

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 292/90.....of 20.....

J. P. Chaurasia

Applicant(S)

Versus

U.O. 2028

Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B/C. needed of aff. destroyed.

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 292 of 1989/90 (L)

30/8/90
21/ 30/8/90
30/8

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

RESPONDENT(S) State of West Bengal

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	yes
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	yes
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time?	N.A.
c) Has sufficient case 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 B.D./Postal Order for Rs.50/-	yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	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

Endorsement as to result of examination

- [illegible]

sinus

30/8/70

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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 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 consulling 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 ~~h~~ but two posts of Sr. Draftman shall remain unfilled for a period of 14 days hereof. The applicants shall not be reverted ~~h~~ till 11.9.90.

Listed on 11.9.90 for order on interim matter .

Sd/
A.M.

Sd/
J.E.

SD/

Hon Justice K. Nabh, V C
Hon Mr. M.M. Snyk, A.M

Due to sad demise of Hon.
Justice Kaul of High Court, Lko.
Case is adjourned to 1.9.90
Stay order shall continue
till that date

M H S
A.M

GR

Notices were issued
on 4.9.90
Neither reply nor
any unserved reply
copy has been return
back

S. S. O

20/9

Notice issued
Date
4-9-90

10/7

632971

18-12-90

Hon Mr. Justice K. Narasimha
Hon Mr. K. Chatterjee, AM.

Shri Rajan Chatterjee
makes appearance on behalf of
respondents and requests for adj
is allowed 4 weeks time to file
counter. Respondents may be
filed within 2 weeks there
after. List before D.R. on
30-1-91 for fixing a date
if possible after completion
of record. Interim order
shall continue till then.

Air

Mc

30-1-91
D.R.

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

211

19.12.91

D.R.

85

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

are present. Counter
has already been
filed. Applicant
to file Reply by

by 20/5/92.

Noted
Vijay
10.2.1992

20.5.92

D.R.

Applicant's side is
present. He is ordered
to file Reply by
14/8/92.

14.8.92

Applicant is present. None
present for respondents. App-
licant to file Reply by
5.11.92.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

X₆

ORDER SHEET NO. _____

D.A./I.A. No 292/90

OFFICE REPORT DATE /

ORDER

5.11.92
D.R.

Both the parties are absent.
Counter has not been filed till
today. Respondent to file it by
23.12.92

24.12.92
D.R.

This file was not produce
on the date fixed. ~~at~~ that
25.12.92. Notice to inform
both the parties for the next
date for filing Counter.

16.2.93

OK
but C.A. not
After 10/2/93
C.A. not
10/2/93

10/2/93

D.R. Applicant is present.
C.A. has not been filed
list on 12/4/93

RA filed by P. out 11/2
RA not filed
Go before R.D.
9/4/93

12/4/93

~~D.R. Both the parties are absent.
R.A. has not been filed.
Applicant to file R.A. on the
date fixed. List on 31.5/93 for
F.H.~~

C. A. 242 / 93

12/4/93

D.R.

Both the parties are present.

R.A. has not been filed today.

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

CP

R.A. not filed

FFH

07/93

11.5.93

No thing can be
copy 12.7.93

12/7/93

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

Hon. Mr. J.K. Singh, A.M.

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


A.M.


J.M.

CP
R.A. not filed
FFH

07/93

8.9.93

No thing can be
copy 15.10.93

note

CP
R.A. not filed

FFH

R.A. not filed

FFH 15.10.93

07/93

07/93

No thing can be
copy 15.10.93
note

0.11.2.92/90

CA. 293/90

24-2-98

Hon. Mr. V. K. Seth, AM

Hon. Mr. D. C. Verma J.M.

For applicant: Km. Vishwamohini
For respondent: Sir A. Chandra, brief holder
for Sir AO Chaturvedi:

List on 6-4-98 for hearing.

J.M.

J.M.

06-4-98

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

B
BOL

4.5.98. No settlement of D.B. adj.
to 2.7.98.

BOL

02.7.98

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

BOL

2.9.98. No settlement of D.B. adj.
to 25.11.98

BOL

25.11.98

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

BOL

or
Cptt. AA now in
exchange
Affidavit filed
26/3/98

or
proceedings are
complete
status

OA 292/90

27-10-99

Hon'ble Mr D C Verma - JM
Hon'ble Mr AK Mishra - AM

8

Sri V. Kumar Counsel for applicant
Sri S. Verma Counsel for respondent.
Dec'd. List for further hearing on
14-12-99.

AM

JM

14-12-99

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

Q
BOL

13/03/2000

decided adjourned for trial with case
adj. to 30/03/2000

30/03/2000

No sitting of D.B as member A is
not available Adj. to 12/04/2000

Q
BOL

13/05/2000

Hon'ble Mr. D.C Verma - JM
Hon'ble Mr AK Mishra - AM

Counsel for both the parties have
sought adjournment

List for hearing on 30/05/2000

AM

JM

OR
Pleadings are
Complete. Submitted
for hearing on 17/4

Q
BOL

OR
on account of Ram Navami
holiday on 12-4-2000. Submitted
on 13.5.2000 for hearing
RE

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. Chandra Applicant
Shri Vimal Kumar Advocate for applicant

Versus

L.C.I. & others Respondents
Shri S. V. Sharma Advocate for Respondents

CORAM

HON'BLE MR. D.C. Verma JM

HON'BLE MR. A.K. Mishra AM

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 ?

[Signature]
vice chairman/member

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 292/90

Lucknow this the 30th 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



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 filled 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 Annexure 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 Draftsmen 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 ^ew_L 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, ~~xxx~~ 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/-

X
XL

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW Bench, Lucknow.

Sri J.P. Chaurasia & Another.....Applicants
versus
Union of India & Others..... Opposite Parties.

I N D E X

COMPILATION - I

Serials	Particulars	Pages	
		From	To
1.	Petition	1	18
2.	Annexure-I	19	
	Impugned order dated 20.8.1990 passed by Opp.party no.4 in compliance with order dt. 3.8.1990 passed by O.P. No.2.		

Vinod Kumar
for

Lucknow/Dt.30.8.90/ Counsel for the Applicants
30.8.90

4/7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BEACH, LUCKNOW.

1. Sri T.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

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

(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.I.
(J & A) dated 3.8.1990, passed by Opposite Party
no.2, ordering for holding selection for the
post of Senior Draftsman (J & T) 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.

2. 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.

3. LIMITATION.

The applicants further declare that the application is within limitation as prescribed under section 21 of Administrative Tribunal Act.

4. 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 officiation in grade of Rs.1400-2300
J.P. Chaurasia	Pyare Pd.	1.12.1958	21.4.1982
O.N. Chaurasia	B.I. Chaurasia	2.12.1952	13.1.1988

(ii) That the applicant no.1 was promoted as Senior Draftsman in the scale of Rs.425-00-700.00 (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.1-2(a) and 1-2(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 ^{well} 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.

(5)

~~add~~ (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 as 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

Phowrasa

Adm. Secy

B2

(6)

dated 16.11.1984 is annexed as Annexure-A-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 IIA 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 ^{seniority} seniority of service record without holding any written and/or viva voce test.

Chourasia
Admission

(xi) That according to the revised sanctioned strength as per list annexed with Annexure No.A-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 -

....7/-

(7)

Chief Draftsmen 25 %	H & D Man 25%	Sr.D/man 30%	Jr.D/Man 20%
Sarva Sri	Sarva Sri	Sarva Sri	Sarva Sri
Hari Singh	K.N.Srivastava	P.N.Agarwal	Anand Chand
Kundan Lal	B.S.Saraswat	Budh Chand	Mahatma- Misra
A.P.Agnihotri	Site Ram	Kartar Singh	A.C.Ghosh
Ram Singh	D.P.Maurya	Trilok Singh	G.S.Kothiyar -1
Balkar Singh	Mohan Lal	S.S.Srivastava	Deepak- Srivastava
	Chhedi Lal ->		
J.S.Eder	A.S.Bibra	S.S.Sahai	
A.S.Loeh	V.N.Sardana	J.P.Chaurasia	
		S.S.Hunjan	
		O.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 2.9.1990. 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.

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 ⁷ or 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.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

(1) Because the applicants are liable to be regularised on the post of senior draftsman 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. 2, 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.4-4 had issued an order dated 1.2.1989 directing for holding selection test for promotion to the grade of senior draftsmen (J & A) 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.4-6 to this petition.

P. D. Goyal
admission

(xv) That however, the applicants and other adhoc ^{promotions} ~~promotions~~ees working in the said office at Lucknow did not receive any reply to their representation till ~~22~~ 3.3.1990 and they were forced to appear in the written examination held on 4.3.1989 but upto 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

II. Because, the Railway Boards' letter of 9.6.65, which provided provision to such adhoc promotees who are ~~not~~ permitted to officiate beyond 18 months against reversion without following the procedure prescribed in Discipline & Appeal Rules, has been further verified by Railway Board vide their latest circular No. RL G-92-PH-1-204 dated 29.5.83. This circular clearly states that on G.O.P. against protection of 18 months Rule 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 sparingly. A copy of the said circular dated 29.6.83 is annexed herewith and worked as Annexure No.10 to this application.

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) CLR-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) CLR-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(RC)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~~ ought not declared unsuitable.
- iii) The employees reaching the field of consideration should be ^{saved} ~~moved~~ from harassment. Copy of the confidential dated 23.1.76 is annexed herewith and marked as Annex ure No. 11 to this application.

Cont....13.

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 Annexure 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} ~~was~~ otherwise found suitable in terms of the police promotion orders.

VII. Because, the order of reversion, if any, passed against the applicant in pursuance of the selection which to be held as 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 26.9.83 the applicant cannot be reverted on the applicant has been continuously officiating on the post

Cont....14.

4/29

12. (13)

post of Senior Draughtsman for over 18 months.

~~XXX~~ IX. Because, the impugned order dated 3.8.98/—
subjecting the applicant to selection is dis-
criminatory 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
-r circumstances. Notice of regularisation of
13 such Draughtsman issued by Northern Railway
in Lucknow Division is annexed herewith and marked
ed 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 ~~as~~ in G.S. Lamba V. U.O.I.
1985(1) 1 R 687 (pages) 3.16,17).

~~XXX~~ 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 ^{recruit} ~~recruitment~~ 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 B. Madhav 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 O.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 ^{- decade -} ~~afficiation~~ ~~for a decay~~ 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 emergent or unforeseen circumstances as held by Supreme Court in D.R. ^{Nim} ~~Kiran~~ Vs. U.TO AIR 1967 SC 1301.

XIV. Because the Hon'ble Supreme Court in case of Narendra Chadha & Ors. Vs. UOT & Ors. AIR 1986 SC-630 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 the 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 which 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 above the applicants pray for the following reliefs :-

- 1) 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 ^{necessitating} ~~reaching~~ 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 ² ~~the~~ ^{meets} 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.

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. Allahabad.*
12. List of enclosures.

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

Verification

We, Shri J.P. Chaurasia and O.H. 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 4, 6, 7 ^{9, 12} are true to my personal knowledge and paras 5, 8, 9 ¹¹ 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*
Vivall
30.8.1990

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. 1

Annexure No. 1

Locomotive Works, Lucknow

19/8/90

Dated, 20/8/90

The Chief Engineer,
Locomotive Works, Lucknow,
19/8/90

Subject: Selection for the post of Sr. D/Men (JAT) in Gr.
E. 1400-2300 (JAT) against 25% promoted quota.
Ref: G.O. No. 1/107521/83/MLA (JAT) dated 3.8.1990.

In terms of G.O. No. 1/107521/83/MLA (JAT) referred to above it has been decided to hold the selection for forming a panel for the post of Sr. D/Men (JAT) in Gr. E. 1400-2300 (JAT) 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, 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 75-7730. The intimation of which may reach this office within a week from the date of main written test. Un-conditional refusal 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.

According to the following clauses may be scored w.e.f. 1. 9. 1990 and directed for the above examination.

1.	Mr.	J.P. Chaurasia	Sr. D/Men
2.	"	J.P. Chaurasia	"
3.	"	Shri. N. K. Singh,	"
4.	"	A. C. Singh,	"
5.	"	J. K. Singh,	"
6.	"	Deen Dayal Prasad	"
7.	"	Deen Dayal Prasad	"

In case any of the employees from the above list reports sick & he should submit a certificate from authorized medical officer, while issuing G.O. it should be mentioned in red ink that the employee is required to attend selection on the date mentioned above. In case the employee gets G.O. from other office or report sick without G.O. he should be himself declare that he has to appear in the selection on the date mentioned above.

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

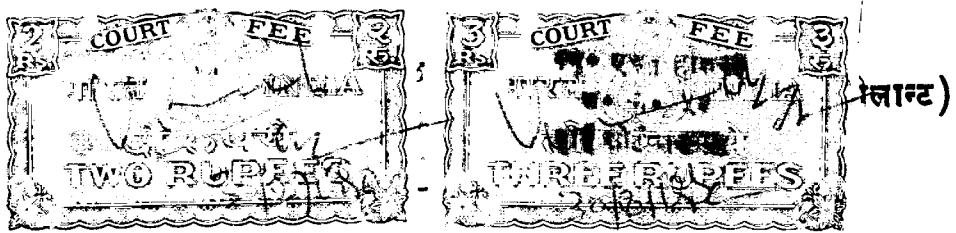
For Chief Engineer, Locomotive Works, Lucknow,
19/8/90

Copy to be sent with the remarks that 345 passes may be issued to the above named employees Ex. 1400 to 1405 & back available from 31.8.1990 to 4.9.1990.

19/8/90

19/8/90

ब अदालत श्रीमान *Deputy District Administration Tribunal* महोदय
(बादी अपीलान्त) श्री *T.P. Chauhan* का **वकालतनामा**
प्रतिवादी [रेस्पाण्डेंट] *O.N. Chauhan* (आगंतुक)



T.P. Chauhan & Sonelike
वनाम *Union of India* (प्रतिवादी रेस्पाण्डेंट)

नं० मुकद्दमा सन् पेशी की ता० *Filed on 28.8.95*
CA No. 4950. Vimal Kumar

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *Kun Vishnu Mohini*
Advocate 27A *Muliyil* *Advocate*
व *126/43/5. B.N. Road, Chandigarh* महोदय
Chandigarh, Ludhiana एडवोकेट

नाम अदालत
मुकद्दमा नं.
नाम तफरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या खौटाव या हमारी ओर से डिगरी जारी करावें और रुपया 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 रुपया जमा करें या हारी विपक्षी (फरोकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
Vimal
30.8.95

हस्ताक्षर *[Signature]*
[Signature]

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 30/8/95 ... महीना ... सन् १९ ई०

स्वीकृत

[Signature]

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LOCKHED BENCH, LOCKHED.

Sri J.P. Chaurasia & others Applicant.

Versus

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

.....

ANNEXURE

Annexure No. A-1 : No. 950/L/10T/90 dated 20.8.90

Selection for the Post of Sr.C./Sen
(J & T) in Gr. No. 1400-2300 (NPs).

Annexure No. A-2:

- (a) S.O. No. 200 dated 23.1.82
(Promotion letter of Sri J.P. Chaurasia)
- (b) S.O. No. 41 dated 14.1.84
(Promotion letter of Sri C.N. Chaurasia)

Annexure No. A-3.

Merit Certificate 1981 Sri J.P. Chaurasia.

Annexure No. A-4. No. PC.III/84/UPG/9 New Delhi dated 16.11.84

Case Review and restructuring of group
of staff.

Annexure No. A-5: No. 752 L/83 II A dated 14.8.83

Re-Structuring of working hours (Sig & Tool)
1.1.8. 1.1.1984 (with list attached).

Annexure No. A-6. Copy of representation dated 1.1.1984.

Annexure No. A-7: Copy of order dated 18.2.1984, passed
in OA No. 327/89, in Re J.P. Goel vs.
Union of India.

Conto...2/-

J.P. Chaurasia
for M-2

- 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 15.4.1960.

Annexure No. A-10: Copy of ~~Railway Board order~~ 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 A. stri letter dated 22.5.1966.

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

P. K. Singh

Jointed Sign

Vinay

Counsel for Applicants

P. K. Singh

Jointed Sign

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 2(a)

STATE PAPER CASE NO. 1/1984

2/84

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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. A-2(6)

II

1) That the applicant has been appointed as ...
2) That the applicant has been appointed as ...
3) That the applicant has been appointed as ...

2 one order

Sh

TC

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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

III



NORTHERN RAILWAY
LOCOMOTIVE, WORK SHOP
CHARBAGH, LUCKNOW.

MERIT CERTIFICATE—~~RAILWAY WORKS~~ INDEPENDENCE DAY
1981

NAME 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 Dy. Chief Mechanical
Engineer (W)

6-5-81

TC

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. A-4

GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD.

New Delhi, dated 16.11.1984

No. PCIII/84/UPG/9.

The General Manager,
All India Railways,
CLM, 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 JCM(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 railway 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 categorisation '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 these 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.

Contd...2

such of the posts in the Annexure to this letter as fall in "Category Categories", the instructions contained in this Ministry's letter No. E(NG)1-83-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.

9. 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.

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

11. 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.

12. 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 viz. 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:-

Scale (RS.)	Percentage
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.

Prin. Secy

Joint Secy

TC

Shri J.P. Chaurasia and others

.... Applicants *KW*

Versus

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

.... Opp. parties.

ANNEXURE NO 45

Northern Railway

Headquarters Office,
Baroda House, New Delhi.

No.752E/83IIA

Dated, 11.1985.

The Dy.C.M.E. (W),
H.Rly., CB/LKO, AMV/LKO, ASR, 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/9 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.CME/ASR(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.

Filed

Wm

TR
W

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW Bench: LUCKNOW

Shri 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 AS
(contd)

Workshops	Present sanction strength of D/Man (J&T) in Workshops before 1.1.1984			Revised sanction strength of D/Man (J&T) in W/Shops after 1.1.1984			C/D/Man			Sr. D/Man			Jr. D/Man			Total			Remarks
	P	T	P	P	T	P	P	T	P	P	T	P	P	T	P	P	T	P	
CB/LKO	2	-	3	-	5	-	3	-	3	-	3	-	3	-	3	-	3	-	13
AMV/LKO	1	-	-	-	1	-	1	-	-	-	-	-	1	-	-	-	-	-	3
ASR	1	-	1	1	3	-	2	-	1	1	3	-	1	-	-	-	-	-	7
JUL	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
BKN	-	-	1	-	2	-	-	-	1	-	2	-	-	-	-	-	-	-	3
	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
TOTAL	4	-	7	1	11	-	7	-	6	1	10	-	5	1	28	2	-	-	-

Note : • Up to 3.11.1985 for BKN for J & T to be exchanged with the post of Hd.D/Man in grade Is. 550-750 (in) thereafter.

Phonetic

Phonetic

....

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

To

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

THROUGH: PROPER CHANNEL.

Respected Sir,

REG:- SELECTION OF SENIOR DRAFTSMAN (J&T) GR.B.14CO-23CO:
Ref:- GM(P)/NDLS's letter No.752-E/83/Elia 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. Chhedi Lal (J.P. CHOURASI)
3. Chhedi Lal (O.N. CHOURASI)
4. Chhedi Lal (M. MISHRA)
5. Chhedi Lal (A.G. GHOSH)
6. Chhedi Lal (G.S. KOTHIA)

Received
Chhedi Lal
1-3-89

TZ
M

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 46
(Control)

Control -

NORTHERN RAILWAY LOCOMOTIVE WORKS CHARBAGH LUCKNOW

No. SER/D/P-81

Dated: 17/2/89

The Chief Draftsman
Jtg & Tool/CS
Lucknow.

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

Ref: G.M.(P)/N.Rly.'s motion No. 752-E/85/E11a
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 Jr. D/man/J&T/CS 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.

S.No.	Name	Designation.
1	Chhoti Lal S/e	Offg. Sr. D/man
2	J.P. Chaurasia	-do-
3	O.N. Chaurasia	-do-
4	Mahendra Misra	-do-
5	A.C. Ghosh	Jr. D/man
6	G.S. Kothival	-do-

For Chief Works Manager
N.Rly. Charbagh Lucknow.

Copy forwarded for information and n/action to:-

- 1: H.C./Pass please issue duty pass Ex. Lko to NDLS and back available from 2.3.89 to 6.3.89 to the above staff.
- 2: s/sri Chhoti Lal, J.P. Chaurasia, O.N. Chaurasia, Mahendra Misra, A.C. Ghosh, G.S. Kothival.
- 3: Genl. Manager(P) N.Rly. Baroda House, New Delhi in ref. to the letter No. 752E/83/S 11a dated 9.2.89.

Ar/17/2/

(13)

(13)

BEFORE THE GENERAL 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 47

LII
XIV

Central Administrative Tribunal,
(Allahabad Bench),

(Registration No. 327 of 89)

D.P. Gool

Applicant

Versus

Secretary Ministry of Railways
& others

Respondents

13.2.90

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

Hon'ble K.J. Ranan, A.M.,

Sri P. Mathur appears on behalf of the respondents and files a counter affidavit. The applicants learned counsel also filed 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 orders may be given to the learned counsel for the parties within 24 hours.

sd/-

A.M.

sd/-

J.M. V.C.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW

Shri J.P. Chaurasia and others

.... Applicants ^{P/GO}

Versus

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

.... Opp. parties.

ANNEXURE NO. A8

ANNEXURE - VIII
XIII

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

MP 463/89
OA 345/89

10/3/89 Present: Shri G.D. Bhendari 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 posts of Senior Draftsmen 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 reaching 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 careers.

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 Draftsmen in the grade of Rs. 1400-2300, be maintained until further orders. Issue Draft.

(K.J. RAMAN)
MEMBER (A)

(P.K. KARTHA)
VICE CHAIRMAN

CERTIFIED TO BE TRUE COPY
Date: 13/3/89

(ANIL SRIVASTAVA)
Secretary (Chief)
Central Administrative Tribunal
Principal Bench, New Delhi

[Handwritten signature]

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. A-9

Annexure No. IX

ANNEXURE No. XVI

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

Sub: 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 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
Personnel Officer/Chief Personnel Officer should personally
ensure that such arrangements 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

(ADVOCATE)

[Signature]

[Signature]

[Signature]

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW

Shri J.P. Gaurasia and others

.... Applicants ^{K/S}

Versus

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

.... Opp. parties.

ANNEXURE No. A-10

Annexure No X ~~ANNEXURE~~
XVII

~~ANNEXURE~~
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
29.6.83 on the above subject, extract from Rly. Bd.
further letter No. L(MG) 1-62-PM-1-204 dt. 29.6.83
are reproduced below for information and strict compliance
of the instructions contained therein.

" 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 vide Advisor
(Industrial Relation) D.O.No. L(MG)/1-11-81-MEO 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(DWA)/65-PG-6-24 dated 9.6.65 as
clarified vide 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 cases 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)

Gaurasia

for the Union

[Signature]

IN 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. A-11

Annexure No. ~~IX~~ XVIII

- 32 -

NORT.ERN RAILWAY

Serial No. 6494 (Circular No. 831E/65/2x(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. 15E(SCT)15/40 dated 9.12.76 as
received vide their office letter No. E(NG) 1-75 PM/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 RE CH-
ING THE FIELD OF CONSIDERATION SHOULD BE SAFE FROM
HARRASSMENT".

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

" LONG TERM ADHOC ARRANGEMENT SHOULD BE MADE STRICTLY
ACCORDINGLY TO SENIORITY AND QUALIFICATION TO AVOID
EMBARRASSMENT. PLEASE ENSURE STRICT COMPLIANCE OF THIS
DECISION PARTICULARLY IN RESPECT OF SCHEDULED CASTE AND
SCHEDULE TRIBE CANDIDATES".

True Copy

(ADVOCATE)

Chaurasia

Advocate

[Handwritten signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW

Shri J.P. Chaurasia and others

.... Applicants ^{8/5}

Versus

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

.... Opp. parties.

ANNEXURE NO. A-12

ORDER

Copy of letter No. D-33 No 6-26 dated 22.5.66 from
the Director Establishment Railway Board, New Delhi
to the General Manager Northern Railway.

3. The Board therefore, desires 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 unsuitability or he may be warned that his work is not quite satisfactory, but that he is being permitted to draw his increments in the promotion which his performance will improve during the next six months for which he will continue to be under observation. At the end of extended period of six months i.e. of total officiating service of 18 months either the person should be declared suitable for retention in the grade or should be reverted because his unsuitability. Any person who is permitted to continue for unsatisfactory work without following the procedure prescribed in the 'Discipline & Appeal Rule' will be confirmed.

Chaurasia

Ministry

TZ
14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH: LUCKNOW

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. A13

Union of India and others Opp. parties.

DO. 738-2/0/21/22)

Divisional Office
Lucknow, M. 22.4.83.

428-700(173)

The following officiating senior Draftsmen in Grade
As 428-700(173) are hereby regularised from the date
of their promotion as Sr. Draftsmen as they have been
found suitable for the post of senior Draftsmen in
Grade As 428-700(173)

		Sr. Draftsmen (As 428-700(173))	
1.	Shri H.C. Mishra		
2.	" Bhattacharya	-do-	
3.	" J.S. Lal	-do-	
4.	" C.H. Singh	-do-	
5.	" Brijendra Kumar	-do-	
6.	" Ram Jaiswal	-do-	
7.	" Anil Kumar Singh	-do-	
8.	" Anil Kumar Singh	-do-	
9.	" Anil Kumar Singh	-do-	
10.	" H.D. Singh	-do-	
11.	" Anil Kumar Singh	-do-	
12.	" Anil Kumar Singh	-do-	
13.	" Anil Kumar Singh	-do-	
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97.	" Anil Kumar Singh	-do-	
98.	" Anil Kumar Singh	-do-	
99.	" Anil Kumar Singh	-do-	
100.	" Anil Kumar Singh	-do-	

The following officiating Draftsmen have
also been found suitable for the post of Draftsmen in
Gr. 10-390-360 (173) and regularised from the date of
their promotion as Draftsmen.

Forwards

20/4/83

T2
W

- 2 -

1. 201 P. J. Watt, Jr. et al. in U.S. 10,330-5601

2. 201 Watt, Jr. et al. in U.S. 10,330-5601

on/-
for 201. Watt, Jr. et al.
in U.S. 10,330-5601

Epithelial

epithelial

TR
W

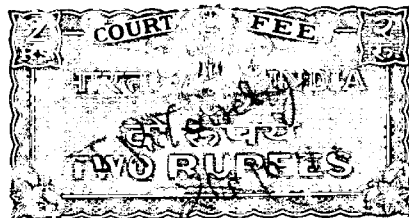
24.10.1990
SN. 21

(21)

21

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

1990
AFFIDAVIT
2/100
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, ^{2 Mandal} 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, Chaurbagh, Lucknow, do hereby solemnly affirm
and state on oath as hereunder :

2
24.10.90

Chaurasia

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

....p.2..

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.

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.

DEPONENT.

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

24.10.90

the copy of the ... dated 31.03.1990 ...
...
...

8/10

... therefore, requested to ...
... dated 31.03.1990 ...
... Tribunal, Circuit ...
... for intimation to high authorities for
... in the circumstances.

... you,

6/10 [Signature]

(Final Report)

Advocate

Counsel for ...

... ..

... ..

... ..

[Signature]

Phourasia

22
20.10.90

CONSTITUTIONAL

C.A. NO. 2411 OF 1990 (L)

J.P. Chaurasia & Another Applicant.
V rsus
Union of India & Others Respondents.

31.8.1990

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

Hon'ble Mr. K. Chawla, J.

Application for writ to join together.

Order. 1. 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 per 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. As, 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 consulling 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.

SC/-

A.K.

SC/-

J.K.

24.10.90

// True Copy //

rra/

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Chaurasia

Verdict -
Dismissed.

Adv.
1/91

A 2/ =

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/ELIA(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 draftsman(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) ~~Not denied, as per the interpretation of~~
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
in 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 (RS) 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
~~xxxx~~ position of the employees after restructuring
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
.... 5

quota 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 ~~xx~~ 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/MIA 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. K. 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~~ 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

RECEIVED
OFFICE OF THE
JUDGE (V)
S.R. 100, C.B. 1/100
Respondents.

Verification.

I. ANOOP KUMAR working as Dy. CME (w) in the office of Chief works manager locomotive workshop EG 120 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/ma (J&T)
Gr. Rs. 550 750 (RS)

Sr. D/ma (J&T)
Gr. Rs. 425-700 (RS)

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

S/Shri

S/Shri

S/Shri

S/Shri

1. Hari Singh

1. B.S. Saraswat

1. Budhi Chand

1 Sh. O. N. Chaurasia

2. Kundan Lal

2. Seeta Ram

2. Kartar Singh

2. Mahatma Mishra

3. A.P. Agnihotri

3. T.P. Morya

3. Trilok Singh

3. A.C. Ghosh

4. Balkar Singh

4. Mohan Lal

4. S.S. Srivastava

4. G.S. Kothiwala

5. Joginder Singh Iden

5. Trilochan Singh Bibrha

5. R.K. Mishra

5. Deepak Srivastava

6. Trilochan Singh

6. V.N. Sardana

6. Cheddi Lal

6. Kuldeep Singh

7. K.M. Srivastava

7. P.N. Aggarwal

7. S.N. Sahai

ad hoc

8. J.P. Chaurasia

9. Surinder Singh

10. Anand Chand

No. of post upgraded = 3
against upgraded post

In this grade
one post has
been reduced.

3 persons were promoted
w.e.f 1.1.84 (S.No. 5 to
7)

Admitted to the College

One post has been
reduced in this
grade. However benefit
of upgradation w.e.f
1.1.84 were given
to the two employee (S.No. 3 & 4)
against resultant
vacancy occurred
from the grade of
Rs. 700-900 (RPS)

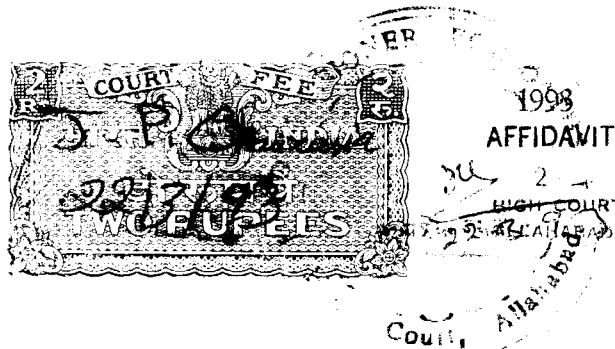
M/28/10

A/70

S-41

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW



O.A. NO. 292/90

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

Versus

Union of India and othersOpp. 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 restruct

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

Providence

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 posts, 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 then 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

Phoviric

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 arisen 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 ~~xxxxxx~~ 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 arisen on the date of reconstruction 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 ~~and~~ had admitted that on the date of restructuring ~~xxxx~~ i.e.

Phonetic

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 are 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. ~~Saxtkxkxkx~~ and they have been wrongly forced to participate in the test for promotion to the grade of Senior Draftsman. So that they ~~xxxx~~ may be declared unsuccessful and may be reverted to their substantive post.

Plourine

contd6

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 the 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 abinitio.

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 incumbents 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.

phowrasee

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.

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

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 ^{March} ~~February~~, 1993.

LUCKNOW

Dated 10-3-1993

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

Pharuka

DEPONENT

Vimal
(VIMAL KUMAR)
Advocate

contd... 8

24/4/98 ✓
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

Misc. Application No. 370 of 1998

In re :

Original Application No. 292 of 1990

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 Kumar

(Vimal Kumar)

Advocate

Counsel for the Applicant

24/298

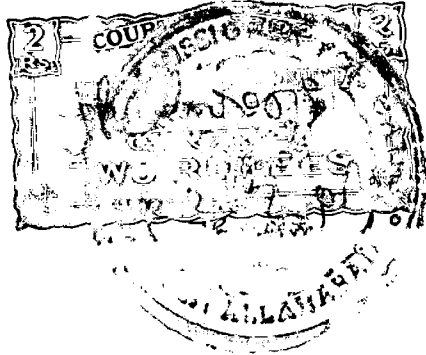
MA

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.

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 filled ~~in~~ on the basis of modified selection based on assessment of service record only, but the opposite party in arbitrary manner only ~~two~~ 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 beccame due for promotion to a post classified as selection post, the exisiting 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.

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

23288
HABAO

Prakash

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 hold and the applicat 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 applicat was fully entitled to get the benefits of restrutcuring 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 Chargman 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 scruitiny of record), however the sanctioned strength of Senior Draftman on 1.1.1984 in Charbagh Loco Workshop was



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 obtained the benefits of restructuring order dt. 16.11.1984 and hence in the interest of justice the Supplimentary Affidavit may kindly be taken on record.

Choudhary
Deponent

Lucknow
Dated : 23.2.88



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 to are believed to be true by me.

23.2.88 Signed and verified on this 23 day of February, 1998 within the Court Compound at High Court Lucknow Bench. I have sat myself by examining the deponent that he understands the contents of the affidavit which have been read over and explained by me to him.

[Signature]
H. K. SHARMA
Advocate
Lucknow Bench Lucknow.
Date 23.2.88

Lucknow
Dated : 23.2.88

Choudhary
Deponent

I IDENTIFY THE DEPONENT WHO HAS SIGNED BEFORE ME

[Signature]

Basu - the Central Admin Tribunal
Indus Rich Indus

J.P. Chaudhary vs Vug & Co

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.FCIII/91/CRC/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 1316(FR 22-C) R II w.e.f. 1.3.93 with necessary option for pay fixation as per extant instructions.

.....2/-



Direct recruitment percentages

Pin pointing of posts

Provisions of Rest givers

Refusal of promotion

Provision of funds in the Budget

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.
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.
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.
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.
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.

NORTHERN RAILWAY

3/11/93

Respectable - The Central Admin Tribunal
Lucknow Bench Lucknow

J.P. Chaudhary vs UoG & OR

Annexure No. — SA-2

RECEIVED
GENERAL MANAGER
NORTHERN RAILWAY
NEW DELHI

Dy. CME	do
P.T.	
A.P.O.	

Northern Railway

Headquarters Office,
Broads House, New Delhi.

No. 752-E/83-EIHA

dated 30-9-93

The Chief Works Manager,
Northern Railway,
Chorbagh-Lucknow and Jagadhari

The Dy. Chief Mech. (W),
Northern Railway,
BKN, JU, AGR and AIV-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. RCI/III/93/01/51/15/2 dated 27-1-93 circulated under P.S. No. 10725, the posts in Drawing Cadre (Jig and Tools) grade Rs. 1200-2040 (PSS), 1400-2300 (PSS), 1500-2660 (RPS) and 2000-3200 (RPS) have been re-distributed in the ratio of 20%:20%:25%: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.

For the Manager

(Prakash Chandra)
for General Manager (P)

Copy to:-

1. A.P.O. (MR), Hd. Qrs. Office.
2. C.W.E.



Reserve the Central Admin Tribunal
Lucknow, Bich Lucknow

J.P. Choudhary vs UOI & Co

Annexure No. — SA-3

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,
Chakraborty-Lucknow

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

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

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

1. Shri J.P. Choudhary	Jr. D/Men (J&T)	CB-LKO
2. " A.C. Ghosh	-do-	CB-LKO
3. " Neeraj Srivastava	-do-	CB-LKO
4. " Rajinder 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.B.

(Prakash Chandra)
for General Manager (P)



Respectable the Central Admin. Tribunal
Lucknow Bench Lucknow

J.P. Chaurasia vs. UOI & Loco

Annexure No. SA 4

NORTHERN RAILWAY LOCOMOTIVE WORKSHOP CHARGACH LUCKNOW

S.O.No. 470

Dated 10-11-1995

In terms of SFC(M)/M.Rly letter No. 0472/127-IV/111A
dt. 19.10.95, the following Sr.D/men 'J_T' grade B.1200-2040 (RPS)
are promoted to officiate as Sr.D/M (J&T) in grade B.1400-2300 (RPS)
with immediate effect against the existing vacancies.

S. No.	Name	Present post, Pay & Grade	Pay/Grade on promotion as Sr.D/M (J&T)	Place of posting
1.	J.P. Chaurasia	Sr.D/M (J&T) (1200-2040)	1400-2300 (RPS) B.2000/-	Loco/CS
2.	A. K. Choudhary	-do- B.1800/- (1.11.95)	B.1900/-	-do-
3.	Naraj Srivastava	-do- 1500/L.01.95	B.1560/-	-do-

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

The above staff at S.No.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./M.T. & Supreme Court.

This has the approval of competent authority.

For Chief Works Manager,
Wk/Loco Shop, Charga, Lucknow.

Copy forwarded for information an/scrtpn /please .

1. CB/Sign & Tool/Loco/CS-Lucknow.

2. S.P.O (M)/M.Rly. Baroda House, New Delhi.

3. Staff concerned.

4. C.S/L.O. Pay Bill. Pass, M.O. & S.O (M)/CS-Lucknow.

Tripathi/

21
23.2.98

A/88
21.4.97
✓

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

M.P. NO. 896. 1997.

O.A. NO. 292 OF 1990.

Place before the
Hon'ble. ... V.C.
for order & ca.

f
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 irrepeable lose.

The applicant shall ever pray. *Vimal*

Lucknow.
Dated. 21.4.97 1997.

(Vimal Kumar)
Counsel for applicant.

M. P. No. 541/90 (L)

J. P. Chaurasia & another
vs

Union of India & others

O.A. No. of 1990

Filed on 30.8.1990

Abbleants - - - half abbleants mes' hum'ly,
a respect fully knoweth as hereunder -

(1) That the the abbleants are approved
by order dated 20.8.1990, passed by CBN 4 on
the basis of the letter dated 3.8.1990, passed by
C.B.N. 5 Partly No 2.

(2) That the the abbleants are working
as Senior draft man in J.P. & Tool, Drafting office
two workshop, Chauragah, Lucknow.

(3) That in the circumstances the abbleants
are liable to contest the case jointly in one petition.

Wherefore it is most humbly and
respect fully prayed that for the reasons stated
above and in the ends of justice, the abbleants
be kindly permitted to contest the said abbleation
jointly in one petition.

And the abpleants shall ever pray.

Lucknow

Dated 30.8.1990

Vimal Kumar

Adv

for Abpleants

290

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No.OA/TA/

5207

dated the 09-10-90

Registration no. O.A.No.292 of 1990 (L)

J.P. Chaurasia

APPLICANT

VERSES

Union of India & others

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~~ ^{Orders} of the said application.

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

Given under my hand and the seal of the Tribunal this 8 day of 10 1990.

J.P.E. 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/

A.M.

Sd/

V.C.

//TRUE COPY//

[Handwritten signature]
27/10/90

Clerk

Clerk

Administrative Officer

Sd/

92

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.

*Checked by
S. 90*

Sd/

Sd/

A.M.

V.C.

//TRUE COPY//

Sd/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/1112/Jud/5015-3.5.43 dated the 22.02.90

Registration No. 1112 of 1990 (L) c/cg

Dr. P. K. Mishra APPLICANT

VERSUS

State of Bihar RESPONDENT

Dr. P. K. Mishra, Secretary, Ministry of
Food & Civil Supplies, New Delhi
has been appointed as a member of the
Central Administrative Tribunal, Lucknow.
He is also a member of the Central
Administrative Tribunal, 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 11 day of 9 1990 for the
hearing of the said application.

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

Given under my hand and the seal of the Tribunal this
2 day of 9 1990.

(Chief Works Manager)
N. B. Coomarine Workshop,
Chandbagh, Lucknow

DEPUTY REGISTRAR

Encl - copy of application with
affidavit dated 23.1.89

CIRCUIT BENCH LUCKNOW

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

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

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 consulling 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 court¹⁴ 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.

Sd/-
J.M.

// True Copy //

rrm/

rrm/
10/10/1977
10/10/1977
10/10/1977

1/95

SN. 21

J. P. Chaurasia & another - - - - - Applicant -
vs
Union of India & others - - - - - Opposite party

CANo 292/90

FF 11. 9. 1990

Application for extension of
interim order granted on 31.8.1990.

The applicant begs to submit as
hereunder:-

(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.

8/46

(550)

27/2/98

उत्तर रेलवे.

रेलइंजिन कारखाना,

बारबाण लखनऊ.

व अदालत श्री मातु- के.टी.एम. प्रशासनिक आधिकारिक (C) लखनऊ महोदय

वादी अपीलांट श्री मुख्य कारखाना, प्लॉट नं. 303 वकालत लामा

प्रतिवादी रेस्पाण्डेंट रेल इंजन कारखाना, बारबाण, लखनऊ

जो लखनऊ बताना

सं०-मुकदमा नं० 192 सन-1990

सं० मुकदमा में अपनी ओर से श्री

वादी अपीलांट

प्रतिवादी रेस्पाण्डेंट

पेशी की तारीख 24.2.1998 ई०

सिद्धार्थ वर्मा रेल कारखाना

महानगर विस्तार, लखनऊ

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इत्फार

करता हूँ और लिख देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब दे ही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाये या हमारी ओर से डिग्री जारी करावें और रुपया सज्जत करें या सुलहनामा या इत्बाल दावा तथा अपील व निगरानी हाजिरी और हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा खटावें या कोई रुपया जमा करें या हमारी विपक्षी पूरी कमाना का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त दस्तखती रसीद से लेवें का पंच नियुक्त करें.....

वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालत नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर.....

साक्षी गवाह.....

दिनांक-.....महीना.....सन 19.....ई०

नाम अदालत:-	
नाम मुकदमा	SIDDHARTH VERMA
नाम प्रतिवादी	ADVOCATE
नाम परीक्षण	C-15, K-Road
नाम एक्स्टेंशन	Lucknow - 226 006
बताना	

ACCEPTED
Siddharth
SIDDHARTH VERMA
ADVOCATE
C-15, K Road
Lucknow - 226 006