

FORM NO. 21

(See rule 114)

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

✓ OA/TA/RA/CP/MA/PT 299 of 2010  
Sarbir Ahmad Applicant(S)

U. O. S. & others <sup>Versus</sup> Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B  
Signature of S. B. C. Bidayant

[Signature]  
Signature of Deal. Hand

B. C. Bidayant  
[Signature]  
13-6-2012

[Signature]  
13-6-2012

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 299 of 1990(L)

Shabbir Ahmad . . . . . Applicant

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(RP3) 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 <sup>temporarily</sup> was 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 20.8.1986 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 both of them <sup>were</sup> 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 ::

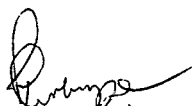
in the grade of 196-230/200-240/200-250 in the semi skilled grade of Rs. 210-290 and enforcing 5% cut in terms of printed Serial and the divisional cadre strength of carriage and wagon artisans has been placed in the same category and the Printed Serial also provided that the inter-se seniority shall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

Contd..4/-

:: 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

\*\*\*\*

Registration No. 299 of 1988-90 (L)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 6/6/90  
Date of Receipt by Post 6/9/90  
Duty Registrar (L)

APPLICANT(S) Shari Shabbir Ahmad

RESPONDENT(S) - vs - U. 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 case 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 sapce ?  | yes                  |
| 8. Has the index of documents been filed and paging done properly ?   | yes                  |
| 9. Have the chronological details of representation made and the out come 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 Examined

Endorsement as to result of examination

12. Are the application/duplicate copy/spare copies signed ?
13. Are extra copies of the application with annexures filed ?
  - a) Identical with the Original ?
  - b) Defective ?
  - c) Wanting in Annexures
 Nos: \_\_\_\_\_ pages Nos \_\_\_\_\_ ?
14. Have the file size envelopes bearing full addresses of the respondents been filed ?
15. Are the given address the registered address ?
16. Do the names of the parties stated in the copies tally with those indicated in the application ?
17. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
18. Are the facts of the case mentioned in item no. 6 of the application ?
  - a) Concise ?
  - b) Under distinct heads ?
  - c) Numbered consecutively ?
  - d) Typed in double space on one side of the paper ?
19. Have the particulars for interim order prayed for indicated with reasons ?
20. Whether all the remedies have been exhausted.

yes

yes

N.A.

yes

yes

N.A.

given No 4

yes

yes

yes

yes

sig  
6/9

dinesh/

For up  
ref  
Kamla Barch  
on 10/9/90  
[Signature]

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) in so far as it directs reversion of the application of the ~~appt~~ 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 Served  
11-9-90

24.9.90 No sitting adj to 29.11.90

29.11.90 No sitting adj to 18.1.91

18.1.91 No sitting adj. to 28.1.91

28.1.91 - No sitting adj to 6.3.91

OR  
Notice of O.P. No 5  
has been  
without remark. h  
20/9

OR  
Notices were moved on 11.9.90.  
Notice of O.P. No 5 has  
been return back, without  
reason.

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

L  
19/11/90

See  
original order  
on  
main petition



3/4/91

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

Hon. Mr. S. M. Prasad, Jm.

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 and is allowed two weeks time to file reply. List the case for final hearing on 9/5/91. The interim order will continue till then.

Jm.

Am.

2

9.5.91

Hon. Justice V.C. Srinivas Iyengar - 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. Srinivas Iyengar - vc  
From Mr. A. B. Garthi - Am

Counter has been filed by the respondent no 1 & 4. Repinder if any within 2 weeks. List for hearing on 12.5.91

Am

vc

NO RA filed on behalf of 1 & 4  
S. P. on 10.5.91

5

Central Administrative Tribunal  
Lucknow Bench, Lucknow.

.....

O R D E R SHEET

O.A./I.A. No. 299/90 (2)

ate / Office Report

Order

S.S-92 Case ad. read off to  
21.9.92

Base

21-9-92 NO sitting Adj. to 16-12-92  
R

case 4

S.F.H.

2  
15.12.42

MANISH/-

7

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  
syd  
6/9/90

Dated, Lucknow:

6th September, 1990

  
M.P. Sharma - Advocate  
Counsel for  
applicant

2100 at 2100

2

Central Administrative Tribunal  
Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Date of Filing: 6-19-90  
Date of Receipt: 6-9-90

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

Deputy Registrar(J)

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

2100/2000/90

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.

21/08/1990

- (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 to this application.

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.

21/04/2016

- (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. 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.
- (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

2109/67/ETA

- (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 lapse 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.

*2104/2010*



7

(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.

Annexure No.7

(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.

2104/1990/24

(T) 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.

Annexure No. 8

(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

- 1) 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.

*2104/2012*

- 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 more over 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.

21007 (2) 21007

- 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.

*27/08/2001*

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.

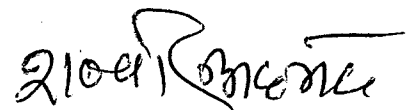
*21/08/1990*

*21/08/1990*  
Signature of applicant

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

21/09/2012

14 12  
Annex

NORTHERN RAILWAY  
Divisional Office,  
Lucknow.

18/8  
2-17/84  
No. 752-E/2-1/C&W/Misc/ART  
Dated 17-8-1990

NOTICE

For 1/2  
2nd  
18/8  
2  
18/10/17

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 pannel 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 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 ~~same~~ 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 Shabbir Ahmad.

Movement may be advised.

17/8  
Asstt. Personnel Officer,  
Lucknow.

Copy to:

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

M. P. Sharma  
Advocate.

1

2100/10/17



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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	

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Dated, Lucknow:  
6/12 Sept., 1990

  
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 2007

17 13  
 Annexure-2

SWR 123/NORTHERN RAILWAY

19/11/84  
 19/11/84, Genl. Secy. Lko

Divisional Office  
 Lucknow

No. 753-E/2-1/2W/1234-12.  
 Dated 1-10-84.

NOTICE

The unaccounted & un-authorized persons, having  
 qualified in the prescribed trade test, are  
 temporarily appointed to officials in the  
 grades at the depots as noted against each.

- (1) S/o Balbir Singh, HS/II/Painter - HS/I/Painter  
 S/o Hardev Singh P.S.B. Lko. (380-560)
- (2) " Fakiray S/o Sibba, HS/II/Painter - do -  
 Lko.
- (3) " Babu Lal, Painter/Lko - HS/II/Painter  
 S/o Kanchai Lko. (330-480)
- (4) " Shankar Lal, SS Mason - Skilled Mason  
 S/o Shyam Lal Lko. (260-400)
- (5) " Subbir Ahmad, SS HPL Fitter - Skilled HPL Fitter  
 S/o Nagesh Ahmad Lko. (260-400)
- (6) " Ashok Kumar Chakraverty, SS M/Chakraverty - Skilled M/Chakraverty  
 S/o Ranajit Chakraverty SLN. SLN.
- (7) " Bhagwan Kumar, do - do -  
 S/o Kandas Nath

Changes may be advised promptly

1/11/84  
 Personnel Officer  
 Lucknow.

- C/
- (1) CWS/Lko.
  - (2) CTXA/SSB
  - (3) WRFO/NB/SLN
  - (4) TMC (eluv) Lko.
  - (5) S/o Bha/Lko.

M. P. Sharma  
 Advocate.

21/01/2008

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

21/04/2014

उत्तर रेलवे

19

14

Annexure-3

पत्र सं० 752.ई/2.1/सी.एण्ड डबल/मिस्लेनियस आर्टीजल

मण्डल कार्यालय

लखनऊ

सूचना

दिनांक 23.12.85  
8-1-86

महाप्रबन्धक (ऑफिस) उत्तर रेलवे लई दिल्ली के पत्र संख्या 561.ई/85.32  
वालयम 1/11/ई 11 डबल पिद 019.7.85 (मुद्रित क्रमांक 8768) के अनुसार कारी गरी  
के उच्चकुशल ग्रेड I उच्च कुशल ग्रेड II तथा कुशल ग्रेड के पदों की संख्या 30.35.35  
के अनुपात में करने के पक्षस्वरूप निम्नलिखित कारी गरी को, जिन्होंने टेक परीक्षा  
पास कर ली है। उनमें सम्मुख प्रदर्शित ग्रेड में पदोन्नति करके नामांकित डिपो/स्टेशन पर  
स्थापित किया जाता है :-

1. श्री सरजू प्रसाद आत्मज भारोसे	30 कुंकारपेटर ग्रेड II/लखनऊ कुशल कारपेटर ग्रेड I लखनऊ	330.380 (सं.वे.)	380.560 (सं.वे.)
2. " लक्ष्मी नारायण " श्री ४II	-	ई -	-
3. " बन्नी प्रसाद " गुरुदयाल	-	-	-
4. " सरजू प्रसाद " बाबूलाल	कुशल कारपेटर लखनऊ	कुशल कारपेटर ग्रेड II लखनऊ	330.480 (सं.वे.)
5. " छोटे लाल " मेडी लाल	-	पैनाबाद	पैनाबाद
6. " मुरली " भुसई	-	प्रतापगढ़	प्रतापगढ़
7. " अशर्मा लाल " बाबू राम	-	लखनऊ	लखनऊ
8. " रमेश चन्द्र " महानंद	-	वाराणसी	वाराणसी
9. " भार्गवी प्रसाद " बुध राम	-	लखनऊ	लखनऊ
10. " अशर्मा लाल " दुलारे	-	वाराणसी	वाराणसी
11. " मोहम्मद लमी म मोरईस	-	लखनऊ	लखनऊ
12. " राम सुकिरण शर्मा श्री राम भारोसे	सुन्तानपुर	-	सुन्तानपुर
13. " हरजिन्दर सिंह " श्री अजीत सिंह	लखनऊ	-	लखनऊ
14. " हृथ राम " श्री महाराजदीन	सुन्तानपुर	-	सुन्तानपुर
15. " नैपाल सिंह " दीनदयाल	लखनऊ	-	लखनऊ
16. " अयोध्य प्रसाद " हीरामन	वाराणसी	-	वाराणसी
17. " अशोक कुमार श्री महादेव	जौनपुर	-	जौनपुर
18. " वकील अहमद श्री मो० अली ल	कुशल कारपेटर लखनऊ	कुशल कारपेटर ग्रेड II/लखनऊ	330.480 (सं.वे.)
19. " साविरखाँ श्री हाकिमखाँ	-	-	-

21/1/86

M. P. Sharma  
Advocate

20. श्री राधिका श्री श्री कुशल कारपेंटर फैजाबाद - वाराणसी
21. " राम बूढ़ा श्री दशरथ - - वाराणसी
22. " भागत सिंह श्री हर्ष नाम सिंह कुशल कारपेंटर लखनऊ कुशल कारपेंटर लखनऊ  
ग्रेड II (330.480) (380.560)
23. " वाजिम अली श्री हाशियअली 30 कु0पेंटर ग्रेड II लखनऊ कुशल पेंटर ग्रेड I लखनऊ  
.....  
330.480 (सं.वे.) 380.360 (सं.वे.)
24. " मोहम्मद हुसैन श्री अब्दुल रहमान - फैजाबाद - फैजाबाद
25. " बाबू लाल श्री रंथई - लखनऊ - लखनऊ
26. " मो. अजीज श्री मकदूम वक्श कुशल पेंटर वाराणसी कुशल पेंटर ग्रेड II वाराणसी  
.....  
260.400 (सं.वे.) 330.480 (सं.वे.)
27. " एस.एन. बेटली/श्री एन. सी. जेटली - लखनऊ - लखनऊ
28. " राम स्वर्ण/श्री बरसाती लाल - वाराणसी - वाराणसी
29. " मो० यासी लाल श्री अब्दुल मजीद - - -
30. " ए.के. दत्ता/श्री ए.के. दत्ता - प्रतापगढ़ - प्रतापगढ़
31. " शिव कुमार/श्री सुखई - लखनऊ - लखनऊ
32. " भगवा नदास/श्री मोती लाल 30 कु0पेंटर ग्रेड II/UKD कुशल पेंटर ग्रेड I/UKD  
330.480 (सं.वे.) 380.560 (सं.वे.)
33. " बदी प्रसाद श्री मंगली - - -
34. " महावीर श्री हनुमान - - -
35. " फैयाज अहमद/श्री नवाब अली कुशल पेंटर फैजाबाद कुशल पेंटर ग्रेड II फैजाबाद  
.....  
260.400 (सं.वे.) 330.480 (सं.वे.)
36. " मुन्नालाल श्री महावीर - लखनऊ - लखनऊ
- 36A " विनयाल प्रसाद 30 कु0पेंटर ग्रेड II कुशल पेंटर ग्रेड I/लखनऊ
37. " राम फल/श्री सोमई 30 कु0ग्रेड II लोहार सुल्तानपुर कुशल लोहार ग्रेड I सुल्तानपुर  
.....  
330.480 (सं.वे.) 380.560 (सं.वे.)
38. " बंने लाल श्री मुन्नी लाल कुशल लोहार सुल्तानपुर कुशल लोहार ग्रेड II/SLN  
.....  
260.400 (सं.वे.) 330.480 (सं.वे.)
39. " बजरंग/श्री छंगा - लखनऊ - लखनऊ
40. " मुन्ना लाल/श्री महादेव ए.सी. डाइवर ग्रेड II ए.सी. डाइवर ग्रेड I/UKD  
.....  
330.480 (सं.वे.) 380.560 (सं.वे.)
41. " राम देवल श्री मथुरा प्रसाद ए.सी. डाइवर सुल्तानपुर ए.सी. डाइवर ग्रेड II/SLN  
260.400 (सं.वे.) 330.480 (सं.वे.)
42. " संगत सिंह श्री प्यारा सिंह कु0पेंटर लखनऊ कुशल पेंटर ग्रेड II लखनऊ  
260.400 330.480 (सं.वे.)

Sharma

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

2104/90/514

0100  
34/06  
22/06/86

22-9-86  
22  
17  
Assessment-4

Northern Railway

To: 752E/2-1/C&W/Misc Art.

Divisional Office,  
Lucknow, dt/26/9-86.

NOTICE

The undemoted staff 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 PS No.8768 has been indicated against each. Arrears are to be paid after adjusting previous payments accruing on the date of earlier promotion/transfer. w.e.f. 1.1.84

No. Name/Father's Name Design./Stn. Promoted at. Posted on proforma basis pay fixed w.e.f. 1.1.84

S/Shri

1. Abdul Zahid S/o Sri Gulam Mohd. Welder/LKO Welder LKO 580/-  
Gr. II (530-480) Gr. I (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 M/Operator Gr. II/SLN M/ operator SLN 580/-
5. Shabbir Ahmad S/o Sri Nasir HFL Fitter HFL LKO 580/-  
Ahamed. Gr. II/LKO fitter (r.L)

Current payment is admissible w.e.f. 1.7.85

Assistant Personnel Officer,  
Lucknow.

- Copies to:-
1. CWS/LKO
  2. WRPO/DPD/SLN
  3. AME(C&W)/LKO
  4. Sr.DAO/LKO
  5. Secretary NRMU/URMU.
  6. CWT(M)/LKO.

M. P. Sharma  
Advocate,

D/o

2100/02/86



23 18

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

2109/2004

Northern Railway  
Divisional Office  
Lucknow. Dt. 28.1.85  
NO: 561E/-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/BSB 260-400
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. " Gviya 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. WRFO/NPO/SLN
4. HTXR/SLN(Stn)
5. Sg. DA/LKO
6. AME(C&W)/LKO

M. P. Sharma  
Advocate.

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

*Shabbir Ahmad*

26  
19  
Bosny G

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 Categories is given below for the information of all concerned.

- 1) Sri Abdul Zahid S/O Gulam Mondh, Welder Gr.II/ Post for RESIST  
LKO which Trade tested Passed.  
Welder Gr.I.
- 2) Sri Arjun Pd. S/O Indrasan Misra. -do- /LKO -do- Passed.
- 3) Sri Sangat Singh S/O Pvara S. Singh. -do- /LKO -do- Passed.
- 4) Manindar Singh S/O Ajit Singh. Machine Operator Gr.II./ Machine Operator Gr.I. -do- Passed.  
- SLN.
- 5) Sri Shahbbir Ahmad S/O Nasir Ahmad. HPL Fitter Gr.II/LKO HPL/Fitter Passed.  
Gr.I.

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 & SLN.
- 6) WRFO/NFO-Sultanpur.

M. P. Sharma  
Advocate.

KP/

\*\*\*  
21/09/86

27

26/

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

21/06/1990

28

20

Annexure 7

उत्तर रेलवे

19/11/90

मण्डल कार्यालय  
लखनऊ, दिनांक 19/11/9061° E/28° N  
20/3/90

प0सं0 847ई/2-2/कैरेज एंड वैगन

क्रेडिटिंग डिप्टी अधिकारी

लखनऊ, फैजाबाद, वाराणसी, प्रतापगढ़, मुल्तानपुर

डब्लू0आर0एम0ओ0/एम0ओ0/मुल्तानपुर

सी0एम0ओ0, प्रयागघाट, रायबरेली, जौनपुर, मुल्तानपुर

विषय:- कैरेज एंड वैगन डिप्टी के लिमिटेड प्रेसी की वरीयता सूची  
Isolated Categories.

उपरोक्त क्रोटियों की वरीयता सूची की काफी कर्मचारियों को सूचना हेतु संलग्न है। यह सूची कर्मचारी के उपरोक्त वरीयता सूची के सम्बन्ध में कोई आपत्ति हो तो वह लिखित आपत्ति पत्र के द्वारा इस वरीयता सूची के सम्बन्ध में इस पत्र के जारी होने के एक माह के अन्दर अपने कार्यालय द्वारा प्रस्तुत करे वरना समझा जायगा कि कर्मचारी इस वरीयता से सन्तुष्ट है और वरीयता सूची स्थाई मानी जायगी।

संलग्न/एक  
प्रतिलिपि:

- 1- मण्डल मंत्री एन0आर0एम0ओ0 गार्ड रनिंग रूम के निकट वाराणसी लखनऊ।
- 2- मण्डल मंत्री यू0आर0एम0ओ0 गार्ड रनिंग रूम के निकट वाराणसी लखनऊ।

कुते मण्डल रेल प्रबन्धक/लखनऊ

M. P. Sharma  
Advocate,

21/11/90

2

PROVISIONAL SENIORITY LIST OF JOURNALERS

Sl. No.	Name	Station	Date of birth	Date of appointment	Whether confirmed	SUBSISTIVE GR/D (if immediate lower grade & category regular promotion)	Grade & category regular promotion	Date of regular promotion	Promotion (indicate course qualified if any)	11	12	13
1.	S/Shri											
1.	Mohd. Vaish s/o Shahid Ali	LKO	10.7.51	25.1.72	Not confirmed	Tin Smith 950-1500	30.1.85					
1.	Shabbir Ahmad S/o Nasir Ahmad	LKO	4.1.52	19.3.74	-do-	HPL FILTER 19.3.74	1.10.84					
1.	Raj Nagnain Pathak S/o	LKO	17.3.37	6.7.62	Confirmed	DRILLER Driver 950-1500	1.3.80	1.1.84				
2.	Badrul Haq s/o Riazul	LKO										
1.	Shiv Badan Yadav S/o Sukhari Yadav	LKO	5.7.58	25.1.78	Not confirmed	REPACKER S/W 750-940	25.1.78	16.7.85				
1.	Raj Kumar Singh S/o Narain Singh	LKO	4.12.58	29.1.80	-do-	LIFTER S/W 750-940	29.1.80	22.3.85				
1.	Ram Dularey S/o Munna Lal	LKO	15.11.49	21.10.75	-do-	TURNER L/Kh. 750-940	Turner 950-1500	30.7.80				

M. P. Sharma  
Advocate,

for Sr. District Personnel Officer  
14/11/90  
16/12/90

Came from LKO  
Rajiv

Recd 16/12/90

Rajiv

Rajiv

M. Vaish

22

30 22.

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

27/01/2016



Northern Railway,  
Divisional Office,  
Lucknow.

No.E/2-2/II/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 CID/Lucknow.	Tinman gr.I 1320-2040(RPS)	Passed

Asstt. Personnel Officer,  
Lucknow

Copy to:

1. CID/Lucknow.
2. AME/DME(C&W)/LKO
3. Divl.Secy/NRMU
4. SWLI(Union) in reference to All item No.457/89th PNM NRMU.
5. Divl.Secy./URMU.

M. P. Sharma  
Advocate,

2100/20/90

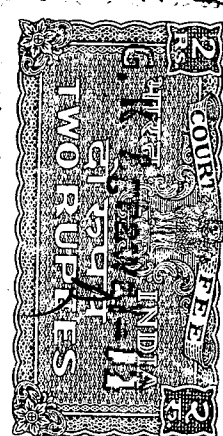
Am (2)

पदागत श्रीमान्..... In the presence of A.T. Lunkar ..... महादिप

(बादी) अपीलान्त

Will

## अतिवादी :



# कालतनामा

Shabbir Ahmed

रादी (अपीलान्ट)

Unen 22

**पाडेष्ट**

नं० मुद्रदम।

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ऊपर लिखे मुकदमा में अपनी ओर से

M P Sharma, Premod Sharma वकील & S K Verma

90 2 Nofer Bogh 1/4 एडवाकेड

नाम अदालत .....  
मुकदमा नं० .....  
नाम फरीकन ..... बानाम

को अपना वकील नियुक्ति फरके प्रसिद्धा इफरार फरता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ बरबो व अबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या मुलहनामा व इकबाल दापा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा सठावे या कोई रूपया जमा करें या हमारी बिपक्षी (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 कार्यवाही 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 पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और ससय पर काम आवे।

म आये।

हस्ताक्षर शिवराम अहमद

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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In the Central Administrative Tribunal Allahbad

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.ef. 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 ~~(RS)~~ 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.ef. 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.ef. 19.7.'84 and pay fixed at Rs. 230/- p.m. vide notification No. 752-E/2-1/C & W / Misc.-Art/84 Dt. 19.7.84.


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18/5

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 application.

(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/<sup>II</sup>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 in Scale Rs. 330-560 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 HS Grade I of the applicant was made by overlooking the seniority of shri M. Vaish opp. party no.5 due to an administrative error.



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- (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 of 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 opposed 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

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- 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 to be made <sup>in order of</sup> ~~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~~ 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.

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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 ~~correctly~~ 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



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- 7 -

given the benefit of, ~~he~~ 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 no~~ 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.

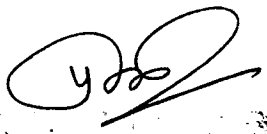
Column No. 8: Denied. The applicant is not entitled to any relief and the application is liable to be dismissed.

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

Column: No. 10  
to 12 Need no reply.

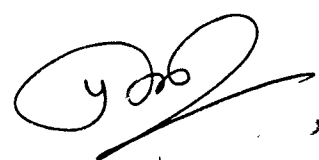
Lucknow

10.5 dated: 10.5.91

  
Respondents.

Verification:

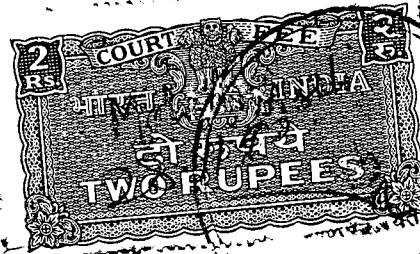
I, P. N. Timpalli ——— working as Asstt Personnel Officer in the office of Divisional Railway Manager, Northern Railway Lucknow duly competent and authorised to sign and verify the reply, do hereby verify that the contents of paras 1 to 12 are believed by me to be true on basis of information derived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



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

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



1990  
AFFIDAVIT  
74/1168  
HIGH COURT  
ALLAHABAD

Shabbir Ahmad

.... Applicant

Versus

Union of India and others

.... Respondents

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENT NO. 5

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/Misc. Artisan/C&W dated 18/24 May 1984 passed by Assistant Personnel Officer, Northern Railway, Lucknow.

A photostat copy of Promotion Order

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M. Vaish

Filed today  
6.3.91

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-F) dated 7.12.1982 re-classified the semi-scaled artisans 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. Varish

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.

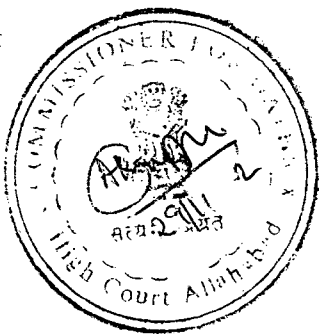


*M. V. S.*

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 Railwaymen's Union vide item No. 457 in Permanent Negotiation Machinery of the Railway Administration. The Railway Administration had replied in P.M.N. 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. Since 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.M.N. 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

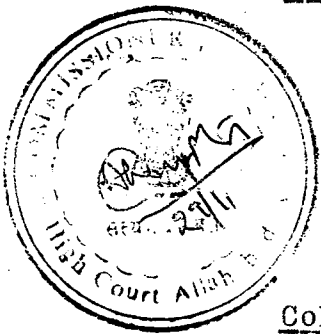
on 18.8.1990 and a changed memo has also been issued to this effect.

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 the order dated 10.9.1990 passed by this Hon'ble Tribunal in the present case.

PARA WISE REPLY

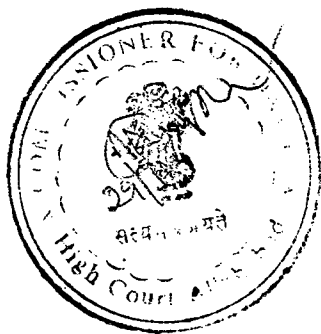
- Column 1 That in reply to the contents of column 1 of the application it is submitted that the Railway Administration has passed the order dated 17.8.1990 after full discussion of the matter in Permanent Negotiation Machinery meetings and there is no any illegality in the order as the deponent is senior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



M. Varish

In reply to column 4(C) it is stated that the applicant and deponent were placed in Highly 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 Artison 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. Vaishy*

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~~ <sup>✓</sup> 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. Vaidya*



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 artisans has been placed in the same category. The inter-se 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 Railwaymen's union in the P.N.M. 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. Varish*

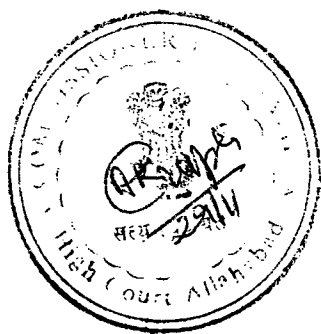
The contents of column 4(M) are wrong and denied. It is submitted that there is no any separate category like H.P.L. Fitter Grade I or Tinsmith Grade I as already been stated in the preceeding paras that all the categories have been clubbed into a single category vide letter dated 19.12.1985.

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. Vaish*

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Annexure 7 is not a final list. The cadres shown separately are no more in existence now hence the inter-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. Venkayya

(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. V. V. Singh

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 :

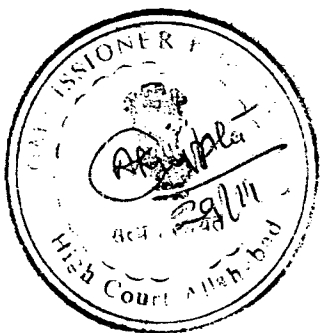
Dated : 29-11-90

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 readover and explained by me.

OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench.

No. 74/1168  
Date 29/11/90

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

ANNEXURE - CE-1

उत्तर रेलवे/NORTHERN RAILWAY

NORTHERN RAILWAY.

No. 752-E/2-1/Misc Art/O&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.	S/ Shri. Ram Deo-III S/o Teri	Kh/SLN.	H/Men.	CWS/LKO. ✓
2.	Ram Asray S/o Sri Ram.	-do-	-do-	-do- ✓
3.	Md-i Raj S/o Santoo Ram.	Kh/JNU.	Painter.	CTXR/PHI.
4.	Arun Kumar Dubey S/o Lalta Pd. Dubey.	SW/BSB.	-do-	"/BSB.
5.	Lallen Pd S/o Lallas Ram.	Kh/SLN.	-do-	"/SLN.
6.	Nasruzzaffar S/o Latif Ahmad	-do-	-do-	CWS/LKO. ✓
7.	Ram Briksha S/o Dasrath.	SW/BSB.	Carpenter.	CTXR/BSB. ✓
8.	Iftexhar Ahmad S/o Bashirul Haq.	SW/JNU.	-do-	-do-
9.	Idris Ahmad, S/o Noor Mohd.	SW/SLN.	-do-	-do-
10.	Radhika Pd. S/o Jhauri Ram.	Kh/FD.	-do-	CTXR/FD.
11.	Mohd. Vaish S/o Sahid Ali.	St. Porter/LKO	Tinman.	CWS/LKO. ✓
12.	Ram Narain Keshyap.	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. ✓
2. Shri Asharfi Lal S/o Baburam, Carpenter/BSB - LKO. ✓
3. Shri Nepal Singh S/o Din Dayal, Carpenter/FD - LKO. ✓

Movements may be advised properly.

Asstt. Personnel Officer,  
N. Ry, Lucknow.

Copy for information and necessary action :-

1. CWS/LKO
2. CTRX/BSB, FD, PHI.
3. WRFO/NPO/SLN.
4. Hd.TXR/JNU, (5) Sr. DAO/LKO, (6) HME/O&W/LKO.
7. D/Clerk, 'E' /2-2 & E 2/3 (O&W).



M. V. Singh

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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-2

No. 752-E/2-1/C&W/Hiso-Art.4,

Northern Rail &  
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>(V. 270-290)</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 Narsain Singh, S/Wala/LEO Lifter/NPO/SLN.
2. Sh. Shoo Baidan Singh, s/o Sukhari Yadav, Sked Porter/ Repacker/NPO/SLN. LEO.
3. Sh. Bhagwan Kumar, s/o Kedar Nath, Khallasi/ Machine/Fixed Saw NPO/SLN. Machine Operator/ NPO/SLN.
4. Sh. Ashok Kumar Chaubey, s/o Ramayan Chaubey, S/Wala/LEO --do-- --do--
5. Shabbir Ahmad, s/o Shri Naseer Ahmad, Khallasi/LEO HPL Fitter/Lucknow.

Refusals

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

Asstt. Personnel Officer/LEO

Copy to:-

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

M. V. Singh

....



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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-3

8203

Serial No. 8203.—Circular No. 561E/35-32/Vol. 6 (L-II W), dated 7-12-1982.

क्र.सं. 8203—परिवर्तन सं. 561/ई/82-32/जिल्द VI (ई-II डब्ल्यू) दि. 7-12-1982

विषय.—री-क्लासिफिकेशन आरक आर्टिजन स्टाफ इन दी रेलवेज—इलीक टू सेमी-स्किल्ड तथा अन-स्किल्ड आर्टिजन स्टाफ ।

रेलवे बोर्ड के पत्र सं. ई(पी एण्ड ए) 1/82/जे.सो.1, दिनांक 13-11-82 की प्रतिलिपि मार्ग बर्षन एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है ।

Copy of Railway Board/New Delhi's letter No. E(P & A) 1-82/JC/I, Dated 13-11-1982.

Sub.—Re-classification of Artisan staff in the Railways relief to semi-skilled and un-skilled artisan staff.

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 Railway 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.

2. The Ministry of Railways have accordingly decided as under :—

(i) Trades presently designated as semi-skilled as indicated in the attached list I & II should 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 extent applicable) should be allotted the semi-skilled grade Rs. 210-290) and designated as Khalasi-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.

(v) 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 arrears amount in 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 admissibility. 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 currently effective from 1-1-1982.

(vii) Employees, who retired/resigned prior to 1-1-82 the date from which the higher 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. Van'sh





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

(ix) There will be no change in status quo in regard to skilled and semi-skilled grades which are not specifically covered by these orders. These trades will continue to remain 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, the 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 unskilled functions of simple manual work like loading and unloading, sweeping of floors and transport of material etc. in their respective trades. These guidelines should be borne in mind while upgrading any unskilled 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 corresponding semi-skilled trade, if BTM posts in semi-skilled grade have been created in such trades by the Railways/Production Units as working posts and not as Trainee posts in terms of Board's letter No. E (NC) 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 list 2 & 3, the ways may also re-classify such semi-skilled grades which are listed in Col. 4 of List 1, Col. 2 of List No. II, since the Railways follow different designations in respect of the trades, provided the standard trade test syllabus as applicable to the relevant one, is 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 feeder category for skilled jobs, from out of the total strength of Khalasi-Helpers in the semi-skilled grade of Rs. 210-290, after upgradation, a certain reserve number of posts of Khalasi-Helpers, equal to 5% of the skilled artisan staff (including HSK II and HSK I) in relevant trade group, should be treated as trainee posts and designated as Basic Trade Reserve posts and to act as a feeder category in a multi-trade crafts culture to ensure proper training and mix of experience. The senior most among the semi-skilled Khalasi-Helpers, who are due for promotion to skilled grade, should be posted against these BTM posts (which will be functional posts and not merely training posts).

Before final promotion to the skilled grade, this reserve category of Basic Trade Reserve posts should be given an opportunity and experience of work in specific trades where they are to be absorbed. For the allocation of the trainee posts in the various trades, cognate trade would be considered together in a broad spectrum, a few examples of which are given below:

- (i) Blacksmith, Spring Smith and Spring Maker, Sinker (Smith), Angle Iron Fitter, Forge Smith, Hammer men, Forging Machine Operator, Power Hammer Operator, Drop Hammer, Bolt, Nut and Rivet Making, Machine Operator, etc.
- (ii) Turner, Steam Valve Carpenter, Cribber, Machinist, Fitter, etc.
- (iii) Turner, Steam Valve Carpenter, Cribber, Machinist, Fitter, etc.

( 10 )

(iii) Driller (fixed Spindle), Driller (Multiple Spindle), Grinder (Direct Drive), Machine (Boring, Broaching, Milling, Planing, Shaping and Shifting), Lathe Machine Operator, Screwing Machine Operator, Operator Steam Machine, Machine Operator, Turner, etc.

(iv) Gupulman, Gupulman-in-charge, Moulder, Moulding Machine Operator, Millen Metal Carver, Fitter, Core Maker.

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

(vi) Painter, Painter (Brush and Liner), Sign Writer, Joiner (Furniture), Joiner (Rough), Cabinet Maker, Carpenter, Coaching Builder, Leg Maker, Machine (Wood), Pattern Checker, Pattern Maker, Planer, Saw Doctor, Saw Machine, Saw Machine, Timber Marker.

Note.—The above list is only illustrative and not exhaustive. The Railways are free to evolve more groups of cognate trades for this purpose, covering unclassified trades.

7. The Board's intention is that instead of a Khalasi-Helper being offered a specific trade, which he is due for promotion he will be allotted to a group of similar and allied trades so that he has an opportunity to learn and pick up the trades in that group. His further promotion to one of the trades in that group will be on the basis of the Trade Test prescribed for the particular trade for which he has developed aptitude and skill. Similarly, promotion of unskilled staff to semi-skilled Trade as Khalasi-Helper will be only after passing the requisite Trade Test and not on the basis of seniority alone. (Separate instructions will follow in regard to Trade Tests in semi-skilled categories for future promotions).

8. Even though the designation 'Khalasi-Helper' is assigned to unskilled trades as a consequence of these re-classifications, the Ministry of Railways cannot claim that Khalasi-Helpers should be called upon to work in emergency and in all the jobs in emergency etc. which normally a skilled worker would do. A Khalasi-Helper associated with skilled workers will have to make central office for production and etc. along with the skilled workers as the two will form a team.

9. After re-classification of unskilled and semi-skilled grades, the above three the Board's extent orders stipulating distribution of unskilled, semi-skilled posts 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 unskilled posts to the semi-skilled grade in terms of these orders is implemented, all establishments engaging artisan staff including RLSG should set apart 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 RDSO (of the total unskilled\* (Class IV) sanctioned staff and earmark the same for surrender gradually. The cuts would be applicable on the net authorised strengths for recognised work-centres after weeding out surplus/supernumerary posts which have so far been retained 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 supplies staff cannot be absorbed immediately due to non-availability of vacancies in the posts should be surrendered as and when they become vacant by normal wastage and attrition. It will be the responsibility of the Additional General Manager (L & C) in consultation with the F & CAO to ensure implementation of this part of the orders regarding surrender of posts and submit a status report to the Board by 31-3-83. In the event of enforcing these orders regarding surrender of posts in unskilled (Class IV) grade, the Board have decided that there will be a total ban on recruitment of casual labour and substitutes.

( 11 )

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.

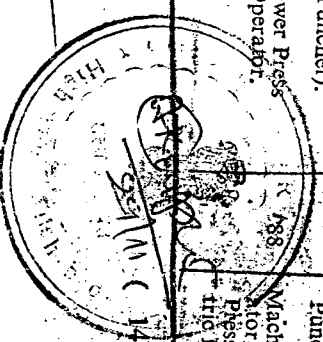
List of Semi-skilled trade designations as per Standard Trade Test Manual of 1952, proposed for re-classification as skilled trade.

S. No	Semi-skilled Trade designations as per 1952 Trade Test Manual.	Syllabus No. as per 1952 Trade Test Manual	Semi-skilled trade designation as existing on the Railways, in addition to what is mentioned in Col. 2, with similar work content.	Remarks
1	1	2	3	4
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 Truck Driver, Trolly Driver, Power Sweeper Driver, Litter Driver.	
2.	Batteryman	5	Cell Man, Semi-skilled Battery Fitter, Lead Burner.	
3.	Beltman	6	Beltier	
4.	Blaster (Excavation).	8	Blaster	
5.	Bolt, Nut and Rivet Making Machine Operator.	11	Forging Machine Operator.	
6.	Cane man	16	Caneer/Chick Man, Chick Maker.	
7.	Cellman			
8.	Circular Saw Operator.			
9.	Cobbler			

See Item 2  
See Item No. 24

1	2	3	4	5
10.	Cupulaman	23	Cupola Attendant, Cupola Operator, Cupola Tapper.	
11.	De-scaler volier (Tube).	25	De-scaler	
12.	Dollyman	30		
13.	Dresser (Emery Wheel).	31		
14.	Drifter (Fixed Spindle).	32	Machinist Operating Grindle Drilling Machine, Drilling Operator, Spindle Driller, Radial Driller, Drifter.	
15.	Electric Traveller Operator (Ground).	36	Electric Traveller Operator, Traveller Driver.	
16.	Feller	40		
17.	Fire Extinguisher Servicier.	42	Fitter (Fire Extinguisher)	
18.	Furnaceman (Ordinary).	46	Furnaceman, Furnace Operator, Furnaceman (Smith), Furnaceman (Foundry).	
19.	Fireman-Power House.	43		
20.	Glazier	49	Glass Cutter	
21.	Grab or Bucket Coaling Crane Operator.	50	Coal Crane Driver/Operator.	
22.	Hammerman Smith	54	Striker (Smith) Tyre Remover.	
23.	Machinist-Wood (Capable of Operating One Machine only).	64	Machinist Operator, Wood/Circular Saw, Cross Cut, Saw Motorist, Spindle Drilling, Single Cutter, Moulder, Sand Saw, Band Saw, Log Grange Saw/Multi-Spindle Moulder/planning Machine/Sitting Saw (for profile cutting).	

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
14.	Metal Cutter.	69	Metal Sawyer, Saw Operator, Circular Saw Operator, Hack Saw Operator, Band Saw Operator, Cold Saw Operator.		It has come to the notice that some Foundry Attendants are also performing the work of Molten Metal Carrier. Such of the Foundry Attendants doing this work will also be upgraded as skilled Molten Metal Carrier.	Repacker/Oiler	90	Crane Serang Jammadar/Gunner/Scoring/Slinger/Tindal Driver/Challan Driver/Hookman.	Repacker & Oiler working in C & W S depots both shop and open Line to be reclassified as sk. Artisans and (re-designated as Repacker cum oiler.)																																																																																											
15.	Molten Metal Carrier.	71				Rigger	91		(i) Those doing lifting-lowering/positioning of load by giving signals to the Crane Driver/Operator and Slinger.																																																																																											
6.	Moulding Machine Operator.	76	Machine Operator/(Foundry Moulding Machines).	Those Foundry Attendants who are working on Moulding Machines as Operators will also be upgraded as skilled Moulding Operator.					Those doing lifting-lowering/positioning of load to be lifted while working either as Gang Leader or independently to be classified as Skilled workers and re-designated as Crane Jammadar in all Departments except Engineering Bridge Construction where they would be designated as Serang.																																																																																											
7.	Painter Brush Hand.	78	Wagon Painter	Those Painter Brush Hands who are engaged solely on washing and cleaning will not be upgraded as skilled artisans.																																																																																																
8.	Pneumatic & Portable Tool Operator.	84	Pneumatic Operator/Portable Operator Electric Tool Operator, Portable Plant Operator, Concrete Mixture Machine Operators of portable tools Grinder De-scale Chipper, concrete Breaker, Concrete Vibrator, Pneumatic/Electric Drill Grinder.						(ii) Those working under the guidance of Crane Jammadar/Scoring for tying the chain rope, etc. will be in semi-skilled grade and designated as Slinger in all Departments except in Civil Engg. Bridge Construction where they will be called as Rigger.																																																																																											
9.	Polisher (Rough)	78	Polisher			Rivetter Wagon	93	Rivetter	All Riveters in semi-skilled grades will be classified as skilled artisan.																																																																																											
10.	Power Hammer Operator.	86	Hammer man, Pneumatic Hammer Operator.			Sand Blaster	94	Grill Blaster/Shot Blaster, Machine Operator, Grill Blasting/Sand Blasting Shot Blasting.																																																																																												
11.	Punching Machine Operator (Puncher).	87	Power Punch Operator, Machine Operator Punching.			Saw Sharpener	96																																																																																													
12.	Power Press Operator.	88	Machinist Machine Operator, Operating Power Press Brake Press Eccentric Press.			Screwing Machine Operator (Screw).	98	Machine Screwing Machine Operator.																																																																																												



M. Vaid

1	2	3	4	5
39. Sewing Machine Operator.	100	Tailor semi-skilled	..	..
40. Shearing Machine Operator (Shearer).	101	Machine Operator Shearing/Shearer Machine, Shearer Machine, Operator Gullotine Shear.	..	..
41. High Power Lamp Fitter.	57	Fitter (H.F.L.)	..	..
42. Lead Burner	5	..	See Item No. 2	..
43. Stationary Plant Attendant (Pump Driver), Steam and Electric, Stationary Boiler Attendant Air Compressor Operator, Air Pump Operator (Diving) Fitter, Plant Operator & Coke Crushing Machine Operator.	105	SPA Diesel Plant/SPA Air Compressor/SPA Attendant/SPA Compressor Driver/Operator SPA/Water Pump Attendant/Driver/Operator. Diesel, Electric, Petrol and Steam, SPA (Stationary Boiler Attendant) Boiler Room Attendant, Filtration Plant Operator SPA Acetylene & Oxygen Plant Attendant, SPA Air Diving Plant, SPA Sewage Plant, Sewage Plant Operator, SPA Vacuum Exhaust Attendant, F/Man Stationary Boiler, SPA Pump Sluice Valve.	SPR Coke Machine SPA Air Blower, SPA Impregnation Plant Attendant, SPA Crane of Stationary Crane will continue semi-skilled. SPA Pump Operator (Diving) will be dealt with along with marine department.	..
44. Steam-man	107	..	..	..
45. Striker Smith	54	Hammer-man Smith	Same as item No. 22	..
46. Tapper (hand) and Machine.	112	..	..	..
47. Tarpaulin or Tent Repairer.	113	..	..	..
48. Tindal Slinger (Workshops).	117	..	..	..
Wheel Tapper and Gauger.	127	..	Same as item 34	..

( 16 )

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

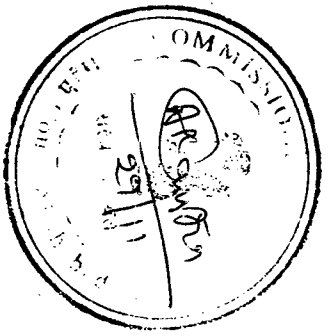
S. No.	Existing semi-skilled trade designation.	Proposed Designation.	Syllabus to be followed	Remark
1.	Machine Operator (Foundry) Moulding Machine Sand Slinger, Swing Grinder, Gore Blower.	Machinist (Foundry)	will be proposed later.	
2.	Wire Rope Splicer	Fitter Mill Wright	24 of 1969 Trade Test Manual (Fitter Mill Wright Crane & Traverser. At of 1952 Trade Test Manual.	
3.	Chipper	Fitter	will be proposed later.	
4.	Machine Operator, Bar Straightening Machine, Chipping Machine, Centring Machine.	Machinist	62 of Trade Test Manual, 1952.	
5.	Machine Operator	Machinist		

(ii) List of trade which should have been classified as skilled but being operated in some cases as semi-skilled should, therefore be correctly classified as skilled.

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 (Schedule Running)	"
6.	Fitter Lubrication	"
7.	Fitter Motion Bench	"
8.	Chipper General Fitter	"
9.	Fitter General	"
10.	Fitter Structural	"
11.	Fitter Template	"
12.	Die Cutter/Maker	Die Cutter, Die Smith.

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.	Tin Smith/Solderman	Tin and Cooper Smith.
16.	Trimer	Trimer
17.	Machine Operator, Capatan Lathe, Centre Lathe, Universal Milling Machine, Shaper, Wheel Lathe Armature and Coil Winder/Coil Winder.	Armature & Coil
18.	Armature and Coil Winder/Coil Winder	"
19.	Oxygen and Acetelene Cutter	Winder
20.	Stenciller	Sign Writer
21.	Wheel Stamper	Fitter
22.	End Binder	Carpenter

*M. V. Singh*



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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-4

Northern Railway

Dated December 19, 1985.

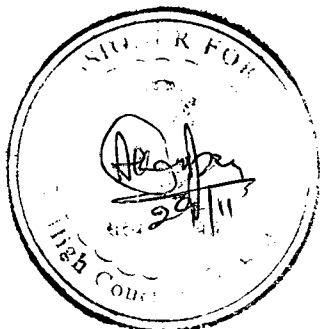
NOTICE

After reclassification of 197 posts from SS grade (Rs. 210-290RS) to skilled grade (Rs. 260-400RS) and 50% of 457 posts (u.s.) in grade Rs. 196-232/200-240/200-250) to semi skilled grades (Rs. 210-290(RS) 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	Sanctioned strength		
		Perm.	Temporary	Total.
1.	Carpenter.	36	7	43
2.	Painters	15	6	21
3.	Trimmers	12	3	15
4.	Black smith	7	-	7
5.	Hammerman	7	-	7
6.	Welder	16	7	23
7.	Driver	10	15	25
8.	Driver	3	-	3
9.	Elect/Mech.Operator	3	-	3
10.	Motor Driver	1	2	3
11.	Fitter	942	101	1043
12.	Khallas/Safaiwala	339	281	620
13.	Skid Porters	60	-	60
14.	Saloon Attendant	5	-	5
15.	Cleaning Jamadar	29	5	34
16.	Plt Cleaners	31	-	31
17.	Isolated categories			
	viz. Mason Tin Smith			
	HPI Fitter Driller			
	Repacker Lifter	6	-	6
	One in each trade.			
Total:-		1522	427	1949

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

Cont d...2.



6)

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Terms of P.S. 3763.

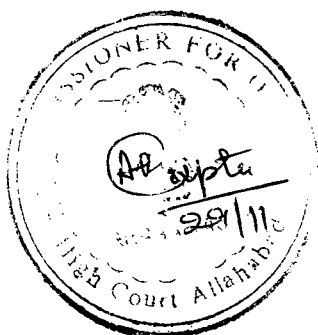
S. Category no. (Skilled/HS.	Total strength.	Existing in the ratio of 20:25:55			Revised in terms of PS 8763		
		HS Gr. I 20%.	HS Gr. II 25%	Skilled 55%.	Gr. I 30%	Gr. II 35%	Gr. III 35%
1. Carpenter	43	9	11	23	13	15	15
2. Painter	21	4	5	12	6	7	8
3. Trimmers	15	3	4	8	5	5	5
4. B/smith and Hammerman.	14	3	4	7	4	5	5
5. 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/Ch. Operator.	3	1	1	1	1	1	1
9. Motor Driver	3	1	1	1	1	1	1
10. Isolated trades - Mason Tin Smith HPL Fitter Driller Repacker Lifter one in each trade.	6	1	2	3	2	2	2
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 PS 3203.			Reclassification in terms of PS 8768.		
	50% SS	50% US	50% cut.	Total posts.	70% SS	30% US
798	399	399	48	750	525	225

Contd..3.

M. Vaish



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Depot wise distribution of the above posts and 16 other non artisan 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. C. M. N. B.*  
for Sr. Divl. Accounts Officer.,  
Northern Railway/Lucknow.

*James D. J.*  
for Divl. Rly. Manager,  
N. Rly./Lucknow.  
19/12/85

Copy for information and record to:-

1. Sr. DAO/LKO (E) & (F)
2. DMS (C&W)/Lucknow.
3. Asst. C&W/Lucknow.
4. CWO/LKO FD BSB
4. CTXR/WFO (NPO) SLN PBH JNU RBL PYG
5. D/C E/2/1 E/2-2 E/2-3 of C&W Department.

SPK/

*M. V. Singh*





13

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. 57.  
89th PNM/  
May 1907

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 S/ Shri Mohammad Vaish and Shabbir Ahmad was promoted to the post of Fitter Grade II vide letter No. 752/2/1/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 Nazir Ahmad is junior to Shri Mohd. Vaish, so Shri Shabbir Ahmad be reverted and Mohd Vaish be promoted as Gr. I.

It was agreed to examine the case.

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 present 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. Vaisla*



33. Item No. 7 Contd.....

FRESH REPLY on 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 Tinsmith 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 Tinsmith 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 DTH'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, Driller, 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



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/lt  
CDO/LKO  
dt- 31.8.90

To, The DRM/N. Rly.  
LKO.

Sub:- Promotion of staff.

Ref:- DRM/LKO notice no. 752E/  
2-1/200/DRM/LKO dt- 17.8.90.

As per letter cited  
above Shri Mohd. Varsha Tiwari  
Gr. II is promoted as Tiwari Gr. I  
from 1/8/90. He was drawing  
pay Rs. 1320/- f 1-1-90.

M. Varish

mm  
CDO/LKO



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

Shabbir Ahmad

..... Applicant

Versus

Union of India and others

..... Respondents

ANNEXURE -

CE-7

PENAL OF KHALASI (C & W) UNDER HTXRS  
OF LUCKNOW DIVISION OCTOBER 1971.

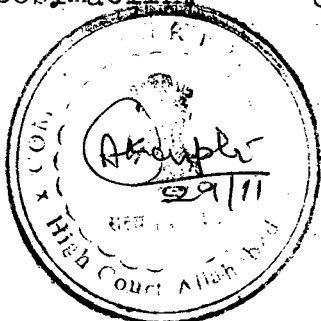
As a result of screening held by A.M.E. (II) and A.P.O. (10) Lucknow during the months from July '71 to Sept '71 in terms of Headquarters letter No: 220-E/0-IV/II(eiv) dated 26.5.70 and 24.7.70, the undernoted substitutes/Casual Labours have been found suitable and are placed on the panel of C & W Khallasi 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 which HTXR working station.	Date of birth.	Date of appointment.	Whether S/C or not.
1	2	3	4	5	6	7	8
1.	104	Nand Lal Sharam	Sri Lal Bachan Sharma.	LKO	1.10.46	7.12.68	No.
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.

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	Mukher 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 Vistwakarna	Kedar Nath.	"	15.6.49	10.11.69	No.
21.	63	Kalam Ahmad.	" Mustaq Ahmad.	"	17.7.52	10.11.69	No.
22.	58	Ram Lakhan 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 Shirma	" S.P.Sharma.	BSB	28.12.51	23.12.69	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.	" Dewan 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	Yes.S/C
34.	92	Pratap Mohan	" M.B.Saini.	LKO	8.10.44	12.3.70	No.
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	Boby Maclin.	" C.Maclin.	LKO	1.2.41	17.3.70	No.

p.t.o.



M. V. Singh

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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	No.	
41. 58	Ram Taul.	" Onk 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	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 Suchit	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.	" 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.	Tripathi.	LKO	8.7.50	27.8.70	S/C.	
57. 135	Shyam Kumar.	" Mulloo Ram	LKO	19.9.50	27.8.70	No.	
58. 131	Indra Mohan.	" S.S.Saxena.	LKO	13.12.48	28.8.70	No.	
59. 95	Ramesh Dutt	" R.C.Sharma.	"	1.1.48	3.9.70	No.	
60. 109	Sharma.	" Baboo Lal.	"	10.11.49	3.9.70	No.	
61. 144	Ram Shanker.	" Jageshwar Pd.	"	25.11.51	16.9.70	No.	
62. 115	Mohd Hafiz.	" Faquir Mohd.	"	4.3.70	19.9.70	No.	
	Raghunandan Pd.	" Kedar Nath.	"				

p.t.o.

M. Vaish



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-4-

1	2	3	4	5	6	7	8
				HTXR			
63.	136	Bhagwan Dass.	Sri Chedl 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.	" Shyam Lal.	NPO/SLN	2.7.45	24.9.70	S/C
67.	26	Ram Dilas Panday	R.L.Panday	"	11.9.47	24.9.70	No.
68.	12	Nirpat.	" 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.
		Verma.					
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	" Shyam Dabin Ram	"	20.5.51	24.9.70	S/C
80.	19	Ram Pyardy.	" Tita Ram.	"	2.10.51	24.9.70	No.
81.	8	Ram Sunilran	" R.B.Sharmaa	"	6.10.51	24.9.70	No.
82.	42	Indra Bham Singh	Kanta Pd.Singh	FD	15.1.50	25.9.70	No.
83.	29	Naushad Ali.	" Shaushad Ali.	NPO/SLN	7.8.49	30.9.70	No.
84.	28	Jag Bhushan	" M.A.Duraswani	"	14.9.52	30.9.70	No.
85.	32	Shyam Surat	" Baij Nath.	"	6.3.48	3.10.70	No.
86.	150	Ram Prakash	" <del>1111</del> L.P.Tewari	LKO	1.10.48	3.10.70	No.
		Tewari.					
87.	31	Ram Narain.	" Panchan.	NPO/SLN	24 yrs.*	3.10.70	No.
88.	30.	Mahadeo.	" Hari 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. Vaish





1.	2.	3.	4.	5.	6.	7.	8.
				HTXR			
91.	116.	Jagannath Pd.	SriSumer.	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.	BSB	3.2.52	11.10.70	No.
98.	75	Mool Chand.	" Chhotey Lal.	BSB	1.6.47	12.10.70	No. 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	15.3.50	23.10.70	No.
107.	36	Bhagwat Sharma	" Krishna Sharma	NPO/SLN	19 yrs.*	24.10.70	No.
108.	156	Badal Hussain.	" Mahboob.	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.Kazmi.	LKO	5.5.51	12.11.70	No.
		Kazmi.					
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.	" Harnam.	NPO/SLN	18 yrs *	3.12.70	No.

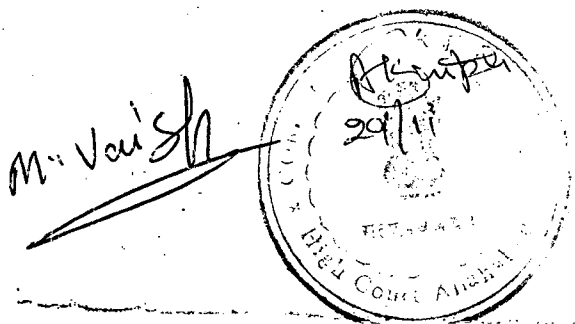
p.t.o.

M. V. Singh



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.	PBH	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.	Nareesh Chandra Saxena.	" K.C.Saxena.	"	30.6.49	3.1.71.	No.	
131. 81	Sachidanand Srivastava.	" Harihar Pd.	BSB	27.1.46	4.1.71	No.	
132. 214	Ram Murti Ram.	" Millahi Ram.	"	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	Virendra 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.Upadhya.	SIN	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.	" Ram 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	12.2.71	No.	
147. 91	Babu Singh.	" Mahesh.	"	30.4.44	16.2.71	No.	
148. 124	Ranjan Ali.	" Aurakhey.	"	5.2.48	17.2.71	No.	

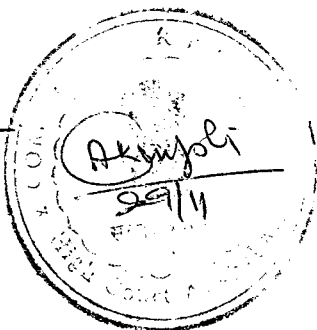
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				HTXR			
1495	195	Gaya Prasad II	Sri Meri Lal.	LKO	12.1.50	17.2.71 ✓	No.
150.	147	S.N.Mukerjee.	" H.B.Mukerjee	"	15.8.50	23.2.71 ✓	No.
151.	184	Mangal.	" Gajadhar.	"	*	25.2.71 ✓	No.
152.	209	Shyam Narain Singh	" R.N.Singh.	"	4.2.46	28.2.70 ✓	No.
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	Musrat Ali.	" Risal Ali.	BSB	7.3.46	3.3.71 ✓	No.
156.	175	Phunni Lal.	" Dama Ram.	"	1.2.46	4.3.71 ✓	No.
157.	202	Uma Prakash	" Prabhoo Pd.	NPO/SLN	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	" Ram 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.	" Lalita 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 Shyam.	" Sheo Dularey.	-	2.8.50	-	No.
172.	166	Brij Lal.	" Chotey Lal.	-	5.4.47	-	No.

p.t.o.

M. Vaidya



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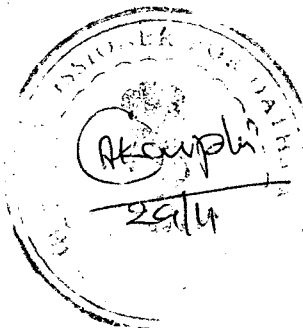
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1	2	3	4	5	6	7	8
173.	176	Mahabir Pd.	Sri Jagdish Pd.	-	16.7.52	-	No.
174.	205	Ashok Kumar.	" Chandrika Pd.	-	15.10.50	-	No.
175.	206	Sant Lal	" Ran Dhani.	-	7.8.50	-	No.
176.	207	Ramesh Kumar.	" Gokaran.	-	28.11.50	-	No.
177.	54	Nandoo Lal Dass	" N.B.Dass.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

Cases marked with \* their ~~ages should be verified~~ appointment is subject to varification of age.

*Deekshu Singh*  
Assistant Mechanical Engineer (II),  
Northern Railway,  
Lucknow.

*B. V. Singh*  
Assistant Personnel Officer  
Northern Railway.  
Lucknow.



*M. Vaish*

78

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-8

NORTHERN RAILWAY

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

DIVISIONAL OFFICE  
LUCKNOW 17-2-81

C&W Supdt./LKO, CTXR/FD/PBH/BSB, CWIS  
KTC/ NPO/SIN, DME(C&W) AME(C&W)  
C/ Divl. Secretaries NRMU/URMU

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 Depts. 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 their SC/ST certificates from competent authority should invariably be 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 themselves 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. Please acknowledge receipt.

(B.L. Kanaujia)  
Asstt. Mech. Engineer  
LUCKNOW

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



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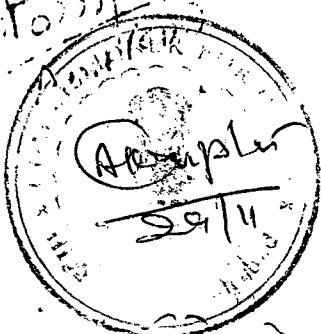
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List showing the names of candidates declared suitable for the post of C&W Khalasi as a result of screening held in Oct., Nov. and Dec., 80 in order of seniority (Merit based on total number of working days put in by them upto 31-5-1980.

Sl. No.	Item no of Dep. List	Name and Father's Name	Date of birth	Total no. of working 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/Sri 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.	8/LKO	Gulam Husain S/o Mohd. Husain	15-7-53	✓ 2297		
8.	10/LKO	Ram Kumar Ram S/o Chauthi Ram	1-1-51	2268	SC	
9.	11/LKO	Prakash S/o Hari Shankar	1-1-53	✓ 2257		
10.	12/LKO	Sayad Mohd Ijtiba Rizvi S/o SM Murtaza Rizvi	1-7-49	✓ 2225		
11.	13/LKO	Hira Lal S/o Sauda Ram	5-12-49	2196		
12.	1/SLN	Shyam Lal S/o Ram Asrey	3-8-49	✓ 2186		
13.	2/SLN	Phool Chand S/o Garib Dass	17-4-54	✓ 2162	SC	
14.	4/SLN	Gurdeen S/o Pudai	20-7-48	✓ 2143	SC	Sub.to pro- duction of SC & School Certificate.
15.	16/LKO	Ram Pratap Yadav S/o Chandra Pal	8-1-51	✓ 2136		
	1/SLN	Ashok Kumar S/o Chibetey Lal	20-12-49	✓ 2110		

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M. V. Singh

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- 2 -

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	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	Sia Ram Yadav S/o Sukhai		19-9-55	1973	Sub.to pro- duction of school certificate	
22. 21/LKO	Ramesh Chandra S/o Ram Bilas		1-1-53 ✓	1919		
23. 7/SLN	Krishna Lal S/o Anandi Deen		7-3-54 ✓	1907	SC Sub.to SC certificate from Magis- trade & *	
23A 4.	Mohd Yakub S/o Md. Ayub	* Affidavit for correct name. 24.4.75				
24. 23/LKO	Ram Prashad Dey S/o D.N.Dey		1-6-57 ✓	1829		
25. 8/SLN	Mohd. Nasim ✓ S/o Hamidullah		5-2-54 ✓	1858		
26. 9/SLN	Mohd Shafiq S/o Mohd Saddiq		1-7-51 ✓	1856		
27. 24/LKO	Madan Mohan Gupta S/o Ashok Kumar		10-7-54 ✓	1842	VER 1/10	
28. 25/LKO	Hara Ram S/o Pandohi		15-11-55 ✓	1841		
29. 3/SLN	Biphan 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	Ashwari K. Singh S/o D. Singh		18-7-57 ✓	1787		
34. 29/LKO	Ram Singh S/o Budhoo Singh		1-7-57 ✓	1787		



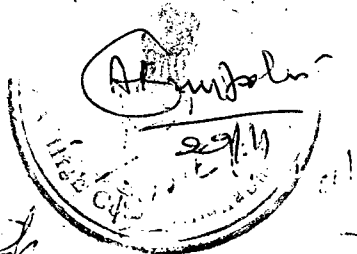
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1.	2.						
35. 30/LKO	Rakesh Chandra Pandey S/o Ram Sunder Pandey	1-7-55 ✓	1746				
36. 31/LKO	Rajesh Kumar Sharma S/o Suraj Din Sharma	25-3-56 ✓	1733				
37. 32/LKO	Ram Nain Singh S/o Bindhyachar Singh	5-1-58 ✓	1730				
38. 33/LKO	Ram Naresh Yadav S/o Chhotey Lal	20-8-52 ✓	1721				
39. 34/LKO	Suresh Kumar Sharma S/o Pratap Sharma	14-1-54 ✓	1710	VAD / LK.			
40. 35/LKO	Yogendra Kumar Singh S/o Pearey Singh	28-7-51 ✓	1678	VAD / SLN			
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	Ganga Prasad Chaubey S/o Kanta Pd. Chaturvedi	5-8-53 ✓	1603				
48. 16/SLN	Shyam Lal S/o Ishwar Din	10-5-53 ✓	1557	SC Sub.to SC Certificate			
49. 40/LKO	Ram Bali S/o Bhuwal	1-3-52 ✓	1506	SC VAD / LK.			
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	Priya Chandra Singh S/o ...	7-3-56 ✓	1421				
53. 43-LKO	... Kumar Sonkar ...	5-7-53 ✓	1406	SC			

Contd...4....

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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	Vijai Kumar Kanaujia S/o Pearey Lal Kanaujia	10-7-57 ✓	1321	SC	
59.	46/LKO	Tribhuvan Kashyap S/o Shyam Kumar Kashyap	10-12-55 ✓	1287		
60.	47LKO	Suresh Kumar Ghal 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 Nibanjan 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 Azinullah	8-5-55 ✓	1213		
69.	6BSB	Badro Alam S/o Ghinul Abidin	12-10-55 ✓	1134		
70.	19SLN	Ghisiyawan S/o Siv Harakh	2-1-55 ✓	1093	SC	

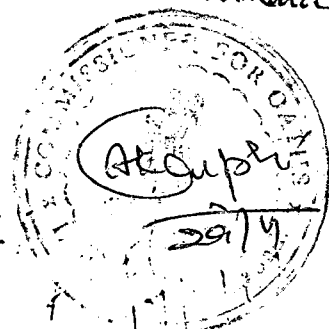
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71.	7/BSB	Ram Khalifa Singh Yadav S/o Munnar Singh.	1.1.56 ✓	1098	
	20/SLN	Vimal Kumar Chakravarti S/o Hemant Kumar Chakravarti.	25.8.55 ✓	1055	
73.	1/FD	Vijai Shankar S/o Satya Narain Tiwari.	1.4.57 ✓	1029	
74.	2/FD	Dan Bahadur Yadav. S/o Ram Lakhan.	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 ✓



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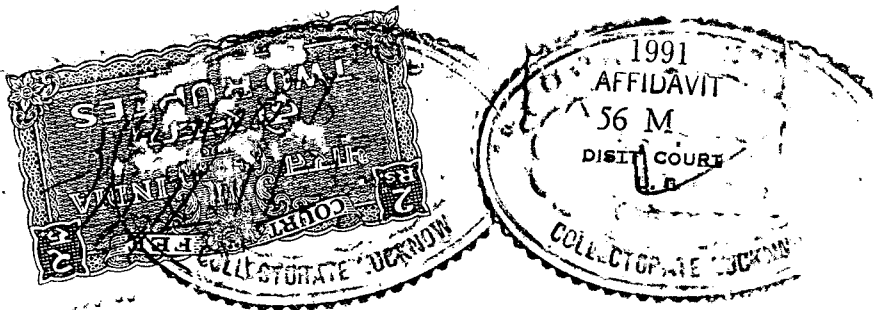
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

O.A. No. 299 OF 1990.



SHABBIR AHMAD

..... APPLICANT

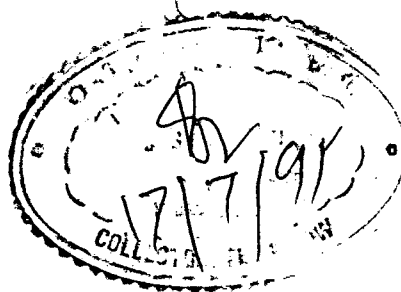
VERSUS

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.

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.

....2....

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....



*2104/08/91*

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

1938 (I) SLR 53

1937 (I) SLJ 221

1983 U.P.Service Cases Page ~~322~~ 393

besides other Supreme Court decisions.

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

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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

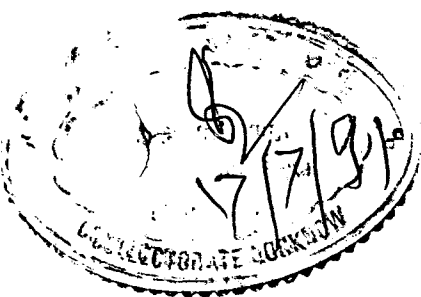
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*2106/1990*

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.



*21/08/2001*

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, ~~which is illegal and void~~ 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

*200/2008/4*



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) ~~of the Counter-affidavit~~ ~~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.

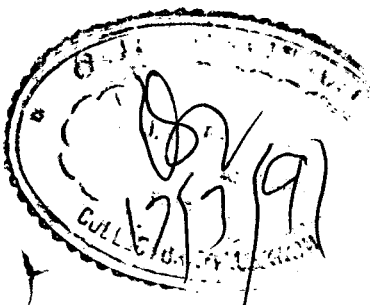
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21 Oct 2014

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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 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.

21/06/2024

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.

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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 ~~representations~~ 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.

17/7/91

CU 59 M  
Shri M. S. Sharma  
17/7/91

21001/1991  
DEPONENT. 12/6/91

Verification

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

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

21001/1991  
DEPONENT. 12/6/91

I know the deponent who has signed in my presence  
17/7/91

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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 :-

- 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

210a/c 290(RS)

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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 2) of counter affidavit and neither any such direction to <sup>place</sup> 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

21/06/2021

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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

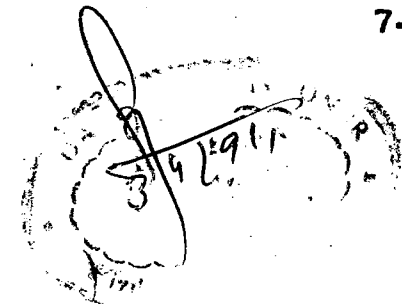
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list notified on 14.2.90 besides other provision of Railway Rules and norms of natural justice.

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



21/06/90

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.

21/09/2024



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-fortuitous 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.

2/10/2016

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

*3/5/91*  
*21000/Case No. 10*

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. 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.

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 mis-leading, 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.

21/01/1991

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Column 10, 11 & 12 -

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

Lucknow:

Dated: 3.4.91

शुभिर अहमद

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.

शुभिर अहमद

DEPONENT  
(Applicant)

I identify the deponent who  
has signed before me.

M.P. Sharma  
(M.P. Sharma)  
Advocate

शुभिर अहमद  
Shabbir Ahmad  
Mr. Sharma

3/4/91