Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i) from panels approved on or before 15.11.84 and current on that date; and
- ii) balance in the manner indicated in paras 5.1 & 5.2 above.

such of the posts in the Annexure to this letter as full in  
"July Categories", the instructions contained in this Ministry's  
letter No. E(NG) I-83-PM2-8 dated 7.10.83 will apply mutatis mutandis  
to promotions against vacancies covered by these restructuring orders.

The existing rules and orders in regard to reservation for SC/ST  
will continue to apply while filling up additional vacancies in the  
higher grades arising as a result of restructuring.

The Non-functional selection grade posts, if any, created in the  
categories covered by these orders should be adjusted against the  
upgraded posts. Any holders of non-functional selection grades not so  
adjusted will continue to retain such grades as personal to them till  
the next review. Details of such cases should be reported to the Board  
by 1.4.1985.

3. In all the categories covered by this letter even though more  
posts in higher scales of pay have been introduced as a result of  
restructuring, the basic functions, duties and responsibilities  
attached to these posts at present will continue, to which may be added  
such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring the posting of staff after  
the process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account  
of this restructuring for the year 1984-85 and Budget Estimate for  
1985-86 by telegraphic advice to Addl. Director Finance(B), Rly. Board.

11. Hindi version will follow

12. Kindly acknowledge.

Sd/-  
M. SEETHARAM  
Addl. Director, Pay Commission  
Railway Board.

DRAWING OFFICE CADRE (Inc. Draftsman, Estimators & Design Asstt.)

The above cadre which is currently operated in varying percentage  
in all the four Technical Departments vis. Civil Engg., Mechanical Engg.,  
Electrical Engg. and S&E Deptt., in terms of this Ministry's letter  
No. I(III/78/JPG/8 dated 1.1.79 will be restructured on the common  
percentage as given below:-

<u>Scale (RS.)</u>	<u>Percentage</u>
330-560	20
425-700	30
550-750	25
700-900	25

Note:- i) Existing posts in scale Rs.840-1040 in Production Units  
at ICF, DLW & CLW will continue as part of the percentage  
provided for posts in scale Rs.700-900

ii) As a result of restructuring, if in any cadre, the posts  
exceed the prescribed percentage now laid down, they  
shall be progressively adjusted.

iii) The existing rules for recruitment of Engg. graduates to  
scale Rs.550-760 will stand modified to scale Rs.700-900.  
This will be governed by paras 5.1 and 5.2 of this  
Ministry's letter No. PC.III/83/JPG/3 dt. 1.5.84.

...

*A. J. Mohan*

*Printed Seal*

*T. M.*

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW

Smti. J.P. Chaurasia and others ..... Applicants ✓  
Versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO. A5.

Northern Railway

Headquarters Office,  
Baroda House, New Delhi.

No. 752E/83IIA

Dated, 11.1.1985.

The Dy.C.M.E. (W),  
Li.Rly., CB/LKO, AMV/LKO, ASR, JU  
JUDW, BKN.

Sub: Re-structuring of Drawing Cadre ( Jig &  
Tool) w.e.f. 1.1.1984,  
- - - - -

As a result of re-structuring of the cadre with  
Railway Board in letter No. PC-111/84/HPG/5 dt. 16.  
11.1985 and circulated under this office letter  
No. 752E/83/E.11A/No. 755E/172/E11A dated 27.11.  
1984, the post in Drawing Cadre ( Jig & Tool )  
in grade Rs.330-560 (RS), Rs.425-700 (RS), Rs.550-  
750 (RS), Rs.700-900 (RS) have been distributed in  
the ratio of Rs. 20% 30% 25% 25% respectively  
as laid down therein the present and revised  
sanction strength in different workshops is  
distributed as per list attached.

This has the approval of CME and FAC(F)  
Hd.Qrs. Office.

D.A. As above.

Copy to 1. CME, Hd.Qrs.  
2. AGME/ADM (HQs) Sd./-  
18.11.85  
For G.M. (P)

Note \* upto 30.11.1985 and to be exchange with the  
post of Hd.D/Man in Gr. Rs.550-750 (S) there  
after.

*File*

*11/11/85*

*RL*  
*WV*

(10)

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
Case No. 1000

S.ri J.P. Gaurasia and others

.... Applicants

Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others.

.... Opp. parties.

ANNEXURE NO A5

(contd)

(2) ANNEXURE NO A5 (contd)

Present sanctioned strength of D/Man (J&T) Revised sanctioned strength of D/Man (J&T) in W/shops in Workshops before 1.1.1984.									
1.1.1984.									
C/Man	Hd. D/Man	Sr. D/Man	Jr. D/Man	Ed. D/Man	Sr. D/Man	Jr. D/Man	Total	Remarks	
C/Man	Hd. D/Man	Sr. D/Man	Jr. D/Man	Ed. D/Man	Sr. D/Man	Jr. D/Man	Total		
2000-500	550-250	425/-200/-	330-500	550-750	125-700	330-560	1000		
P: T	P: T	P: T	P: T	P: T	P: T	P: T	P: T	P: T	P: T
CB/LKO	2	3	5	8	3	8	3		
ANV/LKO	1	1	1	1	1	1	1		
ASR	1	1	1	3	2	1	7		
	1	1	1	1	1	1	1		
JUD	1	1	2	1	1	1	4		
BKN	1	1	1	1	1	1	1		
<b>TOTAL</b>	<b>4</b>	<b>7</b>	<b>11</b>	<b>11</b>	<b>7</b>	<b>1</b>	<b>29</b>	<b>2</b>	

Note : \* Upto 3.11.1985 for BKN for J & T to be exchanged with the post of Hd.D/Man in  
Grade Rs.550-750 (Hd.) thereafter.

Jhonkha

Arif Ali

...

T.C

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
\*\*\*\*\*

Shri J.P. Chaurasia and others

..... Applicants

Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others.

..... Opp. parties.

A NEXURE NO. 6

O/C

To  
Baroda House  
The General Manager (P),  
Northern Railway,  
Baroda House,  
NEW DELHI.

THROUGH: PROPER CHANNEL.

Respected Sir,

REG:- SELECTION OF SENIOR DRAFTSMAN (J&T) GR.R.1400-2300:  
Ref:- GM(P)/NDLS's letter No.752-E/83/Eia dated 9.2.1989.

With humble submission, we beg to state that we have  
already put in our representation dated 22.02.89 which has been  
duly forwarded by the Chief Works Manager, Northern  
Railway, Locomotive Works, Charbagh, Lucknow vide his letter  
No.95-E/D/Part II dated 23.2.1989.

We would, therefore, request you to postpone the subject  
noted selection till our representation is finally decided  
and we should be exempted from appearing at the above  
mentioned test. As such, it would not be possible for us  
to appear at the said test going to be held on 4.3.89/11.3.89.

Thanking you,

Yours faithfully,

Dated: 27-2-89  
27.2.89

1. Chhedi Lal (CHHEDI LAL)
2. J.P. Chaurasia (J.P. CHOURASIA)
3. On Chaurasia (O.N. CHOURASIA)
4. M. Mishra (M. MISHRA)
5. A.G. Ghosh (A.G. GHOSH)
6. G.S. Kothiyal (G.S. KOTHIYAL)

Received  
Chaurasia  
1.3.89

T.M.

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
\*\*\*\*\*

Shri J.P. Chaurasia and others ..... Applicants  
Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi & others. .... Opp. parties.

ANNEXURE NO A6

(Contd.)

Contd.-

MOBILITY RAILWAY LOCOMOTIVE WORKS CHARBAGH LUCKNOW

No. 212/E/Ex-XX

Dated: 22/2/89

The Chief Draftster  
Jig & Tool/CB  
Machine.

Re: Selection of Sr. D/man/J&T Gr. B. 1400-2300 (RPS)

Ref: C.M. (P)/N.Aly.'s motion No. 752-E/83/Ria  
dated 9.2.89.

With reference to the above quoted letter the selection  
of the above post is postponed to 4.3.89 and supplementing  
on 11.3.89. The following Sr. D/man/J&T/CB are directed  
to appear in the selection on 4.3.89 and supplementing  
on 11.3.89 at 10.00 hrs. at Baroda House, New Delhi room  
No. 345.

<u>Serial.</u>	<u>Name</u>	<u>Designation.</u>
1.	S/mt.	
2.	Chhedi Lal	S/e
3.	J.P.Chaurasia	Offg. Sr. D/man
4.	C.N.Chaurasia	-do-
5.	Mahendra Misra	-do-
6.	A.C.Ghosh	Jr. D/man
7.	C.S.Kothiwal	-do-

*21*  
For Chief Works Manager  
N.Aly. Charbagh Lucknow.

Copy forwarded for information and action to:-

1: H.C/Pass please issue duty pass Rx. Lko to MDLS  
and back available from 2.3.89 to 6.3.89 to the  
above staff.

2: S/mt Chhedi Lal, J.P.Chaurasia, C.N.Chaurasia,  
Mahendra Misra, A.C.Ghosh, C.S.Kothiwal.

3: Genl. Manager (P) N.Aly. Baroda House, New Delhi  
in ref. to the letter No. 752-E/83/Ria dated 9.2.89.

\*\*\*\*\*

Ar/17/2/

*TC*

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

Shri J.P. Chaurasia and others ..... Applicant

Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO A7

Central Administrative Tribunal,  
(Allahabad Bench),

(Registration No. 327 of 89)

D.P. Goel \_\_\_\_\_ Applicant

Versus

Secretary Ministry of Railways  
& others \_\_\_\_\_ Respondents

13.2.90

Hon'ble Justice K.Nath, V.C.,  
Hon'ble K.J. Ranjan, A.M.,

Sri P. Mathur appears on behalf of the respondents  
and files a counter affidavit. The applicants learned  
counsel also files a rejoinders affidavit. The case is  
ready for final hearing.

List this case for final hearing on 10.4.90.

In the meantime the interim order dated 25.4.89, as  
continued from time to time, is modified to the extent that  
the applicant shall not be reverted from the grade of  
Senior Draftsman in the scale of Rs. 425-700 (pre-revised) till  
further orders.

A copy of this order may be given to the learned  
counsel for the parties within 24 hours.

sd/-

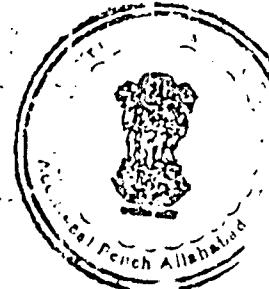
A.M.

sd/-

J.M. V.C.

True copy  
[Signature]  
13.02.90

389  
13/2/90



TC  
12

REPORT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
.....

Shri J.P. Chaurasia and others ..... Applicants 8/20  
Versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. ..... Opp. parties.

ANNEXURE NO. A8

ANNEXURE - VIII

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

MP 463/89  
DA 345/89

10/3/89 Present: Shri G.D. Bhendani counsel for the applicant.  
None for the Respondents.

1. Heard the learned counsel for the applicant. The Respondents have not entered appearance despite notice given to them. The prayer contained in the present MP is that the Respondents should be restrained from proceeding with the selection process and that they may be directed to keep the same in abeyance till the final decision of the application. Further prayer is that the applicants should not be subjected to a written test.

2. The question arises whether after the restructuring of the cadre, the existing incumbents of the post of Senior Draftsman in the scale of Rs.1400-2300 are to be subjected to a fresh written test/viva voce test. This question has to be gone into at the time of final hearing of the application.

3. The learned counsel of the applicants states that the applicants will be requiring some time in the next year and that it will be harsh on them if they were asked to appear in any test at this stage of their career.

4. In the interest of justice, we direct the respondents that the status quo as regards the continuance of the applicants in the post of Senior Draftsman in the grade of Rs. 1400-2300, be maintained until further orders. Issue Date:

( K.J.RAMAN )  
MEMBER (A)

( P.K.KARTHA )  
VICE CHAIRMAN

CERTIFIED TO BE TRUE COPY  
Date: 13/3/89  
(ANIL SRIVASTAVA)  
S. C. Officer  
Central Administrative Tribunal  
Principal Bench, P.  
New Delhi, India

Amrit Singh  
Amrit Singh  
Amrit Singh

Amrit Singh  
Amrit Singh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
00000000

Shri J.P. Chaurasia and others ..... Applicant  
Versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi & others. .... Opp. parties.

ANNEXURE NO. A-9

Annexure No. IX

- 32 -  
ANNEXURE NO. A-10

Copy of Railway Board's letter No. E(NG) 66 PM 1-18  
dated 7/16.4.60 addressed to the General Managers,  
All Indian Railways and C.L.W. and others etc.

Subs: Procedure for promotion to selection posts  
continuance of un-selected persons against  
selection posts.

....

It has been represented to the Board by the  
National Federation of Indian Railwaymen that there  
are delays in holding selections and making proper  
appointments in higher grade posts. The Board desire  
that there should be no delays in this respect and  
the Railway administration should take steps to ensure  
that as far as possible as proper arrangements are  
made straightaway without in the first instance making  
local arrangements. In this connection, attention is  
invited to their letter No. E-55 PM/1/19-3 dated 11.6.55  
wherein it was laid down that the pay of a provisionally  
promoted employee should not be drawn for more than  
three months without the General Manager's specific sanction.  
The Board desire that instructions may please be issued  
to your Divisional/District authorities that local  
arrangements should in no circumstances extend for  
periods exceeding three months and that the Divisional  
Personal Officer/Chief Personnel Officer should personally  
ensure that such arrangement are not continued longer.  
In cases where it is found absolutely necessary to continue  
the local arrangement beyond three months, the matter  
should be brought specifically to the notice of the  
Divisional Superintendent/ General Manager.

Please acknowledge receipt.

....

ATTESTED TRUE COPY

*Shri J.P. Chaurasia*

( ADVOCATE )

*Attmew Chaurasia*

*R. J.*

*W*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
.....

Shri J.P. Chaurasia and others ..... Applicants *JK*  
versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO. A-10

Annexure No X APPENDIX  
XVII

General Manager, Northern Railway letter No. 831-E/61/2-  
XII (Eiv) dated 8.8.83

.....

In continuation of my D.O. letter of even No. dated  
28.6.83 on the above subject, extract from Rly. Bd.  
further letter No. E(NG) 1-E2-PM-1-204 dt. 29.6.83  
are reproduced below for information and strict compliance  
of the instructions contained therein.

1. Instructions have been issued from the Railway Board  
from time to time that adhoc appointments and promotions  
should be avoided and should be resorted to only with the  
personal approval of C.P.O. where it is considered  
essential. Last instructions issued vice Advisor  
(Industrial Relation) D.O.No. E(NG)1-11-81-460 dated  
1.4.81, cases are however coming to Board's notice that  
Adhoc selections are conducted and incumbents fail to get  
through in the selection, they have to face reversion. In  
such a situation they resort to filing petitions in High  
Court and although the position of rule is clear that such  
adhoc promotees have to undergo selection, the Courts have  
been giving to them the benefit of instructions contained  
in Board's letter No.1(DIA)/65-PG-6-24 dated 9.6.65 as  
clarified vice Board's instructions of 15.1.66 according  
to which the persons who have officiated for more than 18  
months after regular selection can only be reverted after  
following DAR proceedings.

2. In one of the earlier efforts were made to have the  
final ruling from the Supreme Court, but SLP was not admitted.  
The Ministry of Railways, therefore are left with no alter-  
native but to reiterate that selection should be conducted  
regularly and adhoc promotions should be resorted to only  
sparingly with the approval of C.P.O. Any default in  
following the selection should be viewed seriously and  
responsibility fixed.

....

ATTESTED TRUE COPY  
(ADVOCATE)

*Chaurasia*

*Advocate*

*JK*

(17) (17)

FROM THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW  
.....

Smti. J. P. Chaurasia and others ..... Applicants   
Versus

Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO. A-11

Annexure No. ~~Annexure No. 8~~

~~Annexure No. 8~~

A-11

- 32 - ~~Annexure No. 8~~  
N.C.R. E.H.R. RAILWAY

Serial No. 6494 (Circular No. 831E/63/2x(Eiv) dt. 19.3.76.

....

Sub: Record note of the meeting of the Dy. Minister for Rail-  
way and the Railway Board with the Head Qrs. of  
Personnel Department of the Railway Administration  
held in New Delhi on 27.11.75.

....

A copy of an extract from the record note circulated  
vide Board's Letter No. 1/SE(SCT)15/40 dated 9.12.76 as  
received via their office letter No. t(NG) 1-75 PMI/264  
dated 25.1.76 is reproduced below:

" 2-2 PANEL SHOULD BE FORMED FOR SELECTION POSTS IN TIME  
TO AVOID ADHOC PROMOTION. CARE SHOULD BE TAKEN TO SEE WHILE  
FORMING PANEL THAT EMPLOYEES WHO HAVE BEEN WORKING IN THE  
POSTS ON ADHOC BASIS QUITE SATISFACTORILY ARE NOT DECLARED  
UNSUITABLE IN THE INTERVIEW. IN PARTICULARS EMPLOYEES IN CH-  
MING THE FIELD OF CONSIDERATION SHOULD BE SAFE FROM  
HARRASSMENT".

In this connection the General manager has observed  
as under:-

" LONG TERM ADHOC APPOINTMENT SHOULD BE MADE STRICTLY  
ACCORDINGLY TO SECURITY AND SUITABILITY TO AVOID  
HARRASSMENT. PLEASE ENSURE STRICT COMPLIANCE OF THIS  
DECISION PARTICULARLY IN PROSPECT OF SCHEDULED CASTE AND  
SCHEDULE TRIBE CANDIDATE".

True Copy

(ADVOCATE)

J. P. Chaurasia

Advocate

R. J.  
V. J.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW PENCHI LUCKNOW  
\*\*\*\*\*

Shri J.P. Gaurasia and others ..... Applicants <sup>KM</sup>  
Versus  
Union of India through Secretary, Ministry of  
of Railways, Rail Bhawan, New Delhi. & others. .... Opp. parties.

ANNEXURE NO. A-12

CLERK'S

Copy of letter No.D-333 to 6-6 dated 22.5.66 from  
the Director General of Railway Board, New Delhi  
to the General Manager Northern Railway.

9. The Board therefore, desire that with immediate  
effect of the performance of every Railway servant  
officiating in a higher grade should be adjusted by the  
competent officer before the expiry of 12 months of total  
officiating service and if the performance is not  
satisfactory, either the Railway servant may be reverted  
on the ground of unsatisfactory or he may be warned that  
his work is not quite satisfactory, but that he is  
being permitted to do his services in the present for  
which his performance will "except" during the next six  
months for which he will continue to be under observation  
at the end of which period of 18 months 100% of total  
officiating service of 12 months either the person should  
be declared suitable for retention in the grade or should  
be reported because his unsatisfactory. Any person who  
is permitted to continue for unsatisfactory work without  
following the procedure prescribed in the "Discipline &  
Operal Rule" will be confirmed.

*Gaurasia*

*Ministry of Railways*

*TM*  
*V4*



20

20

Page

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1. 1981 P. S. Dat. reg. 20/ on 10. 02. 1981. No. 330-5601

“The 1 Hyperion, high -do-

61/-  
for 700/- 100/- 100/- 100/-

Finowadic

John W. Day

R  
W

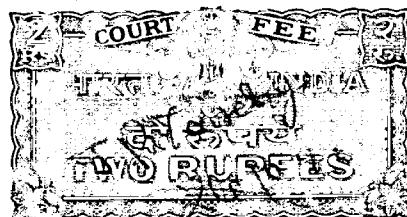
24.10.1990

SN. 21

(2)

BEFORE THE VICE CHAIRMAN, CENTRAL ADMINISTRATIVE TRIBUNAL  
AT ALLAHABAD, LUCKNOW BENCH  
LUCKNOW

1990  
AFFIDAVIT  
H.C.  
HIGH COURT  
ALLAHABAD



J.P. Chaurasia and another .. Applicant  
Versus  
Union of India & others .. Opposite Parties

O.A. No. 292 of 1990

Fixed for 24.10.1990

AFFIDAVIT

I, J.P. Chaurasia, aged about 49 years, Son of  
Shri Pyare Prasad, <sup>Mandal</sup> Resident of House No. 555, G-A. 92/2  
Subhash Marg, Alambagh, Lucknow at present posted as  
Senior Draftsman (Jig & Tool), Design Office Locomotive  
workshop, Chabagh, Lucknow, do hereby solemnly affirm  
and state on oath as hereunder :

1. That the deponent is the applicant No. 1 in above  
noted O.A. No. 292 of 1990 (L) and is well conversant  
with the facts of the case deposed hereunder :

2. That the above noted petition admitted on 31.8.1990  
and interim relief was granted by the Division Bench  
consisting of Hon'ble D.K. Aggarwal (J.M.) and Hon'ble  
K. Obayya (AM). The case was fixed for 11.9.1990

*J.P. Chaurasia*

24.10.90

72/

for order on interim matter.

3. That notices were issued to Opposite Parties under registered cover but as precautionary measure, the deponent has personally served the copy of the order dated 31.8.1990 with an application to the Opposite Party No.4 on 1.9.1990 at 12.15 hours.
4. The copy of application bearing endorsement with signature is annexed as Annexure No.1 to this Affidavit.
5. That on 1.10.1990 the Division Bench consisting of Hon'ble K.Nath (V.C.) & K. Obayya (A.M.) held sufficient service on Opposite Party No. 1 to 3. It was ordered that if the deponent has personally served the copy of the order dated 31.8.1990 on Opposite Party No.4, he may file an Affidavit to this affect. Hence the Affidavit is being filed.
6. That this affidavit is liable to be taken on record as service on Opp.Party No.4 is liable to be presumed.

24.10.1990  
Lucknow  
Dt. 24.10. 1990

DEPONENT

VERIFICATION

I, J.P.Chaurasia, do hereby verify that the contents of Paras No. 1 to 6 of this Affidavit are true to my personal knowledge . Nothing material has been concealed.

Signed and verified this Affidavit on this 24th day of October, 1990 in the High Court campus.

J.P.Chaurasia  
DEPONENT.

Identified the deponent who has signed this affidavit before me.  
Vimal Kumar

ANNEXURE No I

19. BRITISH OCEAN AND CO.  
19. BRITISH OCEAN AND CO.

Right collection for the out on order. It  
will be held on September 20th, 1912  
and for the usual fee.

### 6. The Committee is to do the following:

*Amorpha*

—

320

the only in the office stated that he had no  
knowledge of any other kind except a few  
of the subjects.

and, therefore, requested to the  
Court, the Judge ruled \$1,000,000 raised by  
the Government, the Tribunal, Circuit Court,  
and, no intimation to high authorities for  
action needed in the circumstances.

8% Vinca.

(Lala Kurnar)

July 10

### Journal for Applied Behavior Analysis

RILEY, CHAU & LEE

100 'Chestnut, Webster, Ind. 46901

✓ 2012

*Phoracanth*

26.10.90

## 10. What is the best way to learn English?

### Classification of Function

Conn. No. 4212 1950 (L)

J. P. Chaurasia & another ..... Applicant.  
vs  
Union of India & Others ..... Respondents.

31.8.1950

Montele Mr. P.K. Arnold, 1911.

Hom<sup>1</sup>(2n + r, K<sub>r</sub> C<sub>2</sub>),  $\text{Sym}^2$ (C<sub>2</sub>),  $\text{Sym}^2$ (C<sub>2</sub>)

A. L. H. is not expected to join teacher.

100% of the respondents.

Counter affidavit may be filed within 8 weeks hereof.

objection affidavit may be filed within two weeks thereafter.

Listed within before Dv. Registrar for completion of pleadings.

As far as the court can relied the submission is to the effect that the applicants can not be made to appear in the examination for selection to the post of Senior Draftman. Reliance for this submission is placed on a circular of the Railway Board dated 16.11.1984 (Annexure A-4) to the main petition. We, after hearing the learned counsel for the applicants gave him opportunity to consult his clients present in the court and make statement before us wheather they would like to appear in the test or would not like to take the test at their own risk. The learned counsel after consulting the clients, stated that his clients would not like to appear in the test. We make it clear that their decision not to appear in the test solely vests in them. However, in order to adjudge the ~~controversy~~ controversy effectively, we consider that the selection may be proceeded with but two posts of Sr. Draftman shall remain unfilled for a period of ~~the~~<sup>14</sup> days hereof. The applicants shall not be revert'd till 11.9.90.

Listed on 11.9.94 for order on interim matter.

Sc / -  
A. M.

35/-

24.10.90

11-224-302Y 11

551

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench.

protecting -  
himself

1966

*Phoradec*

In the Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

O.A. No. 292 of 1990

J.P. Chaurasia and another

Applicant

Versus

Union of India and another

Opp. Parties

Reply on behalf of the opposite parties.

Para 1: Issue of letter No. GM(P) 752 A/83/EIIA(J&T) dated 38.1990 and circulated by Locomotive Works Charbagh Lucknow by office order No. 95E/D/J&T/90 dated 20.8.90 as contained in Annexure No.1 to the application is not denied. This is also admitted that the aforesaid letter was issued for holding selection for the post of Senior Draftsmen (J&T) in Grade Rs. 1400-2300 (R.P.S.) on 2.9.'90 against 25% promotion quota. Rest of the contents are denied. The allegations of arbitrariness and illegality are specifically denied.

Para 2: Needs no reply

Para 3: Denied. The application is barred by time.

Para 4:

(i) Issue of office order dated 23.4.1982 and dated 13.1.1988 as contained in Annexure No. 2(a) and 2(b) are not denied. It is also not denied that the applicants are continuously officiating on the post of Sr. Draftsmen from the date of their officiating appointment.

Para 4:

(iii) In reply , it is not denied that applicant no.1 was granted a merit certificate on 16.8.1981 alongwith cash of Rs. 100/- . It is also not denied that applicant no.2 was also awarded 26.1.1988 merit certificate. It is however submitted that the award of merit certificate have no relevancy for the decision of the instant case.

(iv) Admitted. It is submitted that the same has no relevancy for deciding the instant case.

(v) Denied in the way ~~not~~ stated. It is submitted that the post of senior draftman(Mech) grade Rs.425-700(RS) are required to be filled in the following manner as laid down by the Railway Board Letter No. E(No)/III/71/RCT/35 dated 19.8.72.

( i) 25% of the vacancies from amongst Asstt. D/man in scale Rs. 150-240 (RS)

( ii) 25% of the vacancies from amongst tracer and assistant draftsman who passed the requisite qualifications for apprentice mechanics and are within the age limit.

(iii) 50% of the vacancies from apprentice mechanic recruited directly by Railway Recruitment Board.

Para 4: In reply, it is submitted that the post of Senior (VI & VII) Draftsman is classified as a selection post and only 25% vacancies against promotion quota can be filled after holding regular selection. The mere fact that the applicants were officiating as Sr. Draftsman Grade Rs. 425-700(RS) does not entitle them for regularisation in this grade without passing prescribed selection. Both the applicants appeared in the selection held in 1989, but failed. They were called to appear in the selection under challenge of Sr. Draftsman (J&T) Gr. Rs. 1400-2300 (RPS) as per seniority, but they did not appear in the said selection.

(viii) In reply, the issue of cadre review and restructuring of Group 'C' & 'D' staff order dated 16.11.84 is not denied. Copy of the said order as contained in Annexure 4 to the application is not denied.

(ix) Issue of office order No. 752 E/83 IIA dated 18.11.85 as contained in Annexure no. 5 to the application are not denied.

(x) ~~Notwithstanding the above representation~~  
In reply, it is submitted that if any candidate becomes entitled to promotion in terms of restructuring that was to be done in accordance to para 5.1 of the Railway Board's instructions as contained on letter dated 16.11.84 (Annexure No. 4 to the application). The applicants applying the said para 5.1( wrongly indicated as 53) in their case is totally incorrect and denied.

Para 4: In reply, it is submitted that as per Board's  
(xi) letter dated 16.11.'84, the cadre of drawing office  
(J&T) was revised on the percentage basis and  
circulated vide office order No. 752E/83/EIIA  
dated 18.11.'85 as contained in Annexure No. V to  
the application. In the category of Sr. D/Man  
(J&T) no additional post was available for  
upgrading w.e.f. 1.1.1984. Instead of one post  
was reduced as per percentage laid down by Railway  
Board i.e. 30% in grade Rs. 425-700 (RPS) i.e.  
post became 10 instead of 11 prior to restructuring.  
After considering the whole restructuring, 2  
resultant post came into existence as vacancy to  
be filled w.e.f. 1.1.'84 and the senior most  
S/Shri Trilok Singh and S.S.Srivastava were  
accordingly promoted. The chart produced in the  
para under reply is not correct. The chart showing  
position of the employees after restructuring  
~~(xxx)~~ w.e.f 1.1.1984 is enclosed to this reply as  
Annexure No.

(xii) The contention of the the petitioner in the  
para under reply is not correct. In terms of  
railway Board's letter dated 16.11.'84- Para 4  
the benefit of restructuring was to given only  
against the upgraded post and resultant vacancies  
w.e.f. 1.1.1984. In this case no post of Sr.D/Man  
(J&T) Grade 1400-2300 (RPS) was upgraded. Instead  
one post was reduced. As per chart enclosed (Annex  
No. to this reply) it would be observed that  
no posts of Sr. D/Man (J&T) Grade Rs. 1400-2300  
(RPS) was lying vacant. The staff ~~working~~ at S.No.  
6 to 10 were working on adhoc basis against the

cuota of direct recruits and intermediate app. mech. As already stated above, the benefit of two resultant vacancies was given to Sarv Shri Trilok Singh and S.S. Srivastava. The remaining persons including the applicant J.P. Chaurasia cannot be given benefit of restructuring. They have been correctly included in the selection for the post of senior draftsmen ~~in~~ held on 2.9.'90. It is again re-iterated that the applicant no.1 working on adhoc as Sr. Draftsmen, while applicant no. 2 is working as Jr.D/man and they can only be considered for the post of Sr. Draftsmen if selected in 25% quota test held on 2.9.'90 after positive act of selection and by no other method.

(xiii) That in reply to the contents of para 4(xiii) of the application, it is stated that the order dated 1.2.1989 directing for holding of test for promotion to the grade of senior draftsmen (J&T) in the scale of Rs. 1400-2300(RPS) has been correctly issued and does not suffer from any infirmity. The names of the applicants have been rightly included for the said test.

(xiv) The receipt of the representation dated 28.2.'89 as contained in Annexure No. 6 to the petition, is not denied. The said representation was examined and it was found that the claim for regularisation as Sr. Draftsman (J&T) without passing the selection does not arise. The applicants did not appear in regular selection, but appeared in the supplementary test held on 11.3.'89, but they did not qualify.

Para 4: The position stated by the applicants in the (xv) : para under reply is totally incorrect. No selection test was held on 4.3.'90. A selection test was held on 4.3.'89 and supplementary on 11.3.'89. Both the applicants appeared in supplementary selection held on 11.3.1989. The result of the written test was circulated vide office order No. 752E/83/EIIA dated 17.3.'89 and the panel was issued on 5.5.'89 and 16.5.'89. In the said selection both the applicants did not qualify. A true copy of the result of ~~the~~ written test and the panel issued on 5.5.'89 and 16.5.'89 are enclosed as Annexure No. , and to this reply.

Allegation about any force being used upon the applicants to appear in the selection is denied.

(xvi) In reply to the contents of paragraph 4(xvi) of the application, it is stated that shri D. R. Goel is working in Drawing office (Mechanical), while the applicants are working in Drawing office (J&T) which is a separate cadre. As such it is not relevant in this case.

(xvii) In reply to the contents of paragraph 4, it is stated that the learned Tribunal's order dated 10.3.'89 is not relevant to the present case, as the petitions of the said court case are working in the Drawing office (mechanical) , while petitioner's are working in drawing office (J&T) which is a separate cadre.

Para 5: Denied. None of the grounds are sustainable under law.

Para 6: Needs no reply.

Para 7: Needs no reply.

Para 8: Denied. The applicants are not entitled to any relief and the application is liable to be dismissed with costs.

Para 9: Denied. The applicants are not entitled to any interim relief in view of the fact that the application itself is liable to be dismissed.

Para 10: Needs no reply.

Para 11: Needs no reply.

Para 12: Needs no reply.

Lucknow

Dated: 7.12.1991

Respondents.

Verification.

I. ANOOP KUMAR working as D.Y.C.M.E (w) in the office of Chief Works Manager locomotive workshop EG Lucknow duly authorised and competent to sign and verify this reply do hereby verify that the contents of paragraph 1 to 12 of this reply are based on material collected from the record and legal advice received which is believed to be true.

Signed and verified this day of 1991 at

Chief T/Man ( J&T )  
Gr. Rs.700-900

Hd. D/maa ( J&T )  
Gr. Rs.550 750(RS)

St. D/maa ( J&T )  
Gr. Rs.425-700(RS)

Jr. D/Man ( J&T )  
Gr. Rs.330.560(RS)

- - - - -  
- - - - -  
- - - - -

S/Shri  
- - - - -  
- - - - -

S/Shri  
- - - - -  
- - - - -

1Sh. O,N.Chaursla  
- - - - -  
- - - - -  
- - - - -

1. Hari Singh

1. Budhi Chand

1. Budhi Chand

1. Budhi Chand

2. Kundan Lal

2. Kartar Singh

2. Kartar Singh

2. Kartar Singh

3. A.P.Agnihotri

3. T.P.Morya

3. T.P.Morya

3. T.P.Morya

4. Balkar Singh

4. Mohan Lal

4. Mohan Lal

4. Mohan Lal

5. Joginder Singh Iden

5. Trilochan Singh Fibrah

5. R.K. Mishra

5. R.K. Mishra

6. Trilochan Singh Iden

6. V.N.Sardana

6. Cheddi Lal

6. Cheddi Lal

6. Cheddi Lal

6. Cheddi Lal

7. K.M.Srivastava

7. P.N.Agarwal

7. S.N.Sahai

7. S.N.Sahai

7. S.N.Sahai

7. S.N.Sahai

8. J.P.Chaurasia

8. J.P.Chaurasia

8. J.P.Chaurasia

8. J.P.Chaurasia

8. J.P.Chaurasia

8. J.P.Chaurasia

9. Surinder Singh

10. Anand Chand

10. Anand Chand

No. of post upgraded = 3  
against upgraded post  
3 persons were promoted  
w.e.f 1.1.84(S.No.5 to  
7 )

In this grade  
one post has  
been reduced.

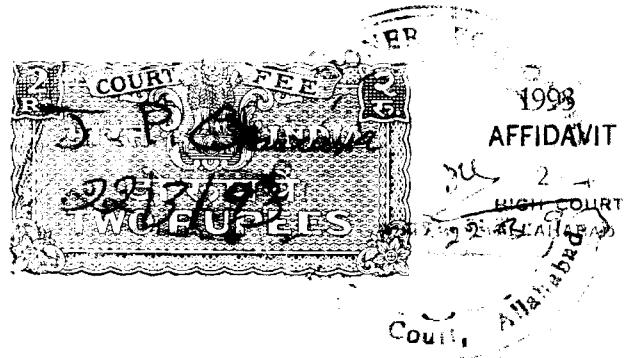
One post has been  
reduced in this  
grade. However benefit  
of upgrading w.e.f  
1.1.84 were given.  
to the two employee (s.no.5 & 6)  
against resultant  
vacancy occurred  
from the grade of  
Rs. 700-900(RPS)

*Amended after letter*

*1/2/10*

5-41  
A/70  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW



O.A. NO. 292/90

J.P. CHAURASIA and another.....Applicant

Versus

Union of India and others .....Opp. parties

Rejoinder affidavit :

I, J.P. Chaurasia aged and about 51 years S/O Sh. Piyare Prasad Mandal R/O H. No. 555-G/92/2, Subhash Nagar, Alambagh, Lucknow. Due hereby solemnly affirm on oath and state as hereunder :

1. That the deponent is the applicant No.1 in the above noted case and he has been authorised to swear this rejoinder affidavit on behalf applicant No.2 also.

2. That the deponent has been read over and explained the contents of counter affidavit filled by respondent and he is submitting para wise reply hereunder ;

3. That in reply to content para-1 it is submitted that the respondents have denied in arbitrary and illegal manner the benefit of restructu

*J.P. Chaurasia*

Contd..... 2

policy to the applicants.

4. That the contents of para 2  
needs no reply.

5. That the contents of para 3  
are denied the applicants names were wrongly included  
in the selection held on 11-3-1989 and 2-9-1990,  
and hence the application is within limitation.

6. That the contents of para 4 (I)  
needs no comments

7. That the contents of para 4 (II)  
it is submitted that awarding merit certificates  
to the applicants clearly shows that there work  
and conduct on the post of Senior Draftsman was  
highly appreciated by Superior Authority.

8. That the contents of para 4 (IV)  
needs no comment.

9. That in reply to contents of  
para 4 (V) it is submitted that the quota rules for  
promotion vide Railway Board No. E(NC)/3/71/RCE/35  
dated 19-8-1972 have no relevance for adjudication  
of the point in issue.

10. That the contents of para 4(VI)  
4 (VII) are denied as alleged. The applicant due to  
continuation officiating on the substantive post of  
Senior Draftsman (J&T) grade 1400-2300 (RPS) have

*Shivdas*

Cont - 3

got a right on the post held by them.

11. That the contents of para 4 (VIII) needs no comment.

12. That the contents of para 4(IX) needs no comment.

13. That the contents of para 4 are denied as alleged. The respondents have applied the restructuring policy contain in Annexure-4 in arbitrary and illegal manner. Admittedly on 1-1-1984 on implementation of restructuring policy the existing post of Senior Draftsman decreased from 11 to 10 post s, on 1-1-1984 out of 10 posts only 5 posts were filled up by the restructuring policy and remaining 5 posts were still vacant. Out of 5 vacant posts, 4 were filled up by promoting the Junior Draftsman on officiating basis. In fact if the restructuring policy was applied in its time since them all the vacant posts i.e. 5 posts ought to be filled up by upgrading the Junior Draftsman on the post of Senior Draftsman and hence the petitioner No.2 deemed to be Senior Draftsman on 1-1-1984. According to restructuring policy, on 1-1-1984 all the existing and resultant vacancy ought to be filled on the date of restructuring without any test or viva-voice. The petitioners were confirmed Junior Draftsman and

contd . . 4

*Abdulali*

X/23

they ought to be up graded on the post of the Senior Draftsman on 1-1-1984. In fact, Sh. Trilok Singh and Sh. S. S. Srivastava working who were officiating as Senior Draftsman were up graded on the post of Senior Draftsman against the resultant vacancies arised from restructuring, but the respondents have failed to up grade the post of Junior Draftsman held by Petitioner No.1, who was working in the officiating capacity on the post of Senior Draftsman and the Petitioner No.2 who was working as Junior Draftsman on 1-1-1984. The Petitioner No. 1 & 2 who were Junior Draftsman ought to be up graded on the existing vacancies of Senior Draftsman, and thus the respondent have failed to consider the restructuring policy in its true sense.

14. That the contents of para 4 (XI) are denied, Railway Board letter dated 16-11-1984.

15. That according to the Railway Board's letter dated 16-11-1984 the benefit of restructuring was ought to be given not only the vacancies arised on the date of restriction but also upgraded posts, and also against resultant existing vacancies. On 1-1-1984 there were 5 vacancies of Senior Draftsman ( J & T ) grade 1400-2300 (RPS) and as per the restructuring policies all the 5 vacancies are also liable to be filled up by upgrading the Junior Draftsman working on substantive post of Junior Draftsman or working as Senior Draftsman on officiating basis. It is further submitted that the respondent had admitted that on the date of restructuring ~~it was~~ i.e.

*Abhijit Singh*

contd.....5

on 1-1-1984 the five posts of Senior Draftsman were vacant. It may be against quota of direct recruits and intermediate apprentice. As per restructuring policy on 1-1-1984 all the vacant posts of Senior Draftsman were required to be filled up by upgrading the Junior Draftsman and hence the incumbent at serial No. 6 to 10 who were working on officiating basis against the posts of direct recruits and intermediate apprentice was also liable to be upgraded on the post of Senior Draftsman. The benefit of restructuring policy is also required to be given to the petitioner with Sh. Trilok Singh and Sh. S.S. Srivastava. The respondent have mis - applied the restructuring policy and denied the benefit of restructuring policy to the applicants. It is totally wrong to say that the applicants No.2 is working as Junior Draftsman. In fact he is working on the post of Senior Draftsman on adhoc basis since 14-1-1988.

16. That the content of para 4 (XIII) are denied as alleged. The applicants have been wrongly denied the benefit of the upgradation on the post of Senior Draftsman. ~~So that they may be declared unsuccessful and may be reverted to their substantive post.~~

*Abhijit*

contd ....6

17. That in reply to contents para-4 (XIV) it is submitted that the respondent have wrongly rejected the representation submitted to the applicants by a non speaking order.

18. That in reply to contents of para 4 (XV) it is submitted that the applicant were forced to appear in the selection test which was held on 4-3-1989 and 11-3-1989 and the applicants were participated in the test under protest. The respondent have held the test arbitrary and the declared the result. The applicants were wrongly included in the said selection and as such the whole selection was void ab initio.

19. That the contents of para 4(XVI) are denied. In the matter of Sh. D.P. Goel, by controversy is " Whether all the existing post of Senior Draftsman were required to be filled up by Junior Draftsman on 1-1-1984 and similarly in the case of the applicants the controversy is whether the incumbent at S. No.6 & 10 were required to be upgraded on the post of Senior Draftsman on 1-1-1984.

20. That the contents of para 4(XVII) are denied, it is further submitted that on merit the case of Sh. D.P. Goel is similar with the case of petitioners and they are not required to be discriminated by court of law on the ground of working in different offices but holding the same post.

*Abhijit*

21. That the contents of para 5 are denied. All the grounds are sustainable in law and the application is liable to be allowed.

22. That the contents of para 6 & 7 needs no comment.

23. That in reply to the contents of para 8, it is submitted that the application is liable to be allowed with cost.

24. That in reply to the contents of para 9 it is submitted that interim relief granted by this Hon'ble & tribunal is liable to be confirmed.

25. That the contents of para 10 and 11 need no comment.

#### VERIFICATION

I, the deponent do hereby verify that the contents of para 1 and 24 of the affidavit is true to my personal knowledge.

Signed and verified this affidavit  
on this 10th day of <sup>March</sup> February, 1993.

LUCKNOW



Dated 10-3-1993

DEPONENT

I identify the deponent above named who had signed before me.

Vimal Kumar  
(VIMAL KUMAR)  
Advocate

contd... 8



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✓

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Misc. Application No. 300 of 1998

In re :

Original Application No. 292 of 1990

SC 41

J.P. Chaurasia

.....

Applicant

Versus

Union of India & others .....

Opposite Parties

APPLICATION FOR TAKING SUPPLEMENTARY AFFIDAVIT  
ON RECORD.

The applicant most humbly and respectfully begs to submit as hereunder :

For the facts and reasons stated in the accompanying  
Supplementary Affidavit it is most humbly prayed  
that this Hon'ble Tribunal may be graciously pleased  
to take the Supplementary Affidavit on record of  
the above mentioned Original Application in the  
interest of justice.

Lucknow:

Dated : 23/1/98

*Vimal*  
(Vimal Kumar)

Advocate

Counsel for the Applicant

26/2/98  
X  
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Misc. Application No. of 1998

In Re :

Original Application No.292 of 1990



J.P. Chaurasia

.....

Applicant

Versus

Union of India & others

.....

Opposite Parties

SUPPLEMENTARY AFFIDAVIT

I, J.P. Chaurasia aged about 57 years son of Sri Piyara Prasad Mandal, resident of House No.555-C/92/2, Subhash Nagar Alambagh, Lucknow do hereby solemnly affirm on oath and state as hereunder :-

1. That the above noted case has been filed for direction to the Opposite Party to regularise the applicant in service from the date of continuous officiating on the post of Senior Draftman and for quashing the order dated 3.8.1990 and 20.8.1990 passed by Opposite Party.
2. That the applicant no.1 was promoted as Senior draftman in the Scale of Rs.425 to Rs.700/- (Revised Rs.1400 - 2300) on 21.4.1982 as officiating arrangement and the applicant is continuously working on the post of Senior Draftman since the date of their appointment on the said post without break.



J.P. Chaurasia

Contd.....2.

3. That the Ministry of Railway issued an order for Cadre review and restricting of Grade 'C' and 'D' Staff dated 16.11.1984 and the said order was to take effect retrospectively on 1.1.1984, the applicant was fully entitled for promotion on the post of Senior Draftman in accordance with the said order the promotion would have to be done only on the basis of scrutiny of record without holding any written test/viva voice test. The sanctioned strength of Senior Draftman on 1.1.1984 was 10 and all the 10 vacancies were required to be filled ~~in~~ on the basis of modified selection based on assessment of service record only, but the opposite party in arbitrary manner only ~~five~~ posts were considered for restructuring and hence the applicant far away from his right of promotion/regularization.

4. That on 27.1.1993 the Ministry of Railways issued an order No. PC111/91/CRC/1 for restructuring of certain Group C and D Cadre. The said restructuring policy, is similar as the restructuring policy dated 16.11.1984. Para 4 of the said order dated 27.1.1993 "if an individual Railway Servent became due for promotion to a post classified as selection post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and Confidential report without holding any written and Viva Voice test". And per para 4.4 of the said order cleared that the effective promotion under these order with the critical date being 1.3.1993.

25290  
HIBAO

Amritsar

As a result of restructuring order the Opposite Party no.4 passed an order dated 30.9.1993 showing

the total cadre strength of Senior Draftman is 7 which include 3 posts of Charbagh Loco Workshop. The restructuring order dated 27.1.1993 and Cadre strength dated 30.9.1993 is herewith annexed as Annexure No. SA-1 and SA-2 respectively.

5. That on 6.9.1995, modified selection was held and the applicant was found suitable vide letter dated 9.10.1995, and he has been given promotion vide order dated 10.11.1995 with immediate effect. However the applicant was fully entitled to get the benefits of restructuring policy dated 16.11.1984 and 27.1.1993. The result of modified selection dated 9.10.1995 and promotion order dated 10.11.1995 is being annexed as Annexure No. SA-3 and SA-4 to this Affidavit. That on 1.3.1993 the sanctioned strength of Senior Chargeman in Locoworkshop Charbagh, Lucknow is 3 and all the three vacancies (100%) are fill up by the Opposite Party through modify selection procedure (without conducting any written test or viva voce test, Selection based on only scrutiny of record), however the sanctioned strength of Senior Draftman on 1.1.1984 in Charbagh Loco Workshop was



Contd.....4.

five and the Opposite Party in arbitrary manner only two vacancies was fill up by modified selection procedure, due to this arbitrary malafide action of the Opposite Parties, the applicant was not promoted and

did not obtain the benefits of restructuring order dt. 16.11.1984 and hence in the interest of justice the Supplementary Affidavit may kindly be taken on record. *D. Venkata*

## Lucknow

**Deponent**

Dated : 23.2.81

## VERIFICATION

I, the deponent named above do hereby verify that the contents of para 1 to 5 of this Affidavit are true to my own knowledge and those of paras 6 to 10 are believed to be true by me.

23.2.98 Signed and verified on this 23 day of  
Solemnly affirmed before me on 23.2.98 by the deponent J. P. Chauhan  
at 3.30 a.m. by the deponent B. K. Yacob who is identified by Sri B. K. Yacob on February, 1998 within the Court Compound at  
High Court Lucknow Bench.  
I have seen the deponent myself by examining the deponent that he understands the contents of the affidavit which have been read over and explained by me to him.

Lucknow  
Dated : 25-2-90

*Pharrusica*  
Denonent

J. K. SHARMA  
Advocate  
M. S. TOWER  
Aligarh  
New Bench Lucknow  
No. ....  
Date. 22.2.84

**IDENTIFY THE DEFENDANT  
WHO HAS SIGNED BEFORE ME**

MF  
Rachel

Re:... The Central Arbitral Tribunal  
Lokman Rich Lachha

J.P. Chauhan vs UGC & others

Annexure No. — SA-1

Machine No.  
PCTII/93/01/51/15/2

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

R.B.E. NO. 19/93  
S.L. NO. 2/93

No. FCI/91/CR/1

New Delhi, dated 27-1-1993

The General Managers,  
All Indian Railways,  
Production Units (As per mailing List)

Sub: Restructuring of certain Group C&D Cadres.

The Ministry of Railways have had under review Cadres of certain Groups of C&D staff in consultation with the staff side in the Committee of the Departmental Council of the JCM(Rlys.) for some time. The Ministry of Railways with the approval of the President have decided that the Group C&D categories of staff as indicated in the Annexure (Department wise) to this letter be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to:

Date of effect 1. This restructuring of cadres will be with reference to the sanctioned cadre strength on 1.3.93. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grade w.e.f. 1.3.93.

Applicability to various cadres 2. These orders will be applicable on the regular cadres of the Open Line establishments including Workshops and Production Units and will include Rest Giver & Leave Reserve posts.

2.1 These orders will not be applicable to ex-cadre & work-charged posts which will continue to be based on worth of charge.

2.2 These instructions will also not be applicable to construction Units and Projects. However, for creation of posts in these Units the percentage distribution may be generally kept in view, taking into account the availability of funds.

Pay Fixation (FR 22-C) 3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1310 (FR 22-C) R II w.e.f. 1.3.93 with necessary option for pay fixation as per extant instructions.

..... 2/-



TC  
Guru

Direct recruitment percentages

12. Direct recruitment percentages will not be applicable to the additional vacancies arising out of these restructuring orders as on 1.3.93. The percentage will apply for normal vacancies arising on or after 2.3.93. Also, the direct recruitment quota as on 28.2.93 will be maintained.

Pin pointing of posts

13. Excepting the highest grade posts in each category, the promotions should be effected on as is where is basis, as a result of this restructuring. However the administration may later on pin-point these posts as per administrative requirement, as and when the present incumbent vacates the post on retirement/ promotion transfer etc.

Provisions of Rest givers

14. As a measure of rationalisation the Railways should provide rest givers staff in the appropriate grade most convenient to the administration at any particular location and need not necessarily be in the same grade.

Refusal of promotion

15. Such of the Staff as had refused promotion before issue of these orders and stand debarred for promotion may be considered for promotion, in relaxation of the extant orders as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on 1.3.93 and arising due to restructuring. This relaxation will not be applicable to vacancies arising after 1.3.93.

Provision of funds in the Budget

16. Instructions for improvement of productivity, rationalisation and economy are being issued separately.

17. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1993-94 and include the same in the Revised Estimate for 1993-94. Payment due to staff on account of the restructuring should be made and booked in the Financial Year 1993-94. The Board desire that the restructuring and posting of staff after due process of selection should be completed expeditiously.

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Before the Central Min Tribunal  
Lalitpur Court Room

J.P. Chawasia vs UOG & Co.

Amicus No — SA-2

RECEIVED  
RECORDED  
SEARCHED  
INDEXED  
FILED  
S. 10/83

NORTHERN RAILWAY

SA-2  
Dy. CMC  
PT  
APO

Headquarters Office,  
Brode House, New Delhi.

No. 752-E/83-EIIA

dated 30-9-93

The Chief Works Manager,  
Northern Railway,  
Caraibagh-Lucknow and Jagadnari

The Dy. Chief Mech. (W),  
Northern Railway,  
BKN, JJ, LGR and AV-LKO.

Sub:- Cadre Restructuring of Drawing Office  
staff of JIG AND TOOLS.

As a result of restructuring orders received  
under Railway Board's letter No. PCIII/93/01/51/15/2  
dated 27-1-93 circulated under P.S. No. 10725, the  
posts in Drawing Cadre (Jig and Tools) grade R-1  
1200-2000 (PFS), 1400-2300 (PFS), 1500-2660 (RPS) and  
1200-2000 (PFS) have been re-distributed in the ratio  
2000-3200 (PFS) 35% respectively on the sanctioned  
strength in the different workshops as per list  
attach C.

The sanctioned strength and percentage  
distribution has been vetted by Dy.P.M./II, Head  
quarters Office.

This has also the approval of C.W.E.

Prakash Chandra

(Prakash Chandra)  
for General Manager (P)

COPY TO:-

1. A.O.E. (HR), HQ. Q.Z. Office.
2. C.W.E.



Before the Central Arm. Board  
Lokman, Birch Lecture

J.P. Chaurasia vs U.G. & Co.

Answer No. — SA. 3

1. General Manager  
2. General Manager  
3. General Manager  
4. General Manager

उत्तर रेलवे

NORTHERN RAILWAY

Headquarters Office,  
Baroda House, New Delhi.

No. 752-E/83/EMIA

Dated 9-10-95.

The Chief Works Manager,  
Northern Railway,  
Chakravagh-Lucknow

The Dy. Chief Mech. Engineer (W),  
Northern Railway,  
Almora-Lucknow

Ans:- Selection for the post of Sr. D/Men (Jig and Tools)  
Grade Rs. 1400-2300 (RPS).

.....

As a result of modified selection held on 6-9-1995  
for the post of Sr. D/Men (Jig and Tools) Grade Rs. 1400-2300  
(RPS), the following candidates have been found suitable  
for appointment for the post of Sr. D/Men (Jig and Tools) Grade  
Rs. 1400-2300 (RPS):-

1. S/ Shri J.P. Chaurasia	JE. D/Men (J&T)	CB-LKO
2. " A.C. Ghosh	-do-	CB-LKO
3. " Neeraj Srivastava	-do-	CB-LKO
4. " B. Jinder Kumar	-do-	AMV-LKO

They may, however, be informed that the retention of the  
names on the panel of Sr. D/Men (Jig and Tools) Grade  
Rs. 1400-2300 (RPS) is dependent on their work remaining  
satisfactory. The mere facts that their names have been  
placed on the panel is no guarantee that they will be offered  
the post for which they have been selected.

The panel is provisional.

This has the approval of C.W.M.

*Prakash Chandra*  
(Prakash Chandra)  
for General Manager (P)

TC  
RWS



Before the Central Admin Tribunal  
Lokman Bhawan, Lucknow

J.P. Chaurasia vs. U.P. Govt.

Answer No. — SA

NORTHERN RAILWAY LOCOMOTIVE WORKSHOP CHURBAGH LUCKNOW

S.O. No. 470

Dated 10-11-1995

In terms of S.O.(H) A.Rly letter No. 047E/127-IV/MLA dated 19.10.95, the following Jr.D/men "J.T" grade M.1200-2040 (RPS) are promoted to officiate as Jr.D/m(JAT) in grade M.1400-2300 (RPS) with immediate effect of about the existing vacancies.

S. No.	Name	Present post, Pay & Grade	upgrade on promotion as Sr.D/m(JAT)	Place of posting
1.	J.P. Chaurasia	Ex.D/Ex. M.Tool 1400-2300 (RPS) (1200-2040)	R.2000/-	Loco/CS

S. No.	Month	—do— Rs. 1800/- (1.11.95)	Rs. 1900/-	—do—
2.	Ex. M.Tool	1500/- 01.95)	Rs. 1560/-	—do—

Shri J.P. Chaurasia of S.No.1 who is already officiating in grade M.1400-2300 (RPS) is now regularised as Sr.D/m (JAT).

The above staff at —do— 2 & 3 may exercise their options for fixation of pay in substantive grade from the date of increment with in one month.

The above promotion orders are subject to the final decision of C.A.T./A.Rly & Supreme Court.

This has the approval of competent authority.

For Chief Works Manager,  
N.R./Loco/Shop Churbagh, Lucknow.

Copy forwarded for information an/accept/please.

1. C.D/Ex. & Tool/Loco/CS-Lucknow.
2. S.P.C.(H) A.Rly, Baroda House, New Delhi.
3. Staff concerned.
4. C.S/I.C., Key Bill, Puna, Lucknow & S.W.(H)/CS-Lucknow.

Tripathi/

T.C  
R.S

21  
23.12.95

88  
Dec. 1997  
21.4.97  
R

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

M.P. NO. 296. 1997.

O.A. NO. 292 OF 1990.

case before the  
Hon'ble ... V.C. ....  
for order & on .....  
  
Dy. Registrar

J.P. Chaurasia & ... .... Applicant.

Versus

Union of India & others... ... Opp. Parties.

APPLICATION FOR FIXING DATE

The applicant beg's to submit as under.

1. That the above noted case is file for direction to the respondent to regularise the applicant from his date of continuous afficiating post and for queshing the order date 3.8.90 and 20.8.90.
2. That after 12.4.1993 unfortunetely no date was fixed in the case and the case was kept undated.
3. That the pleading are complete by both the parties and the case is ripe for hearing.

Wherfore it is most humbly and respectfully prayed to the Hon'ble Tribunal, due to above reason, the case may be listed for hearing as an early date. Otherwise applicant will suffer irreparable lose.

The applicant shall ever pray.

Lucknow.

Dated, 21.4.1997.

Vimal Kumar  
(Vimal Kumar)  
Counsel for applicant.

- J.P. Chaurasia & another

Applicants

Union of India & others

Opponents

Of No. 1990

Dated 30.8.1990

Attention - In behalf of applicants mes' hum hi,  
I declare fully knoweth as hereunder -

(1) That the aforesaid applicants are approved  
by order dated 20.8.1990, based on C.N.O. 4, on  
the basis of the letter dated 3.8.1990, passed by  
C.P.S.R. Party No. 2.

(2) That the aforesaid applicants are working  
as Senior draftsman in J.C. & Tool, Drawing in the  
two workshop, Chhatauli, Lucknow.

(3) That in the encumbrance draftman  
available to control the same jointly in one portion.

Wherefore, I do most humbly and  
respectfully prayed that for the reasons stated  
above and in the ends of justice, the applicants  
be kindly permitted to control the said draftman  
jointly in one portion.

And the applicants shall ever obey.

Lucknow

Dated 30.8.1990

Vimal Kumar

Adv

for Applicants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
Gandhi Bhawan, Opp. Residency, Lucknow  
\*\*\*\*\*

No. OA/TA/

520

dated the

09-10-90

Registration no. O.A. No. 92 of 1990 (L)

J.P. Chawaria

APPLICANT

Union of India & others <sup>VERSES</sup> RESPONDENT

④ Chief Works Manager,  
N.Rly. Locomotive Workshop,  
Charbagh,  
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 24 day of 10 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself or your pleaser or by some on duty 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 8 day of 10 1990.

*J.P.C. 8/10/90*  
DEPUTY REGISTRAR

\*\*\*\*\*

Encl: Copy of order dt: 1-10-90

P/91

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A. NO. 292 of 1990 (L)

J.P. Chaurasia ... Applicant.  
Versus  
Union of India & Others ... Respondents.

1.10.1990

Hon'ble Mr. Justice K. NATH, V.C.  
Hon'ble Mr. K. OBAYYA, A.M.

Notices issued to respondents by regd. post on 4.9.90 are presumed served. Nobody appears on behalf of respondents. As measure of extra precaution we direct that the notice may be issued afresh to respondents No. 4. The case be listed for orders on 24.10.90. Interim order will continue till then. Counsel for the applicant says that a copy of the order dated 31.8.90 was delivered by the applicant to respondents No. 4. on 1.9.90. The applicant will file affidavit in support of this statement of the service and the case will be listed on the date fixed.

Sd/

Sd/

A.M.

V.C.

//TRUE COPY//

Sd/

A92

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 292 of 1990(L)

J.P.Chaurasia

...  
Versus

Applicant.

Union of India & Others ...

Respondents.

1.10.1990

Hon'ble Mr. Justice K.NATH, V.C.  
Hon'ble Mr. K. OBAKYA, A.M.

Notices issued to respondents by reqd. post on 4.9.90 are presumed served. Nobody appears on behalf of respondents. As measure of extra precaution we direct that the notice may be issued afresh to respondents No. 4. The case be listed for orders on 24.10.90. Interim order will continue till then. Counsel for the applicant says that a copy of the order dated 31.8.90 was delivered by the applicant to respondents No. 4. on 1.9.90. The applicant will file an affidavit in support of this statement of the service and the case will be listed on the date fixed.

Sd/

Sd/

A.M.

V.C.

//TRUE COPY//

*14/8/1990*

Sd/

1/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

\*\*\*\*\*

Regd. No. C.A.T/2012/Jud/5171-135, 43  
dated the 20.02.1990

Registration No. 112 of 1990 (L) c/8

Mr. P. K. Bhattacharya APPLICANT

VERSUS

Mr. P. K. Bhattacharya RESPONDENT

Mr. P. K. Bhattacharya, Secretary, Ministry of  
Finance, Government of India, New Delhi  
and Mr. P. K. Bhattacharya, Advocate, 10, B.B.D.  
Road, Sector 15, Noida, U.P. and Mr. P. K. Bhattacharya, 10, B.B.D.  
Road, Sector 15, Noida, U.P. and Mr. P. K. Bhattacharya, 10, B.B.D.  
Road, Sector 15, Noida, U.P.

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 11 day of 9 1990 for the  
hearing of the said application.

If no appearance is made on your behalf by yourself  
or 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  
21 day of 9 1990.

Chief Works Manager  
Navy Commence Workshop,  
Chailbagh, Lucknow

*Atul Upadhyay*  
DEPUTY REGISTRAR

\*\*\*\*\*

Encl. - Copy of Application with  
Application No. 2012-2-90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

1/4

O.A. NO.292 of 1990 (L)

J.P. Chaurasia & another ..... Applicant.

versus

Union of India & Others ..... Respondents.

31.8.1990

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

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

Applicants are permitted to Join together.

Heard. Admit. Issue notices to the respondents. Counter affidavit may be filed within 8 weeks hereof. Rejoinder affidavit may be filed within two weeks thereafter. Listed within before Dy. Registrar for completion of pleadings.

As regards the interim relief the submission is to the effect that the applicants can not be made to appear in the examination for selection to the post of Senior Draftman. Reliance for this submission is placed on a circular of the Railway Board dated 16.11.1984 (Annexure A-4) to the main petition. We, after hearing the learned counsel for the applicants gave him opportunity to consult his clients present in the court and make statement before us wheather they would like to appear in the test or would not like to take the test at their own risk. The learned counsel after consulting the clients, stated that his clients would not like to appear in the test. We make it clear that their decision not to appear in the test solely vests in them. However, in order to adjudicate the controversy effectively, we consider that the selection may be proceeded with but two posts of Sr. Drafteman shall remain unfilled for a period of ~~the~~ 14 days hereof. The applicants shall not be reverted till 11.9.90.

Listed on 11.9.90 for order on interim matter.

*huker*  
*3/18*  
Sd/-

A.M.

Sd/-

J.M.

// True Copy //

rrm/

*att*  
*16/8/1990*  
*Central Administrative Tribunal*

*J 16/8/1990*

In the Harkha Central Administrative Tribunal

195

S.N. 21

S.N. 21

J. P. Chaurasia & another - - - - - Applicant  
vs  
Union of India & others - - - - - Opposite party  
O.A.No 292/90  
ff 11.9.1990

Application for extension of  
Interim order granted on 31.8.1990

The applicant begs to submit as  
herewith:-

(1) That in the above noted case  
the interim order granted on 31.8.1990 is  
expiring today i.e on. 11/9/1990

(2) That in case, the above noted  
petition be not taken up today for the orders  
the interim order granted on 31.8.1990 is  
liable to be extended till next date.

Prayer

It is therefore prayed that the interim  
order granted on 31.8.1990 be kindly  
Stayed till next date.

Lucknow  
Dated 11.9.90

Vimal Kumar  
Advocate  
Counsel for Applicants

