

## FORM NO. 21

(See rule 114)

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

✓ OA/TA/RA/CP/MA/PT 299 of 20-9-0

Sarbjit Ahmad .....Applicant(S)

U. O. S. &amp; others .....Respondent(S)

## INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 - Annex		A 2
2 - order Sheet		A 2
3 - Judgment. 16-2-92		A 4
4 - Pwarr		A 1
5 - Comible or copy		9 8

Certified that the file is complete in all respects.

B. C. Biding out  
13-6-2012

Signature of S. C. Biding out

Signature of Deal. Hand

Despatched 10/8/2012

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 299 of 1990 (L)

## Versus

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

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

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava, VC)

Against the reversion order reverting the applicant from the higher to lower post without giving him any opportunity of hearing holding him to be junior to the respondent no. 5 and taking his promotion to be as a result of error the applicant has approached this tribunal praying that the reversion order dated 17.8.1990 may be quashed and the respondent no. 1 to 4 be directed to continue the applicant on the post of H.P.L. Fitter Grade-I in scale Rs. 1320-2040 (RPS) and pay salary month to month. The applicant was engaged as a Khalasi on 19.3.1974 and was appointed as Head Fitter Khalasi on 19.3.1974. He was appointed as H.P.L. Fitter ~~on~~ 1.10.84 in the grade of 950-1500/- and then in the grade of 1200-1800 w.e.f. 1.10.1984 and the grade of 1320-2040 w.e.f. 1.10.1984 i.e. the same date. According to the applicant, he was given the benefits of pay-scale and a rank of grade H.P.L. Fitter w.e.f. 1.1.1984, which is evident from the copy of the order which has been placed on the record, and he was appointed on the post of HPL Fitter Gr.-I after qualifying in the prescribed trade test. The respondent no. 5 was appointed as

Contd..2/-

:: 2 ::

Carriage and Wagon Khallasi on 25.1.1972 and thereafter was appointed as Skilled Tin Smithman on 30.1.1985 i.e. he entered in the Railway Service prior to the applicant. he was promoted to the post of Tin Smith in the grade of Rs. 210-290 vide order dated May, 1984 and this was done after he qualified in the trade test and he was ~~temporarily appointed~~ to the post of High Power Lamp Fitter on 19.7.1984 after he qualified in the prescribed trade test. He was thus promoted to the pay-scale of 210-290 on 24.5.1984, whereas the applicant was promoted in the pay-scale of Rs. 210-290/- on 19.7.1984. As a result of trade test held on 23.8.1986 for miscellaneous Artisan Categories, the applicant was appointed as HPL Fitter -I vide order dated 23.9.1986. The respondent no. 5 was appointed as Tin Smith Grade-I in the pay-scale of Rs. 1320-2040 after passing the trade test vide letter dated 16.8.1990. Thus although, the respondent no. 5 otherwise entered the service earlier was promoted earlier in the particular grade, but in this very grade, the respondent no. 5 was promoted later than the applicant and it appears that ~~were~~ both of them ~~were~~ promoted after passing the trade test. Subsequently, it appears that the Railway Administration vide printed serial no. 8203 issued on 7.12.1982 re-skilled classified the semi-Artisan and the skilled Artisan in the grade of Rs. 260-400 and fixation of pay on proforma basis was to be done w.e.f. 1.10.1978. The Divisional Manager issued a letter dated 19.12.1985 notified that the re-classification of 197 posts on semi skilled grade of Rs. 210-290 and 50% posts of unskilled

Contd..3/-

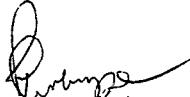
:: 3 ::

in the grade of 196-230/200-240/200-250 in the semi skilled grade of Rs. 210-290 and enforcing 5% cut in terms of printed Serial and the divisional cadre strength of carriage and wagon artisans has been placed in the same category and the Printed Serial also provided that the inter-se seniority shall be maintained according to the provisions of para 302 of Indian Railway Establishment Manual.

2. It appears that the matter was agitated by the respondent no. 5 and thereafter as a result of meeting with the Permanent Negotiation Machinery the respondent no. 5 was held to be senior to the applicant and that's why the order was recalled. Thus, the position that appears to be that the reversion order was passed without giving any opportunity of hearing to the applicant who was not participated in the deliberation and although, he had passed the trade test earlier than the respondent who otherwise appears to be senior, but this aspect was not considered that a person who passed in the trade test earlier is senior to one who passes the trade test subsequently. In these circumstances, the reversion order could not and should not have been passed and as such the reversion order dated 17.8.1990 is quashed and the applicant will be deemed to be continued. However, it will be open for the Railway Administration to consider this matter again and decide the question of seniority between the applicant and respondent no. 5 and in case, it is found that the respondent no. 5 is senior after taking into consideration not only paragraph 302 of the Railway Establishment Manual, but also that the applicant passed the trade test earlier and also taking the date of trade test and posting in a particular grade only then

:: 4 ::

the respondent no. 5 can be held to be senior. Merely because he is senior that will not be necessarily mean that the applicant is to be reverted. As the applicant was promoted by the Railway Administration itself, as a result of trade test and it is because of declaring of various test together, the respondent no. 5 has been made senior otherwise the categories were different. Let this matter be done within a period of 3 months. With these observations, the application is disposed of finally. No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 16.12.1992

(RKA)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 6/9/90  
Date of Receipt by Post 7/9/90  
Duty Registrar 540  
6/9/90

Registration No. 299 of 1989-90 (L)

APPLICANT(S) Shau Shabbir Ahmad

RESPONDENT(S) — vs — J.A. 9

Particulars to be examined

Endorsement as to result of examination

Is the appeal competent ?

yes

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

a) Is the appeal in time ?

yes

b) If not, by how many days it is beyond time ?

c) Has sufficient cause for not making the application in time, been filed ?

yes

1. Has the document of authorisation Vakalatnama been filed ?

yes

5. Is the application accompanied by B.D./Postal Order for Rs.50/-

yes 50/- Postal Order

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 ?

yes

c) Are the documents referred to in (a) above neatly typed in double space ?

yes

8. Has the index of documents been filed and paging done properly ?

yes

9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?

yes

10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?

No

Particulars to be ExaminedEndorsement as to result of examination

12. Are the application/duplicate copy/spare copies signed ? *yes*

13. Are extra copies of the application with annexures filed ?  
 a) Identical with the Original ? *yes*  
 b) Defective ?  
 c) Wanting in Annexures  
 Nos. \_\_\_\_\_ pages Nos. \_\_\_\_\_ ?

14. Have the file size envelopes bearing full addresses of the respondents been filed ? *N.A.*

15. Are the given address the registered address ? *yes*

16. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

17. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N.A.*

18. Are the facts of the case mentioned in item no. 6 of the application ?  
 a) Concise ? *yes*  
 b) Under distinct heads ?  
 c) Numbered consecutively ?  
 d) Typed in double space on one side of the paper ? *yes*

19. Have the particulars for interim order prayed for indicated with reasons ? *yes*

dinesh/5/5  
6/9

Recd & file  
Lawyer Service  
on 10/9/90  
order

7/1  
6/9/90

10.9.90

O.A. NO. 299/90(L)

Hon'ble Mr. Justice K. Nath, V.C.  
Hon'ble Mr. M.M. Singh, A.M.

Admit. Issue notice. C.A. may be filed within four weeks, R.A. may be filed within two weeks thereafter. In the matter of interim relief issue notice and list for orders on 24.9.90 till then operation of the order impugned (Annexure-1) is in so far as it directs reversion of the application of the ~~app~~ applicant from the post of H.P.L.Fitter Grade-I to the post of H.P.L.Fitter Grade-II shall remain stayed. Notice on respondents 3 & 4 shall be served personally by the applicant for which the office shall make available the notices within 24 hours to the applicants Counsel.

Sd/

A.M.

Sd/

V.C.

Sd/

Notice Jerned

R  
11-9-90

24.9.90 No setting Adm to 29.11.90

29.11.90 No setting Adm to 18.1.91

18.1.91 No setting Adm. to 28.1.91 (N)

28.1.91 - No setting Adm to 6.3.91. Notices were issued on 11.9.90.

OR Notice of O.P. No. 5  
has been issued back without reason.

OR Notice of O.P. No. 5 has  
been issued back without reason.

4c for the applicant has  
filed acknowledgement on 12.9.90  
on behalf of O.P. No. 3 see S.P.O.

L 19/11/90

-3-

OA. 299/20

AO

3/4/91

Hon. Mr. A. B. Garthi, Am.

Hon. Mr. S. M. Patel, J.M.

Rejoinder is filed on behalf of the applicant. The learned Counsel on behalf of Union of India & respondent No. 5 are present. The learned Counsel for the Union of India requests for adjournment of two weeks for and is allowed. List time to file reply. List the case for final hearing on 9/5/91. The interim order will continue till then.

✓

✓

J.M.

Am.

✓

9.5.91

Hon. Justice V.C. Srinivasan - VC

Hon. Mr. A. B. Garthi Am.

Put up tomorrow on 10.5.91  
for hearing.

✓

VC

Am.

10.5.91

From Mr. Justice V.C. Srinivasan VC  
Hon. Mr. A. B. Garthi Am.

Counter has been filed by  
1st respondent (No. 4). Respondent  
if any will, in 2 weeks.  
List for hearing on 17.5.91

Am.

✓  
VC

No RT filed on  
behalf of 1st  
party on  
17.5.91

(5)

Central Administrative Tribunal  
Lucknow Bench, Lucknow.

.....  
ORDER SHEET

O.A./I.A. No. 299/90 (L)

Date / Office Report / Order

S.S-92 Case adj. recorded adjourned to  
21.12.92  
Bac

case is

S.F.H.

S  
15.12.92

21-3-92 NO Sitting Adj. to 16-12-92

R

MANISH/-

1  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

O.A. No. \_\_\_\_\_ of 1990

Shabbir Ahmad ..... Applicant

Versus

Union of India & others ..... Opposite Parties

I N D E X

<u>SNo.</u>	<u>Particulars</u>	<u>Page No.</u>
-------------	--------------------	-----------------

1-	Application	1-11
----	-------------	------

2-	<u>Annexure No. 1</u> Photostat copy of order dated 17.8.90.	12
----	--	----

filed today  
S.M.  
6/9/90

M.P. Sharma - Advocate

Counsel for  
applicant

Dated, Lucknow:

6th September, 1990

210002 Case No.

2

Central Administrative Tribunal  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL Lucknow  
CIRCUIT BENCH, LUCKNOW Date of Filing 14-7-90  
Date of Receipt 14-7-90  
O.A. No. 711 Deputy Registrar(J)  
of 1990 6-9  
S.W. 14

Shabbir Ahmad aged about 38 years,  
son of Shri Nasir Ahmad, resident of  
quarter No. I-53H, Goods Shed  
Railway Colony, Charbagh,  
Lucknow.

..... Applicant

Versus

1. Union of India through the Secretary  
Railway Board, Ministry of Railways,  
Rail Bhawan, New Delhi
2. General Manager, Northern Railway,  
Baroda House, New Delhi
3. Divisional Railway Manager,  
Northern Railway,  
Lucknow.
4. Assistant Personnel Officer,  
Northern Railway, D.R.M. Office,  
Lucknow.
5. Mohd. Vaish s/o Sri Shahid Ali,  
Tin Smith C/o Carriage Depot  
Officer, Northern Railway,  
Charbagh, Lucknow.

..... Opposite Parties

210720074

DETAILS OF APPLICATION

Column 1 - Particulars of order against which the application is made :

Notice No. 752-E/2-1/C&W/Misc./Art.

dated 17.8.1990 issued by Opposite party

Annexure No. 1  
No.4 ordering reversion of the applicant from the post of H.P.L. Fitter Grade- I in scale Rs. 1320-2040 (RPS) to the post of H.P.L. Fitter Grade-II in scale Rs. 1200-1800 (RPS)- Annexure No. 1.

Column No. 2 - Jurisdiction of the Tribunal

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

Column No. 3 - Limitation

The applicant further declares that the application is within time and limitation prescribed under Section-21 of the Administrative Tribunal Act, 1985, on the basis of order dated 17.8.1990 contained in annexure No.1 to this application.

Column No. 4 - Facts of the case

(A) That the applicant was appointed as Carriage and Wagon Khallasi in Class-IV Service and joined the said post on 19.3.1974 in Carriage and Wagon Depot, Northern Railway, Charbagh, Lucknow.

21691/EM/2014

(B) That vide order dated 1.10.1984 the applicant was appointed as skilled H.P.L. Fitter in scale Rs. 260-400 (RS) and he joined on the said post on 1.10.84. A photostat copy of the order dated 1.10.84 is enclosed herewith as

Annexure No. 2.

(C) That vide order dated 8.1.86 the applicant was appointed as Highly Skilled Grade-II H.P.L. Fitter in scale Rs. 330-480 (RS) with retrospective effect date 1.1.1984, and the applicant was allowed the benefits of said post w.e.f. 1.1.1984. A photo copy of order dated 8.1.86 is enclosed herewith as Annexure No.3 to this application.

Annexure No. 3.

(D) That vide order dated 26.9.1986 the applicant was appointed as Highly Skilled Grade-I H.P.L. Fitter in scale Rs.380-560 (RS) with retrospective date 1.1.1984, and he has been given benefit of pay scale and rank of grade-I H.P.L. Fitter w.e.f. 1.1.84 and since then he is working as such continuously without any break and with good work. A photostat copy of order dated 26.9.86 is enclosed herewith as Annexure No.4.

Annexure No. 4-

(E) That the applicant was appointed on the post of HPL Fitter Gr.I after qualifying in the prescribed trade test as admitted by the department in annexure No. 4.

*26/11/86  
Hod M/s*

(F) That opposite party No.5 was appointed as Carriage and Wagon Khallasi on 25.1.72 and he joined on that post on 25.1.72 in Carriage and Wagon Depot, Northern Railway, Charbagh, Lucknow.

(G) That opposite party No.4 5 was appointed as Skilled Tin Smithman on 30.1.1985 vide order dated 29.1.85. A photostat copy of order dated 29.1.85 is enclosed herewith as Annexure No. 5.

Annexure -5

(H) That vide order dated 8.1.86 opposite party No.5 was appointed as Tin Smithman Gr. II in scale Rs. 330-480(RS) with retrospective effect date 1.1.1984.

(I) That it appears from the annexure No.4 that the applicant was appointed on the post of H.P.L. Fitter Grade I having qualified in the prescribed trade test and was given benefit with retrospective date 1.1.1984.

(J) It further appears from annexure No. 4 that Opp. Party No.5 was not appointed as H.P.L. Fitter Grade I or any other trade in Grade-I and has also not qualified the prescribed trade test held before issue of order dated 26.9.86 i.e. 29.8.86. A photo copy of result of trade test held on 29.8.86 as declared on 23.9.86 is enclosed herewith as Annexure No. 6 to this application.

Annexure No.6

*20/8/86*

(6)

(K) That the Opp. party No.5 had neither passed the trade test held on 29.8.86 for Gr.-I nor he has challenged the appointment order of the applicant contained in Annexure No.4 in any court within limitation. Therefore, the appointment of the applicant as Gr.I H.P.L. Fitter is absolute and binding on all the opposite parties and the opposite parties are estopped to question the order contained in annexure No.4 after lapse of more than 6 years.

(L) That the applicant was appointed as H.P.L. Fitter Grade I in his avenue.

(M) That opposite party No.5 is working in Tim Smith trade and he can not replace the applicant who is holding a post of different trade i.e. H.P.L. Fitter Grade-I, and more over after a lspse of more than 6 years.

(N) That the reversion order has been passed on 17.8.90 (annexure No.1) reverting the applicant from his post of H.P.L. Fitter Grade-I in scale Rs. 1320-2040(RPS) to Gr.II H.P.L. Fitter in scale Rs. 1200-1800(RPS) and by promoting the Opp.party No.5 as Tin Smith Grade-I in scale Rs.1320-2040(RPS).

(O) That the ground of reversion of the applicant as stated in order dated 17.8.1990 (annexure No.1) viz. on the basis of seniority of Opp.party No.5 is a wrong and illegal reason given by the Opp.Parties No. 1 to 4.

*2nd Amendment*

2

(P) That the applicant submits that a seniority list has been circulated on 14.2.90 determining the seniority of the applicant and Opposite party No.5 amongst other persons individually and trade wise and in H.P.L. Fitter trade the applicant's name is at S.No.1. The name of the Opp. party No.5 is at S.No.1. in Tin Smith trade. A photostat copy of seniority list dated 14.2.90 is enclosed as Annexure No. 7 to this application.

(Q) That it appears from annexure No.7 that seniority of different trades are prepared separately and therefore, there was no question to declare Opp. party No.5 as senior to the applicant.

(R) That the applicant has been appointed on the post of H.P.L. Fitter Grade-I on his own turn and the same has been continued for the last more than 6 years and that cannot be disturbed by order dated 17.8.1990.

(S) That before declaring the seniority in between applicant and Opp. Party No.5 and also at the time of passing reversion order contained in Annexure No.1 no opportunity has been given to the applicant which is mandatory and the order of reversion has been passed against the principles of Natural Justice which entails Civil consequences and attracts Art. 311 of the Constitution of India.

2109/90/EM/74

(I) That Opp. Party No.5 for the first time appeared in the trade test of Grade-I Tin Smith only on 10.8.90 as per result declared on 16.8.90. A photostat copy of result of trade test declaring the result is enclosed herewith as Annexure No. 8 to this application.

(U) That as the Opp. Party No.5 passed the trade test of Tin Smith Grade-I on 16.8.90, he has only right for any appointment in Gr. I after 16.8.90 and not from an earlier date.

(V) That before appointment as Khallasi the applicant was working as Casual Labour and for that if any panel has been prepared at any point of time that can not be given effect to for the purpose of present dispute.

Column No. 5 - Grounds of relief

i) Because the Opp. party No.5 had neither passed the trade test held on 29.8.86 for Gr. I nor he has challenged the appointment order of the applicant contained in annexure No.4 in any court within limitation. Therefore, the appointment of the applicant as grade-I H.P.L. Fitter is absolute and binding on all the opposite parties and the opposite parties are estopped to question the order contained in annexure No.4 after lapse of more than 6 years.

2108/90/Gen/11

- ii) Because the applicant was appointed as H.P.L. Fitter Grade-I in his avenue.
- iii) Because Opposite Party No.5 is working in Tim Smith trade and he cannot replace the applicant who is holding a post of different trade i.e. H.P.L. Fitter Grade-I, and moreover after a lapse of more than 6 years.
- iv) Because the ground of reversion of the applicant as stated in order dated 17.8.90 (annexure-1) viz. on the basis of seniority of Opp. party No.5 is a wrong and illegal reason given by the Opp. parties 1 to 4.
- v) Because the applicant has been appointed on the post of H.P.L. Fitter Grade-I on his own turn and the same has been continued for the last more than 6 years and that cannot be disturbed by order dated 17.8.90.
- vi) Because before declaring the seniority in between applicant and Opp. Party No.5 and also at the time of passing reversion order contained in annexure No.1 no opportunity has been given to the applicant which is mandatory and the order of reversion has been passed against the principles of natural justice which entails civil consequences and attracts Art. 311 of the Constitution of India.

*Hoai (Signature)*

vii) Because before appointment as Khallasi the applicant was working as Casual Labour and for that if any panel has been prepared at any point of time that can not be given effect to for the purpose of present dispute.

Column No. 6 - Details of the remedy exhausted

It is submitted that there is no statutory provision to make a representation against the order contained in annexure No.1 under the service rule but however, the applicant had protested against the order dated 17.8.90 (annexure No.1) to Opp. party No.4 in writing on 28.8.90. Original protest letter is in the custody of Opp. Party No.4. However, the applicant has not detained the copy of the protest letter dated 28.8.90 with him.

Column No. 7 - Matter previously filed and pending

Applicant submits that for the present dispute the applicant has not filed any suit or proceeding in any court of law.

Column No. 8 - Reliefs sought for

In view of the above facts and grounds it is most respectfully prayed that this Hon'ble Tribunal be pleased to quash the order contained in annexure No.1 by directing the Opp. party No.1 to 4 to continue the applicant on the post of H.P.L. Fitter Grade-I in scale Rs. 1320-2040(RPS) and pay salary month to month.

*Shrikant Raygude*

Column No. 9- Interim order

It is most respectfully prayed that this Hon'ble Tribunal be pleased to stay the operation of order contained in annexure No.1 till pending decision of this case.

Column No. 10 - Not relevant

Column No. 11 - Indian postal order No. 467217  
Name of post office Dalbagh, Lucknow  
payable post office at GPO/Allahabad

Column No. 12 - No. of enclosures

Annexure No. 1 : Reversion Notice dated  
17.8.1990.

Annexure No. 2 : Photostat copy of order  
dated 1.10.1984.

Annexure No. 3 : Photo copy of order dated  
8.1.1986.

Annexure No. 4 : Photostat copy of order  
dated 26.9.1986.

Annexure No. 5 : Photo stat copy of order  
dated 29.1.1985

Annexure No. 6 : Photo stat copy of trade  
test result held on 29.8.86  
as declared on 23.9.86

Annexure No. 7 : Photostat copy of seniority  
list dated 14.2.1990.

Annexure No. 8 : Photostat copy of trade test  
result declared on 16.8.90.

*2000/2000*  
Signature of applicant

*2000/2000*

VERIFICATION

I, Shabbir Ahmad aged about 38 years son of  
Shri Nasir Ahmad working as H.P.L. Fitter Grade -I  
in Carriage and Wagon Depot, Northern Railway,  
Charbagh, Lucknow, resident of quarter No. I-53 H,  
Goods Shed Railway Colony, Charbagh, Lucknow, do  
hereby verify that the contents of column I to  
column 12 of this application are true to my  
knowledge.

Signed and verified at this date      -9-1990  
at Lucknow.



APPLICANT

13 12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad ... Applicant

Versus

Union of India & others ... Opp. Parties

ANNEXURE No. 1

2109/CMR/1990

NORTHERN RAILWAY  
Divisional Office,  
Lucknow.

No. 752\_E/2\_1/C&W/Misc/ART  
Dated 17 -8-1990

NOTICE

According to inter-se-seniority of Misc. Artisan categories grade-II in scale Rs.1200-1800(RPS) Shri Mohd. Vaish is senior to Shri Shabbir Ahmad as is evident from the fact that Shri Mohd. Vaish belongs to the panel of C&W Kh. of 1971 whereas Shri Shabbir Ahmad is of 1981. Both of them were promoted as Semi-skilled w.e.f. 27.5.84 and 10.7.84 respectively. Subsequently they were re-classified as skilled Artisan and promoted to skilled grade. Both of them were promoted to grade II through the same notice. As such the date of promotion in the semi skilled will be the determining factor for seniority.

Since Shri Mohd. Vaish was promoted to semi skilled earlier to Shri Shabbir Ahmad on the basis of the seniority as Khallasi, he will maintained seniority over Shri Shabbir Ahmad in grade II also.

Keeping in view the above position, the promotion of Shri Shabbir Ahmad is found ~~name recd~~ to be erroneous and irregular. Accordingly Shri Shabbir Ahmad is reverted to the post of HPL Fitter gr.II in grade 1200-1800 on Rs.1320/-PM with immediate effect.

Shri Mohd. Vaish is promoted to the post of Tim smith Gr.I in scale Rs.1320-2040(RPS) in the post vacated by Shri Sabbir Ahmad.

Movement may be advised.

Copy to:

1. CID/LKO
2. Sr.DAO/LKO
3. Divl.Secy.NRMU
4. Divl.Secy./URMU
5. SWLI(Union)/LKO
6. DME(C&W)/LKO.

Asstt. Personnel Officer,  
A. o. Lucknow.

M. P. Sharma  
Advocate.

25

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad

Applicant

Versus

Union of India & others

... Opp. Parties

I N D E X

<u>SNo.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	<u>Annexure No. 2</u> Photostat copy of order dt. 1.10.84	
2.	<u>Annexure No. 3</u> Photostat copy of order dt. 8.1.86	
3.	<u>Annexure No. 4</u> Photostat copy of order dt. 26.9.86	
4.	<u>Annexure No. 5</u> Photostat copy of order dt. 29.1.85	
5.	<u>Annexure No. 6</u> Photostat copy of Trade Test result declared on 23.9.86	
6.	<u>Annexure No. 7</u> Photostat copy of seniority list dated 14.2.90	
7.	<u>Annexure No. 8</u> Photostat copy of Trade Test result declared on 16.8.90	

Dated, Lucknow:  
6/1 Sept., 1990

*M.P. Sharma*  
M.P. Sharma - Advocate  
Counsel for applicant

16 13  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad

... Applicant

Versus

Union of India & others

... Opp. Parties

ANNEXURE No. 2

21 oct 1990  
Recd by

13  
17  
Advocate 2

GEN. T&E/NORTHERN RAILWAY

Ref. No. 10/Gen. T&E  
Date 29/01/1985, Gen. Sec. Lko.

No. 750-E/2-1, Gen. T&E. Ad.  
Dated 1-10-84.

Divisional Office  
LUCKNOW

NOTICE

The undersigned Govt. artisans, having  
qualifications in the prescribed trades test, were  
temporarily appointed to officiate in the  
grades at the depots as indicated against each.

(1) Mr. Balbir Singh, Hs/II/Painter - Hs/I/Painter  
S/o Navrat Singh, RRB. Lko. (380-560)  
(2) " Fakiray Singh, Hs/II/Painter - do -  
Lko.  
(3) " Babu Lal, Painter/ Lko - Hs/II/Painter  
S/o Kandha Lko. (330-480)  
(4) " Shanker Lal, SS Mason - Skilled Mason  
S/o Shyamal Lko. (260-400)  
(5) " Sabir Ahmad, SS HPL/Fitter - Skilled HPL Fitter  
S/o Nadeem Ahmad Lko. (260-400)  
(6) " Ashok Kumar Chatterjee, SS M/Cutter - Skilled M/Cutter  
S/o Ranayon Chatterjee S.M. SLN.  
(7) " Bhagwan Kumar, - do -  
S/o Kaka Nath.

Changes may be advised promptly.

For the  
Personal Office  
LUCKNOW.

Q. (1) CWS/Lko.  
(2) CTXAF RRB -  
(3) W.R.F.O./N.P.O./SLN  
(4) T.M.C. (clerk) Lko.  
(5) S.R.B.B./Lko.

M. P. Sharma  
Advocate.

Stock (G.C.M.)

18

14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad

... Applicant

Versus

Union of India & others

... Opp. Parties

ANNEXURE No. 3

210athence 74

पत्र संख्या 752.इ/2.1/सी.एड डब्ल्यू/मिस्ट्रियस आर्टीजन

मण्डल कार्यालय

लखनऊ

दिनांक 23.12.85  
8.1.86

सूचना

महाप्रब्लैंड (जारीमंड) उत्तर रेतवे लैंड दिल्ली के पत्र संख्या 561.इ/85.32

वाल्युम 1/11/इ ।। कठूलू दिन 19.7.85 (मुद्रित दस्तावेज 8768) के अनुसार नारी गरों के उद्ययनुशल ड्रेक । उद्यय नुशल ड्रेक ॥ तथा नुशल ड्रेक के पदों नी सुख्या 30.35.35 के अनुपात में छरके के प्रत्यक्षप्रदर्शित नारी गरों को, जिन्होंने ड्रेक परीक्षा पास कर ली है । उन्हें सन्मुख प्रदर्शित ड्रेक में पदों तकि छरके नामांकित डिपो/स्टेशन पर स्थापित हिया जाता है ।

न. श्री सरजू प्रसाद आटमज गारेसे 30 कुशल कारपेटर ड्रेक ॥/लखनऊ नुशल कारपेटर ड्रेक । लग्जर्ज 330.380.480 (सं.वे.) 380.560 (सं.वे.)

2. " लहमी बरायाद " ॥ गीरु ॥	-	ड.	-	-
3. " बद्री प्रसाद " गुरुदयाल	-	-	-	-
4. " सरजू प्रसाद " बाबूलाल	कुशल कारपेटर लखनऊ	260.400 (सं.वे.)	कुशल कारपेटर ड्रेक ॥/लखनऊ	330.480 (सं.वे.)
5. " ठोटे लाल " मेडी लाल	-	- पैनावाद	-	पैनावाद
6. " मुरली " श्रीसद	-	- प्रतापगढ़	-	प्रतापगढ़
7. " अशोक लाल " वाल्य राम	-	- लखनऊ	-	लखनऊ
8. " रमेश चंद्र " महानंद	-	- वाराणसी	-	वाराणसी
9. " श्रीगंगाती प्रसाद " बुद्ध राम	-	- लखनऊ	-	लखनऊ
10. " अशोकलाल " दुलरौ	-	- वाराणसी	-	वाराणसी
11. " मोहम्मद नमी म मोहर्इस "	-	- लखनऊ	-	लखनऊ
12. " राम सुकिरन शर्मा " श्री राम गारेसे	सुलतानपुर	-	सुलतानपुर	
13. " हरजिंदेर सिंह " श्री अजीत सिंह	लखनऊ	-	लखनऊ	
14. " हृष्य राम " श्री महराजदी ल	सुलतानपुर	-	सुलतानपुर	
15. " बैपाल सिंह " दी लद्याल	लखनऊ	-	लखनऊ	
16. " अयोध्या प्रसाद " हीरामग	वाराणसी	-	वाराणसी	
17. " अशोक दुमार श्री महादेव	जौनपुर	-	जौनपुर	
18. " वली ल अहमद श्री मोर्छली ल नुशल कारपेटर लखनऊ	कुशल कारपेटर ड्रेक ॥/लखनऊ	260.400. (सं.वे.)	330.480 (सं.वे.)	
19. " साविरहाँ श्री हाकिमहाँ	-	-	-	-

M. P. Sharma  
Advocate,

20. " श्री राधिका श्री गुरी कुशल फारपैन्टर	फैजाबाद	फैजाबाद
21. " रम बुक्स श्री दशरथ	वाराणसी	वाराणसी
22. " संगत सिंह श्री हर्ष नाम सिंह कुशल फारपैन्टर लखनऊ ग्रेड II (330-480)	कुशल फारपैन्टर लखनऊ (330-480) ग्रेड II	कुशल फारपैन्टर लखनऊ (330-480) ग्रेड II
23. " बाजिम अली श्री हाशियमती 30 कुर्फीटर ग्रेड II लखनऊ कुशल पेटर ग्रेड I लखनऊ	330.480 (सं.वे.)	380.360 (सं.वे.)
24. " मोहन मद हुसैन श्री अब्दुल रहमान	फैजाबाद	फैजाबाद
25. " बाबू जाल श्री देवर्धा	लखनऊ	लखनऊ
26. " मो.अजीज श्री मक्कदूम बद्रेश कुशल पेटर वाराणसी 5/0 260.400 (सं.वे.)	कुशल पेटर ग्रेड II वाराणसी	330.480 (सं.वे.)
27. " एस.एल.बेटली/श्री एल.सी.बेटली	लखनऊ	लखनऊ
28. " राम स्वरूप/श्री बरसाती लाल	वाराणसी	वाराणसी
29. " मोयासी लाल श्री अब्दुल मजीद	-	प्रतापगढ़
30. " ए.ए.दत्ता/श्री ए.ए.दत्ता	प्रतापगढ़	प्रतापगढ़
31. " शिव कुमार/श्री सुबर्द्धा	लखनऊ	लखनऊ
32. " श्रीगता बदास/श्री मोती लाल 30 कुर्फीटर ग्रेड II 330.480 (सं.वे.)	कुशल ट्रिमर ग्रेड I/480 380.560 (सं.वे.)	कुशल ट्रिमर ग्रेड I/480 380.560 (सं.वे.)
33. " बद्री प्रसाद श्री मंगली	5/0 -	5/0 -
34. " महावीर श्री हुसैना	- 5/0 -	- 5/0 -
35. " फैयाज अहमद/श्री बद्री अमी कुशल ट्रिमर पैजाबाद कुशल ट्रिमर ग्रेड II फैजाबाद 5/0 260.400 (सं.वे.)	260.400 (सं.वे.)	330.480 (सं.वे.)
36. " मुन्बलाल श्री महावीर	लखनऊ	कुशल लोहार ग्रेड I/लखनऊ
36A " द्विनायन चौराहा 30 कुर्फीटर ग्रेड II	30 कुर्फीटर ग्रेड II	कुशल लोहार ग्रेड I/लखनऊ
37. " राम फल/श्री सोमई	30 कुर्फीटर ग्रेड II	कुशल लोहार सुल्तानपुर कुशल लोहार ग्रेड I सुल्तानपुर
38. " बोने लाल श्री मुन्बली लाल	260.400 (सं.वे.)	कुशल लोहार सुल्तानपुर 330.480 (सं.वे.) 380.560 (सं.वे.)
39. " बजरंग/श्री उंगा	लखनऊ	लखनऊ
40. " मुल्ला लाल/श्री महादेव	ए.सी.डाइवर ग्रेड II	ए.सी.डाइवर (ग्रेड I/528) 330.480 (सं.वे.) 380.560 (सं.वे.)
41. " राम केवल श्री मधुरा प्रसाद ए.सी.डाइवर सुल्तानपुर ए.सी.डाइवर ग्रेड II/528 5/0 260.400 (सं.वे.)	260.400 (सं.वे.)	330.480 (सं.वे.)
42. " संगत सिंह श्री प्यारा सिंह कुर्फीटर। लखनऊ	कुशल वेलर ग्रेड II लखनऊ 260.400	330.480 (सं.वे.)

M. P. Sharma  
Advocate

21

17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad ... Applicant

Versus

Union of India & others ... Opp. Parties

ANNEXURE NO. 4

21/04/2014

07/02/34  
22661161

For re-activation  
21-9-56 22  
17-11-56 24

## Northern Railway

For 752E/2-1/A&W/Misc Art.

Divisional Office,  
Lucknow, dt/ 21/ 9-88.

## NOTICE

The undemoted sta<sup>ff</sup> of C&W Deptt. having qualified in the prescribed trade test, are appointed to officiate in the grade noted against each and posted at their present stations of working. Their pay as fixed in promotional grade on proforma basis w.e.f. 1.1.84 in terms of P.W. No.8768 has been indicated against each. Arrears are to be paid up to date including payments occurring on or before 1.1.84.

S/Sheriff

1.	Abdul Zahid S/o Sri Gulam Mohd.	Welder/LKO	Welder LKO	580/-
		Gr. I	Gr. I	
		(580-480)	(580-560)	
2.	Arjun Prasad S/o Indrasan Misra	-do-	-do-	580/-
3.	Sangat Singh S/o Pyam Singh	-do-	-do-	580/-
4.	Maninder Singh S/o Ajit Singh	H/Operator Gr. II/SLN	H/ operator SLN	580/-
5.	Shabbir Ahmed S/o Sri Nasir Ahmed	HPL Fitter Gr. II/IM	HPL LKO	580/-

Current payment in order is in the West, 7-85

Assistant Personnel Officer  
Luckyw

~~Copy to -~~

1. CWS/LKO  
 2. WRFO/NPO/SLN  
 3. AME(C&H)/LKO  
 4. SC.DAO/LKO  
 5. Secretary NRMU/URMU.  
 6. CWT(M)/LKO.

D&E

*M. P. Sharma*  
Advocate,

18  
23

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No.                    OF 1990

Shabbir Ahmad

... Applicant

Versus

Union of India & others

... Opp. Parties

ANNEXURE NO. 5

*2000-04-24*

✓ Northern Railway  
Divisional Office  
Lucknow. Dt. 23.1.85  
No: 561 E/-2/C&W/T.T.  
253-C/2-1/C&W/Misc/Art

NOTICE

Having qualified in the prescribed Trade Tests, the undernoted artisans are promoted from S.S. Grade Rs. 210-290 (RS) to skilled grade Rs. 260-400 (RS) with immediate effect. Their stations of posting are given against each:-

1. Sri Arun Kumar Dubey s/o Lallan Pd. Dubey	S.S. Painter/BSB 210-290	Skilled Painter/BSB 260-400
2. " Nazeemuzafar s/o Latif Ahmad	" " LKO " "	LKO
3. " Ram Briksha s/o Dashrath	SS/Carp 210-290	Skilled Carp/ 260-400 BSB
4. " Iftehar Ahmad s/o Bashirul Haq	" LKO "	LKO
5. " Idresh Ahmad s/o Noor Mohd.	" SLN "	SLN
6. " Radhika Pd. s/o Jhoori Ram	" FD "	FD
7. " Gvija Pd. s/o Parsu Ram	SS/Trimmer LKO	S/Trimmer LKO
8. " Mohd. Uaish s/o Sahid Ali	SS/Tinman LKO	" T/Man LKO

Charges may be advised promptly.

Asstt. Personnel Officer  
Lucknow.

Copy to:

1. CWS/LKO FD
2. CTAR/BSB
3. WRCO/NPO/SLN
4. HTXR/SLN(Stn)
5. Se. Day/LKO
6. AME(C&W)/LKO

Exhibit  
List  
Please find information  
for information  
M. P. Sharma  
Advocate

Block/Art

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad

... Applicant

Versus

Union of India & others

.. Opp. Parties

ANNEXURE NO. 6

*Plaintiff's Case*

26

19

Assy 6

Northern Railway.

No. 752E/2-1/C&W Misc. Art.

Divisional Office,  
Lucknow Dt. 23-9-86.

NOTICE.

The result of T/ Test held on 29.8.86 for M. Artisan Catagories is given below for the information of all concerned.

1) Sri Abdul Zahid S/O Gulam Mondh, Welder Gr.II/ Post for RESULT LKO which Trade Passed.  
Welder Gr.I.

2) Sri Arjun Pd. S/O Indrasan Misra. -do- /LKO -do- Passed.

3) Sri Sangat Singh S/O Pvara Singh. -do- /LKO -do- Passed.

4) Manindar Singh S/O Ajit Singh, Machine Operator Gr.II/ Machine Operator Gr.I. Passed.

5) Sri Shahbbir Ahmad S/O Nasir Ahmad. HPL Fitter Gr.II/LKO HPL/Fitter Passed. Gr.I.

Hand 23/9/86

Assistant Personnel Officer,  
Lucknow.

Copy forwarded for information to:-

1) AME (C&W)/ Lucknow.

2) CWI(M)/ Lucknow.

3) Divl. Secretary, NRMU/URMU-Lucknow.

4) CWS/Lucknow.

5) CFO/BSB, FD, P<sup>B</sup>H, JNU, PYG, PBT & SLM.

6) WRFO/NFO/Sultapur.

M. P. Sharma  
Advocate.

KP/

\*\*  
Rajendra Singh

27

20/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

---

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad

... Applicant

Versus

Union of India & others

... Opp. Parties

ANNEXURE NO. 7

*Ziauddin*

उत्तर रेलवे

प्र० सं० ८४७८८/२-२, लैरेल इच्छा दैनन्द

कोर्टिंग डिपो अधिकारी

लखनऊ, फैजाबाद, वाराणसी, प्रतापगढ़, सुल्तानपुर  
डब्ल्यूआरपरम्परामो०/सन०पोजो०सुल्तानपुर

सौ०परम्परामो०, प्रयागराज, रायबरेली, जौनपुर, सुल्तानपुर

विषय:- कैरू, उन्नीस० बिना० के लिए देशी वैविध्या मूल्य

उपरोक्त कोटियों की वरीयता सूची की कायी कर्मचारियों को तूष्णा देतु तंत्रज्ञ है। यहूदि किनी कर्मचारी के उपरोक्त दरीयता सूची के सम्बन्ध में कोई आमतित डो तो वा अनुसन्धानित आमतित पत्र के द्वारा इस वरीयता सूची के सम्बन्ध में इस पत्र के जारी होने के लिए भाव के अन्दर अपने कार्यालय द्वारा प्रस्तुत करे वरन् स्थानीय जायजा कि कर्मचारी इस वरीयता से लंबूष्ट है और वरीयता सूची स्थाई मानी जायगी।

तंत्रज्ञ/एक

प्रतिलिपि:

- १- मण्डल मंत्री इन्डियारपरम्परामो० गार्ड रनिंग समूह के निकट चारहाँ लखनऊ।
- २- मण्डल मंत्री यूजियारपरम्परामो० गार्ड रनिंग समूह के निकट चारहाँ लखनऊ।

कृते मण्डल रेल तंत्रज्ञ/लखनऊ १५/५/५०

M. P. Sharma

Advocate.

21/५/५०

2

१९/१९०

मण्डल कार्यालय

लखनऊ दिनांक

१०/५/५०

१०/३/५०

३

PROVISIONAL SELECTION LIST OF CONTRACTORS FOR 1984-85

SI. No.

NC.

the Station Date of birth

appointment

confirm (1st immediate later)

Grade & Date of

Category

regular promotion

qualifying in 1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

6th

7th

8th

9th

10th

11th

12th

13th

14th

15th

16th

17th

18th

19th

20th

21st

22nd

23rd

24th

25th

26th

27th

28th

29th

30th

31st

1st

2nd

3rd

4th

5th

22

30

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. \_\_\_\_\_ OF 1990

Shabbir Ahmad ... Applicant

Versus

Union of India & others ... Opp. Parties

ANNEXURE No. 8

*Recd/Ans/Re*

Northern Railway,  
Divisional Office,  
Lucknow.

31

23

Amether-8

No. E/2-2/TI/C&W/Misc/ART.

Dated 16.8.90

## NOTICE

The result of the Trade test held for the post of Tinsmith grade I in scale Rs.1320-2040(RPS) in reference to this office letter of even number dated 10.8.90 is docketted for information.

S.No.	Name/Father's name.	Design/ Station	Trade test held for the post of and grade.	Result
1.	Mohd. Vaish S/o Shri Sahid Ali	Tinman Gr.II CIC/Lucknow.	Tinman gr.I 1320-2040(RPS)	Passed

Asstt. Personnel Officer,  
Lucknow

Copy to:

<ol style="list-style-type: none"> <li>1. CDO/Lucknow.</li> <li>2. AME/DME(C&amp;W)/LKO</li> <li>3. Divl.Secy/NRMU</li> <li>4. SWLI(Union)in reference to AM4 item No. 457/29th PRM NRMU.</li> <li>5. Divl.Secy./URMU.</li> </ol>	 <b>M. P. Sharma</b> Advocate,
---	--

M. P. Sharma  
Advocate,

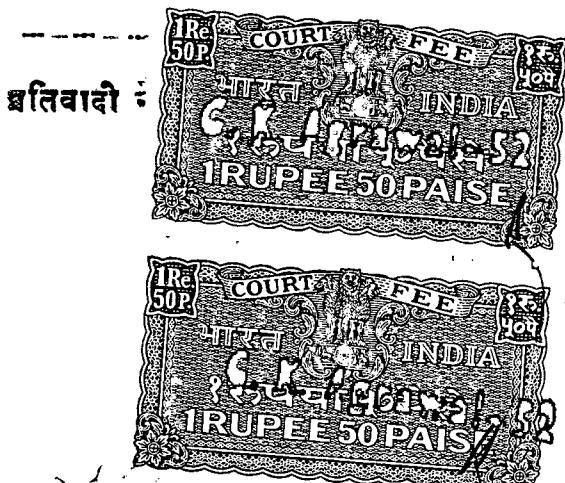
float (bottom)

ଅତିଥି

32

बदालत खीमान्

(बादी) अपीलान्ट



नं० मुकदमा

सन्

पै

१९

₹०

ऊपर लिखे मुकदमा में अपनी ओर से

M P Sharma, Pramod Sharma & SK Verma  
 902 Nager Bazaar, एडवोकेट  
 महोदय

बनाम	बनाम
अदालत नं०	मुकदमा नं०
नाम	नाम
मुकदमा	फरीकून

को अपना घफील नियुक्ति परके प्रसिद्धा इपरार फरता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ बंदबी व घबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल पर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहमामा व इकबाल दाखा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब पार्यवाहो हमको सर्वथा स्वीकार है और होगा। मैं यह भी स्वीकार फरता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरबी में एक तरफ मेरे खिलाफ फेसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और सस्य पर जाम आवे।

accept  
S.C. *Sh*

हस्ताक्षर २१४/२ अदम

साक्षी (गवाह)

accept  
M

दिनांक

पहुंचा

सन् १९

accept  
N

In the Central Administrative Tribunal Allahabad

Bench Lucknow.

O.A.No. 299 of 1990

Shabbir Ahmad

..... Applicant

Versus

Union of India and others

..... Opp. Parties

Reply on behalf of the Respondents No. 1 to 4

Column No.1: Needs no reply.

Column No.2: Needs no reply.

Column No.3: Needs no reply.

Column No.4:

(A) In reply, only this much is not denied that the applicant was appointed as substitute Khallasi in Grade Rs. 196-232 w.e.f. 20.3.'84 (not 19.3.'84) in Carriage and Wagon Depot N. Rly Charbagh Lucknow. Having been placed on panel (screening) of C & W Khallasi Grade (K.R.) Rs. 196-232 (RS) at s.no.3 of notification dated 17.2.'81 No. 220-E /Screening /Kh./his temporary status appointment as sub. Khallasi w.e.f. 20.3.'74 regularised.

(B) In reply to the contents of column 4(B), it is stated that having qualified in trade test for HPL Fitter (semi skilled) was appointed to officiate as HPL Fitter Dr. Rs. 210-290 (RS) as per his option w.e.f. 19.7.'84 and pay fixed at Rs. 230/- p.m. vide notification No. 752-E/2-1/C & W /Disc.-Art/84 Dt. 19.7.84.

Y  
1875

It is further stated that the post of HPL Fitters having been re-classified as skilled in RCW Award and the applicant having also qualified in Trade test (for skilled) was appointed to officiate as HPL Fitter Gr. Rs. 260-400 (RS) w. ef. 1.10.'84 and pay fixed vide notice No. 752-E/2-1/C&W -Misc/Art dt. 1.10.'84, as contained in Annex. No. 2 to the applicatio

(C) In reply to the contents of paragraph 4(C) of the application, it is stated that as a result of up-gradation of post of skilled artisan viz. skilled , HS Grade II and ~~xx~~ I, the applicant was appointed to officiate as HPL Fitter HS Grade/Rs. 330-480 (RS) w. ef. 1.10.'84 vide notice 752-E/2-1/C & W/Misc. Art dated 8.1.'86 as contained in Annexure No. 3 to the application.

(D) In reply to the contents of paragraph 4(D) of the application, it is not denied. that vide notice no. 752-E/2-1/C & W/Misc. Art dated 26.9.'86 as contained in Annexure No. 4 to the application, the applicant was appointed to officiate as HPL Fitter H.S. Grade ~~I~~ II in Scale Rs. 380-560 w. ef. 1.10.'84 and not 1.1.'84 as alleged. Rest is denied and more so it is not relevant for the decision of the case.

~~(xx)~~ It is however submitted that the appointment to officiate as HSGrade I of the applicant was made by overlooking the seniority of shri M. Vaish opp. party no.5 due to an administrative error.



(E) In reply to the contents of paragraph 4(E) of the application, it is not denied that the applicant was appointed to officiate on the post of HPL Fitter HS Gr. I after he had qualified in the trade test. It is however submitted that to fill up the upgraded post in Gr. 1 the applicant was booked for trade test in Gr. I along with one shri Raj Narain Pathak Driller Gr. II/SLN who was senior even to Shri Mohd. Vaish but ignoring the seniority of shri Mohd. Vaish. This was due to an administrative error.

(F) In reply to the contents of paragraph 4(F) of the application, it is not denied that ~~opposite~~ party no. 5 was appointed as substitute khallise in C & W on Rs. 70/- per month in Grade Rs. 70-85 (AS) w. ef. 29.5.71 (not 25.1.72 as alleged) The opposite party No. 5 Mhd. Vaish was selected on the panel of C&W Khallasi at item No. 184 during the screening of 1971.

(G) Not denied. It is submitted that prior to being appointed on the post of skilled Tin Smith, the respondent No. 5 was appointed to semiskilled in Grade 210-290 w. ef. 18/24-5-84.

(H) Not denied.

(I) The contents of para 4(I) though not denied, but the appointment was made due to an administrative error by ignoring the seniority of opp. Party no. 5 Mohd. Vaish, which mistake has been corrected later on after reviewing the whole matter of seniority.

- 4 -

(J) In reply to the contents of paragraph 4(J) of the application, it is submitted that the opposite party no. 5 was ignored from being appointed as HS Grade I or sent in trade test for Grade I due to the administrative error of not considering his being senior to the applicant. It is stated that the applicant cannot take any advantage from the appointment to the post of HPL Fitter Grade I which was due to an administrative error of ignoring the seniority of opp. party no. 5. The same has been corrected vide order dated 17.8.1990 under challenge.

(K) In reply to the contents of paragraph 4(K), it is submitted that the administrative error can be corrected at any stage and the error set right, which has been done in the present case. Once the fact of Mohd. Vaish having been ignored of his seniority over the applicant, <sup>came to light</sup> the case was reviewed and after finding that error did exist, the same has been corrected vide order dated 17.8.1990. It is submitted that no right vests in the applicant which right was conferred due to an administrative error.

(L) In reply to the contents of paragraph 4(L) it is submitted that it is wrong for the applicant to state that the appointment to the post of HPL Fitter H.S. Grade I was in his avenue. In fact all the isolated categories had been clubbed into a club and there was no separate cadre of HPL Fitter



- 5 -

It is also submitted that the appointment of the applicant on the post of HS Grade I was wrong and due to an administrative error by ignoring the seniority of opposite party No.5, Mohd. Vaish.

(M) As already stated above, all the isolated categories were clubbed into a club for the purpose of giving the benefit of upgradation and the appointment was in order of to be made ~~in~~ the seniority in that club. Thus the appointment made of the applicant on the post of HS Grade I, was by ignoring the seniority of opp. party no.5, which happened due to an administrative error. The same has been corrected vide order dated 17.8.1990.

(N) The issue of orders as contained in Annexure No.1 to the application are not denied, whereby the applicant has been correctly reverted while the opposite party no. 5 has been promoted as Tin Smith Grade I in scale Rs. 1320-2040(RPS).

(O) Denied. The reasons given are legal and in accordance to rules.

(P) Issue of seniority list dated 14.2.'90 as contained in Annexure No. 7 is not denied. However it is stated the list so issued were provisional and have been revised after the orders dated 17.8.'90 were passed.

(Q) As already stated above, the isolated categories were all clubbed in a club for the purpose of implementing the upgradation orders for the post of HSGr. I. In the clubbed seniority shri Mohd. Vaish opp.



party no. 5 was the senior to the applicant and he was entitled to the post of HS Grade I in his trade. The opp. party no. 5 has been thus correctly declared as senior to the applicant.

(R) In reply to the contents of paragraph 4(R) of the application, it is submitted that administrative error can be corrected at any stage. Ignoring the seniority of opp. party no. 5 was due to an administrative error and the same was ~~exactly~~ corrected on its detection.

(S) Denied. There is no violation of Article 311 of the Constitution of India. It is submitted that an administrative error can be corrected at any stage when it comes to the knowledge of the administration.

(T) Not denied.

(U) Denied. It is submitted that trade test was denied to the opp. party no. 5 due to an administrative error for no fault of his and he <sup>was</sup> rightly sent for trade test on 16.8.'90, which he duly passed on 16.8.'90.

(V) As already stated above, the opposite party was appointed on Rs. 70/- per month as Khallasi in Scale Rs. 70-85 (AS) w.e.f. 29.5.'71 which means appointment as a substitute khallasi, in view of the fact that casual is always appointed on daily rated wages. Thus the plea taken in the para under reply is not tenable. The opp. party no. 5 has to be

39

- 7 -

given the benefit of ~~be~~ being put on panel of 1971  
after screening of khallasi.

Column No.5: Denied. None of the grounds are tenable under  
law.

In  
Column No.6: ~~Needs~~ re-ply, it is submitted that the  
applicant was required to submit representation  
against the order of reversion. Contents  
are not admitted.

Column No.7: Needs no reply.

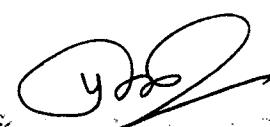
Column No. 8: Denied. The applicant is not entitled to  
any relief and the application is liable to  
be dismissed.

Column No. 9: Denied. The applicant is not entitled to any  
interim relief.

Column: No. 10  
to 12 Need no reply.

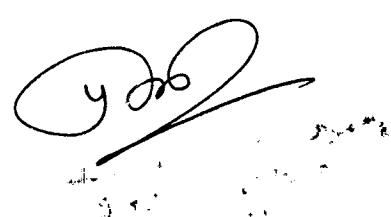
Lucknow

~~10.5~~ dated: 16.5.91

  
Respondents  
16.5.91

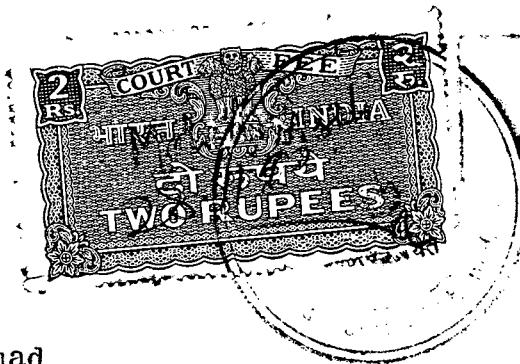
Verification:

I, P.N. Tandon, working as ~~Asstt~~ Personnel Officer  
in the office of Divisional Railway Manager, Northern  
Railway Lucknow duly competent and authorised to sign  
and verify the reply, do hereby verify that the contents  
of paras 1 to 12 are believed by me to be true on basis of  
information derived from record and legal advice received.  
Signed and verified at Lucknow this 16 day of May 1991.



40  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 299 OF 1990 (L)



Shabbir Ahmad

.... Applicant

Versus

Union of India and others

.... Respondents

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENT NO. 5

*Filed today*  
*6/3/91*  
I, Mohd. Vaish, aged about 39 years, Son of Sri Shahid Ali, resident of village Malhaur, Post Office Chinhat, District Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is Respondent No. 5 in the above noted application and as such he is fully conversant with the facts of the case.

The following facts are relevant for proper adjudication of the matter before giving parawise reply.

The deponent was appointed as Khalasi on 25.1.1972 in Carriage and Wagon Depot, Northern Railway, Lucknow and he was placed in the penal of 1971. The deponent joined Northern Railway on 25.1.1972.

The deponent was promoted to the post of Tinsmith in the grade of Rs 210 - 290 vide order No. 752-E/2-1/Visc. Artisan/C&W dated 18/24 May 1984 passed by Assistant Personnel Officer, Northern Railway, Lucknow.

A photostat copy of Promotion Order



M. Vaish

dated 18/24 May 1984 passed by Assistant Personnel Officer, Northern Railway, Lucknow is being filed as Annexure CE-1.

The applicant was promoted to the post of High Power Lamp Fitter vide Order No. 752-E/2-1/C & W/Misc. Artison/4 dated 19.7.1984 passed by Assistant Personnel Officer, Northern Railway, Lucknow, and allowed him scale of Rs 210-290.

A photostat copy of order dated 19.7.1984 passed by Assistant Personnel Officer, Northern Railway, Lucknow is being filed as Annexure CE-2.

Thus, the deponent has been promoted to the pay scale of Rs 210 - 290 on 24.5.1984 and on the other hand the applicant was promoted in the pay scale of Rs 210 - 290 on 19.7.1984. This shows that the deponent is senior to the applicant in the grade of Rs 210 - 290 as well as on the basis of date of appointment in the Railway Department. The date of appointment of the applicant in the post of Khalasi is 19.3.1974 when he was posted in Carriage and Wagon Depot, Northern Railway, Lucknow.

The Railway Administration vide Printed Serial No. 8203 issued vide circular No. 561 E/85-32/Vol 6(E-H-V) dated 7.12.1982 re-classified the semi-skilled artisons as skilled artison in grade of Rs 260 - 400 and the fixation of pay on proforma basis be done with effect from 1.8.1978. The circular further stated that the higher fixation on the basis of the reclassification will be currently effective from 1.1.1982.

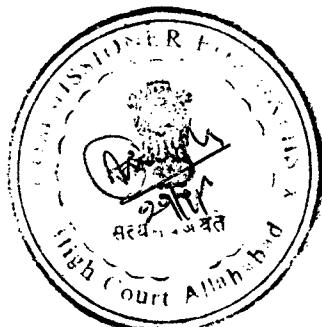
Divisional Railway Manager, Northern Railway Lucknow issued a letter on 19.12.1985 and notified that after reclassification of 197 posts



*M. Neelish*

from semi-skilled grade of Rs 210 - 290 to skilled grade Rs 260 - 400 and 50% of posts of un-skilled in grade of Rs 196 - 232/200-240/200-250 to semi-skilled grade Rs 210 - 290 and enforcing 5% cut in the un-skilled grade posts in terms of Printed Serial No. 8203 and the divisional cadre strength of carriage and wagon artisans has been placed in same category at Serial No. 17 and the strength of posts is 6. Thus, the posts of mason, tinsmith, H.P.L. Fitter, driller, re-packer ~~Fitter~~ and Lifter Fitter has been placed in a single cadre and according to the Printed serial the inter-se seniority shall be maintained according to the provisions of para 302 of Indian Railway Establishment Manual. The provisions of para 302 may be reproduced below for ready reference:-

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

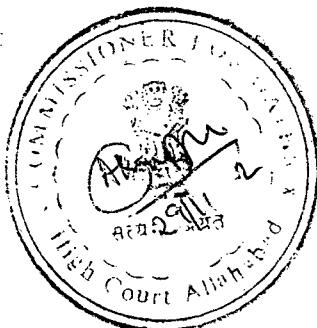


M. Veer Singh

Note :- Asstt. Surgeons recruited with higher qualifications are granted higher seniority on the basis of the higher rate of pay allowed to them."

The photostate copies of Printed Serial No. 8203 dated 7.12.1982 is Annexure CE-3 and notice dated 19.12.1985 is Annexure CE-4 to this Counter Affidavit.

The deponent has agitated the matter of irregular promotion of applicant through Northern Railwaymens Union vide item No. 457 in Permanent Negotiation Machinery of the Railway Administration. The Railway Administration had replied in P.N.M. that Sri Mohd Vaish and Shabbir Ahmad were promoted in Grade II vide letter dated 10.12.1985 and since categories of tinsmith and I.P.L. Fitter were clubbed for re-classification, so both the employees (deponent and applicant) were promoted in Grade II from one and the same date. Single Sri Vaish is senior in substantive grade and was promoted in Grade II with Sri Shabbir he will always rank senior to Sri Shabbir and is due promotion as Grade I. Since Sri Shabbir Ahmad has wrongly been promoted as Grade I, so he should immediately be reverted and Sri Mohd. Vaish who is senior to him, should be promoted as Tinsmith Grade I. After the P.N.M. decision, the order dated 17.8.1990 contained in Annexure 1 to the application has been passed and there is no any irregularity or illegality in passing the said order promoting the deponent to the post of Tinsmith Grade I in the scale of Rs 1320 - 2040. The deponent has already joined the post of Tinsmith Grade I in the scale of Rs 1320 - 2040 on



M. Vaish

on 18.8.1990 and a changed memo has also been issued to this effect.

A photostat copy of agenda of 89th P.N.M. proceedings is Annexure CE-5 and photostat copy of order No. E/3/Fitter/90/1st dated 31.8.1990 is being filed as Annexure CE-6.

Thus, the implementation of order dated 17.8.1990 has already been carried out much earlier than the order dated 10.9.1990 passed by this Hon'ble Tribunal in the present case.

PARAVISE REPLY

Column 1 That in reply to the contents of column 1 of the application it is submitted that the Railway Administration has passed the order dated 17.8.1990 after full discussion of the matter in Permanent Negotiation Machinery meetings and there is no any illegality in the order as the deponent is senior to the applicant.

Column 2 That the contents of column 2 of the application relates to the jurisdiction of the Tribunal hence need no reply.

Column 3 That in reply to column 3 it is submitted that the application is premature as the applicant has not exhausted the departmental remedy before filing the present application in this Hon'ble Tribunal.

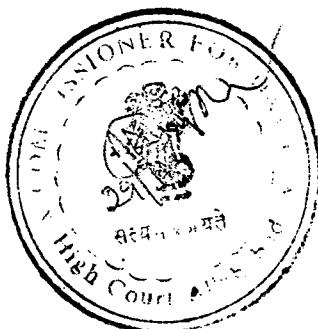
Column 4 That the contents of column 4(A) are not disputed. In answer to column 4 (B) it is stated that the applicant was promoted as semi-skilled fitter in grade of Rs 210 - 290 vide letter dated 19.7.1984 and semi-skilled posts were upgraded as skilled.



In reply to column 4(C) it is stated that the applicant and deponent were placed in Lightly Skilled Grade II with retrospective effect from 1.1.1984 but the deponent is senior to the applicant being 25.1.1972 the date of appointment of the deponent and the date of appointment of the applicant is 19.3.1974.

In reply to column 4 (D) it is submitted that the deponent was promoted as Fitter on 27.5.1984 while applicant was promoted as fitter on 1.10.1984 and later on the deponent and the applicant both were promoted to the post of Fitter Grade II vide letter No. 752 E/2/1/C&W/Misce Artisan dated 10.2.1985. The applicant has been promoted to the post of Fitter Grade I ignoring the deponent's seniority though the deponent was promoted earlier as Fitter. The deponent is tinsmith and the applicant is H.P.L. Fitter and these categories were clubbed together to implement re-classification vide order dated 19.12.1985 (Annexure CE-3 and Annexure CE-4). Thus, the deponent is senior to the applicant on the basis of inter-se seniority and according to provisions of para 302 of Railway Establishment Manual.

In reply to column 4 (E) it is submitted that the applicant was wrongly promoted in Grade I by the Railway Administration though he was junior to the deponent and the Railway Administration have admitted this fact in the 89th meeting of Permanent Negotiation Machinery in the month of May 1990 and after examining the seniority and contention of the Union it was agreed to take corrective action and found the deponent senior to the applicant.



M. Vaishnavi

The railway administration has rightly issued order dated 17.8.1990 (contained in Annexure 1) as the determining factor for seniority is the date of promotion in the semi-skilled grade and the deponent was promoted as semi-skilled with effect from 27.5.1984 and on the other hand the applicant was promoted as semi-skilled on 10.7.1984. Thus, the deponent was promoted to semi-skilled earlier to the applicant.

In reply to column 4(F) it is submitted that the deponent was appointed as Khalasi on 25.1.1972 and he was placed in the penal of 1971 whereas the applicant was appointed as Khalasi on 19.3.1974 and he was placed in the penal of 1981. On this basis also the applicant is junior to the deponent.

In answer to column 4 (G) it is submitted that the deponent and the applicant were placed in skilled Grade II with retrospective effect from 1.1.1984 and the deponent being senior to the applicant on the basis of date of appointment and panel, he has rightly been treated senior.

The contents of column 4 (H) are not disputed and it is further added that the deponent belongs to the penal of 1971 and on the other hand the applicant belongs to the penal of 1981.

In reply to column 4 (I) it is submitted that the applicant was wrongly promoted to the post of H.P.L. Fitter Grade I though the deponent is senior to him. After full discussion in the 89th P.N.M. meeting the order dated 17.8.1990 has been passed and there is no any illegality in passing the order.



M. Vaish

The contents of column 4(J) are not correct hence refuted. Divisional Railway Manager Northern Railway, Lucknow issued letter dated 19.12.1985 notifying therein that after re-classification of posts from semi-skilled grade of Rs 210 - 290 to skilled grade of Rs 260 - 400 in terms of Printed Serial No. 8203 the divisional cadre strength of carriage and wagon artisons has been placed in the same category. The inter-service seniority shall be maintained according to the provisions of para 302 of Indian Railway Establishment Manual as already stated in the preceding paras. The deponent has already been promoted to the Grade I in pay scale of Rs 1320 - 2040 and a changed memo has already been issued by the Railway Administration.

The contents of column 4(K) are wrong and denied. The deponent has already qualified the trade test for grade I and a changed memo to this effect has already been issued by the Railway administration. The deponent is already in his pay in the scale of Rs 1320 - 2040. The deponent had agitated the matter of seniority through recognised Northern Railwaysmen's union in the P.M.C. meeting and subsequently the wrong promotion order of the applicant has been ratified and the deponent has been placed senior to the applicant.

In reply to column 4(L) it is submitted that vide letter dated 19.12.1985 all the categories have been clubbed into a single category and thus, there is no separate M.P. L. Fitter cadre.



M. Venkateswaran

The contents of column 4(M) are wrong and denied. It is submitted that there is no any separate category like H.P.L. Fitter Grade I or Tinsmith Grade I as already been stated in the preceeding paras that all the categories have been clubbed into a single category vide letter dated 19.12.1985.

The contents of column 4(N) are wrong and refuted. The order dated 17.8.1990 has rightly been passed by the Railway Administration as the deponent is senior to the applicant. Because the determining factor for seniority is the date of promotion in the semi-skilled cadre and the date of promotion as semi-skilled is 27.5.1984. On the other hand the date of promotion of the applicant to the post of semi-skilled grade is 10.7.1984 and as such the deponent is senior to the applicant. Thus, there is no any illegality in passing order dated 17.8.1990.

In answer to column 4(O) it is submitted that the grounds submitted in the reversion order of the applicant are genuine and tenable in accordance to Printed Serial No. 8203.

In reply to column 4(P) it is submitted that Annexure 7 to the application clearly shows that the deponent is senior to the applicant as the date of appointment of the deponent is 25.1.1972 and the date of appointment of the applicant is 19.3.1974. The alleged seniority list was provisional and the same has now been revised after passing the order dated 17.8.1990.

The contents of column 4(Q) are wrong and denied. The seniority list contained in



*M. Vaid*

Annexure 7 is not a final list. The cadres shown separately are no more in existence now hence the intere-se seniority has rightly been maintained by the Railway Administration.

The contents of column 4 (R) are wrong and denied. The applicant has rightly been reverted as he is junior to the deponent.

The averments made in column 4(S) are wrong hence refuted. The matter of seniority has been fully discussed in P.N.M. meeting and the applicant was represented in the P.N.M. meeting. Thus, there is no any violation of principle of natural justice or article 311 of the Constitution of India.

The contents of column 4(T) are not disputed. The deponent has already been placed in Grade I with effect from 18.8.1990 and he is drawing the pay of Rs 1320 from 1.1.1990.

The contents of column 4(U) are wrong and denied. It is submitted that vide order dated 19.12.1985 all the posts of various categories have already been clubbed in a single category and now there are no separate categories. The deponent has rightly been promoted to Grade I on the basis of seniority in the semi-skilled cadre.

The contents of column 4(V) are wrong and denied. The applicant has never worked as casual labour in the Railway department and he belongs to the penal of 1981 whereas the deponent belongs to the penal of 1971. On this ground also the deponent is senior to the applicant.

The photostat copies of Penal of Khalasi (C & W) Department for the year 1971 and 1981 are Annexure CE-7 and CE-8 respectively. ...11



M. Vaish

50

Column 5

That the contents of column 5 are wrong and denied. None of the grounds taken by the applicant are tenable in the eyes of law.

Column 6

That the contents of column 6 of the application are not admitted due to want of knowledge. The present application is premature as the applicant has not exhausted the departmental remedy. The applicant has to move his representation before the Railway Administration and he has to wait for disposal of the representation for a period of 6 months as the hon'ble Supreme Court hold in the Case S.S. Rathore Vs. State of Madhya Pradesh (A.I.R. 1990 S.C. 10). Thus the present application is not maintainable and deserves to be dismissed.

Column 7

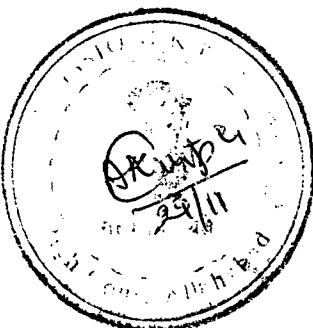
That the contents of column 7 of the application need no comments.

Column 8

That the contents of column 8 are wrong and denied. The applicant is not entitled for any relief claimed.

Column 9

That the contents of column 9 are wrong and denied. The ad-interim injunction order dated 10.9. 1990 passed ex-parte deserves to be vacated as otherwise the deponent will suffer irreparable injury. There is no-prima-facie case in the favour of applicant as the order dated 17.8.1990 has already been implemented on 17.8.1990 itself and the deponent is working in the post of grade I in the scale of Rs 1320 - 2040 and as such the balance of convenience lies in favour of the deponent. The order dated 10.9.1990 passed by



M. Venkatesh

- 12 -

this Hon'ble Tribunal deserves to be vacated as the same has become infructuous. The deponent has already joined the post in Grade I on 18.8.1990.

Column 10, 11 and 12

The contents of column 10, 11 and 12 need no comments.

Lucknow :

Dated : 29-11-90

*M. Vaish*  
Deponent

VERIFICATION

I, Mohd. Vaish, the above named, do hereby verify that the contents of para 1 of the counter affidavit are true to my personal knowledge and those of columns 1 to 9 of the counter affidavit are true on the basis of my personal knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Dated : 29-11-90

*M. Vaish*  
Deponent

I identify the deponent who has signed before me.

*PLS Mehra*  
29-11-90  
(PLS Mehra)  
Advocate

Solemnly affirmed before me on 29/11/90 at 10 A.M. /P.M. by Mohd. Vaish, the deponent who is identified by Sri P.S. Mehra, Advocate, High Court Allahabad, Lucknow Bench, Lucknow.

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

OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench.

No. .... 74/1168 ....  
Date ... 29/11/90 ...

Shabbir Ahmad

..... Applicant

Versus

Union of India and others

..... Respondents

ANNEXURE - CE-1

Op 19/G.L. 19

Op 99 Large

RR/NORTHERN RAILWAY

NORTHERN RAILWAY.

No. 752-F/2-1/Misc Art/C&W.

Divl. Office,  
Lucknow, Dt/- 18.5.84.

Notice.

The undernoted staff having qualified in the T.T. for respective trades are temporarily appointed to officiate in the grade Rs. 210-290 (RS) and posted at the stations noted against each. They will be eligible for promotion to skilled gr. 260-400 (RS) after qualifying in the T.T. prescribed for the allotted trades.

Sl. No.	Name & Father's name.	Design./ Stn.	Appointed as	Posted at
1.	<u>S/ Shri.</u> 1. Ram Deo-III S/o Teri	Kh/ SLN.	IV/ Man.	CWS/LKO.
2.	2. Ram Asrey S/o Sri Ram.	-do-	-do-	-do-
3.	3. Uday Raj S/o Santoo Ram.	Kh/ JNU.	Painter.	CTXR/PBH.
4.	4. Arun Kumar Dubey S/o Lalita Pd. Dubey.	SW/ BSB.	-do-	"/ BSB.
5.	5. Lallan Pd S/o Idris Ram.	Kh/ SLN.	-do-	"/ SLN.
6.	6. Nasimuzaffar S/o Latif Ahmad	-do-	-do-	CWS/LKO.
7.	7. Ram Briksha S/o Dasrath.	SW/ BSB.	Carpenter.	CTXR/ BSB.
8.	8. Iftekhar Ahmad S/o Bashirul Haq.	SW/ JNU.	-do-	-do-
9.	9. Idris Ahmad, S/o Noor Mohd.	SW/ SLN.	-do-	-do-
10.	10. Radhika Pd. S/o Jhauri Ram.	Kh/ FD.	-do-	CTXR/ FD.
11.	11. Mohd. Vaish S/o Sahid Ali.	Sk. Porter/LKO Tinman.		CWS/LKO.
12.	12. Ram Narain Keshiyap.	SW/LKO.	Trimmer.	CTXR/ BSB.

The undernoted staff are transferred to the depots noted against each in the same grade and capacity on their own request and at their own expenses:-

1. Shri Babulal S/o Kandhai, Painter/ SLN. LKO. *desir.*
2. Shri Asharfi Lal S/o Baburam, Carpenter/ BSB - LKO.
3. Shri Nopal Singh S/o Din Dayal, Carpenter/ FD - LKO. *desir.*

Movements may be advised properly.

Asstt. Personal Officer,  
N. Ry, Lucknow.

Copy for information and  
necessary action :-

1. CWS/LKO
2. CTXR/ BSB, FD, PBH.
3. WRFO/NPO/ SLN.
4. Hq. TXR/JNU, (5) Sr. DAO/LKO, (6) IME/C&W/LKO.
7. D/ Clerk, 'E' ~~xxx~~ /2-2 & E 2/3 (C&W).



M. Venkatesh

52

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
O.A. No. : 299 OF 1990 (L)  
Shabbir Ahmad ..... Applicant  
versus  
Union of India and others ..... Respondents  
A N N E X U R E - CE-2

NO. 752-E/S-1/C&W/MSO-Art. 4,

Northern Railways  
Divisional Office,  
Lucknow.

Dt/- 19.7.1984.

NOTICE

The under noted staff of C&W having qualified  
in the prescribed trade tests are temporarily appointed  
to officiate as S.S. Grade artisans <sup>(1/210-290)</sup> in the trades  
mentioned against each. Their stations of postings are  
also indicated against each of them:

1. Sh. Raj Kumar Singh, s/o Norain Singh.	3/Wala/LKO	Lifter/NPO/SLN.
2. Sh. Shero Badra Singh, s/o Sukhdev Yadav.	Shed Porter/ LKO.	Repacker/NPO/SLN.
3. Sh. Bhagwan Kumar, s/o Kedar Nath.	Khallas/ NPO/SLN.	Machine/Fixed Saw Machine Operator/ NPO/SLN.
4. Sh. Ashok Kumar Chaudhary, s/o Ramayan Chaudhary.	3/Wala/LKO	--do--
5. Shabbir Ahmad, s/o Shri Naseer Ahmad	Khallas/LKO	HPL Fitter/Lucknow.

*Replies*

Movements may be advised promptly. Representations  
of staff unwilling to accept promotions should be sent  
within 15 days.

*16/7/84*  
Asstt. Personnel Officer/LKO

Copy to:-

1. Supdt./C&W/LKO.
2. WIFO/NPO/SLN.
3. D.M.E./C&W LKO.
4. Sr. D.A.O.(PF)/LKO.

*M. Vansh*

....



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
O.A. No. : 299 OF 1990 (L) Applicant

Shabbir Ahmad

..... Applicant

versus  
Union of India and others

..... Respondents

Union of India and others

..... Respondents

ANNEXURE K - CE-3

8203

11. N. S. 2203 Circular No. 561E/35-32/Vol. 6 (U-II W), dated 7-12-1982.

Serial No. 8203.—Circular No. 561E/35-32/Vis. 6 (E-II W), dated 11-12-1982.

क्रम संख्या 8203—परिवर्तन संख्या 561/इ/82-32/जिल्हा VI (के-12 अक्टूबर) 130/7-12-1982

विषय.—री-क्लासीफिकशन आर्क

स्लिड शार्टीजन स्टाफ  
देवदेव द्वारा की गयी गोपनीयता की गई है।

एवं आवश्यक कायदाहृत प्राप्त करना चाहे ।

Copy of Railway Board/New Delhi's letter No. E (P & A) 1-82/1/C/1, Dated 15.11.1982.

Sub.—Re-classification of Art

The question of re-classification of artisan staff in the Railways had been under consideration of the Railway Workers Classification Tribunal for quite some time. As the Tribunal, which included representatives of the two recognised Labour Federations, could not come to an agreed conclusion, the Ministry of Railways appointed a Joint Committee consisting of officials of the Ministry of Railways on the one hand and representatives from the All-India Railwaymen's Federation and National Federation of Indian Railwaymen on the other, for the purpose of suggesting a measure of relief to unskilled and semi-skilled categories. The Joint Committee's proposals to reclassify some of the existing unskilled and semi-skilled jobs on the Railways have since been accepted by the Government.

The Ministry of Railways have accordingly decided as under :—

2. The Ministry of Railways have accordingly  
(i) Trades presently designated as semi-skilled as indicated in the attached list I & II  
would be re-classified as skilled in grade Rs. 260-400.

(ii) 60% of the existing un-skilled artisan strength in Production Units and Workshops (all departments) should be allotted the semi-skilled grade (Rs. 210-290) and designated as Khalasi-Helper.

(iii) 50% of the existing strength in un-skilled artisan categories in the Open Line establishments (all departments) and RDSO (to the extant applicable) should be allotted the semi-skilled grade Rs. 210-290) and designated as Khiasi-Helper.

(iv) Fixation of pay in respect of staff re-classified as per (i), (ii) and (iii) above, should be done on proforma basis w.e.f. 1-8-78.

(ii) Lumpsum arrears will be payable for the period from 1-4-80 to 31-12-1981 in respect of staff re-classified from semi-skilled to skilled at Rs. 20/- p.m., subject to a ceiling of Rs. 400/- and in the case of staff promoted from un-skilled to semi-skilled grade, the lumpsum payable will be @ Rs. 10/- per month, subject to a ceiling of Rs. 200/-. The arrear amount payable for the actual months during which an employee was on duty, even if an employee was on duty for a day during a month, full month will count for desirability. Periods of LAP and HAP will be considered on duty for this purpose.

(vi) The Higher fixation on the basis of the above re-classification will be curtailed effective from 1-1-1982.

(vii) Employees, who retired/resigned prior to 1-1-82 the date from which fixation would be effective, and would be covered under these orders, will be entitled to proforma fixation from 1-8-1978 for the purpose of their pension and post-retirement benefits. These employees will also be eligible for Pro-rata lumpsum payments for the period they were in service after 1-4-1980, subject to the ceiling amounts already mentioned.

M. Vaughn

(vii) The initial allotment of semi-skilled grade to the unskilled staff, and subsequently to semi-skilled staff in terms of these orders will be on the basis of seniority of suitability without the eligible staff being subjected to any further trade test.

(14) There will be no changes in status quo in regard to skilled and semi-skilled trades which are not specifically covered by these orders. These trades will continue to fall in the existing classification/scale of semi-skilled, artisan or non-artisan as the case may be.

3. While upgrading unskilled trades to semi-skilled grade under these orders, who assist skilled artisan staff either by working directly along with them or help in the upkeep of the material, securing stores, cleaning of components etc. should be upgraded to the semi-skilled job as Khalasi-Helpers within the percentages laid down. Even after such upgradation these staff will continue to perform un-skilled functions of simple manual work like loading and un-loading, sweeping of floors and transportation of material etc. in their respective trades. These guidelines should be borne in mind while upgrading any un-skilled trade to semi-skilled grade under these orders.

4. In the skilled trades as mentioned in the enclosed list No. 1 for which there is no corresponding semi-skilled trade, if BTM posts in semi-skilled grade have been created such trades by the Railways/Production Units as working Posts and not as Trainee posts in terms of Board's letter No. E (NG) 58/CFP/15, dated 26-5-1965, they will be upgraded to skilled grade under these orders. Similarly, those BTM posts in semi-skilled grade created on the Railways/Production Units in the skilled trades where there are corresponding semi-skilled grades already existing, will be correctly designated after reclassification in accordance with the work performed.

5. While re-classifying semi-skilled posts to skilled grade as per 1st J. & J., the ways may also recognize such semi-skilled grades which are listed in Col. 4 of List No. 1, Col. 2 of List No. II, since the Railways follow different classifications in respect of trades, provided the standard trade test syllabus as applicable to the classification under Col. 2 of List No. I and Col. 3 of List No. II are applied in these cases also.

6. Since a large number of semi-skilled trades are proposed for reclassification, the skilled grade, to ensure that semi-skilled staff continue to be available as leaders of category for skilled jobs, from cut of the total strength of Kualasi Helpers in the semi-skilled grade of Rs. 210-290, after upgradation, a certain reserve number of posts of Kualasi Helpers, equal to 5% of the skilled artisan staff (including HSK II and HSK D) in the relevant trade Group, should be treated as trainee posts and designated as Basic Trainee.

main to provide for a horizontal movement from Khalasi-Helper posts to Tram Reserve posts and to act as a feeder category in a multi-trade crafts culture by ensuring proper training and mix of experience. The senior-most among the semi-skilled workers, who are due for promotion to skilled grade, should be posted against these posts (which will be functional posts and not merely trainee posts).

Before final promotion to the skilled grade, this raw experience of Tram Tickets can have to be given an opportunity and experience of work in some of the trades they are not yet acquainted with. For the allocation of the trainee posts in the various trades, a committee would be formed together in a broad spectrum, a few examples of which are given below:

- (i) Blacksmith, Spring Smith and Spring Makers (Smb), Angle Iron Smelters, Forging Smith, Hammer Men, Forging Machine Creator, Power Hammer Operator, Drop Stampers, Bolt, Nut and Rivet Making, Machine Operators.
- (ii) Fitter, Spring Machine Creators, Gobber, Mch. Tram Driver, G. Tenter, Pairer, Fett Miller, Felt Man.

(b) Gupoaman, Gupoaman incharge, Meulder, Neldire Machine Cranes  
allen Metal Carrier, Fettler, Core Maker.

(v) Dolly man, Riveter, Riveter (Wagon).

(vi) Painter, Painter (Brass gal'd, Lacquer) Sign Writer, Toaster (Fried), Tomato Cook, (vii) Cabinet Maker, Carpenter, Corching Builder, I.C.G. Metal, Medicine (Wood), (viii) Cabinet Maker, Planer, Saw Doctor, Saw Mechanic, Saw Sharpener, Cabinet Marker.

**Tell.**—The above list is only illustrative and not exhaustive. The Railway will try to evolve more groups of concrete trades for this purpose, especially in connection with the stations.

The Board's intention is that instead of a Khalas Group, there should be a Khalas Group for specific trade, which he is due for promotion he will be allotted to a Group of simpler articles of allied Trades so that he has an opportunity to learn and pick up the Trades in that Group. The Khalas Group will be on the basis of the

9. After reclassification of un-killed and semi-killed birds, the Board will issue the Board's extant orders stipulating distribution of un-killed, semi-killed birds in the ratio of 40 : 10 : 50 will cease to be in force, in all cases where they are currently applicable.

10. Before upgradation of the un-skilled posts to the semi-skilled grade in units covered by these orders is implemented, all establishments engaging with in it including the R.E.C.C. would set-aside 3% (in the case of Production Units and Workshops) and 5% (in the case of Sheds and Depots and all other Open Line establishments) including F.D.O. (cf. para 1) sanctioned first and earmark these for super-gradation. The cuts would be applicable on the net authorised strengths for recognised work-leads after weeding out surplus supernumerary posts which have so far been identified due to closure of Steam Loco sheds etc. to the extent that vacancies are already available within these percentages, these should be frozen and surrendered immediately. The balance posts should be surrendered progressively by transferring the junior-most employees to other establishments against vacancies available. In case however such surplus staff cannot be absorbed immediately due to non-availability of vacancies, the same could be surrendered as and when they become vacant by normal wastage and attrition will be the responsibility of the Additional General Manager (L&P Control) in consultation with the F.A. & CAO to ensure implementation of this part of the orders regarding surrender of posts and submit a status report to the Board by 31-2-83. In the context of enforcing those orders regarding surrender of posts in un-skilled (Class IV) grade, the Board have decided that there will be a total ban on recruitment of casual labour and

11. Any requirement of additional funds on account of implementation of the aforesaid orders should be quickly assessed and appropriately reflected as separate factor in the Revised Estimates for the current year and the Budget Estimates for 1983-84.

12. The Ministry of Railways desire that these orders should be implemented expeditiously and payment of lumpsum arrears arranged within three months from the date of issue of these orders.

13. This issues with the concurrence of Finance Directorate and has the sanction of the President.

List of Semi-skilled trade designations as per Standard Trade Test Manual of 1952, proposed for re-classification as skilled trade.

S. No.	Semi-skilled Trade designa- tions as per 1952 Trade Test Manual.	SYllabus No. as per 1952 Trade Test Manual	Semi-skilled trade designa- tions as existing on the Railways, in addition to what is mentioned in Col. 2 with similar work context.	Remarks	List of Semi-skilled trade designations as per Standard Trade Test Manual of 1952, proposed for re-classification as skilled trade.	
					1	2
1.	Auto-Truck Driver (Battery or Lister or Motor Lorry un-licensed Driver Work shops).	3	Jambo Driver, Internal Transport Driver, Plant Truck Driver, Battery Driver, Power Sweeper Driver, Litter Driver.			
2.	Batteryman	5	Cel Man, Semi-skilled Battery Fitter, Lead Burner.			
3.	Beltman	6	Beltf.			
4.	Blaster (Exca- vation).	8	Blaster			
5.	Bolt, Nut and Rivet Making Machine Operator.	11	Forging Machine Operator.			
6.	Cannerman	16	Canner, Clink Man, Clink Maker.			
7.	Celmar	17	See Item 2			
8.	Circular Operator.	18	See Item 2			
9.	Cobbler	19	See Item 2			
	Meat Pouch Marker/ROD/	20	See Item 2			

1	2	3	4	5
10.	Cupolaman	23	Cupola Attendant, Cupola Operator, Cupola Tapper.	
11.	Descaler voiler (Tube).	25	De-scaler	
12.	Dollyman	30		
13.	Dresser (Emery Wheel).	31		
14.	Driller (Fixed Spindle).	32	Machinist, Operatin Grindie Drilling Mich ine Drilling Operator, Spindle Driller, Radial Driller, Driller.	
15.	Electric Traver- ser Operator (Ground).	36	Electric Traverser Operator, Traverser Driver.	
16.	Feller	40		
17.	Fire Extingui- shor Servicer.	42	Fire Extinguisher (Fire Extinguisher)	
18.	Furnaceiman (Ordinary).	46	Furnaceeman, Furnace Operator, Furnaceeman (Smith), Furnaceeman (Foundry).	
19.	Fireman-Power House.	43		
20.	Glazier	49	Glass Cutter	
21.	Grab or Bucket Coaling Crane Operator.	50	Coal, Crane Driver/Opera- tor.	
22.	Hammerman Smith	54	Striker (Smith), Tyre Remover.	
23.	Machinist- Wood (Cap- able of Opera- ting One Machine only).	64	Machine Operator, Wood/ Circular Saw, Cross Cut, Saw Morrisit %, Spindle Drilling, Single Cutter, Moulder, Sand Saw, Band re-saw, Log Grane Saw/Multi- Spindle Moulder/Planing Machine/Slitting Saw (for profile cutting).	

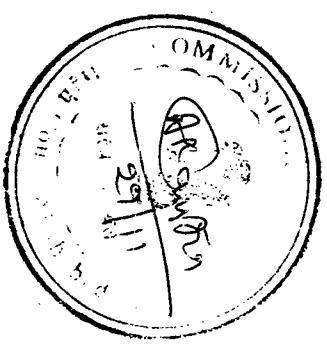


1	2	3	4	5
39.	Sewing Machine Operator.	100 Tailor semi-skilled	..	Existing semi-skilled trade designation.
40.	Shearing Machine Operator (Shearer).	101 Machine Operator Shearing Machine Operator, Shearer Operator	..	Proposed Designation.
41.	High Power Lamp Filter.	57 Filter (H.P.L.)	..	Machine Operator (Foundry) Machinist (Foundry)
42.	Lead Burner	5 Stationary Plant Attendant (Pump Driver), Steam and Electric.	..	Machine Operator (Fou- dry) Moulding Machine Sand Slinger, Swing Grinder, Gore Blower.
43.	Boiler Attendant	105 SPA Diesel Plant/SPA Air Compressor/House Attendant SPA Compressor Attendant/Air Com- pressor Driver/Boiler Attendant/Driver/Operator Operator, Air Pump Operator (Divine) Filter- ation Plant Operator & Coke Crushing Machine Operator.	..	Wire Rope Splicer Fitter Millwright Fitter
			See Item No. 2	24 of 1959 Trade Test Manual (Fitter Mill Wright & Crane & Traveller).
			3. Clipper	4. of 1952 Trade Test Manual.
			Machine Operator, Da- Straightening Machine, Chipping Machine, Centring Machine, Machine Operator	5. of 1952 Trade Test Manual.
			Machinist	6. of Trade Test will be proposed
			Machinist	7. of 1952 Trade Test Manual.
				8. of 1952 Trade Test Manual.
				9. of 1952 Trade Test Manual.
				10. of 1952 Trade Test Manual.
				11. of 1952 Trade Test Manual.
				12. of 1952 Trade Test Manual.

(i) List of existing semi-skilled trade designations not covered by Standard Trade Test Manual 1952, proposed for reclassification as skilled trade.

S. No.	Existing Trade Designation	To be designated
1.	Fitter MOH Schedule IV	Fitter
2.	Fitter (MOH Cylinder Side Rod etc. Assembly).	"
3.	Fitter Boiler Mounting	"
4.	Fitter (Deficiency Bench)	"
5.	Fitter (Scheduled Running)	"
6.	Fitter Lubrication	"
7.	Fitter Motion Bench	"
8.	Clipper General Fitter	"
9.	Fitter General	"
10.	Fitter Structural	"
11.	Fitter Template	"
12.	Die Cutter/Maker	Die Cutter, Die Sinker.

S. No.	Existing Trade Designation	To be designated
13.	Motor/Lorry Driver/Jeep Driver/Tempo Driver	Motor Driver
14.	Fitter I.C. Engine	Fitter
15.	Tim Smith/Solderman	Tim Smith
16.	Trimer	Trimer
17.	Machine Operator, Capatan Lathe, Centre Lathe, Uni-	Tin and Cooper
	versal Milling Machine, Shaper, Wheel Lathe Armature	Tin and Cooper
18.	and Coil Winder/Coil Winder	Tin and Cooper
19.	Armature and Coil Winder/Coil Winder	Tin and Cooper
20.	Oxygen and Acetelene Cutter	Tin and Cooper
21.	Stenciller	Tin and Cooper
22.	Wheel Stamper	Tin and Cooper
	End Binder	Tin and Cooper



M. Van  
Vliet

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

O.A. No. : 299 OF 1990 -(L)

Shabbir Ahmad

..... Applicant

vers

## Versus

Union of India and others

..... Respondents

ANNEXURE - C6-4

## Northern Railway

Dated December 14 1985.

NOTES.

After reclassification of 197 posts from SS grade (Rs.210-290RS) to skilled grade (Rs.260-400RS) and 50% of 455 posts (u.s) in grade Rs.196-232/200-240/200-250) to semi skilled grades (Rs. 210-290RS) and enforcing 5% cut in the unskilled grade posts in terms of P.S.No.3203, the divisional cadre strength of C&W artisans stand as under:-

S.No. Category

### Saughtoned strength

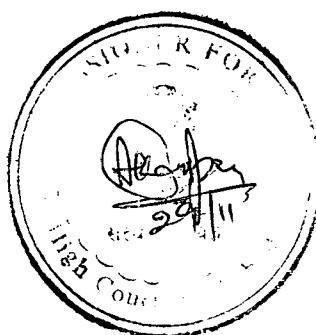
Perm. : Temporary. Totals

1.	Carpenter.	36	7	43
2.	Painters	15	6	21
3.	Trimmers	12	3	15
4.	Blacksmith	7	-	7
5.	Hanneman	7	-	7
6.	Welder	16	7	23
7.	V.V.	10	15	25
8.	Driver	3	-	3
9.	Anti/Mech.Operator	3	-	3
10.	Motor Driver	1	2	3
11.	Fitter	942	101	1043
12.	Khaliash/Sarabara	339	281	620 after surrounded
13.	Skid Porters	60	-	60 of 48 Permanent
14.	Saloon Attendant	5	-	5 posts.
15.	Cleaning Jamadar	29	5	34 = 750
16.	Ply Cleaners	31	-	31
17.	Isolated categories viz. Mason Tin Smith B.P. Painter Drillier Dopecker Lifter One in each trade.	6	-	6
Total:-		1522	427	1949

The Divisional Railway Manager with the concurrence  
of the Board has accorded sanction of higher grade posts  
in the above categories as under on Divisional basis in

M. Vaish

Cont d...2a



(6)

-2-

Terms of P.D. 8763.

S. no. (Skilled/HS.)	Total Existing in the ratio of 20:25:55	Revised in terms of P.D. 8763
Length. B. Gr. HS. Gr. SKILLED CR. I Gr. II Gr. III	I 20% II 55% III 30% 35% 35%	25%
1. Carpenter	43 9 11 23 13 15 15	
2. Painter	21 4 5 12 6 7 8	
3. Trimmers	15 3 4 8 5 5 5 5	
4. B/smith and Hammerman.	14 3 4 7 4 5 5	
5. O-Welder	23 5 6 12 7 8 8	
6. VED.	25 5 6 14 7 9 9	
7. AC Driver	3 1 1 1 1 1 1	
8. FSM/ Mach Operator.	3 1 1 1 1 1 1	
9. Motor Driver	3 1 1 1 1 1 1	
10. Isolated trades -	6 1 2 3 2 2 2	
Mason Tin Smith HPL Fitter Driller Repacker Lifter etc in each trade.		
11. Fitters.	1043 ✓ 209 261 573 313 365 365	
Total:	1199 242 302 655 360 419 420	

Semi skilled/Unskilled.

Total No. of US posts.	Reclassification in terms of P.D. 8203.	Reclassification in terms of P.D. 8768.
50% US 50% HS 5% cut.		
798	399 399 48	750 525 225

Contd...3.

*M. Vaish*

62

Depot wise distribution of the above posts and 16 other non artison posts is attached herewith. The higher grade posts will remain floating in various depots for the present to avoid enmass transfers in implementation of upgrading in terms of PS 3768.

DA/One.

*S. m m*  
for Sr. Divi. Accounts Officer.,  
Northern Railway/Lucknow.

*for Divi. Rly. Manager,  
N. Rly/Lucknow.*  
19/12/85

*19/12/85*  
Copy for information and record to:-

1. S.Y. DAO/LKO (E) & (F)
2. LMS (C&W)/Lucknow.
3. AMB/Q&W/Lucknow.
4. CWS/LKO FD BSB
4. CTXR/WRFU(NPO) SLN PBH JNU RBL PYG
5. D/C E/2/1 E/2-2 E/2-3 of Q&W Department.

SPK/

*M. Vaughn*



63

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
O.A. No. : 299 OF 1990 (L)  
Shabbir Ahmad ..... Applicant  
Versus  
Union of India and others ..... Respondents  
ANNEXURE - CE-5

33. Item No. 157.  
8th PNM  
May 190/

DPO  
APC-III  
SE.I.

Irregular promotion of Shri Shabbir Ahmad s/o Shri Nasir Ahmad to the post of Fitter Gr. I, working under CDO, Lucknow/

Shri Mohammad Vaish was promoted as Fitter on 27.5.84, while Shri Shabbir Ahmad was promoted as Fitter on 1.10.84. Later on both Shri Mohammad Vaish and Shabbir Ahmad was promoted to the post of Fitter Grade II vide letter No. 752 E/2/1/C&W/Misc. Art dated 10.12.85. Shri Shabbir Ahmad has been promoted to the post of Fitter grade I ignoring Shri Mohammad Vaish, who is senior to Shri Shabbir because Shri Mohammad Vaish was earlier promoted as Fitter. Shri Shabbir Ahmad is HPL Fitter and Mohammad Vaish is Tin Smith seniority of these categories was clubbed together to implement reclassification, so Shri Mohammad Vaish is senior to Shri Shabbir on the basis of inter-se seniority. Union therefore demands that Shri Shabbir be reverted and Mohammad Vaish be promoted as Grade I.

REPLY

Case is being examined.

Union pointed out that it has been established that Shri Shabbir Ahmad s/o Shri Nasir Ahmad is junior to Shri Mohd. Vaish, so Shri Sabir Ahmad be reverted and Mohd. Vaish be promoted as Gr. I.

It was agreed to examine the case.

*M. Vaish*

Review

Contd. ....



32. Item No. 454 Contd. . . . .

The Union contended that Shri Mohd Muslim and Shri Hari Dass had joined on transfer from ALD Divn under one and the same notice. Since Shri Mohd Muslim had been promoted as TTE long before, Shri Hari Dass is also due promotion as TTE as per his panel position of TC. Moreover, Shri Hari Dass belongs to SC community.

It was agreed to consider him for promotion provided he is otherwise suitable and is due for such promotion as per revised seniority. Union wanted that either Shri Hari Dass be promoted immediately or Shri Mohd. Muslim be reverted.

This was agreed.

## Final Implementation.

M. Vaish



33. Item No. 67 contd....

FRBSE APLY in examining the case it has revealed that Shri Shabbir Ahmad was promoted as HPL Fitter in gr. Rs. 260-400 (RS) from 1.10.84 whereas, Shri Mohd Vaish was promoted to skilled grade of Rs. 260-400 (RS) as Tinman from 30.1.85. Similarly, they were promoted to grade II in their respective trades from 1.10.84 and 1.1.86 respectively and accordingly Shri Shabbir Ahmad is senior to Shri Mohd. Vaish.

There is, therefore, no irregularity in promoting Shri Shabbir Ahmad as Fitter Gr. I on the basis of inter-se seniority.

The Union pointed out that Shri Mohd Vaish was promoted as Tinman Gr. Rs. 260-400 vide letter No. 752/2-1/Misc Art/C&W dated 18/24.5.84 and he effected his promotion on 27.5.84. Shri Shabbir Ahmad was promoted as HPL Fitter vide DTM's letter No. 752/1-1/C&W/Misc/Art-4 dated 19.7.84. As such Shri Vaish is senior to Shri Shabbir in the skilled grade as he was promoted earlier. Later on, isolated categories such as, Tinsmith, HPL Fitter, Drillar, Repacker, Lifter and Turner were clubbed to implement reclassification. Shri Mohd Vaish and Shabbir Ahmad were promoted in Gr. II vide letter of even no. dated 10.12.85. Since categories of Tinsmith and HPL Fitter were clubbed for reclassification, so both the employees were promoted in Gr. II from one and the same date. Since Shri Vaish is senior in substantive grade and was promoted in Gr. II along with Shri Shabbir so, he will always rank senior to Shri Shabbir and is due promotion as Gr. I. Since Shri Shabbir Ahmad has wrongly been promoted as Gr. I, so he should immediately be reverted and Shri Mohd Vaish, who is senior to him, should be promoted as Tinsmith Gr. I.

It was agreed to take corrective action.

Final Implementation

M. Vaish



66

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
O.A. No. : 299 OF 1990 (L)  
Shabbir Ahmad ..... Applicant  
Versus  
Union of India and others ..... Respondents  
ANNEXURE - CE-6

उत्तर रेलवे  
NORTHERN RAILWAY

E/3/letter/90/I

Office of the  
CDO/LKO  
dt. 31-8-90

To, The DRM/N.Rly.  
LKO

Sub:- Promotion of staff

Re:- DRM/LKO notice no. 752 E/  
2-1/emp/loc/1st dt. 17.8.90.

As per letter cited  
above Shri Mohd. Vansh Kumar  
Jo. II is promoted as Technician Gr.I  
from 1/B/B/90. He was drawing  
Pay Rs. 1320/- & 1-90.

mm.

M. Vansh  
eBafflo



Shabbir Ahmad

..... Applicant

versus

Union of India and others

..... Respondents

## ANNEXURE -

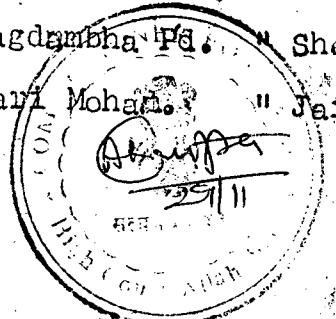
CE-7

PENAL OF KHALLASI (C & W) UNDER HTXRs  
OF LUCKNOW DIVISION OCTOBER 1971.

As a result of screening held by A.M.E. (II) and A.P.O. (10) Lucknow during the months from July '71 to Sept'71 in terms of HeadQuarters letter No: 220-E/0-IV/II(eiv) dated 26.5.70 and 24.7.70, the undernoted substitutes/ Casual Labcurs have been found suitable and are placed on the panel of C & W Khallasi for absorption as regular railway employees subject to condition that should any surplus staff become available for absorption they will have to make room for them. Their service Sheets be opened up and Leave Accounts maintained as per normal rules. Those who have already passed the requisite Medical test and are still working need not be sent for such medical examination again.

S. No:	Roll No:	Name.	Father's Name.	Under HTXR	Date of birth.	Date of appointment.	Whether S/C or not.
1	2	3	4	5	6	7	8
1.	104	Nand Lal Sharan Sri Lal Bachan	LKO	1.10.46	7.12.68	No.	
		Sharma.					
2.	101	Mohd Rasheed.	" Abdul Bashir.	LKO	24.10.50	7.12.68	No.
3.	102	Sheo Baran.	" Gur Dayal.	LKO	5.12.45	7.1.69	No.
4.	99	Shambhoo Dayal	" Sita Ram.	"	10.12.47	3.3.69	No.
5.	107	Nathuni Pd.	" Bhayuk Pandit	"	-*	3.3.69	No.
6.	105	Mohd Yakuob	" Mohd Zahid.	"	10.7.44	1.4.69	No.
7.	106	Khursheed Hussain	Nazim Hussain.	"	4.6.48	3.5.65	No.
8.	4	Vidhwa Nath.	" Daya Ram.	NOP/SLN	2.4.45	8.5.65	No.
9.	113	R.N.Charavarty	" D.N.Chakravarty	LKO.	29.12.45	10.5.69	No.
10.	35	Chotey Lal.Rai	" Kedar Nath Rai.	FD	1.7.49	15.5.69	No.
11.	112	S.K.Banerjee.	" S.B.Banerjee	LKO	13.4.48	18.5.69	No.
12.	48	Ram Sumer.	" Ram Dayal.	LKO	2.11.45	20.5.65	No.
13.	83	Jagdamba Pd.	" Sheo Prasad.	FD	15.12.46	20.5.69	No.
14.	108	Hari Mohan.	" Jai Lal.	LKO	3.12.49	20.5.69	No.

p.t.o.



-2-

1	2	3	4	5	6	7	8
				HTXR			
15.	111	Chotey Lal.	Sri Baijoo	LKO	13.1.47	1.7.69	No.
16.	56	Kamakhya Pd.	" Sukh Lal.	PBH	31.7.50	18.8.69	No.
17.	61	Ram Badan Singh	Muker Singh.	BSB	1.4.51	7.9.69	No.
18.	62	Ram Bali.	" Ahibaran.	"	11.7.51	21.10.69	No.
19.	65	Mohiuddin.	" M.Z.Abbin.	"	15.7.47	10.11.69	No.
20.	64	Prakash Vizwakarma	Kedar Nath.	"	15.6.49	10.11.69	No.
21.	63	Kalam Ahnad.	" Mustaq Ahmad.	"	17.7.52	10.11.69	No.
22.	58	Ram Lekhan Singh	G.P.Singh.	PBH	20.9.42	23.11.69	No.
23.	66	Ram Narain Ram	" Muner.	BSB	1.7.51	11.12.69	No.
24.	7	Ajodhya Pd.	" Badri Pd.	NPO/SIN	2.12.45	24.12.69	No.
25.	67	Gajanand Shrma	" S.P.Sharma.	BSB	28.12.51	28.12.69	No.
26.	55	Ram Naresh	" Ram Prasad.	PBH	5.6.47	15.1.70	No.
27.	68	Achhey Lal.	" Babu Nandan	BSB	4.7.45	4.2.70	No.
28.	70.	Om Saran Panday	" Sheo Saran	BSB	18.8.47	4.2.70	No.
29.	69	Dubari Panday.	" Som Nath Panday	"	7.11.47	4.2.70	No.
30.	9	S.L.Jaitley.	" Nanak Chand.	NPO/SLN	27.11.48	25.2.70	No.
31.	10.	Ranbir Singh.	" Devan Singh.	"	20 yrs.	25.2.70	No.
32	71	Sheo Pati Tripathi	Gajadhar Tri-	BSB	5.6.47	6.3.70	No.
33.	103	Sakal Deo Pd.	" Komal Ram.	LKO	8.12.43	12.3.70	XXX.S/C
34.	92	Pratap Mohan	" M.B.Saini.	LKO	8.10.44	12.3.70	No.
		Saini.					
35.	89	Lal Bachan Sharma	R.R.Sharma.	"	3.7.46	12.3.70	No.
36.	114	Mohd Saeed	" Mohd Yaseen	"	4.1.47	12.3.70	No.
37.	87	Keshwar.	" Anant.	LKO	1.7.45	13.3.70	No.
38.	90	Bobymaclin.	" C.Maclin.	LKO	1.2.41	17.3.70	No.



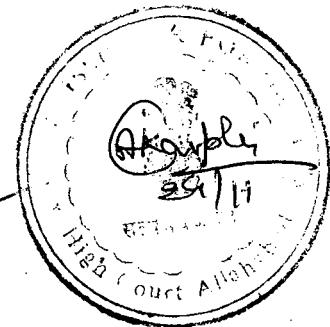
p.t.o.

M. Vaidya  
S. D. S. S.

1	2	3	4	5	6	7	8
				HTXR			
39. 93	Ram Charitra.	Sri Algoo	LKO	27.7.47	17.3.70	No.	
40. 117	Danbir Singh.	" Man Singh.	"	1.6.50	17.3.70	NAZ.	
41. 58	Ram Taul.	" Om Prakash	"	1.7.45	18.3.70	No.	
42. 119	Jagan Nath.	" LilaDhar.	"	10.3.49	26.3.70	No.	
43. 97	Gaya Prasad.	I " Dukhi Ram.	"	1. * 1.4.70	1.4.70	No.	
44. 16	Ram Piarey.	" Ram Dass.	NPO/SLN	22 yrs.	3.4.70	No.	
45. 62	Surya Lal.	" Algoo.	LKO	- *	3.4.70	No.	
46. 38	Ram Raj.	" Ram Suchib	FD	5.6.49	15.5.70	No.	
47. 5	R.S.Ojha.	" B.M.Ojha.	NPO/SLN	15.6.46	21.5.70	No.	
48. 24	Munshi Singh.	" <sup>guman</sup> Harbans Singh.	"	1.2.47	20.7.70	No.	
49. 74	Kailash	" Sahdeo.	BSB	11.12.50	7.3.70	No.	
50. 72	Shyam Narain.	Amir Chand.	"	12.6.50	16.8.70	S/C.	
51. 129	V.K.Sharma.	A.N.Sharma.	"	31.8.49	26.8.70	No.	
52. 123	Radhey Shyam.	Ram Dass.	LKO	30.6.51	26.8.70	No.	
53. 179	Jawahar Lal.	Sri Bhagwati Pd.	LKO	2.1.52	26.8.70	No.	
54. 73	Abdul Samad.	" Mohd Suleman.	BSB	28.1.50	27.8.70	No.	
55. 137	Jitendra Nath	" Ambika Pd.	LKO	2.7.50	27.8.70	No.	
56. 134	Tripathi. Shyam Kumar.	Tripathi. " Mulloo Ram	LKO	8.7.50	27.8.70	S/C.	
57. 135	Indra Mohan.	" S.S.Saxena.	LKO	19.9.50	27.8.70	No.	
58. 131	Ramesh Dutt Sharma.	" R.C.Sharma.	"	13.12.48	28.8.70	No.	
59. 95	Ram Shanker.	" Baboo Lal.	"	1.1.48	3.9.70	No.	
60. 109	Ram Samujh	" Jageshwar Pd.	"	10.11.49	3.9.70	No.	
61. 144	Mohd Hafiz.	" Faquir Mohd.	"	25.11.51	16.9.70	No.	
62. 115	Raghunandan Pd.	" Kedar Nath.	"	4.3.70	19.9.70	No.	

p.t.o.

M. Vaish



1	2	3	4	5	6	7	8
				HTXR			
63.	136	Bhagwan Dass.	Sri Chedi Lal.	LKO	8.5.71	19.9.71	No.
64.	120.	Sundar Lal.	" Sri Ram.	LKO	6.5.51	21.9.70	No.
65.	140	Sia Ram.	" Puttoo Lal.	LKO	10.1.47	23.9.70	No.
66.	25	Ram Kishore.	" Shyan Lal.	NPO/SLN	2.7.45	24.9.70	S/C
67.	26	Ram Milas Panday	R.L.Panday	"	11.9.47	24.9.70	No.
68.	12	Nirpan.	" Mangal.	"	24.9.47	24.9.70	No.
69.	17	Hari Lal Sharma.	" Kameshwar Sharma	"	5.6.49	24.9.70	No.
70.	11	Paras Nath	" Ori Lal.	"	18.10.49	24.9.70	S/C.
71.	14	Ramesh Chandra	" Kanta Pd.	"	1.1.50	24.9.70	No.
		Varma.					
72.	20	K.N.Dubey.	" D.Raj Dubey.	"	14.1.50	24.9.70	No.
73.	23	Ram Awadh.	" Ram Garib.	"	1.7.50	24.9.70	S/C.
74.	22.	Lakhandra Pd.	" Ram Sujan Singh	"	11.7.50	24.9.70	No.
		Singh.					
75.	21.	Krishna Mohan.	" Sukh Pd.	"	30.8.60	24.9.70	No.
76.	15.	Sheo Shanker.	" Sheo Raj.	"	20.12.50	24.9.70	No.
77.	6	Bal Mukund	" Salig Ram.	"	20 yrs. *	24.9.70	No.
78.	27	Raj Bahadur.	" Bans Raj.	"	20 Yrs.*	24.9.70	No.
79.	13	Deo Charan Ram	" Shyan Dabin Ram	"	20.5.51	24.9.70	S/C
80.	19	Ram Pyardy.	" Rita Ram.	"	2.10.51	24.9.70	No.
81.	8	Ram Sumiran	" R.B.Sharmaa	"	6.10.51	24.9.70	No.
82.	42	Indra Khan Singh	Karta Pd.Singh FD		15.1.50	25.9.70	No.
83.	29	Naushad Ali.	" Sharshad Ali.	NPO/SLN	7.8.49	30.9.70	No.
84.	28	Jag Dhushan	" M.A.Duraswami	"	14.9.52	30.9.70	No.
85.	32	Shyam Surat	" Baij Nath.	"	6.3.48	3.10.70	No.
86.	150	Ram Prakash	" L.P.Tewari	LKO	1.10.48	3.10.70	No.
		Tewari.					
87.	31	Ram Narain.	" Pancham.	NPO/SLN	24 yrs.*	3.10.70	No.
88.	30.	Mahadeo.	" Kari Pd.	"	20.1.49	3.10.70	No.
89.	141	R.K.Panday.	" Uma Shanker	LKO	21.10.49	4.10.70	No.
			Panday.				
90.	33	Ram Narain.	" Gur Din.	LKO	20 yrs. *	5.10.70	No.

p.t.o.

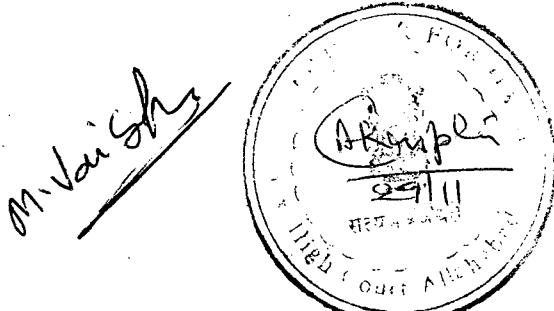
M. Vaigya



-5-

1.	2	3	4	5	6	7	8
				HTXR			
91.	116.	Jagannath Pd. Sri Sumer.		LKO.	28.3.51	6.10.70	No.
92.	34.	D.P. Tripathi.	" Krishan Tripathi	SLN 19 yrs.*	6.10.70	No.	
93.	145	Baboo Ram.	" Muneshwar.	LKO.	30.12.45	8.10.70	No.
94.	77	Sheo Nath Lal.	" Hari Nandan.	BSB	2.4.49	9.10.70	No.
95.	143	Jamalluddin.	" Kamaluddin.	LKO	8.9.51	10.10.70	No.
96.	76	Mohan Lal.	" Jagroop.	BSB	20.7.46	11.10.70	S/C
97.	79	Jitan Ram.	" Ram Pati Ram.	DSB	3.2.52	11.10.70	No.
98.	75	Mool Chand.	" Chhotey Lal.	BSB	1.6.47	12.10.70	Ex. SC
99.	151	Suraj Bux.	" Ialta Pd.	LKO	14.8.47	12.10.70	No.
100.	25.	Naipal Singh	" Din Dayal.	NPO/SLN	20.7.50	14.10.70	No.
101	153	Ganesh Prasad.	" Ram Khelawan	LKO.	17.2.52	14.10.70	No.
102.	110	Abdul Latif.	" Mohd Haroon	LKO	15.7.46	20.10.70	No.
103.	118	George Massey.	" L. Massay.	LKO	17.1.46	22.10.70	No.
104.	148	Om Prakash.	" Badri Pd.	LKO	5.5.50	22.10.70	No.
105	149	Jagdamba Pd.	" Ram Dularey.	LKO	25.7.51	22.10.70	No.
106.	139	Mohd Rais.	" Abdul Rahman.	LKO	15.8.50	23.10.70	No.
107.	36	Bhagwat Sharma	" Krishna Sharma	NPO/SLN 19 yrs.*	24.10.70	No.	
108.	156	Badal Hussain.	" Mabhoob.	LKO	1.12.51	24.10.70	No.
109.	37	Kalika Pd.	Chaubey D.N. Chaubey.	NPO/SLN	13.7.62	27.10.70	No.
110.	180	Iqbal Hussain.	" Sharfuddin.	LKO	5.3.50	28.10.70	No.
111.	154	Chander Pal.	" Maikoo Lal.	LKO	5.7.49	3.11.70	No.
112.	125	Anjani Kumar	" H.N. Saxena.	LKO	20.6.52	3.11.70	No.
		Saxena.					
113.	142	S.K. Mall.	" M.R. Mall.	LKO	3.7.50	9.11.70	No.
114	44	Mahraj Din.	" Bhagwan Din.	FD	8.3.52	10.10.70	No.
115	122	S.Kazmi Raza.	" S.M.R. Kazni.	LKO	5.5.51	12.11.70	No.
		Kazni.					
116.	127	Jamuna Pd.	" Gaya Prasad.	LKO	- * 20.11.70	S/C,	
117.	43	Sadhoo Ram.	" Ram Charan.	FD	20-6-47 21.11.70	No.	
118.	38.	Ram Asrey.	" Inder Jeet.	SLN	22.12.46	23.11.70	No.
114.	94	Nurul Hasan.	" Abdul Hashim	LKO	27.1.42	27.11.70	No.
115.	39	Vishwa Nath Singh	Raj Roop Singh	SLN	18 yrs *	1.12.70	No.
116.	40	Chhedi.	" Farnam.	NPO/SIN	18 yrs *	3.12.70	No.

p.t.o.



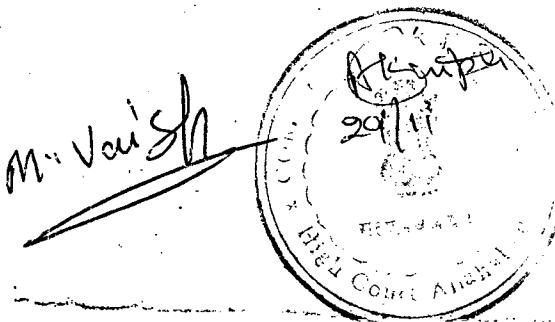
M. Vaishya

72

-6-

1	2	3	4	5	6	7	8
117.	41	Hira Lal.	Sri Kalloo	NPO/SLN	1.2.51	5.12.70	S/C
118.	155	Om Prakash	" Dwarka Pd.	LKO	1.12.49	6.12.70	No.
119.	42	Babu Lal.	" Mohan Lal.	NPO/SLN	2.1.48	10.12.70	S/C.
120.	157	Saheb Saran.	" Jagpall.	LKO	7.1.50	10.12.70	No.
121.	43	Raja Ram.	" Harkhoo.	NPO/SLN	22 yrs.*	12.12.70	No.
122.	185	Roop Lal.	" Moti Lal.	LKO	10.1.45	18.12.70	S/C.
123	57	Laljee Pd.	" Devi Pd.	PNH	13.12.45	-	No
124.	59	Tulsi Ram.	" Sheo Ram.	PDH	7.7.51	-	S/C
125.	130	Ishaq Ahamad.	" Ashfaq Ahamad.	LKO	7.7.52	23.12.70	No.
126.	197	Jag Mohan.	" Inder Din.	NPO/SLN	24 yrs.*	24.12.70	No.
127.	198	Ram Piarey.	" Jag Deo.	"	3.9.51	24.12.70	No.
128.	167	Lallan Pd.	" Kanaiya Lal.	LKO	17.8.47	25.12.70	No.
129.	186	Munni Lal.	" Babu Lal.	LKO	15.7.52	25.12.70	No.
130.	181.	Naresh Chandra	" K.C. Saxena.	"	30.6.49	3.1.71.	No.
Saxena.							
131.	81	Sachidanand	" Harihar Pd.	BSB	27.1.46	4.1.71	No.
		Srivastava.	Srivastava.				
132.	214	Ram Murti Ram.	" Millahi	xx.	3.1.48	4.1.71	No.
133.	80.	Hari Gopal.	" Radhey Lal.	"	14.5.48	4.1.71	No.
134.	213	Faujdar Singh.	" Pathroo Singh.	"	*	4.1.71	No.
135.	78	Firendra Singh.	" Amir Singh.	"	29.4.50	6.1.71	No.
136.	170	Kishan Yadav.	" Thakur Yadav.	"	28.4.49	8.1.71	No.
137.	199	Ambika Pd.	" S.N. Upadhyay.	SLN	5.10.50	8.1.71.	No.
138.	187.	S.N. Singh.	" Ganga Bux Singh	LKO	22.7.47	10.1.71	No.
139.	188	P.K. Chaudhury.	" B.K. Chaudhury.	LKO	13.5.47	12.1.71	No.
140.	200	Ganga Ram.	" Ran Dass.	NPO/SLN	23 Yrs *	14.1.71	No.
141.	189	P.K. Bose.	" R.K. Bose.	LKO	4.5.48	14.1.71	No.
142.	192	Wali Bux.	" Imam Bux.	"	5.2.51	23.1.71	No.
143.	183	Shabir Hussain.	" Kalloo.	"	1.1.51	3.2.71	No.
144.	190	Suresh Chandra.	" Sheo Pd.	LKO	15.1.50	5.2.71	No.
145.	182	Joginder Pd.	" S.R. Singh.	"	8.10.49	11.2.71	No.
146.	191	Babu Nandan Singh	Sundar Singh.	"	6.12.48	12.12.71	No.
147.	91	Babu Singh.	" Mahesh.	"	30.4.44	16.2.71	No.
148.	124	Ramjan Ali.	" Aurakhey.	"	5.2.48	17.2.71	No.

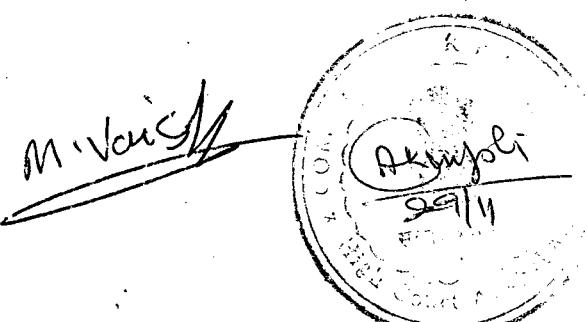
p.t.o.



M. Vaish

1	2	3	4	5	6	7	8
				HTXR			
1495	195	Gaya Prasad II	Sri Meri Lal.	LKO	12.1.50	17.2.71 ✓	No.
150.	147	S.N. Mukerjee.	" H.B. Mukerjee	"	15.8.50	23.2.71 ✓	No.
151.	184	Mangal.	" Gajadhar.	"	*	25.2.71 ✓	No.
152.	209	Shyam Narain Singh	" R.N. Singh.	"	4.2.46	28.2.70 ✓	No.
153.	172	Hira Lal.	" Saliq Ram.	BSB	20.4.48	2.3.71 ✓	No.
154.	201	Ram Narain.	" Ram Adhin.	NPO/SIN	15.7.45	3.3.71 ✓	No.
155,	171	Musmat Ali.	" Risal Ali.	BSB	7.3.46	3.3.71 ✓	No.
156.	175	Phunni Lal.	" DaRa Ram.	"	1.2.46	4.3.71 ✓	No.
157.	202	Uma Prakash	" Prabhoo Pd.	NPO/SIN	1.2.43	8.3.71 ✓	No.
158.	98	R.C. Sharma.	" B.P. Sharma.	LKO	12.6.46	18.3.71	No.
159.	121	Ram Khelawan.	" Daya Ram.	"	28.12.51	8.4.71	No.
160.	160.	Pratap Narain.	" Kunoo.	"	*	25.5.71	No.
161.	203	Shree Ram.	" Raghu Nath.	"	11.9.51	23.7.71	No.
162.	173	Raja Ram Singh	" Ran Chela Singh.	-	On compassionate grounds. 19.9.46	-	No.
163.	174	Ganga Pd.	" Tribhuwan.	-	*	-	No.
164.	84	Hausla Pd.	" Babadin.	-	15.12.46	-	No.
165.	212	Udai Raj.	" Lautoo Ram.	-	10.8.46	-	No.
166.	211	Sidhari Ram.	" Jai Nath.	-	8.7.45	-	S/C.
167.	204	Indra Pal.	" Lalta Pd.	-	4.2.49	-	No.
168,	52	Jagdish Pd.	" Mata Din.	-	5.6.52	-	S/C.
169.	106	Bhagwan Dass.	" Sita Ram.	-	8.7.48	-	No
170.	164.	Bhagwati Pd.	" Budh Ram.	-	2.1.52	-	S/C.
171.	196	Radhey Shyan.	" Sheo Dularey.	-	2.8.50	-	No.
172.	166	Brij Lal.	" Chotey Lal.	-	5.4.47	-	No.

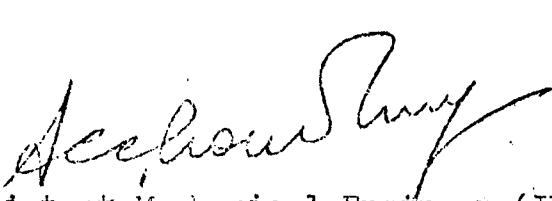
p.t.o.

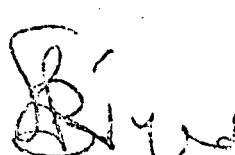


-8-

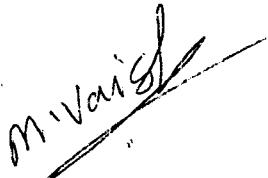
1	2	3	4	5	6	7	8
173.	176	Mahabir Pd.	Sri Jagdish Pd.	-	16.7.52	-	No.
174.	205	Ashok Kumar.	" Chandrika Pd.	-	15.10.50	-	No.
175.	206	Sant Lal	" Ran Dhani.	-	7.8.50	-	No.
176.	207	Ramesh Kumar.	" Gokaran.	-	28.11.50	-	No.
177.	54	Nandoo Lal Dass	" N.B.Dass.	-	20.3.60	= ✓	S/C.
178.	176	Nisar Ahamad.	✓ Nazir Khan.	-	23.3.47	- ✓	No.
179.	161	Mohd Waris.	" Shahid Ali.	-	*	-	No.
180.	163	Mamood Ali.	" Zahid Ali.	-	*	-	No.
181.	165	Jainuddin.	✓ " Moharram Ali.	-	*	-	No.
182.	210.	Jamil Ahamad.	" Miraj Ahamad.	-	19.5.48	-	No.

Cases marked with \* their age is subject to verification of age.

  
Assistant Mechanical Engineer (II),  
Northern Railway,  
Lucknow.

  
Assistant Personnel Officer  
Northern Railway.  
Lucknow.



  
M. Vaid

28

BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

O.A. No. : 299 OF 1990 (L)

..... Applicant  
Shabbir Ahmad

VERSUS

Union of India and others ..... Respondents

ANNEXURE - CE-8

23  
NORTHERN RAILWAY  
No. 220E/Screening/KH-C&W/Conf/81

C&W Supdt./LKO, CTXR/FD/PBH/BSB,CWIS  
EFCY./MPO/SLN, DME(C&W) AME(C&W)  
C/ Lvl. Secretaries NRMU/URMU

DIVISIONAL OFFICE  
LUCKNOW 17-2-81

REG:- Panel of Khalasis in C & W Department.

As a result of screening held by AME(C&W)/LKO and APO(I) the substitutes/casual labours khalasis working under different CTXRs on LKO Divn. as shown in the attached list have been found suitable and are placed on panel provisionally for absorption/regularisation as regular employees. It may be ensured that in future whenever any posts are sanctioned or vacancies occur, as a result of retirement, death etc. candidates from this panel should be given preference strictly in accordance with the panel position. Before regularisation of their appointment it should be ensured that necessary formalities i.e. medical exam. character verification etc. as per extant rules are observed, and due advice is sent to this office in a cover addressed to HC-E/3, DRM Office/HZG/LKO by name. It may also be noted that these will have over riding claim over unpanelled substitutes/casual labours working under your control.

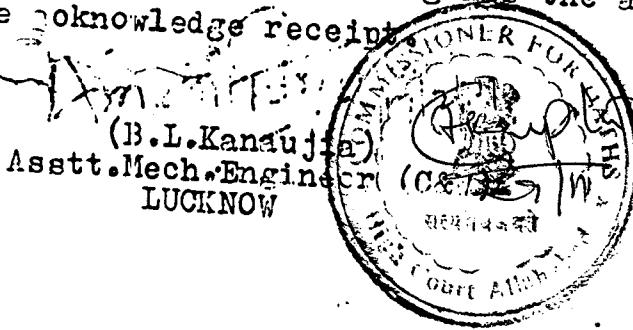
In certain cases the candidates had furnished details of working in Deptts. other than (C&W) as such at the time of giving appointments detailed verification should be done in respect of their working days from records available with the sr. subordinates and in Pay Bill Sec. of Divl. office etc. Suitable remarks in respect of these cases have, however, been indicated against their names.

In certain cases the candidates could not produce original certificates regarding their age, educational qualifications and SC/ST certificates, as such detailed verification should be done before any candidate on the panel is appointed and any discrepancy coming to light in any respect should be brought to the notice of appointing authority in writing to enable him to consider whether the name of such candidate is to be retained on the panel or otherwise. So far as SC/ST candidates checked.

In case it is found that the records indicated something otherwise than the one produced at the time of screening, then the candidates will have no claim for retention of their names on the panel and may render it disqualified for the service. In case of dispute if any, decision of the Administration in respect of each case will be final.

One copy of the result should be placed on the Notice Board for the information of the staff concerned. The other copy of the result should be kept as permanent record in your office for guidance and further necessary action.

The result of this screening has the approval of Divl. Personnel Officer.



17/2/81  
(B.K.Malhotra)  
Asstt. Personnel Officer(I)  
LUCKNOW

28

22

26

List showing the names of candidates declared suitable for the post of C&W Khalasi as a result of screening held in Oct., Nov. and Dec., 80 in order of seniority (Merit based on total number of working days put in by them upto 31-5-1980).

Sl. No.	Item no of Dep. List	Name and Father's Name	Date of birth	Total no. of work- ing days upto 31- 5-1980	SC or ST	Remarks
1.	1/LKO	S/ Sri Rishi Kumar Trikha S/o Sri D.K. Trikha	26-1-52	✓ 3110		
2.	2/LKO	Ishtiaq Ahmad Siddiqi S/o Aziz Ahmad Siddiqi	7-3-53	✓ 2795		
3.	3/LKO	S/ S. Nasir Ahmad	4-1-52	✓ 2491		
4.	4/LKO	Ram Prasad S/o Phikka Lal	3-3-54	2418		
5.	5/LKO	Prem Singh S/o Ram Suchit	10-12-50	✓ 2374		
6.	6/LKO	Abdul Aziz S/o Abdul Sattar	5-2-49	✓ 2344		
7.	7/LKO	Gulam Husain S/o Mohd. Husain	15-7-53	✓ 2297		
8.	8/LKO	Ram Kumar Ram S/o Chauthi Ram	1-1-51	2268	SC	
9.	9/LKO	Prakash S/o Hari Shankar	1-1-53	✓ 2257		
10.	10/LKO	Sayad Mohd. Ijtiba Rizvi S/o SM Murtaza Rizvi	1-7-49	✓ 2225		
11.	11/LKO	Hira Lal S/o Sauda Ram	5-12-49	2196		
12.	12/SLN	Shyam Lal S/o Ram Asrey	3-8-49	✓ 2186		
13.	13/SLN	Phool Chand S/o Garib Dass	17-4-54	✓ 2162	SC	
14.	14/SLN	Gurdas S/o Pudai	20-7-48	✓ 2143	SC Sub. to pro duction of SC & School Certificate.	
15.	15/LKO	Ram Pratap Yadav S/o Chandra Pal	8-1-51	✓ 2136		
	16/SLN	Akhil Kumar S/o Chibote Lal	20-12-49	✓ 2110		

Contd...2



M. Vaish

1.	2.	3.	4.	5.	6.	7.
17. 18/LKO	S/ Sri	Ramesh Chandra Sharma S/o Gur Dayal Sharma	28-6-50 ✓	2070		
18. 6/SLN		Mangala Prasad Singh S/o Nardev Singh	15-10-51 ✓	2031		
19. 7/LKO	X	Kishan Lal S/o Gauri Shankar	1-8-51 ✓	2025	SC	Subject to SC Certifi- cate from Magistrate
20. 19/LKO		Ram Swaroop S/o Dhani Ram	1-1-55 ✓	1992		
21. 20/LKO	X	Sia Ram Yadav S/o Sukhai	19-9-55	1973		
22. 21/LKO		Ramesh Chandra S/o Ram Biles	1-1-53 ✓	1919	Sub. to pro- duction of school certificate	
23. 7/SLN	X	Krishna Lal S/o Anandi Deen	7-3-54 ✓	1907	SC	Sub. to SC certificate from Magis- trade & *
23A	in.	Mohd.yakub S/o M.D.Ayub: 417428 Affadavit for correct name. 24-4-75	1-6-57 ✓	1829		
24. 23/LKO		Ram Prashad Dey S/o D.N.Dey	5-2-54 ✓	1858		
25. 8/SLN	X	Mohd.Nasim ✓ S/o Hamidullah	1-7-51 ✓	1856		
26. 9/SLN		Mohd Shafiq S/o Mohd Saddiq	10-7-54 ✓	1842	VER 1/40	
27. 24/LKO		Madan Mohan Gupta S/o Ashok Kumar				
28. 25/LKO		Harji Ram S/o Pandohi	15-11-55 ✓	1841		
29. 3/SLN		Bipan S/o Mohd Yasin	15-8-55 ✓	1808		
30. 26/LKO		Amar Nath Tripathi S/o Jayanti Pd.Tewari	1-7-56 ✓	1807		
31. 10/LKO		Chhotey Lal Singh S/o Jaswant Singh	25-12-51 ✓	1797		
32. 27/LKO		Syed Munawar Hussain Zaidi S/o S.Mubarak Husain Zaidi	15-8-56 ✓	1791		
33. 28/LKO		Ashwani Kumar Singh S/o Dilli Singh	18-7-57 ✓	1787		
34. 29/LKO		Ram Singh S/o Budhoo Singh	1-7-57 ✓	1787		



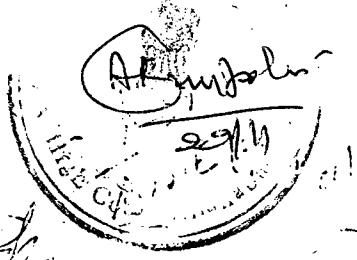
1-1-51

Contd... Z....

- 3 -

1. 2.

35. 30/LKO	Rakesh Chandra Pandey S/o Ram Sunder Pandey	1-7-55 ✓ 1746
36. 31/LKO	Rajesh Kumar Sharma S/o Suraj Din Sharma	25-3-56 ✓ 1733
37. 32/LKO	Ram Nain Singh S/o Bindhyachat Singh	5-1-58 ✓ 1730
38. 33/LKO	Ram Naresh Yadav S/o Chhotey Lal	20-8-52 ✓ 1721
39. 34/LKO	Sureesh Kumar Sharma S/o Pratap Sharma	14-1-54 ✓ 1710 <u>VAD</u> /40.
40. 35/LKO	Yogendra Kumar Singh S/o Pearey Singh	28-7-51 ✓ 1678 <u>VED</u> SC
41. 36/LKO	Ram Chandra S/o Dwarika Pd.	5-3-55 ✓ 1677 SC
42. 37/LKO	Bhagwan Dass S/o Gurbux	3-12-55 ✓ 1650 SC
43. 11/SLN	Keshav Ram Yadav S/o Ram Karan Yadav	7-1-53 ✓ 1615
44. 12/SLN	Bhagwan Kumar S/o Kedar Nath	30-9-57 ✓ 1615
45. 13/SLN	Ram Kripal Pandey S/o Ram Raj Pandey	1-1-53 ✓ 1613
46. 14/SLN	Chhedi Lal S/o Sri Ram	15-6-56 ✓ 1612
47. 15/SLN	Gaya Prasad Chaubey S/o Kanta Pd. Chaturvedi	5-8-53 ✓ 1603
48. 16/SLN 48AB P.L. box 4842	Shyam Lal S/o Ishwar Din Ram Lal <del>Chauhan</del> <del>4842</del>	10-5-53 ✓ 1557 15-5-51 1527 SC Sub.to SC Certificate
49. 40/LKO	Ram Boli S/o Bhuwal	1-3-52 ✓ 1506 SC <u>VED/Co.</u>
50. 41/LKO	Ram Kishore S/o Pahari Lal	15-10-55 ✓ 1453 SC
51. 42/LKO	Shyama Pd. Srivastava S/o Badri Pd. Srivastava	25-5-54 ✓ 1443 Sub.to production of original school certificate.
52. 42/LKO	Prem Chandra Joshi S/o Suresh Pd. Joshi	7-3-56 ✓ 1421
53. 43/LKO	Gyanendra Kumar Sonkar	5-7-53 ✓ 1406 SC

Contd...4....  
17210

M. V. S. /

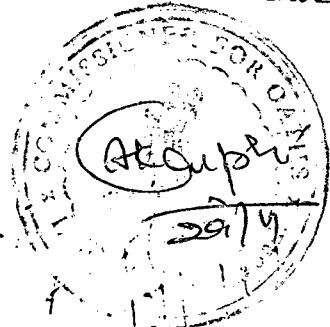
- 4 -

1.	2.	3.	4.	5.	6.	7.
54.	17SLN	Mohd Asir Khan S/o Mohd. Nazar Khan	5-7-57 ✓	1387		
55.	13SLN	Daya Ram S/o Ram Anand	9-6-53 ✓	1364	SC	
56.	3BSB	Juthan Sharma S/o Deep Chand Sharma	1-9-56 ✓	1364		
57.	1BSB	Mohd. Mobin Khan S/o Abdul Manan	12-1-57 ✓	1327	Sub. to production of Affidavit to the effect that Mohd. Mobin & Mobin are the same person.	
58.	44/LKO	W. M. Humer Kanaujia S/o Pearcey Lal Kanaujia	10-7-57 ✓	1321	SC	
59.	46/LKO	Tribhuwan Kashyap S/o Shyam Kumar Kashyap	10-12-55 ✓	1287		
60.	47LKO	Suresh Kumar Ghai S/o Sunder Dass	13-3-56 ✓	1287		
61.	49/LKO	Randhir Singh S/o Ram Pal Singh	1-9-53	1261		
62.	4/BSB	Altaf Ahmad S/o Mustaq Ahmad	18-1-55 ✓	1259		
63.	5/BSB	Ghan Shyam Lal Srivastava S/o Rakshada Pd. Srivastava	13-4-57 ✓	1250		
64.	50LKO	Trilochan Singh S/o Nisanjan Singh	4-8-55 ✓	1245		
65.	51LKO	Virendra Kumar Nigam S/o Har Swaroop Nigam	15-12-55 ✓	1241		
66.	52LKO	Ranjeet Kumar Sarkar S/o Sant Kumar Sarkar	9-12-52 ✓	1240		
67.	53LKO	Vijai Kumar Verma S/o Asharfi Lal Verma	9-4-54 ✓	1227		
68.	54LKO	Shabbir Ahmad S/o Azimullah	8-5-55 ✓	1213		
69.	6BSB	Badre Alam S/C Sainul Amin	12-10-55 ✓	1134		
70.	19SLN	Ghisiyawan S/o Siv Harakh	2-1-55 ✓	1092	SC	

Contd... 5....

Handed over  
to [unclear]

71.	7/BSB	Ram Khalifa Singh Yadav S/o Munnar Singh.	1.1.56 ✓	1098
	20/SLN	Vimal Kumar Chakravarti S/o Hemant Kumar Chakravarti.	25.8.55 ✓	1055
73.	1/FD	Vijai Shankar S/o Satya Narain Tiwari.	1.4.57 ✓	1029
74.	2/FD	Dan Bahadur Yadav. S/o Ram Lakan.	1.7.57 ✓	968
75.	55/LKO	Bharat Lal S/o Triloki.	22.12.48 ✓	937 SC
76.	45/LKO	Ram Naresh S/o Sukh Raj Singh.	16.12.59 ✓	872 /
77.	22/SLN	Ram Palat S/o Pabbar Ram.	7.7.48 ✓	836 / SC Sub.to pro- duction of original School certi- ficate.
78.	23/SLN	Shamimul Huda S/o Qamrul Huda.	7.6.56 ✓	764 /
79.	24/SLN	Ram Tirath S/o Ram Abhilakh.	12.2.54 ✓	713 /
80.	25/SLN	Raj Kumar. S/o Ramanand.	5.1.59 ✓	659 /
81.	8/BSB	Mohd. Azam Khan S/o Mohd. Alam Khan.	6.3.57 ✓	495 /
82.	56/LKO	Radhey Shyam S/o Pandohi.	7.3.56 /	263 ✓
83.	26/SLN	Satya Narain Ram Phal.	21.7.59 ✓	215 SC
84.	27/SLN	Kashi Pd. S/o Subram. Ram	18.10.59 ✓	203 SC



11/11/1959  
11/11/1959

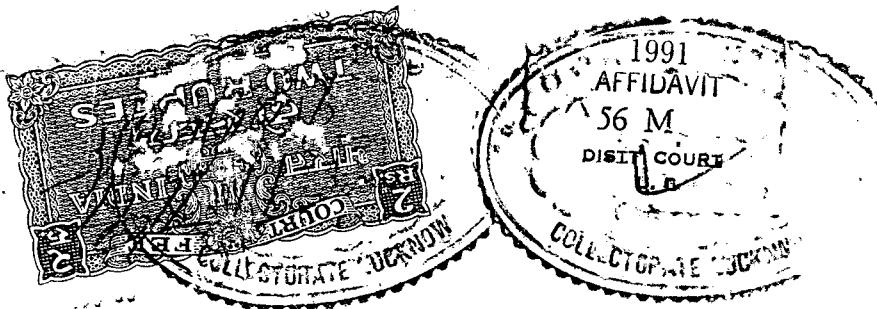
M. V. A. S. /

81

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

O.A. NO. 299 OF 1990.



SHABBIR AHMAD

.....

APPLICANT

VERSUS

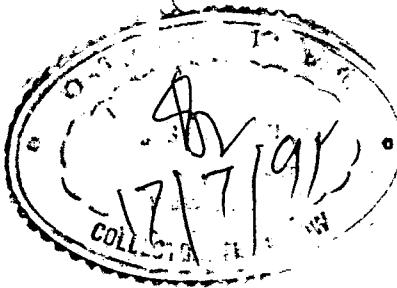
UNION OF INDIA & OTHERS

.....

RESPONDENTS.

REJOINDER AFFIDAVIT OF SHABBIR AHMAD,  
AGED ABOUT 38 YEARS, S/O SHRI NASEER  
AHMAD, R/O I-53H, GOODS SHED RAILWAY  
COLONY, CHARBAGH, LUCKNOW.

I, the above named deponent, do hereby state  
on oath as under :-



1. That the deponent is Applicant in the above noted case and is well acquainted with the facts of the case. He has perused the counter-affidavit of the Respondents No.1 to 4 and understand the same. He is making reply as under :-

2. Column Nos. 1 to 3 of the counter-affidavit need no comments.

21/03/1984  
21/03/1984

3. That with regard to Col. No. 4(A) of the counter-affidavit it is submitted that the deponent was appointed as Khalasi on 20.3.1974 and not on 20.3.1984.

4. That in reply to Rx Col. No.4(B) of the Counter-affidavit it is submitted that the deponent was allowed as per Annexure No.2 to the application the scale of pay with effect from 1.1.1984.

5. That in reply to Col. No.4(C) of the Counter-affidavit it is submitted that vide Annexure No.3 to the application the deponent was allowed the benefit of his post with effect from 1.1.1984.

6. That in reply to Col. No.4(D) and (E) of the Counter-affidavit it is submitted that the deponent was allowed as per Annexure No.3 to the Application the benefit of his post with effect from 1.1.1984. It is further submitted that the Respondent No.5 was not senior to the deponent as per Annexure No.7 to the application. It is further submitted that there was no administrative error in the case of the deponent and the case of Shri M.Vaish was not over-looked. It is further submitted that as and when the Department had considered the candidature of the deponent for trade test and appointment as H.P.L. Grade I Fitter they had scrutinised the service record of the deponent, acted upon and issued the call letter for trade test and after allowing the deponent in the trade test, who passed the trade test, the Department knowingly and voluntarily selected the deponent by issuing ~~fixx~~ posting order and, therefore, it is totally incorrect to say that there was any administrative error in the case of the deponent.

....3....

*2/0/1984*

- : 3 : -

It is further submitted that the Respondent No.5 who was also working in the same premises and in the same Carriage and Wagon Shop was well aware about the posting of the deponent as H.P.L. Grade I Fitter as and when he was appointed by the Railway Department and neither the Railway Department nor the Respondent No.5 had raised any objection since 1984 to the date of filing the Application except on the basis of after-thought they have taken a plea of administrative error. Now the Railway Department as well as the Respondent No.5 is estopped to challenge the validity of the deponent's appointment on H.P.L. Grade I on any ground as held by the Hon'ble Supreme Court reported in 1989 (SC (1) 390.

It is further submitted that the deponent has rendered more than 6 years service as H.P.L. Fitter Grade I and, therefore, all the Respondents are estopped to challenge the validity of the appointment of the deponent on the post of H.P.L. Grade I after a lapse of more than 5 to 6 years as per law laid down by the Hon'ble Supreme Court reported in :

1990 AWC 342

1990 AWC 184

1988 (I) SLR 53

1987 (I) SLJ 221

1983 U.P. Service Cases Page 393

besides other Supreme Court decisions.

7. That in reply to Col. No. 4(F) of the Counter-affidavit it is submitted that the

Respondent No.5 for the first time passed the trade test of Tin Smith Grade I only on 16.8.1990 as per Annexure No.8 to the application and, therefore, the Respondent No.5 ~~was~~ is only entitled to be posted <sup>in</sup> as Tin Smith/ Grade I with effect from 16.8.1990 and not at par to the deponent. It is further submitted that the trade test has been taken by the Department as admitted by the department in Col.No. 4(E) then the Respondent No.5 had not appeared in the Trade Test of Grade I H.P.L. Fitter or Tin Smith Grade I. It is further submitted that the Respondent No.5 is not senior to the deponent as claimed.

8. That in reply to Col. No.4(G) of the Counter-affidavit that there is no indication that the Respondent No.5 was appointed as Semi-skilled on 18/24-5-1984. No document has been placed on record in support thereof. Moreover the seniority of the deponent is required to be counted on the post of H.P.L. Grade I Fitter on which the deponent was appointed after passing the trade test.

9. That Col. No.4(H) needs no comments.

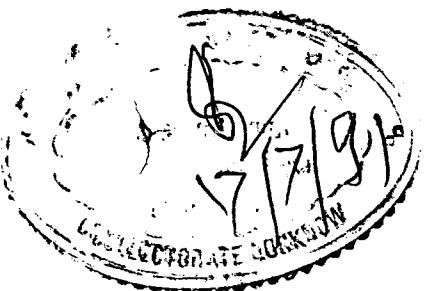
10. That in reply to Col. No.4(I) <sup>and (J) and (K)</sup> of the Counter-affidavit it is submitted that neither the Respondent No.5 was senior to the deponent nor he appeared in the trade test of Grade I H.P.L. Fitter or Tin Smith Grade I and moreover he has never raised any objection against the deponent as H.P.L. Grade I Fitter and

85

after a lapse of so many years the deponent's appointment on the post of Grade I Fitter cannot be challenged and all the Respondents are estopped to challenge the same. It is further submitted that as evident from Annexure No.7 to the Application the deponent was more senior in his trade of H.P.L. Fitter Grade I and the Respondent No.5 cannot compare his case with the case of the Deponent because he belongs to Tin Smith Grade.

It is further submitted that the Department has no power to review the old and too remote case of the deponent pertaining to his employment as H.P.L. Grade I because the same cannot be looked into after a lapse of so many years. Kindly see the rulings cited in supra para no. 6.

It is further submitted that the seniority of the deponent which has already been fixed and acted upon by the Department-Respondents, the same cannot be reviewed or modified unless and until a Show Cause Notice is given to the deponent. In the instant case while reviewing the seniority fixed by the Department in favour of the deponent, no such show cause notice has been served or given to the deponent and, therefore, the alleged reviewing of the seniority of the deponent vis-a-vis of the Respondent No.5 amounts to denial of principle of natural justice. It is further submitted that after a lapse of so many years the seniority of the deponent cannot be challenged or reviewed or altered as lapse of time will give certain rights to the deponent to hold his post peacefully without any intervention of the department or any one else.



*2/10/2008*

- : 6 : -

Moreover Annexure No.1 was passed on the initiative taken by the Railway Association and Union behind the back of the deponent and without giving any opportunity to the deponent.

11. That in reply to Col. No.4(L) of the Counter-affidavit it is submitted that the different Trades cannot be clubbed with each other for any purposes even for the purpose of seniority unless and until an option for the same is asked from the deponent and also the same cannot be done without giving any opportunity to the deponent. The alleged clubbing is totally illegal, void and without any authority and there is no rule to club each other Trade which were independent in nature unless a proper Rule is framed on the point. Any circular issued by the Department in the nature of executive instructions is totally illegal as there is no sanction of law and there is no law made by the Railway Board under Article 309 of the Constitution of India, ~~xxxxxxxxxxxx~~ therefore, the alleged clubbing is totally illegal and void.

12. That in reply to Col. No.4(M) of the Counter-affidavit it is submitted that there is no rule to club different Trades in one by picking and choosing it the case of the deponent at par to the Respondent No.5. As evident from Annexure No.6 to the Application that the persons at Sl. No. 1 to 4 belong to different Trades like welder, Machine Operator etc. and they were also allowed to appear like the deponent in Trade Test for appointment in Grade I post and all the persons mentioned in



*Good Content*

....7....

Annexure No.6 from Sl.No. 1 to 4 having independent different Trades have not been clubbed by the Railway Department except the allegation levelled by the Railway Department that the post of the deponent was clubbed with the Respondent No.5. This shows further discrimination in the matter of employment in between the persons working in the same scale of pay from which the deponent was selected for Trade Test and ultimately after being declared successful the deponent was appointed as H.P.L. Grade I Fitter. This action itself is arbitrary and in violation of Articles 14 and 16 of the Constitution of India and also against the principle of natural justice.

13. That in reply to Col. No.4(N) ~~affidavit~~ to 4(T) of the Counter-affidavit it is submitted that the alleged reversion order is totally illegal, without jurisdiction and against the principles of natural justice as well as against the provisions of Article 311 of the Constitution of India. The list which is contained in Annexure No.7 cannot be altered unless and until a Show Cause Notice is given to the deponent in accordance with the law. Moreover the alleged clubbing is totally illegal and without any authority as there is no rule. Moreover neither the Respondent No.5 nor the Railway Department has ever challenged the initial appointment of the deponent on the post of H.P.L. Grade I Fitter and, therefore, they are estopped to challenge the same now. The deponent is entitled to retain his post as H.P.L.

2100 P. L. 19/9/94

07

### Grade I Fitter.

It is further submitted that there was no error as and when the deponent was allowed to appear by the Railway Department in Trade Test for H.P.L. Grade I Fitter alongwith other persons and also as and when the order of appointment was issued as per Annexure No.6 to the Application. It is further submitted that the Department was no right to review its order behind the back of the deponent and at the instance of the Trade Union of the Railway Department unless and until a Show Cause Notice to this effect is given to the deponent. The alleged reversion order is punitive in nature and also in violation of Article 311 of the Constitution of India.



14. That in reply to Col. No.4(U) of the Counter-affidavit it is submitted that there was neither any fault at the time of allowing the deponent to appear in the Trade Test nor any fault at the time of issuing the appointment order and also there was no error of any kind as alleged by the Railway Department. In fact, the plea of error is after-thought when the deponent has challenged the validity of his reversion order. Moreover the Department is now estopped to take any action against the initial defect, if any, although none in the appointment of the deponent after lapse of so many years as they have acquiesced with the present subject matter.

15. That in reply to Col. No.4(v) of the Counter-affidavit it is submitted that for the purpose of present dispute on the post of Khalasi is irrelevant.

16. That in reply to Col. No.5 of the Counter-affidavit it is submitted that the grounds taken by the deponent are sound in law.

17. That in reply to Col. No.6 of the Counter-affidavit it is submitted that against the arbitrary and void order of reversion no ~~representation~~ representation lies.

18. That Col. No.7 of the Counter-affidavit needs no comments.

19. That in reply to Col. No. 8 of the Counter-affidavit it is submitted that the deponent is entitled to full relief as claimed in the Application.

20. That in reply to Col. Nos. 9 and 10 of the Counter-affidavit it is submitted that this Hon'ble Tribunal was pleased to grant interim order in favour of the deponent and the same is continuing.

210912018016  
DEPONENT. 12/6/91

Verification

I, the above named deponent, do hereby verify that the contents of paras 1, 2, 3, 4, 5, 6, 14 of this Rejoinder Affidavit are true to my personal knowledge and those of paras 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 are believed to be correct on the basis of records and those of paras 9, 10, 11, 12, 13, 16, 17, 18, 19, 20 are believed to be correct on the basis of legal advice tendered.

Signed and verified at this 17 day of June, 1991 at Lucknow.

210912018016  
DEPONENT. 12/6/91

I know the  
deponent who  
has signed in  
my presence  
R.D. (A.P.)

89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. : 299 of 1990(L)

Shabbir Ahmad ... Applicant

Versus

Union of India and others ... Respondents

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT FILED ON  
BEHALF OF RESPONDENT NO. 5 TO THE APPLICATION.

-----

I, Shabbir Ahmad, aged about 38 years son of Sri Nasir Ahmad, resident of quarter No. I-53H, Goods Shed Railway Colony, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

*XX*  
*S. 4/91*

*3/4/91*

*2/10/91 (C.G. 2000)*

- 1- That the deponent is applicant in the above application and as such he is fully conversant with the facts of the case.
- 2- That before replying to the counter affidavit filed by the respondent No. 5, it would be necessary to state in brief certain facts in order to appreciate the controversy in the case.
- 3- That the cadres of Tin Smith and that of H.P.L. Fitter right from the stage of semi-skilled Gr. Rs.210-290(RS) are two different cadres because these are clearly two different trades, with different nature of duties, and accordingly each of them has its own stream of advancement on the basis of seniority of incumbents employed in each cadre. In support of this averment seniority list notified by the respondent No. 3 through letter No. 847-E/2-2/Carriage & Wagon dated 14.2.90

has already been filed as annexure No.7 to the application. Since applicant was placed in the cadre of H.P.L. Fitter in scale Rs. 210-290(RS) with the issue of order dated 19.7.84 by the respondent No. 4 and Respondent No.5 was placed in the cadre of Tinsmith in scale Rs. 210-290(RS) with the issue of order dated 18/24.5.84, they have to seek their advancement / promotion to higher grades in the respective cadres of their own independently having no connection of seniority with each other. As such after their placement in different trades and streams of advancement their date of appointment in the initial recruitment grade of unskilled Khallasi has become immaterial nor it could have any reasonable point of comparison. Thus there is no point of establishing seniority of O.P.No.5 a Tin Smith over seniority of the applicant a H.P.L. Fitter on the basis of their date of appointment (as Khallasi Gr. Rs. 196-232(RS) and then date of promotion in different trades of Tin Smith and H.P.L. Fitter Gr. Rs. 210-290(RS) respectively.

4- That the cadres of Mason, Tin Smith, H.P.L. Fitter, Driller, Repacker and Lifter have not been placed in the same category in annexure No. CE-4 of counter affidavit as mentioned in para 1 (page 3) of counter affidavit and neither any such direction to please these different cadres of different trades with different nature of duties attached to the posts in each respective trade in a single category is contained in two serial numbers referred in counter affidavit and

210dc040000

annexure CE-4 to it viz. P.S.Nos. 8203 and 8768 nor any such direction to determine the seniority according to the provisions of para 302 of IREM is contained in annexure CE-4 to the counter affidavit. As such contents of para 1 at page 3 of the counter affidavit so far as these relate to placing the 6 trades and cadre in one category and cadre and to determine seniority according to para 302 of IREM are vague and misleading rather concocted. More so it needs to be brought on record that the very 'heading' of para 302 of IREM which implies the jurisdiction of applicability of para 302 in determining seniority i.e. "Seniority in initial recruitment grade" has very skilfully been concealed by the respondent No.5 to twist its interpretation to his advantage. More so the provisions of para 302 of IREM would not be applicable in determining seniority of staff in categories in which there is no element of direct recruitment. It also need be reiterated that there is no point of determining seniority of a Tin Smith vis-a-vis H.P.L. Fitter because both the cadres have got separate antity and existence in terms of seniority list notified on 14.2.90 through annexure No.7 to the application. More over while respondent No.5 has relied upon annexure No. CE-4 dated 19th Dec. 1985 of counter affidavit through which only revised cadre of posts in various grades, viz. unskilled, semi-skilled, Highly skilled Gr.II and I as per percentage of P.S. Nos. 8203 and 8768 have been fixed, the applicant has maintained his claim on the basis of latest seniority

*2000/2000/2000*

-:(0):-

list notified on 14.2.90 besides other provision of Railway Rules and norms of natural justice.

Rest of the contents of this para are vague and irrelevant hence no comments.

- 5- That it is further submitted that as is apparent in face of annexure No. CE-1 & CE-2 of O.P. 5 Counter affidavit it is clear that the OP-5 name was placed in his respective trade i.e. Tin Smith and not for other purpose.
- 6- That on the perusal of CE-2 of OP.5 Counter affidavit the order is clear on the point that the applicant was appointed to officiate as semi-skilled grade Rs. 210-290(RS) in his own trade i.e. H.P.L. Fitter.
- 7- That it is further submitted that as per annexure No. CE-4 to Counter affidavit of the cadre and strength of each trade,wise has been notified in the distinct way and a separate way. The applicant belongs to the cadre/trade of H.P.L. Fitter and O.P.-5 belongs to the cadre/trade of Tin Smith and the same have been indicated as 1 in each trade.
- 8- That it further appears from the annexure No.CE-5 to C.P. 5 Counter affidavit that item No. 457 of 89th PNM/ May'90 is indicatable that the said meeting at the instance of Union was totally illegal and against the principles of natural justice because no opportunity was given to the deponent applicant to object the said item No. 457. It is further submitted that the alleged

*210-290(RS)*

decision of the department is also illegal in as much as no opportunity was given to the applicant before proceeding item No. 457 in May'90. It is also submitted that the agenda under item No. 457 is totally illegal on two grounds noted below :-

- i) The promotion of applicant on the post of HPL Fitter Gr.I was made on 26.9.86 vide annexure No.4 to the application by the competent authority and also on the basis of having qualified the prescribed Trade Test on 23.9.86 as is evident from Annexure No.6 to the application. Therefore, it is incorrect to say that the promotion of the applicant was irregular. It is further submitted that promotion of the applicant made in the year 1986 cannot be challenged either by the department or by the O.P.No.5 after a lapse of more than 4 years in view of Hon'ble Supreme Court decision reported in 1987 SLJ(1) 221; 1981, SC 597, 1977 SC-112 and High Court decision reported in 1983 LBC 195 and 1983 UPSC-369 and 1990 AWC 342.
- ii) That it appears from the annexure No.5 to the counter affidavit of O.P.No.5 that illegally the union as well as the Deptt. proceeded with the presumption that the seniority of the Tin Smith trade and HPL Fitter trade is clubbed with each other. This presumption is totally illegal as there is no rule to club the seniority of two different trades with different nature of duties and having different avenues of promotion.

21/09/2014  
21/09/2014

iii)That the contention of the respondent No.5 in para 1 of his counter affidavit regarding interpretation of annexure CE-4 to the counter affidavit to his advantage and merger of seniority of different cadres, trades with different nature of duties attached to the posts in each cadre e.g. Tin Smith, H.PL Fitter, Driller, Lifter, Mason and re-packer is baseless, and illegal because neither there is any mention to this effect in annexure CE-4 to the counter affidavit nor any such power of merger of two or more cadres, and seniority units into one has been delegated to the Divl.Railway Manager or officers subordinates to him.

- 9- That under para 306 of the Indian Rly. Estt. Manual it is provided that a candidate like applicant selected for appointment at an earlier selection shall be senior to those (O.P. 5) selected later irrespective of the dates of posting except in the cases covered by para 305 of the Indian Rly. Estt. Manual.
- 10- That even under the provisions of rules contained in para 320 of IREM the applicant once promoted as H.P.L. Fitter Gr.I against a vacancy which is non- fortoutous is to be considered as senior to all others who are subsequently promoted to that grade and therefore, the applicant after passing the trade test of HPL Fitter Gr.I in 1986 was promoted in clear and substantive vacancy is senior to Opp. 5.

PARAWISE REPLY

Column 1 - That the contents of reply of respondent No.5 are baseless and illegal and contents of column 1 of the application are re-iterated.

Column 2 - That the contents of this column of reply need no comments.

Column 3 - That the contents of this column of reply are misleading as there is no statutory provision in Railway rules prescribing departmental remedy to be exhausted before filing the present application in this Hon'ble Tribunal. Contents of column 6 of the application are re-iterated.

Column 4 - That the contents of reply to column 4(A) and 4(B) are not disputed. Reply to Column 4(c) is denied and the fact is that the applicant and deponent No.5 and also bulk of other Rly. servants belonging to various cadres/trades and categories, and seniority units etc. employed in C&W depots of N.Rly., Lucknow Division were promoted to various higher grade posts in the respective cadre/trades and categories and seniority units to which they belonged in consequence of upgrading/reclassification orders contained in G.M.(P), N.Rly., New Delhi's P.S. No. 8768 through order of annexure 3 to the application. In terms of the orders contained in annexure 3 to the application the applicant was promoted to the post of H.S. Gr.II post in H.P.L. Fitter cadre/trade with its separate seniority unit

*21/09/2022*  
*3/1/91*

and Deponent No.5 was promoted to the post of H.S. Gr.II post in Tin Smith cadre/trade in his own seniority unit having no connection with the seniority unit of the H.P.L. Fitter H.S.Gr.II and this is further supported by the issue and notification of seniority list through annexure No. 7 to the application.

Column 4(D) - That the reply to column 4(d) is vague and baseless and misleading, hence denied. The deponent has also notified copy of promotion order No. 752-E/2/1/C&W/Misc.Artisan dt. x 10.2.85 mentioned in his reply to column 4(D) of the application. The facts as elaborately discussed in paras 4, 8 and Column 4(B) of this rejoinder affidavit are reiterated.

Column 4(E)- That the reply to this column is vague and misleading, hence denied. The facts contained in para 4, 8 and column 4(B) of this rejoinder affidavit are reiterated.

Column 4(F)- That the reply to this column is misleading and baseless, hence denied.

Column 4(G)- That the reply to this column is vague and misleading hence denied. Contents of Column 4(G) of the application duly supported by order of annexure 5 to the application is re-iterated.

Column 4(H)- That the later part of reply to this column is irrelevant and misleading in as much as there is no comparison of seniority of the applicant and

deponent No.5, due to the fact that recruitment panel seniority has no bearing with the seniority positions which both have acquired in due course of their advancements/promotions in two different streams, cadres/trades and seniority units viz. deponent in the stream, cadre/trade and seniority unit of Tin Smith and applicant in the stream, cadre/trade and seniority unit of H.P.L. Fitter as has also been distinctly been exhibited in annexure-7 dt. 14.2.90 to the application.

Column 4(I)- That the contents of reply to column 4(I) of the application are vague and misleading, hence denied and contents of column 4(I) of the application are re-iterated.

Column 4(J)- That the reply to column 4(J) is vague and misleading, hence refuted and contents of column 4(J) are reiterated.

Column 4(K)- That the contents of reply to column 4(K) are vague and misleading hence refuted and contents of column 4(K) of the application are re-iterated.

Column 4(L)- That the reply to column 4(L) is baseless and without authority, hence refuted, and contents of paras 4, 8 and column 4(B) of this rejoinder affidavit are reiterated.

Column 4(M)- That the reply to column 4(M) is baseless, hence denied and contents of paras 4,8 and column 4(B) of the rejoinder affidavit are re-iterated.

-:(10):-

Column 4(N)- That the reply to column 4(N) is baseless and misleading, hence denied and contents of column 4(N) of the application are re-iterated.

Column 4(O)- That the contention of reply to column 4(O) is baseless as PS No. 8203 does contain any such ground as quoted and hence denied. The contents of column 4(O) of the application are reiterated.

Column 4(P)- That the contents of reply to column 4(P) is baseless and misleading, hence denied and contents of column 4(P) of the application as well as of paras 4, and 8 of this re-joinder affidavit are re-iterated.

Column 4(Q)- That the reply to column 4(Q) is baseless and misleading, hence denied and contents of column 4(Q) of the application are re-iterated.

Column 4(R)- That the reply to column 4(R) is baseless, hence denied and contents of column 4(R) of the application are re-iterated.

Column 4(S)- That the reply to column 4(S) is wrong hence denied and contents of column 4(W) of the application alongwith contents of para 8 of this rejoinder affidavit are re-iterated.

Column 4(T)- That the use of word already in reply to this column is vague and hence denied. The contents of column 4(T) of the application are re-iterated.

Column 4(U) - That the contents of reply to column 4(U) are baseless, mis-interpretation of order dt. 19.12.85, hence denied and contents of column 4(U) of the application are re-iterated.

Column 4(V) - That the contents of reply to column 4(V) are baseless and misleading, hence denied and contents of column 4(V) of the application are re-iterated.

Column 5 - That the reply to column 5 is baseless and presented in a casual manner, hence denied and the contents of column 5 under Caption 'Grounds of relief' mentioned in application are re-iterated.

Column 6 - That the contents of reply to column (6) are misleading, hence refuted and the contents of column 6 of the application and those given against column 3 of this rejoinder affidavit are re-iterated.

Column 7 - That the reply to column 7 needs no comments.

Column 8 - That the contents of reply to column 8 are baseless hence denied and contents of column 8 of the application are re-iterated.

Column 9 - That the contents of reply to column 9 are misleading and wrong, hence denied and the fact is that the applicant still continues to hold the post of H.P.L. Fitter Gr.I without break and drawing pay of that post. The contents of column 9 of the application are reiterated.

*Q1000/1*  
*Q1000/1*

99  
-:(12):-

Column 10, 11 & 12 -

The reply to the contents of columns 10, 11 & 12  
needs no comments.

Lucknow:  
Dated: 3.4.91

210012/An/91  
DEPONENT  
(Applicant)

VERIFICATION

I, Shabbir Ahmad, the above named, do hereby verify  
that the contents of paras 1 to 10 with reference to parawise  
replies of columns 1 to 9 of the rejoinder affidavit are  
true to my knowledge.

Signed and verified at this date 3-4-1991 at  
Lucknow.

210012/An/91  
DEPONENT  
(Applicant)

I identify the deponent who  
has signed before me.

W.D.  
(M.P. Sharma)  
Advocate

210012/An/91  
C. P. Sharma  
Advocate

3.4.91  
Advocate