

(See rule 114)

QA/TA/RA/CP/MA/PT 04 367...of 20 1990

Versus

INDEX SHEET

Certified that the file is complete in all respects,

Signature of Deal Hand

7/6/12

A 9

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 367 of 1990

K.P. Singh and others

Applicants

versus

Union of India & others

Respondents.

Shri K.P.Srivastava Counsel for Applicants.

Shri Sidharth Verma Counsel for Respondents.

Shri O.P.Mani Tripathi for Private respondents

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicants who are members of the Operating Accounts section of the D.R.M. Office, Northern Railway, Lucknow have prayed for a writ of mandamus directing the opposite parties not to implement the Merger Order contained in Annexure No.1 and they may be commanded to hold the examination for promotion for the post of Senior Clerk and Assistant Superintendent, overlooking the merger.

2. Earlier, before the re-grouping and re-organisation of the railways in 1951, the Operating Accounts section direct was under the control of the Divisional Accounts Officers of the respective divisions, Allahabad, Lucknow and Moradabad. After re-grouping, the Section

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Officer of the Accounts or the employees who passed the examination of Works Accounts, to control over the staff and as a liaison between the Executive and the Accounts. After regrouping of the Indian Railways three Divisions as mentioned above and separate cadre of operating accounts section of these divisions are governed by the Code Rules and they have separate seniority and promotions, and so the Lucknow Division has a separate cadre and separate seniority list so also Allahabad and Moradabad Divisions. According to the applicant, there was no operating Accounts Section as such on Ferozpur, Jodhpur, Delhi and Bikaner, because Jodhpur and Bikaner were State Railways and owned by Bikaner and Jodhpur States and Delhi and Ferozpur were the portions of E.P. Railway and these divisions have working different from Allahabad, Lucknow and Moradabad Division. According to the applicant this merger and various other sections including various divisions have got separate cadre separate and/seniority list and in case the merger takes place the same will adversely affect the services conditions of the applicants, not only in the matter of seniority and promotion but also in the transfer and also the same will be violative of Rule 140 and 141 of the Railway Establishment Code, as has been done in the instant case.

3. According to the respondents there were certain factors which made for merger and each decision was modified after consulting both the Unions. According to

in

them ~~then~~ the decision for merger for two of the cadres of office clerks in the Engineering department of Lucknow Division was done by the Divisional Superintending Engineer (Coordination), who is the controlling authority of Engineering Department and the said decision was taken in consultation with the recognised Trade Unions, N.R.M.U and U.R.M.U. and the process for merger of two cadres of Clerks, namely Engineering Branch Clerks and Operating Accounts Branch Clerks in Lucknow Division of Northern Railway and the D.R.M. Lucknow has full powers to create posts of office clerks ~~and~~ of all the grades controlled by him. Till the decision was taken on administrative level in the office of Engineering Division there were two separate cadres known as separate seniority units, and accordingly, a decision was taken to bring forth uniformity in the functioning of the Engineering Department Officers/ Sub units on Lucknow Division with those of ~~other~~ divisions e.g. Delhi, Ferozpur, Bikaner, Jodhpur and Ambala, as has been indicated above. While all the other departments have only one single cadre of office clerks under each of them, viz. Transportation, Commercial, Electrical, Signal and Telecommunication, Mechanical Personnel and Medical Departments.

4. The learned counsel for the applicant contended that only the Railway Board is competent for merger of cadres and in this connection he has drawn our attention to the delegation of powers of D.R.M.s. Reliance

✓

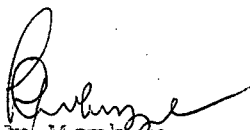
has been placed on creation of non gazetted class III posts in the clerical post have been delegated to D.R.M. and besides no other powers have been delegated. While according to the respondents, so far as creation of non gazetted posts is concerned, full powers have been delegated to the D.R.M. and as such the D.R.M. was fully empowered so far as merger is concerned. It has not only been conferred the power of selection of non gazetted staff but it has got wider scope. Even if the D.R.M. did have the power, it has got the tacit approval of the Railway Board and as such the contention that the power has not been delegated to D.R.M., cannot be accepted. So far as para 140 and 141 is concerned it only provides regarding section officer (Accounts). Obviously in case there is a merger and no such post exists, merely because posts exist it cannot be said that the post of Section officer (Accounts) ~~exists~~ is must and cannot be abolished. Thus the creation of post, and bifurcation of the cadre and merger is purely an administrative matter and in the exigencies of matter the Government decides to merge a particular department and bifurcates and does not call for interference. Reference may be made to the case of State of Kerala vs. M.K. Krishnan Nair and others (AIR 1978 Supreme Court- 747) wherein it was held that it was not and cannot be disputed that it is open to the State Government to constitute as many cadres in any particular service as it may choose according to the administrative convenience and expediency. A reference was also made wherein it has been observed

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A14

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that it was exclusive jurisdiction of the Government to bifurcate or merge the cadres and accordingly it being the jurisdiction of the Government an employee cannot have any say in the matter. Accordingly, we are of the opinion that as far as the merger is concerned, the same does not call for any interference and the application deserves to be dismissed and the same is accordingly dismissed. No order as to costs.


Admin. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 5.1.93.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 367 of 1989

APPLICANT(S) Shri. K. S. Singh

RESPONDENT(S) State of Uttar Pradesh

Particulars to be examined

Endorsement as to result of examination

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

Particulars to be ExaminedEndorsement as to result of examination

- Are the application/duplicate copy/extra copies signed?
- Are extra copies of the application with Annexures filed?
- Is identical with the Original?
- Is defective?
- Is depending on Annexure
- Vol. _____ pages Nos _____?
- Are the file and envelopes bearing full addresses of the case agents been filed?
14. Are the given address the complete address?
15. Do the names of the parties stated in the copies tally with those mentioned in the application?
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?
17. 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?
18. Have the particulars for interim order prayed for indicated with reasons?
19. Whether all the remedies have been exhausted.

4 Sets

yes

yes

one page Annexure
is on both side
of the paper

N.A.

yes

yes

N.A.

yes

yes

yes

yes

yes

directly

16.11.90
D.F.

Put up before the Hon. Bench

on 19.11.90 for orders.

16

16.11.90

16/11/90

19/11/90

A3

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

Hon. Mr. M.M. Singh, A.M.

Put up tomorrow with legible
copies of the orders for admission

M. M. Singh
A.M.

V.C.

20.11.1990

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

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

Heard the learned counsel for the applicant who has filed the typed copies of the Annexure. It is pointed out by the learned counsel that the Divisional Railway Manager who issued the impugned direction for merger of operating Accounts Section and Works Section of ^{the} Engineering Department was not competent to do so because the authority delegated to him under Annexure 'A' of P.S. 7298 dt. 31.5.79 does not include any such power. It is also emphasized that directions had been issued in Annexure A11 to implement the merger decision taken in the P.N.M. Meeting without waiting for issue of further orders. The jurisdiction of the D.R.M. has been questioned. We admit the petition. Issue notice to the respondents to file counter within four weeks to which the applicant may file rejoinder within two weeks thereafter.

In the matter of interim relief also issue notice and list for orders on 11.12.90, as Bench at Lucknow; is not available in the week commencing 3.12.90. Till then the operation of the impugned merger order, Annexure A11 shall remain stayed.

Sd/

A.M.

Sd/

J.M.

See
original order
on
main petition

Recd
Kath 21/11/90
Borwah
or Mr. Singh

Noted
J.S.

367/90

AS

367/90

9.1.91

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

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

Learned counsel for the applicant files
Rejoinder, keep it on record. List for hearing on
1.5.91.

M.P. 732/90 has been filed by third party
seeking impleadment in this case. Prima facie, there
is no case made out for impleadment. If the applicant
of M.P. No. 732/90 xxx so desires they may file a
separate application under section 19. Stay order
already granted on 11.12.90 shall hold good till
further orders.

A.M.

J.H.

8/2/91

Hon. Mr. Justice K. Math, VC
Hon. Mr. K. Obayya, AM.

With reference to order dt. 9/1/91,
Shri L.P. Shukla had made civil
misc appln. 65/91 for recall of that
order and for impleadment of the
persons who were sought to be
impleaded. The application is not
on the record. ~~But the application is not~~
The office will trace it out and place
on the record. But in the meantime,
Shri Shukla will arrange to have a
copy of the application served upon
the learned counsel for the applicant
and also on the counsel for
respondents and the application
will come up for orders on 7/3/91.

MC 10472
Report at

handed over today

M.P. No. 65/91

8/2/91

MP No 65/91 received
by Mr S.S. Upadhyay, Secy
Sec. 9, 11/1/91

L
11/2

AM

VC

of the aforesaid 43 persons. The impleadment will be incorporated by the applicants within a period of one week. Shri L.P. Shukla says that he has already filed counter to the Original application; a copy thereof may be furnished by Shri Shukla to Shri K.P. Srivastava, who may file Rejoinder within 2 weeks. The case will come up for final hearing on the date fixed.

[Signature]

[Signature]

A.M.

[Signature]

V.C.

1.5.91

No Siting Adj to 27.8.91
d

27.8.91

No sitting Adj to 15.11.91

15.11.91

No Siting adj to 20.1.92
d

20.1.92

No Siting of O.B. adj to 16.4.92
d

16.4.92

Case not reached adj to
8-7-92
d

or
Date
SPH
2
B4

3.7.92

No Siting adj to 28.8.92
d

O.R.

CA/RA have

been exchanged.

28.8.92

Case not reached.
Adjourned to 5/11/92.

On. Med. extra

S.F.O.

[Signature]

27/8/92

5.11.92

No Siting adj to
11.12.92
d

In the Central Administrative Tribunal, Lucknow

K.P. Singh & others _____ Applicants
vs.

U.O.I. & others _____ Opposite parties

O.A. No. 367/90

Decided on 18-1-93

OK
Recd P.O.
for Rs 10/-
No. 44241441 = 5/-
44241442 = 5/-
10/-
6/3/97

Kindly order to issue the
Copy of order dated 18-1-93 in
the above mentioned case. On Urgent
Basis.

SO (Judl.)

for n.a. as
per Rules on urgent basis
as stated.

6/3

Sh. Ram Narain

6/3

2DC

OK

for n.a. as per Rules on urgent basis as stated

6/3

6/3/97

6/3/97
(KRISHNA MOHAN)
Advocate

90
12

From :-

The Registrar,
Supreme Court of India
New Delhi.

D. NO. 599/93 / SEC. XI
SUPREME COURT OF INDIA
NEW DELHI.

DATED :- 12/4/93

To

The Registrar
Central Administrative Tribunal
Lucknow Bench
Lucknow.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/CAL.) NO. 2046/93

(Petition under Article 136(1) of the Consitution of India
from the judgment and order dated 5-1-93

of the High Court of Judicature at CAT, Lucknow Bench
in OA No. 367/90

K.P. Singh & Ors.

PETITIONER (S)

VERSUS

Union of India & Anr.

RESPONDENT (S)

Sir,

I am directed to inform you that the petition above
mentioned filed in the Supreme Court was dismissed by the
Court on 29/3/93.

Yours faithfully

[Signature]

(For Registrar)

R.R.
APL
S.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT LUCKNOW.

Registration No OA 367 /90 L.

K.P.Singh and others Vs Union of India and another.

central
APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985. *7*

Compilation No.1.

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2.	<u>Annexure No A10</u> DRM, N.Rly., Lucknow letter No. 757E/ 6-2/Operating Accounts dt. 24.10.90 in connection with postponement of written test of Asstt. Superintendent and Senior Clerks. (Photo Copy).	18
3.	<u>Annexure No: A-11.</u> Photo copy of DRM/N.R/LKO letter No. 961/NRMU/91st PNM/90-91/3 dated 12.X.90.	19 & 20.
4.	Vakalatnama.	21.

Lucknow.

Devg
Signature of the applicant.

Dated: 16-11-1990

For use in Tribunals Office.

Date of filing.

Signature
for Registrar.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD
CIRCUIT LUCKNOW.

Registration No.OA 367 / 90 L

K.P.Singh and others Vs U.I.O. and another.

I, K.P.Singh, son of Late R.D.Singh,
Head Clerk Operating Accounts Section, D.R.M.
N.Railway, Lucknow, is one of the applicants
in the above case and is well conversant with
the facts of the case shown in the accompanying
application.

I have been authorised by all the
applicants to sign and verify the application.

Lucknow.

Dated:

16-12-90



(K.P.Singh)

Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW CIRCUIT.

Application No: OA/

90L

1. Shri K.P.Singh, son of Late R.D.Singh,
Head Clerk.
2. Shri Pragyankar Tripathi son of Sri S.Tripathi,
Assistant Superintendent.
3. Shri Prakash Chandra Saksena son of Shri R.C.
Saxena, Assistant Superintendent.
4. Shri S.U.Khan, son of Shri A.U.Khan,
Assistant Superintendent.
5. Shri S.N.Saxena, son of Late R.S.Saxena,
Asstt. Superintendent.
6. Shri B.N.Srivastava, son of Late R.P.Srivastava,
Head Clerk.
7. Shri Umesh Kumar son of Late R.R.Prasad,
Head Clerk.
8. Smt. Saroj Agarwal, ^{widow} ~~wife~~ of Late S.M.Agarwal,
Head Clerk.
9. Smt. Mithlesh Kumari ~~son~~ ^{widow} ~~on~~ ~~wife~~ of Late B.B.
Nigam, Head Clerk
10. Shri Bechan Lal son of Petai,
Head Clerk.
11. Km. Prachi Chaturvedi, daughter of Late
V.N.Chaturvedi, Clerk.
12. Km. Shail Bala Chaudhary daughter of
Shri Hem Raj, Clerk.
13. Shri Ram Janak Mehto, son of Ram Iqbal Meht,
Clerk.
14. Shri Shyam Behari son of Late C.Bahadur,
Clerk.
15. Shri B.K.Mishra, son of Shri D.S.Misra,
Clerk.
16. Shri Dinesh Chandra, Son of Shri Ram Avtar,
Senior Clerk.
17. Shri C.S.Daniel son of Shri C.Daniel,
Senior Clerk.
18. Shri M.N.Gupta, son of Shri S.L.Gupta,
Head Clerk.

K. Singh

Date of Filing 16/11/90

Date of Receipt by Post.....

= 2 =

Deputy Registrar (U)

19. Shri M.Pandey son of Shri O.P.Pandey,
Head Clerk.
20. Shri S.K.Misra, son of Late K.N.Misra,
Senior Clerk.
21. Shri Shyam Lal son of Sri Kanhaiya Lal,
Head Clerk.
22. Shri N.S.Bhatnagar son of Late G.S.Bhatnagar,
Superintendent.
23. Shri T.D.Maurya son of Shri Jagdeo,
Head Clerk.
24. Shri Sukh Lal son of Shri N.Ram,
Superintendent.
25. Shri V.N.Gupta, son of Late R.P.Gupta,
Senior Clerk.
26. Shri T.C.Gupta, son of Shri R.N.Gupta,
Head Clerk.
27. Shri S.N.Saraswat, son of not known.
Senior Clerk.
28. Smt. Kiran Lata Maurya widow of Alok Raj,
Senior Clerk.
29. ~~Smt. Km.~~ Habib Fatima Revi D/O Sri S.R.Beg,
Senior Clerk.
30. Km. Reeta Kanaujia, D/O H.C.Lal.
Senior Clerk.
31. Smt. Neelama Sinha, wife of Sri R.Kumar,
Senior Clerk.
32. Shri K.Divedi, son of Sri B.K.Divedi,
Senior Clerk.
33. Shri C.B.Sadiza, son of Late Naomal,
Senior Clerk.
34. Shri A.K.Pal, son of Shri R.D.Pal,
Clerk.
35. Shri A.K.Srivastava, son of Sri R.S.Srivastava
Head Clerk.
36. Smt. Rekha Srivastava widow of Late S.N.
Srivastava, Senior Clerk.
37. Shri R.N.Ram, son of Late Kashi Ram,
Superintendent.

Contd...3.

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38. Smt. M.G.Chandani, wife of Sri D.G.Chandani,
Head Clerk.
39. Smt. S.V.Avalet, widow of Late J.M.Avalet,
Senior Clerk.
40. Smt. Sushila Misra, Wife of Sri Rakesh Misra,
Senior Clerk.
41. Shri V.K.Sharma, son of Late D.S.Sharma,
Senior Clerk.
42. Km. Sadhna Sinha ~~x minimum m m m~~ Daughter of
Late A.K.Sinha, Senior Clerk.
43. Km. Rashmi Mathur D/O Late S.S.Mathur,
Senior Clerk.
44. Smt. Usha Shukla ^{Daughter} ~~wife~~ of Sri M.P.Tewari,
Senior Clerk.

ALL STAFF OF OPERATING ACCOUNTS SECTION;
DIVISIONAL RAILWAY MANAGER OFFICE,
NORTHERN RAILWAY, HAZRATGANJ, LUCKNOW.

..... Applicants.

Versus.

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.

..... Respondents.

DETAILS OF APPLICATION.

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

1. Item No: 63 of the Minutes of P.N.M.
Meeting issued by D.R.M., N.Railway,
Lucknow Letter No. ~~DDM/100~~ 961/NRMU /91st/
PNM/90-91/3 dated 12.10.1990 in connection
with the merger of the two separate cadres
of staff of Operating Accounts Section and
Works Section of the D.R.M. Office, N.Rly.,
Lucknow. *Amx A-11*

Contd....4.

*Filed today
syw
16/11/90*

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Photo-stat copy of the said order is annexed as Annexure No A-11

Imp. A-10

2- order of D.R.M. Lko issued vide letter no. 757 E/6-2/OP lg. H.S. dated 24-10-90
Imp. A-10

2. Jurisdiction of the Tribunal:

The applicants declare that the ~~application~~
~~is within the limitation period prescribed in~~
~~Section 21 of the Administrative Tribunals' Act 1985~~ subject matter of the order against which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:-

The applicants further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals' Act 1985.

4. FACTS OF THE CASE:

1. The applicants are the staff of Operating Accounts Section, known as Works Accounts Section, D.R.M. Office, Northern Railway, Lucknow.
2. Prior to the Re-organisation and re-grouping of Railways in 1951 the Operating Accounts Section, Northern Railway, D.R.M. Office, Lucknow, Operating Accounts Section, D.R.M. Office, N. Railway, Allahabad and Operating Accounts Section, D.R.M. Office, N. Rly., Moradabad ^{the sections of} were the Divisions of the East Indian Railway. At that time the Works Section was also in existence.

W. Singh

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3. That prior to the regrouping of the Railways in 1951, the staff of the Operating Accounts Section was under the direct control of the Divisional Accounts Officers of the respective Divisions i.e. Allahabad, Lucknow and Moradabad.

4. That after regrouping the Section Officer of the Accounts or the employee who passed the Examination of Works Accountant, was posted in the Operating Accounts Section as Works Accountant, to control over the staff and as a liaison between the Executive and the Accounts. Not only this the Works Accountant will function under the professional control of the Accounts Officer and under the Administrative control of the Divisional Engineer. He will check the ~~arith~~ arithmetical accuracy of all Accounts and returns received from Supervisors and all bills and other claims presented by contractors and others and to compile the Divisional Accounts and other returns with accuracy in accordance with the several forms prescribed and generally assist the Divisional Engineer in all matters relating to the expenditure of cash and stores in the Division. He is responsible for bringing to the Divisional - Engineer's notice any irregularities that come to light in examining the accounts, as provided in Section 140 and 141 of the Code for the Engineering Department of the Indian Railways.

K. Singh

A 22

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5. That after regrouping of Indian Railways the three Divisions of East Indian Railways, Allahabad, Lucknow and Moradabad became the Divisions of the Northern Railway and separate cadre of Operating Accounts Section of these Divisions are governed by the Code Rules. They have separate seniority and promotions.

6. That the Operating Accounts Section of Northern Railway, Lucknow Division has a separate cadre and separate seniority like Allahabad and Moradabad Divisions. A Photocopy of the seniority list of the Operating Accounts Section is annexed as Annexure No.

Annexure No. A-1
Seniority of Optg.
Accounts Sec.

A-1

7. That there are other sections like Trains, Commercial, Mechanical, Electrical, Medical, Signal and Works Section on various Divisions having separate cadre and separate seniority and separate promotions. They have to perform different type of duties and they cannot be either merged or transferred to any other section. The staff can be transferred only on the request of the employee by accepting bottom seniority.

8. That the cadre for each section has been created under Code Rule of the Indian Railways.

9. That the nature of work is being performed in Operating Accounts Section is

Contd....7.

W. Singh

Works Section of the Engineering Branch mentioning therein the effects to cast shadow on the staff. They also met personally to the respondent No.2, Senior Divisional Personnel Officer, N.Rly., Lucknow and the Divisional Superintending Engineer (Co-ord), N.Railway, Lucknow but on account of heavy pressure from the two Unions they could not consider the effects on the staff on account of this merger, though they were convinced that the merger is not practicable. Photo -stat copy of the representation of the staff of Operating Accounts Section dated 20.8.1990 and 25.10.90 are enclosed as Annexure No A-3 and A-4

Annexures
No A-3 and A-4
Representation
of Optg A/Cs
staff.

14. That the Operating Accounts Sections of Allahabad and Moradabad Divisions have not been merged with the Works Section of the Engineering Section, as is evident from D.R.M., N.Rly., Allahabad letter No.847E/2/ED4/Engineering/Seniority dated 19.7.90 and D.R.M. Divl. Superintending Engineer/Co-ord., D.O. N.Rly., Moradabad/letter No DSE/Misc/Conf/89 dated 8.9.1989. Photo-stat copies of these letters are annexed as Annexure Nos A-5 and A-6

Annexures
No. A-5 and A-6
Letters of
DRM/ALD & DSE/C
MB showing
separate sections.

15. That the nature of duties performed by the staff of Works Section are as under:-

(1) Planning, Works Programme, Estimates, Water Supply, Building, Housing, Land, P.C.D.O. 27 Point Programme of C.E., Monthly progress Reports, Level Crossings, Local purchase.

[Signature]

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Annexure No. A-7
Sanctioned strength
of Works Section.

16. That the Works Section having sanctioned strength of 136 distributed in various grades is also a separate Unit and has separate seniority and promotions. Its staff is also working in the sub-divisional Offices of the Lucknow Division. Photo-stat copies of the sanctioned strength issued by the Senior Divisional Personnel Officer, N.Railway, Lucknow is annexed as Annexure No A-7

17. That the staff of the Works Section are transferable outside D.R.M. Office, Lucknow.

18. That the applicants 1 to ¹⁹~~10~~ and ~~11~~ to 15 ~~in mm~~ were asked to appear at the written test of Assistant Superintendents grade Rs. 1600- 2660 (RPS) and Senior clerk in grade Rs. 1200- 2040 (RPS) on 27.10.1990 and 25.10.90 respectively but the same have been anticipated postponed due to ~~merger~~ under the influence and pressure of the Unions. Photo-stat copies of D.R.M., N.Rly., Lucknow letters No. 757E/6-2/ Operating Accounts dated 17.10.1990 and 4.10.1990 respectively, are annexed as Annexure Nos A-8 and A-9 and the same has Postponed vide ~~DRM letter~~ D.R.M. letter No. 757E/6-2/ dated 24.10.90. ~~Annexure A-10~~

Annexures No. A-8
and A-9
Letter of
written test.

Annex. A-10

Blough

19. That the merger of two sections i.e. Operating Accounts and Works Sections of D.R.M. Office, N.Railway, Lucknow is illegal and against the provisions of the statutory rules as this will adversely affect the

= 10 =

staff of service conditions of the/Operating Accounts Section. The merger order by respondent No.2 is neither due to reduction in establishment nor in Public interest. The respondent No.2 has no authority to change the Code Rule. The order is also discriminatory and attracts article 14 of the India Constitution.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

1. Because the merger of Operating Accounts Section and Works Section of Lucknow Division is discriminatory as Operating Accounts Sections on Allahabad and ^{Ex EIR Division how} Moradabad Divisions of the Northern Railway have not been merged with the Works Section of that Division. Hence there is no uniformity.
2. Because
/There is complete violation of Rules provided in the Establishment Code and Engineering Code.
3. Because the Respondent No.2 has exceeded his jurisdiction to ~~amend the Code~~ violate the Code Rules.
4. Because the seniority of the Operating Accounts Section and their promotions will be adversely affected.
5. Because the service conditions of the staff of Operating Accounts Section will be entirely changed.
6. Because there is no similar nature of

KD/

as under:-

1. Tender. (2) Audit of bills (3) Budget Capital and Revenue, (4) Audit Objections, (5) Accounts Objection notes (6) Stock Sheets, (7) M.A.S. Return and Surplus return (8) Passing of T.L.As, (9) Posting of and Maintenance of Work Register (10) Ash (11) Missing Report (12) Local purchase (13) ~~Pairing~~ Pairing of Issue Notes, (14) P.O.M. and D.O.M.

Annexure No A-2
Sanctioned strength
of Optg.A/Cs Sec.

10. That the strength of the Operating Accounts Section is 49 distributed in various grades. Photo-stat copy of Sr D.P.O.'s Order in this connection is annexed as Annexure No. A-2.

11. That the staff of Operating Accounts Section cannot be transferred out of Lucknow having separate seniority and promotions.

12. That under the influence and pressure of Northern Railwaymen's Union and Uttariya Railway Mazdoor Union, the respondent No.2 Divisional Railway Manager, merged the seniority of Operating Accounts with Works Section of the Engineering Branch, without giving due thought to the difficulties and set-backs to the service conditions of the staff of Operating Accounts Section.

13. That all the applicants who are the staff of Operating Accounts Section represented to Respondent No.2 against the merger of the two Sections- Operating Accounts Section and

Works Section of the Engineering Branch mentioning therein the effects to cast shadow on the staff. They also met personally to the respondent No.2, Senior Divisional Personnel Officer, N.Rly., Lucknow and the Divisional Superintending Engineer (Co-ord), N.Railway, Lucknow but on account of heavy pressure from the two Unions they could not consider the effects on the staff on account of this merger, though they were convinced that the merger is not practicable. Photo -stat copy of the representation of the staff of Operating Accounts Section dated 20.8.1990 and 25.10.90 are enclosed as Annexure No A-3 and A-4

Annexures
No A-3 and A-4
Representation
of Optg A/Cs
staff.

14. That the Operating Accounts Sections of Allahabad and Moradabad Divisions have not been merged with the Works Section of the Engineering Section, as is evident from D.R.M., N.Rly., Allahabad letter No.847E/2/ED4/Engineering/Seniority dated 19.7.90 and D.R.M. Divl. Superintending Engineer/Co-ord., D.O. N.Rly., Moradabad/letter No DSE/Misc/Conf/89 dated 8.9.1989. Photo-stat copies of these letters are annexed as Annexure Nos A-5 and A-6

Annexures
No. A-5 and A-6
Letters of
DRM/ALD & DSE/C
MB showing
separate sections.

15. That the nature of duties performed by the staff of Works Section are as under:-

(1) Planning, Works Programme, Estimates, Water Supply, Building, Housing, Land, P.C.D.O. 27 Point Programme of C.E., Monthly progress Reports, Level Crossings, Local purchase.

K. Singh

Annexure No. A-7
Sanctioned strength
of Works Section.

16. That the Works Section having sanctioned strength of 136 distributed in various grades is also a separate Unit and has separate seniority and promotions. Its staff is also working in the sub-divisional Offices of the Lucknow Division. Photo-stat copies of the sanctioned strength issued by the Senior Divisional Personnel Officer, N.Railway, Lucknow is annexed as Annexure No A-7

17. That the staff of the Works Section are transferable outside D.R.M. Office, Lucknow.

18. That the applicants 1 to ¹⁹~~10~~ and 11 to 15 ~~in the~~ were asked to appear at the written test of Assistant Superintendents grade Rs. 1600- 2660 (RPS) and Senior clerk in grade Rs. 1200- 2040 (RPS) on 27.10.1990 and 25.10.90 respectively but the same have been ^{anticipated} postponed due to merger under the influence and pressure of the Unions. Photo-stat copies of D.R.M., N.Rly., Lucknow letters No. 757E/6-2/ Operating Accounts dated 17.10.1990 and 4.10.1990 respectively, are annexed as Annexure Nos A-8 and A-9. ^{and the same has post pone vide ~~DRM~~ dte 25.10.90 / 16.10.90 dte 24.10.90}
19. That the merger of two sections

Annexures No. A-8
^{and} A-9
Letter of
written test.

Annexure A-10

[Signature]

i.e. Operating Accounts and Works Sections of D.R.M. Office, N.Railway, Lucknow is illegal and against the provisions of the statutory rules as this will adversely affect the

= 10 =

staff of service conditions of the Operating Accounts Section. The merger order by respondent No.2 is neither due to reduction in establishment nor in Public interest. The respondent No.2 has no authority to change the Code Rule. The order is also discriminatory and attracts article 14 of the India Constitution.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

1. Because the merger of Operating Accounts Section and Works Section of Lucknow Division is discriminatory as Operating Accounts Sections on Allahabad and ^{Ex EIR Division} Moradabad Divisions of the Northern Railway have not been merged with the Works Section of that Division. Hence there is no uniformity.
2. Because / There is complete violation of Rules provided in the Establishment Code and Engineering Code.
3. Because the Respondent No.2 has exceeded his jurisdiction to ~~amend the Code~~ violate the Code Rules.
4. Because the seniority of the Operating Accounts Section and their promotions will be adversely affected.
5. Because the service conditions of the staff of Operating Accounts Section will be entirely changed.
6. Because there is no similar nature of

K. Singh

4 = 11 =

work in both the Sections of Operating Accounts and Works.

7. Because there is no reduction in Establishment nor abolition of Works Section.
8. Because the merger of the two sections is not in public interest, being without any constitutional nexus notified.
9. Because the staff of the Operating Accounts Section will be liable to be transferred outside Lucknow and they will be subjected to transfer at the whims of the Officials as well as Union Officials which violates the service conditions.
10. Because the staff of Operating Accounts Section if transferred out of Lucknow, their socio-economic condition will be badly affected. Not only this but the career of their wards will also be affected, as they have settled at Lucknow on the firm conviction that their service conditions will not be changed.
11. Because the Operating Accounts Section has separate cadre and separate seniority so their future prospects will be blocked. ~~minimum~~

6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicants declare that they have availed of ~~all~~ all the remedies available to them, under the relevant service rules.

K Singh

= 12 =

The staff of Operating Accounts Section made a representations on 20/25-5-90 and 25.10.1990 but the respondent No.2 issued orders for merger on 21.10.1990 vide No.961/N.R.M.U./91st PNM/90-91/3 ~~dated 20/25-5-90 and 25.10.1990~~ ~~Item No.63~~ copies of which are annexed as Annexures No. A-3, A-4 and A-11

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicants further declare that they have not previously filed any application writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT:

In view of the facts mentioned in para 6 above the applicants pray for the following relief(s):-

1. To issue direction or order ~~in the~~ and a writ of certiorari quashing the order of merger of Operating Accounts Section of Works Section of D.R.M.Office, N.Railway,Lucknow contained in Annexure No: A-11
2. Issue order,direction or a writ in the

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nature of mandamus directing the
Opposite parties not to implement the
Merger Order ~~till the disposal of the case.~~

3. Issue order, direction or writ in the nature of mandamus ~~to~~ commanding the Opposite Parties to conduct the selection of Asstt. Superintendent and Senior Clerk as contained in Annexure No. A-8 and A-9
4. Pass such other writ, order or direction which this Honourable Court may deem fit in the circumstances of the case and
5. Award cost of the application.

GROUND.

1. Because the opposite party no.2 has acted illegally and against the provisions of Law in merging the seniority of separate two cadres and not holding the Tests for promotion of staff of Operating Accounts Section to the posts of Senior Clerk, ~~Head Clerk~~ and Assistant Superintendents.
2. Because the action of the opposite party No.2 in not holding the tests for promotion and promoting the successful candidates violates the provisions of Article 16 of the Constitution deny7ng the applicants from No: 1 to 15 for their right for being considered for promotion.
3. Because the merger of the two cadres will

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completely diminish the chances of promotion of Operating Accounts Section.

4. Because the merger on Ex E.I.R. portion that is Allahabad, ~~Imphal~~ and Moradabad Divisions of these two Sections- Operating Accounts and Works Section, has not been done and merger of these two sections on Lucknow Division is discriminatory and attracts Article 14 of the Indian Constitution.
5. Because there is complete violation of Rules / provided in the Establishment Code and Engineering Code.
6. Because the service conditions of the staff of Operating Accounts Section will entirely be changed.
7. Because there is no similar nature of work in both the Sections of this Division.
8. Because there is no reduction in Establishment nor abolition of Works Section.
9. Because merger of these two sections is not in public interest being without any constitutional nexus notified.
10. Because the staff of the Operating Accounts Section will be liable to be transferred outside Lucknow and

K. Singh

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they will be subjected to transfer at the whims of the Officials and as well as under the pressure and influence of the Union Officials which violates the service conditions. Their seniority is separate and they cannot be transferred from Lucknow till date.

11. Because the Operating Accounts Section has separate cadre and separate seniority so their service conditions including promotions and transfers will be badly and adversely affected.
12. Because the respondent No.2 has no jurisdiction to merge these two sections until and unless the Code is amended by the Ministry of Railways.
13. Because the staff of the Works Section cannot be transferred to Operating Accounts Section on Administrative ground if there is no vacancy against which the employee is to be transferred. However, a railway employee from Works Section can be transferred to Operating Accounts Section on request accepting Bottom Seniority, if vacancy exists as provided in the Establishment Code.

14.
9.

~~Remains~~
INTERIM ORDER IF ANY PRAYED FOR:

Pending final decision on the application

Contd...16.

K. Singh

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the applicants seek the following interim relief:-

1. To is-sue order or direction or writ in the nature of mandamus not to implement the order of merger as contained in Annexure No: A-11
2. To issue ~~mandam~~, direction ~~and~~ or order for stay the Operation of the Order of merger as contained in Annexure No: A-11 and pending of Examn ~~Amo~~ A-12
3. To issue direction or order in the nature of mandamus directing the Opposite Party No.2 to ~~mm~~ hold the examination for promotion for the post of Senior Clerk, ~~Head Clerk~~ and Assistant Superintendent.
4. Any other relief the honourable court may be pleased to grant as deem fit in the circumstances of the case.

10. NIL

11. ~~NIL~~. Particulars of the Postal Order in respect of the application fee:

- i) No. of Postal Order B D2 415957 for Rs.50/-
- ii) Name of issuing Post Office: Post Office, High Court Lucknow.
- iii) Date of issue : 14.11.1990.
- iv) Payable at: Head Post Office, Allahabad.

12. LIST OF ENCLOSURES:

From Annexure A-1 to A-11

Contd...17.

ksygl

A 33

= 17 =

Verification.

I, K.P.Singh, son of Late R.D.Singh, aged about 52 years, working as Head Clerk, who has been authorised by all the applicants to verify, hereby verify that the contents of Paras 1 to 4,5,7 and 11 are true to my personal knowledge and Paras 2,3,5,8,9 and 10 believed to be true on legal advice and that I have no suppressed any material fact.

Lucknow.

DATED: 16-11-90



Signature of the Applicant.



उत्तर रेलवे
NORTHERN RAILWAY

A34

Om A 70

(18)

No. 757E/6-2/Offg. A/c
DSE(L)

Divl. Office
LUCKNOW
Dt. 24-10-90

NOTICE

Written test for the post of ASST. SLDI
Gr. P: 1600-2660 (RPS) on 27-7-90 has been
post-poned till further notice.

for Divl. Dy. Manager
LUCKNOW

C T G
K N A / Adv.

Northern Railway
Divisional Office
Lucknow

No. 9617/H.O/91st PNM/90-91/3
dated: 12-10-90

19
A35
TARGET DATE FOR REPLY
31.10.1990

All Officers of Lucknow Division,
All Wills, PIs, Supts in 'P' Branch,
Supt (Works) with 10 copies for Civil Engg. Officers.

Sub:- Minutes of 91st Divisional PNM Meeting held with
Union on 4.10.90 and 5.10.90

The minutes of 91st PNM meeting held with NRMU at Divisional level on 4.10.90 and 5.10.90, are sent herewith for information and necessary action, along with "Opening Speech" items raised by Union in the Opening session of PNM meeting.

It is stressed that the decisions as recorded against each item in the enclosed minutes of PNM meeting are to be implemented without loss of time and without waiting for any further orders separately.

In this PNM meeting, many items have been treated as 'Final' 'Final Implementation' and some items remained for discussion in the next PNM meeting.

Follow up action on the items shown as 'Final/Final Implementation' in the enclosed minutes may be taken as per decision recorded against each item and compliance report may please be sent to the undersigned, so that action taken be advised to Union in time about its implementation.

As regards items which have not yet been finalised, those should immediately be attended to and complete replies to the points raised by the Union in those items may also be furnished by 31.10.90 certain to the undersigned.

Past experience shows that the replies to PNM items are not sent timely despite issue of reminders and chasing by the staff of Union Cell. It is, therefore, requested that you may especially depute some one to ensure that replies to all items of minutes and "Opening Speech" are sent by the TARGET DATE VIZ 31.10.90 CERTAIN.

Please acknowledge receipt.

207
(RAGHOO RAM)
for Divisional Railway Manager,
Lucknow

Copy for Information and necessary action:-

1. Divl. Secy., NRMU, Near Gha Ghat, Running Room/CE/LKO with 20 copy
2. Divl. Secy., URMU, T-10, Near Parcel Office, CE/LKO.
3. General Secretary, NRMU, 12, Chhatrapati Road/NDLR.
4. General Secretary, URMU, 12, Rly. Bungalow, Panchkuin Road/NAL.
5. General Manager (P) (Civil Engg.), R. Rly. Bd. qrs. office/B. Road/
Lucknow

CCE
20/10/90
Raghu Ram

: 122:

63 100m No. 523
91st FIM
Sept '90

Higher of seniority of Clerks of Works
Accounts Branch with Clerks of Engineering
Department/

At Q. III
 DE IV

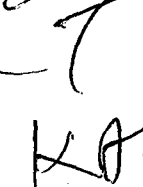
Both the recognised unions had represented that seniority of clerks of Engineering department be merged to have better scope of promotion. It was accepted in principle, but orders to this effect have not been issued, though more than a year has passed. Keeping in view the sentiments of majority staff, seniority of clerks of Engineering department be merged.

LY

Both the Divl. Secys have indicated that this is a ~~disabling~~ ^{training} ~~of~~ ^{and} works account. Sections of the Engrg. Branch should be engaged.

This was agreed. Problems arising out of merger with regard to the relative seniority promotions, if any, will be jointly discussed with the Unions for early finalisation.

Final Implementation.



(21)

In the Central Admin. Building
Lucknow Circle.

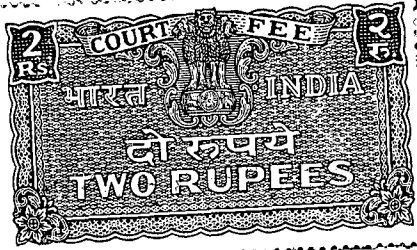
महोदय

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का

तनामा

प्रति



लान्ट)

~~as~~ K Singh and union of India and another
8/1/85 प्रतीवादी रसपाडगट

नं० सुकदमा

सन्

पेशी की ता०

19

20

ऊपर लिखे मुकदमा में अपनी ओर से

K. P. Srinivasan Advocate, Madurai

वकील

Steel Colony, Vermont

महोदय

एडवोकेट

बनाम

नाम फरीकन

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पेंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

32. Anil Kumar Pal

1. Benesh Chaud
2. Anant Sathir, David
3. M. N. Gupta
4. Munindra Pandey
5. K. Singh
6. Anand Kumar Misra
7. P. C. Sathir
8. S. V. Khan

14. Suro Agnani
20 Sadhna Sinha
21 Rashmi Mathur
22 Pratik Kumar
23 Tara Chand Gupta
24 S.M. Sarin
25 KIRAN LATA

32. Anil Kumar Pop
33. Millesh Kumar Nigou
34. A.K. Sivasan
35. Rakha Sivasan
हस्ताक्षर
36. Ram Kishan Ram
37. Shail Bala Chaudhary
38. Sant May Chaudhary
वाह)
39. Sant. S. V. Birla
40. Shyam Bihari
41. Sushil Bihari

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

नहीना

सन् १९

५०

9- Shyam Lal
10- K. B. Shahy
11- J. Manoj
12- ~~S. S. S.~~
13- S. S. S.
14- S. S. S.
15- S. S. S.
16- S. S. S.
17- S. S. S.
18- S. S. S.

26. ~~विद्या कान्हा~~
~~27. विद्या कान्हा~~
 28. विद्या कान्हा
 29. विद्या कान्हा
 30. Kusumakar Arvedi
 31. C. B. Shadija

सन् १९ ई०

५२- B. N. Sinhotava
५३- Prachi Chaturvedi
५४- Ram Tanak Mahata
५५- V. K. Sharma
५६- Umesh Kumar
५७

IN THE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD
CIRCUIT LUCKNOW.

APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNALS ACT 1985.

Registration No. OA 367 /90L

K.P.Singh and others Vs Union of India and another.

Compilation No.2.

INDEX.

Sl.No: Description of documents relied upon. Page No.

1. Annexure No: A-1.
Photo-stat copy of Divl.Personnel Officer, 22
N.Rly.,Lucknow letter No.847E/E6/2/ to
Seniority dated 30.11.1989, in connection 27
with seniority of Operating Accounts
2. Annexure No: A-2.
Photo-stat copy of Sr D.P.O.,N.Rly., 28
Lucknow publication in connection
with Sanctioned Strength of Works
Accounts (Operating Accounts).
3. Annexure A-3.
Photo-stat copy of representation of 29
staff of Operating Accounts to
DRM/N.Rly.,Lucknow against cancellation
of merger dated 20/25-8-90.
4. Annexure No.A-4.
Photo-stat copy of representation of 30
staff of Operating Accounts dated 25.10.90
to DRM/N.Rly.,Lucknow in connection with
cancellation of merger.
5. Annexure No.A-5.
Photo-stat copy of DRM/N.Rly.,Allahabad 31
letter No.847E/2/EO4/Engg. /
Seniority dated 19.7.90 in connection
with separate seniority of Operating
Accounts to DRM/N.Rly.,Lucknow.
6. Annexure No:A-6.
Photo-stat copy of DSE/Moradabad,N.Rly. 32.
D.O.NO:DSE/Misc./Conf/89 dated 8.9.89
to DSE/Co-ord.,N.Rly.,Lucknow in conne-
ction with separate seniority of
Operating Accounts.

K Singh
Annexure No: A-7.

Sl.No: Description of documents relied upon. Page
No.

7. Annexure A-7.

Photo-stat copy of Sr Divl. Personnel Officer, N.Rly., Lucknow's publication in connection with Sanctioned Strength of Ministerial staff in Engg. Branch. 33

8. Annexure No: A-8.

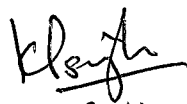
Photo-stat copy of D.R.M., N.Rly., Lucknow letter No. 757-E/6-2/Optg.-A/Cs dated 17.10.1990 in connection with written test for the post of Asstt. Superintendent grade Rs. 1600-2660 (RPS) 34

9. Annexure No: A-9.

Photo-stat copy of D.R.M., N.Rly., Lucknow letter No. 757-E/6-2/Optg./A/Cs. dated 4.10.1990 in connection with written suitability test for the post of Senior Clerks. 35

10.

Lucknow.


Signature of the Applicant.

Dated:

उत्तर देतवे

मण्डल कार्यालय

तहसील दिनांक 30.11.89

संख्या 8475/ई 6/2 सिविलियन टी/1

A38

Amr A-1

51

(2)

Amr A-1

विषय:- अप्रेंटिस स्कॉलरशिप विभागाधीनी की निगरानी

अनुभाग में कार्यरत अडाडीह/सोअडाडीह/प्रताप तिलिप/सम-वेतमाना तिलिपों की परीक्षा सुची सूचनाएं संलग्न हैं यदि किसी कर्मचारी को इस संख्या में कोई आपत्ति हो तो वह इस पत्र के जारी होने की तारीख से एक महीने के अंदर आपत्ति प्रस्तुत करें यदि एक महीने के अंदर इस कार्यालय में आपत्ति पत्र नहीं आता है तो इसे अंतिम समझा जाएगा। यदि किसी कर्मचारी के सेवा विवरण जन्म तिथि आदि में कोई अंतर हो तो 10 दिनों के अंदर सूचित करें।

मण्डल कार्यालय, अफिगारी

तहसील

C.T.C
K.M.P
Rohr

A34

Dr A-1

22

PROVIDER GENERAL MEDICAL SERVICES - UNIT 47 - UPPER K/CS NO. NO. DISCHARGE ON WORKING DIVISION AS ON 1/1/11

Sanctioned strength = 2
Perm. = RG = LR = On Roll =

Sl. No.	Name	Whether Station	Date of birth	Date of appoint-ment	Whether confir-med	SUSTAINIVE GRADE (i.e. immediate lower)	OFFICIATING GRADE Grade & Category	Date of regular promotion	Promotional course (Indicate course qualified) If any	REMARKS Mention about:- i) Change of category ii) Inter Div. Transfer iii) Ad-hoc promotion etc. iv) Deputation.		
1		3	4	5	6	7	8	9	10	11	12	13

S/Sgt.

1. Sd Sukh Lal S/C DRM Office 4.1.30 2.8.50 P34 1600-2660 16.2.02 2000-3200 1.1.03
2. Sd Ram Nath Poon S/C " " 5.12.45 10.9.65 P34 1600-2660 -do- 1.1.05

CTG
Kandh
Kandh

For 3. Div. P. Officer
LCS

Page

Page 1

24

PROVISIONAL SENIORITY LIST OF ASST. SUDT. OF K. 1600-2600 ON LUCKNOW DIVISION AS ON 30/11/2009

Whocher Station	Date of Birth	Date of appointment	Whet-her	SUSTAINIVE GRADE		OFFICIATING GRADE		Promotional	On Roll
				(1-6. Immediate)	lower	Grade	Date of regular promotion		
85/51			conf- firmed		Category promotion				
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Officiating In gr. 2000-3200 against W/C Post.

31/11/09
For DRM/LSO

BRIEF BIOGRAPHICAL SECURITY LIST OF SR. CLERK OFTS A/Cs GR. No. 1200-2040 ON LUCKNOW DIVISION AS ON 20.11.84

Annex A-1

SELECTED.

Perm =

FG =

LR =

On Roll =

Sl. No.	Name	Weather SC/ST	Position	Date of Birth.	Date of appt.	Whether Confir- med. (i.e. immediate lower)	Grade	Date of regular promotion	OFFICIATING GRADE & Grade gary.	Date of regular promotion	Promotional course (indicate course qualified if any)	REMARKS Mention about :-
1	A. K. Sen		Office	10.9.52	18.3.75	TY	950-1500		1200-2040	10.82		
2	Munendra Pandey			15.12.52	20.5.80	TY	950-1500	20.5.80	1200-2040	28.8.82		
3	M.N. Gupta			2.7.56	15.5.80		950-1500	15.5.80	1200-2040	28.8.82		
4	A.V. Srinivasan			1.8.57	29.5.80		950-1500	1.6.81	1200-2040	17.9.84		
5	S.V. Anwar			13.7.41	29.7.79		950-1500	0.7.79	1200-2040	3.9.84		
6	Smt. Neelima Sinha			19.7.54	2.6.81		950-1500	2.6.81	1200-2040	31.12.84		
7	C.S. Sen			1.5.59	23.8.82		950-1500	23.8.82	1200-2040	31.12.84		
8	Smt. Rekha Srinivastava			1.7.49	4.9.82		950-1500	4.9.82	1200-2040	31.12.84		
9	Smt. Sushila Misra			20.5.59	7.3.93		950-1500	7.3.93	1200-2040	12.84		
10	Smt. Uma Devi Shukla			1.5.57	19.9.83		950-1500	15.9.83	1200-2040	12.84		
11	Smt. Sadana Sinha			12.5.65	10.2.83		950-1500	10.2.83	1200-2040	23.2.84		
12	Km. Teeshri Nathur			23.1.53	5.5.81		950-1500	5.5.84	1200-2040	1.7.85		
13	Kushnagar Dwivedi			1.1.56	11.7.84		950-1500	11.7.84	1200-2040	27.7.87		
14	V.N. Gupta			29.7.55	17.12.84		950-1500	17.12.84	1200-2040	27.7.87		
15	C.B. Shastri			5.12.57	20.12.84		950-1500	20.12.84	1200-2040	27.7.87		
16	Smt. Kiran Lata			23.5.55	4.1.85		950-1500	4.1.85	1200-2040	27.7.87		
17	Smt. Habib Fatima Rizvi			10.3.52	5.1.85		950-1500	5.1.85	1200-2040	27.7.87		
18	Sanjay K. Misra			28.6.64	19.12.84		950-1500	19.12.84	1200-2040	12.6.87		
19	Smt. Rita Kanaujia			1.5.59	4.4.87		950-1500	4.4.87	1200-2040			
20	Dinesh Chandra			11-8-56	11-7-79		950-1500	4.1.88				

Office Insr. 1400-2300 x
as Hd. Clerk on 20.11.84
basis against 11/10 post

For Sr. Divl. Personnel Officer
Lucknow.

ENGLISH SECURITY LIST OF SR. CLERK OFTS A/Cs GR. Rs. 1200-2040 ON LUCKNOW DIVISION AS ON 30.11.87

Am Dye 04-1

28

SALUTED.

STRENGTH =

Perm =

RG =

LR =

On Roll =

Sl. No.	Name	Weather	Station	Date of birth.	Date of appnt.	Whether	CONFIRMATIVE GRADE (i.e. immediate)	OFFICIAL GRADE	Promotional course (indicate if any)	REMARKS
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med. Confir- lower	Grade	Date of regular promotion	Cate- gory.	regular promotion	regular promotion	regular promotion	regular promotion	regular promotion	regular promotion	regular promotion
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1	2	3	4	5	6	7	8	9	10	11	12	13
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S/Sr.

Office 10.0.52 18.3.75 Ty

950-1500

1200-2040

10.82

Office Ingr. 1400-2300 x as Hd. Clerk on 24.7.87 basis against 1/10 post

2.	Munendra Pandey	-	-	15.12.32	20.5.80 Ty	950-1500	20.5.80	1200-2040	23.8.82	-	-	-
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3.	M.N. Gupta	-	-	2.7.56	15.5.80 -	950-1500	15.5.80	1200-2040	28.8.82	-	-	-
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4.	A.K. Srivastava	-	-	1.6.57	29.5.80 -	950-1500	1.6.91	1200-2040	17.9.84	-	-	-
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5.	S.V. Avast	-	-	13.0.41	29.7.79 -	950-1500	0.7.79	1200-2040	3.9.84	-	-	-
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6.	Smt. Neelima Singh	-	-	10.0.54	2.6.81 -	950-1500	2.6.81	1200-2040	31.12.84	-	-	-
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7.	C.S. Pandey	-	-	1.5.59	23.8.82 -	950-1500	23.8.82	1200-2040	31.12.84	-	-	-
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8.	Smt. Raksha Srivastava	-	-	1.7.79	4.9.82 -	950-1500	4.9.82	1200-2040	31.12.84	-	-	-
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9.	Smt. Sushila Mishra	-	-	20.5.59	7.3.83 -	950-1500	7.3.83	1200-2040	12.84	-	-	-
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10.	Smt. Usha Devi Shukla	-	-	4.5.57	19.9.83 -	950-1500	15.9.83	1200-2040	12.84	-	-	-
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11.	Km. Sadhana Singh	-	-	13.5.45	10.2.83 -	950-1500	10.2.83	1200-2040	23.2.84	-	-	-
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12.	Km. Rashmi Nathur	-	-	23.1.53	5.5.84 -	950-1500	5.5.84	1200-2040	1.7.85	-	-	-
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13.	Kushnaker Dwivedi	-	-	1.1.56	11.7.84 -	950-1500	11.7.84	1200-2040	27.7.87	-	-	-
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14.	V.N. Gupta	-	-	29.8.55	17.12.84 -	950-1500	17.12.84	1200-2040	27.7.87	-	-	-
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15.	C.B. Shastri	-	-	5.12.57	20.12.84 -	950-1500	20.12.84	1200-2040	27.7.87	-	-	-
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16.	Smt. Kiran Lata	-	-	23.6.55	4.1.85 -	950-1500	4.1.85	1200-2040	27.7.87	-	-	-
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17.	Smt. Habib Fatima Rizvi	-	-	10.3.52	5.1.85 -	950-1500	5.1.85	1200-2040	27.7.87	-	-	-
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18.	Smt. Jay Kr. Mishra	-	-	28.6.68	19.12.84	950-1500	19.12.84	1200-2040	12.6.87	-	-	-
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19.	Smt. Rita Kanaujia	-	-	1.1.39	4.4.87 -	950-1500	4.4.87	1200-2040	-	-	-	-
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20.	Dinesh Chandra	-	-	1-8-56	- 11-7-79	1200-2040	4.1.88	-	-	-	-	-
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For Sr. Divl. Personnel Officer Lucknow.

PROCESSED & SEVERITY LIST OF SR. CLERK OFTS A/Cs GR. No. 1200-2040 ON LUCKNOW DIVISION AS ON 20.11.80

Annexure A-1

26

SALUTED.

STRENGTH =

Perm =

RG =

LR =

On Roll =

Sl. No.	Name	Weather SC/ST	Section	Date of birth.	Date of appt.	Whether Confir- med. er	SUBSISTIVE GRADE (i.e. Immediate lower)	OFFICIAL GRADE	Date of regular promotion	Promotional course (indicate if any)	REMARKS
							Grade & Category	Grade & Category	Date of regular promotion	course (indicate if any)	
1	A.K. Men	-	Office	10.9.52	18.3.75 Ty	-	950-1500	-	1200-2040	10.82	-
2	Munendra Pandey	-	-	15.12.52	20.5.80 Ty	-	950-1500	20.5.80	1200-2040	28.8.82	-
3	M.N. Gupta	-	-	2.7.56	15.5.80	-	950-1500	15.5.80	1200-2040	28.8.82	-
4	A.K. Satiya	-	-	1.6.57	29.5.80	-	950-1500	1.6.91	1200-2040	17.9.84	-
5	S.V. Anwar	-	-	13.9.41	29.7.79	-	950-1500	0.7.79	1200-2040	3.9.84	-
6	Smt. Neelima Singh	-	-	19.7.54	2.6.81	-	950-1500	2.5.81	1200-2040	31.12.84	-
7	C.S. Pandey	-	-	1.7.59	23.8.82	-	950-1500	23.8.82	1200-2040	31.12.84	-
8	Smt. Rakhee Srivastava	-	-	1.7.79	4.9.82	-	950-1500	4.4.82	1200-2040	31.12.84	-
9	Smt. Sushila Mishra	-	-	20.5.59	7.3.83	-	950-1500	7.3.83	1200-2040	12.84	-
10	Smt. Uma Devi Shukla	-	-	1.5.57	19.9.83	-	950-1500	15.9.83	1200-2040	12.84	-
11	Km. Sadana Sinha	-	-	12.5.45	10.2.83	-	950-1500	10.2.83	1200-2040	23.2.84	-
12	Km. Tashmi Nathur	-	-	23.1.43	5.5.84	-	950-1500	5.5.84	1200-2040	1.7.85	-
13	Kushnaker Dwivedi	-	-	1.1.56	11.7.84	-	950-1500	11.7.84	1200-2040	27.7.87	-
14	V.N. Gupta	-	-	29.7.55	17.12.84	-	950-1500	17.12.84	1200-2040	27.7.87	-
15	C.B. Shastri	-	-	5.12.57	20.12.84	-	950-1500	20.12.84	1200-2040	27.7.87	-
16	Smt. Kiran Lata	-	-	23.5.55	4.1.85	-	950-1500	4.1.85	1200-2040	27.7.87	-
17	Smt. Habib Fatima Rizvi	-	-	10.3.52	5.1.85	-	950-1500	5.1.85	1200-2040	27.7.87	-
18	Smt. Jay K. Mishra	-	-	28.6.58	19.12.84	-	950-1500	19.12.84	1200-2040	12.5.87	-
19	Smt. Rita Kanaujia	-	-	1.5.59	4.4.87	-	950-1500	4.4.87	1200-2040	-	-
20	Dinesh Chandra	-	-	1-8-56	11-7-79	-	1200-2040	4.1.88	-	-	-

Office Ingr. 1400-2300 x as Hd. Clerk 20.11.80 basis against 1/10 first

i) Change of category.
ii) Inter Divl. Transfer
iii) Ad hoc promotion etc
iv) Deputation.

REMARKS
Mention about :-

For Sr. Divl. Personnel Officer,
Lucknow.

A42

229
226

50

PROFORMA

PROVISIONAL SENIORITY LIST OF CLERK OFFICERS, 950-1500 ON LUCKNOW DIVISION 1/5 ON 30-11-54.

Sanctioned strength = 10

Sl. No.	Name	Whether SC/ST	Station	Date of birth	Date of appointment	Whether for con- firmation	ESTIMATIVE GRADE		OFFICIATING GRADE		Per. =	RE =	LR =	On Roll =
							(i.e. Immediate & regular)	Date of promotion	Grade & category	Date of regular promotion				
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1. Km. Poochi Chaturvedi	"	DDM Office	24.7.52	1.7.54	74	950-1500	3.3.07							
2. Km. Shail Datta Chaturvedi (SC)	"	"	17.7.55	21.4.57	74	950-1500	21.4.57							
3. Sd. Rom Shank Mahato (SC)	"	"	4-7-61	7-5-57	74	950-1500	7-5-57							
4. Sd. H. H. H. H.	"	"	—	—	74	950-1500	26.0.53							
5. Sd. Shyam Behari	"	"	1-10-47	—	74	950-1500	26.0.53							
6. Sd. B. K. Mitra	"	"	10-6-52	—	74	950-1500	26.0.53							
7. Sd. Anil Kumar Das	"	"	—	—	74	950-1500	26.0.53							

Make you - personal in copy - MCA Section

CTG
K. K. Das

for Sr. Divisional Personnel Officer,
Lucknow.

Any

Don't know
Mrs. A. 2 (28)
68

NORTHERN RAILWAY

S/Strenght of Works Account & Ministrial Staff.

Category	Grade	S/Strenght			Total
		F	T	W/C	
Supdt.	2000-3200	2	-	-	2
Asstt. Supdt.	1600-2660	5	-	-	5
Hd. Clerk	1400-2300	15	-	-	15
Sr. Clerk	1200-2040	17	-	-	17
Clerk	950-1500	10	-	-	10
		49	-	-	49

Vetted
Grand
1511
Sr. DFO/Mc
1511

Per
For S.D.P.O/Mc
1511

CFC
K. J. New

To

The Divisional Railway Manager.
N.R. Lucknow.

Sir,

Reg:- Cancellation of move of merger of Optg. A/C
section with works Branch on LKO Divn.

We the staff of Optg. A/C section have come to know from the reliable source that the seniority of Optg. A/C section is going to be merged with the works Branch of this Divn. It is very much obvious that Optg. A/C section came into existence before the time of creation of Zonal Railways i.e. prior to independence keeping in view the various aspects and factors of this Branch. In the past the amalgamation of seniority of these two sections was moved by the officials as well as the unions but after great discussion the move was dropped.

It will not be out of point to mention that there is no merger in Allahabad, Moradabad divisions of works and works Accounts Branch. If the seniority of these two sections is merged we will be badly affected on A/C of socio-economic factors. On A/C of merger our future prospects will be bleak. Not only this but we will be transferred far off places in the Divn. which will badly dislocate the education of our children. We know that our seniority will not be disturbed so we have established ourselves at Lucknow and our children are getting education.

It is therefore requested that under the circumstances explained above the move of merger of works and works Account section, if any, may not kindly be agreed to in our interest and interest of Justice.

Thanking you.

Dt. 19-5-90
25

Copy to DSE(C) N.R. Lucknow
for information and kind
consideration please.

2. The Branch Secretary,
U.R.M.U. DRM Office Branch,
Lucknow for information and
necessary action.

3. Copy to Divl. Secretary,
URMU/LKO for information and
necessary action.

Yours faithfully,

① [Signature]
② [Signature]
③ [Signature]
④ [Signature]
⑤ [Signature]
⑥ [Signature]
⑦ [Signature]
⑧ [Signature]
⑨ [Signature]
⑩ [Signature]

C.C.
Kod
now

Ay6

10/11/80
Ans A. 4

(32)

To,

The Divisional Rly. Manager.,
Northern Railway,
Lucknow

Respected Sir,

Subj:- Cancellation of move for Merger of Optg A/c Sec
with Works Branch on LKO Division.

We the staff of Optg A/c sec have come to know that a decision has been taken to merge the seniority of Optg A/c Sec with the Works Branch in the P.M.M. held on 5.10.80 with NRMU/LKO. In this connection we have already represented several time not to finalise this issue without taking into consideration the wishes and welfare of staff of Optg A/c Section, but it appears that no attention has been given to our representation.

It is very much obvious that Optg A/c sec came into existence before the time of creation of zonal Railways i.e. prior independence, Keeping in view the various aspects and facts of the branch.

In the past the amalgamations of seniority of these two sections was moved by the officials as well as the unions but after great discussion the same was dropped.

It will not be out of place to mention here that there is no merger of works and Optg A/c sec in Allahabad and Meerut division. If the seniority of these two sections is merged we will be badly effected in respect of Socio-Economic factors. Further as a result of merger our further prospects will be blocked. Not only this but we will be transferred far off from our place in the Division, which will badly dislocate the education of our children. We knew that our seniority will not be disturbed, so we have established our selves at Lucknow and our children are getting education.

We have also come to know that both the unions (i.e. NRMU and URMU) has consented for merger only one sided of these two section, because of their representative belonging to the works branch and not to Optg A/c Sec. Both the unions have not attached due attention and importance to our representation which were given to them.

That the promotions /suitability test and selection in Optg A/c seniority group have irregularly and arbitrarily pending by the Personnel branch on the pretext of merger of seniority of works branch and Optg A/c Sec. There is no provision under any rule to staff process of promotions / suitability test and selection due on the plea of merger of seniority list and therefore action may please be taken to release our promotion/suitability test and selection and cancelling the issue of merger.

In view of the above facts, we request your honour that move of merger of works and Optg A/c section not to be implemented to in the interest of the Administration and Justice, but failing which we have no alternative, but to take the justice from court.

Thanking you, for kind consideration.
P.T.O.

Signature of the
Staff of Optg A/c

CTC
KPS
NCH

Aug

Ann. A-5

Ann. A-5

(31)

1.

NO 047E/2/EO4/Engineering/Seniority 80

DL 19.7.90

The Divl. Rly. Manager.

✓ Mr. Rly. Liko

Sub-Merger of ministerial staff
of works & with works A/R &

Ref: Your office letter no. D St. (r) / Genl / Rf
dated 17.7.90

There is separate seniority
unit of works branch and works
Accounts Branch on this division.

for Divl. Rly. Manager
NRH, AU.

C.T.C

✓
Kb
Adw

A 48

Page A-6 (32)
Page A-6

उत्तर रेलवे
NORTHERN RAILWAY

(26) 37

Dharam Singh
D. S. E.

Divl. Ry. Manager's office,
Moradabad.

D.O. No. DSB/Misc/Conf/89

Dated 8.9.1989.

My dear Sangal,

Sub:- Seniority of works and operating
accounts staff.

Ref:- Your D.O. No. DSB/Conf/87 dt. 6.9.89.

On Moradabad Division also ^{there are} separate
seniority groups for works and operating
accounts in the engineering branch.

With best wishes.

Yours sincerely,

(Dharam Singh), 8/9

Shri V.K. Sangal,
D. S. E (Co-Ord),
Northern Railway,
Lucknow.

CTC
K.B.
Bor

Aug

Aug 6/1/72

(33)

Sanction strength of Ministerial staff in ErLE, Branch

Category	Grade	Sanction strength		
		Pt.	Ty.	Total
Supdt.	2000-3200	7	■	7
Asstt. Supdt.	1600-2660	14	-	14
Hd. Clerk	1400-2300	41	-	41
Sr. Clerk	1200-2040	48	-	48
Clerk	950-1500	26	-	26
		<u>36</u>		<u>136</u>

for Sr. Divl. Personnel Officer,
Lucknow

for Sr. Divl. Account officer,
Lucknow.

CTC
KPS
BCH

A 50

Ans A 8

(34)

Ans A 8

NORTHERN RAILWAY.

No: 757-B/6-2/Optg.-A/co

Divisional Office.
LUCKNOW.

Sr. D.S.E.(C)

Date:- -17-- -10/90

Sub: Written Test for the Post of Asstt. Supdt.
Sr. 1600-2660 (RPS) in optg A/o Branch.

It has been decided to held selection for the
Post of Asstt. Supdt. gr. 1600-2660 (RPS) & written Test
fix for dated 27.10.90 at 11hrs. ^{in D.M. office} the following Candidates
may be spared well in time to the test.

1. Sri Satish Chand. ^f
2. Sri Pragyaukar Tripathi
3. Sri Prakash Chandra
4. Sri Mohender Singh. ^f
5. Sri S.M. Khan. ^{dr}
6. Sri S.N. Saxena. ^{dr}
7. Sri B.H. Srivastava. ^{K.S.}
8. Sri K.P. Singh. ^{K.S.}
9. Sri Umesh Kumar. ^{dr}
10. Smt. Saroj Agarwal. ^X
11. Smt. Mitalesh Kumari.
12. Sri Bachan Lal (SO). ^{dr}

17/10

For Divisional Rly. Manager
Lucknow.

CTC
K.S.
dr

AS1
NORTHERN RAILWAY

No.757-E/6-2/Optg/A/cs.

35
Mr A-9
Divisional Office,
Lucknow.

Dated: 4.10.90

The Divl.Suptg.Engineer/C o-ord.,
Northern Railway,
Lucknow.

Sub:- Written suitability test for the post
of Sr.Clerk Gr.Rs.1200-2040(R/S) on
25.10.90.

It has been decided to hold written suitability
test on 25.10.90 for the post of Sr.Clerk grade Rs.1200-
2040(R/S) against the vacancies at 10.00 hrs. in
DRM Office, N.Rly.Lucknow.The following clerks of Optg.
A/cs, DRM Office should be informed and spared well in
time to appear in the written test on date, time and
place specified therein.

1. Km. Prachi Chaturvedi.
2. Km. Shall Bala Chaudhary (SC).
- ✓ 3. Sh. Ram Janak Mahato (SC)
- ✓ 4. " Shyam Bohari.
5. " B.K.Mishra.

If any employee is not willing to appear in
the suitability test should be asked to give their
refusal for promotion which should be sent to this office
within ten (10) days.

for Divl.Rly. Manager,
Lucknow.

Copy to:-

1. D.C.O.S./HZG, Lucknow.
2. Sr.D.S.T.E./Lucknow.
3. Sr.D.M.E./Lucknow.

for information and necessary action.

Noted

(B)
9/10/90

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

O.A.No.367/90(L)

Sri K.P.Singh and others

....Applicants

Versus

Union of India and others

....Respondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS No.1 AND 2

I, Shri Pujan, presently posted as Asst Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow solemnly state as under :-

1. That the undersigned is presently posted as Asst Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow and is looking after the above mentioned case on behalf of the respondents. The undersigned has read and understood the contents of the above mentioned application moved on behalf of the applicants and is competent and authorised by the answering respondents No.1 and 2 to file this reply on their behalf.

2. That the contents of paragraphs 1,2 and 3 of the application need no comment from the answering respondents.

3. That the contents of paragraph 4.1 of the application, as stated, are denied. It is respectfully submitted that the applicants belong to the erstwhile Operating Accounts Section cadre of Office Clerk of Engineering Department of Northern Railway, Lucknow Division.

4. That the contents of paragraphs 4.2, 4.3 and 4.4 of the application are admitted.

5. That the contents of paragraph 4.5, as stated, are denied. It is respectfully submitted that after the Independence, the integration of East Indian Railways and

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Indian Railways was done and in that process, besides formation of other Zonal Railways, Northern Railway Zone, including therein a part of East Indian Railway comprising three Divisions, namely, Allahabad, Moradabad of E.I.R and other Divisions of East Punjab Railways spreading over northern India was constituted in April, 1952. The modalities of functioning of Zonal Railways were also formulated under which management of various departments and cadres/sections of offices of various departments were to function. There is no code/rules to govern and regulate the functioning of separate cadre of Operating Accounts Section of Allahabad, Lucknow and Moradabad Divisions of Northern Railway which may be distinguishable from the code/rules applicable in other Divisions. The cadre rules, as they exist, relate to procedure of working on different items of work in Engineering Department as a whole on all over India uniformly and without any distinction/discrimination between Lucknow, Allahabad and Moradabad Divisions and other Divisions of Northern Railway as well as on other Zonal Railways. The mere existence of Engineering Code, Stores Code, Way and Works Manual, which regulate the functioning of Engineering Department offices and the work connected therewith, and in those codes, there does not exist any specific provision for functioning of Engineering Department of Lucknow, Allahabad and Moradabad Division alone. As regards the rules governing seniority and promotions, these rules are framed by Personnel Department of Railways in accordance with the policies laid down by the Competent Authority, and there are number of such rules, circulars, Code and Manual regulating the functioning of Personnel Department in each Division/Zonal Railways in such matters.

6. That the contents of paragraph 4.6, as stated, are denied. It is respectfully submitted that till the decision was taken at the administrative level to form an unified cadre in the office of Engineering Department of Lucknow Division of Northern Railway, there were two separate cadres of Engineering Department Clerks known as Engineerin Branch Clerks and Operating Accounts Branch Clerks with separate seniority units accordingly. The decision to form an unified cadre of Office Clerks of Engineering Department of Lucknow Division of Northern

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Railway in consultation with recognised labour unions was done with an aim to bring forth an uniformity with the functioning of Engineering Departments in the majority of Divisions of Northern Railway viz., Delhi, Bikaner, Jodhpur and Ferozepur and also with a view to provide wider avenues of promotion to the Office Clerks employed in Engineering Department Offices of Lucknow Division and to achieved better targets of efficiency. Moreover, with a ban on the creation of clerical posts, the increased work load in the Engineering Department was to be managed with the existing sanctioned strength of Office Clerks in the Engineering Department by re-adjustment and redistribution of work among the existing staff, and to meet this challange also, the decision to form an unified cadres of Engineering Department Clerks had to be taken, which was directly related to economy in expenditure and office establishment.

7. That the contents of paragraph 4.7, as stated, are denied. It is most respectfully submitted that each department like Transportation, Commercial, Mechanical, Electrical, Medical and Signal, there is only one cadre and seniority of Office Clerks employed in these departments with the exception of Engineering Departments of Lucknow, Allahabad and Moradabad Divisions of Northern Railway, whereas, in the majority of the Divisions, viz., Delhi, Ferozepur, Bikaner, Jodhpur and Ambala Divisions of Northern Railway, the Engineering Departments too have got only one unified cadre of Engineering Department Clerks. No doubt, there are separate rules to regulate the seniority of staff seeking transfer from one cadre to another cadre involving change of department, but these rules have nothing to do with the process of forming an unified cadre of Office Clerks employed in the Engineering Department Offices of the Lucknow Division of Northern Railway.

8. That the contents of paragraph 4.8 are denied. It is respectfully submitted that there is no rule to regulate the formation and creation of different sections and seniority units.

9. That the contents of paragraph 4.9, as stated, are denied. It is respectfully submitted that the nature of

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work mentioned in the paragraph under reply is primarily related to the Civil Engineering Department of Railway Division, and the formation of a single cadre of Office Clerks in the Engineering Department Offices was aimed at managing these items of work alongwith other works with the re-adjustment of duties and re-allocation of work amongst all the Office Clerks working in all the offices under the Engineering Department of Lucknow Division of Northern Railway.

10. That the contents of paragraph 4.10 are not denied.

11. That the contents of paragraph 4.11 of the application, as stated, are denied. It is most respectfully submitted that there is no such guarantee or binding of the Railway Administration not to transfer the Office Clerks working in the erstwhile Operating Account Section of the Engineering Department of Lucknow Division in accordance with the service condition and service agreement of such staff, but since, the duties assigned to the Office Clerks who were working in the erstwhile Operating Accounts Clerks are such that they do not have to go to work in the offices of the Engineering Department outside Lucknow, they were not ordinarily transferred.

12. That the contents of paragraph 4.12, as stated, are denied. It is respectfully submitted that the decision for merger of two cadres of Office Clerks in the Engineering Department of Lucknow Division namely, Clerks working in the Operating Accounts Section and those working in Engineering Section was taken by the Divisional Superintending Engineer (Co-ordination), who is the controlling authority of Engineering Department vide his letter No.DSE/C-Genl/89 dated 20.09.1989 addressed the Chief Engineer, Northern Railway, Head Quarters Office, New Delhi, the Head of Department of Civil Engineering, Northern Railway, Head Quarters Office, Northern Railway on the advice of Chief Engineer, Northern Railway through his letter No.PA/CE/Misc/1990 dated 27.02.1990. This decision of merger of two cadres of Office Clerks was taken in consultation with the recognised Trade Unions, N.R.M.U and U.R.M.U after obtaining their consent through their letter No.NRMU/26

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(2)/89-91 dated 4.04.1990 and URMU/DEN/Engg/90 dated 27.02.1990. It is worthwhile to mention that the process for merger of two cadres of Clerks, namely, Engineering Branch Clerks and Operating Accounts Branch Clerks in Lucknow Division of Northern Railway is a process of formation of an unified cadre of post of Engineering Branch Clerks, and the Divisional Railway Manager, Northern Railway, Lucknow has full powers to create posts of Office Clerks of all grades controlled by him, and therefore, he also has powers to fix or revise cadres in consultation with the recognised Trade Unions.

13. That the contents of paragraph 4.13, as stated, are denied. It is however, admitted that the applicants made a representation dated 20.03.1990 against the proposed merger of two cadres of Office Clerks in the Engineering Department, but the same could not be acceded to because of the following reasons :-

(1) The merger of two cadres of Office Clerks of Engineering Department, Lucknow Division of Northern Railway was done with a view to bring forth the uniformity in the functioning of Engineering Department Offices/Sub-Units on Lucknow Division with those of other Divisions e.g. Delhi, Ferozepur, Bikaner, Jodhpur and Ambala.

(ii) The merger was aimed for managing increased work load of Engineering Department Offices of Lucknow Division by re-adjustment/redistribution of duties amongst the existing offices strength of Office Clerks working in Engineering Branch and Operating Accounts Branch, there being a complete ban on creation of new posts of Office Clerks. Thus it is necessary for economy on administrative expenditure in railway management.

(iii) The mereger is also in the larger interest of employees as it will provide wider avenues for promotion to majority of staff members of Office Clerks in the Engineering Department of Lucknow Division of Northern Railway.

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14. That the contents of paragraph 4.14 are admitted only to the extent that the cadre of Engineering Branch Clerks and Operating Accounts Branch Clerks in the Allahabad and Moradabad Divisions have not yet been merged, but the process of merger of these two cadres in majority of the Divisions of Northern Railway viz., Delhi Ferozepur, Bikaner, Jodhpur and Ambala has been completed as it was necessary to bring out uniformity in the working system of Engineering Department on all the Divisions and also to do away the discrimination in working of Engineering Department in all the Divisions of Northern Railway. Moreover, it is quite unreasonable to have two cadres of Office Clerks under Engineering Department of a Division, while all other departments have only one single cadre of Office Clerks under each of them, viz., Transportation, Commercial, Electrical, Signal & Telecommunication, Mechanical, Personnel and Medical Departments.

15. That the contents of paragraph 4.15, as stated, are denied. It is respectfully submitted that the clerical duties and works mentioned in the paragraph under reply and those of paragraph 4.9 of this application are the works of one and the same department, i.e. the Engineering Department, and neither of them are exhaustive. All these works and duties are to be managed by re-adjustment and redistribution of duties in the amalgamated single cadre of Office Clerks in the Engineering Department.

16. That the contents of paragraph 4.16, as stated, are denied. It is respectfully submitted that the total strength of cadre of Engineering Branch Office Clerks (and not of work section as mentioned in para under reply) was 136 and all the incumbents had an avenue of promotion in the higher grade within the strength of 136 only. With the merger of two cadres of Engineering Branch Clerks and Operating Accounts Branch Clerks, the total strength of Office Clerks in Engineering Department of Lucknow Division has become $136 + 49 = 185$, and this will definitely provide wider avenues for promotion i.e., upto the strength of 185 to the incumbents of two pre-merged cadres of 136 + 49 respectively.

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17. That the contents of paragraph 4.17, as stated, are denied. It is respectfully submitted that there is no separate entity/unit of seniority of works section alone in the Lucknow Division of Northern Railway or anywhere else on the other Divisions. The pre-merged cadre of Engineering Branch Clerks on Lucknow Division is spread over in various constituents, sub-units/offices like Work Section Divisional Office, AEN Office, IOW Office, PWI Offices situated at various stations of Lucknow Division and staff employed in all these offices are subjected to transfer from one office to another either in administrative interest, or on promotion.

18. That the contents of paragraph 4.18, as stated, are denied. It is respectfully submitted that the process of test for the post of Assistant Superintendent grade Rs.1600-2660(RPS) and Senior Clerk grade Rs.1200-2060 (RPS) was to be postponed till the amalgamated Seniority List for the two cadres could be prepared to adjudge the field of eligibility of the concerned staff. It had to be done particularly in view of the fact that after entering into tri-partite agreement with the two recognised Unions N.R.M.U and U.R.M.U and the Divisional Railway Administration, the holding of tests for the aforementioned posts would have constituted breach of tri-partite agreement.

19. That the contents of paragraph 4.19, as stated, are denied. It is respectfully submitted that the cadre of non-gazetted post in Indian Railways may be determined by the General Manager, or by a lower authority, where the powers for creation of such posts have been redelegated by the General Manager in favour of the lower authority. Full powers in respect of non-gazetted posts controlled by the Divisional Railway Manager are vested in the Divisional Railway Manager vide item No.1 column No.4 of Schedule of Powers circulated under the letter of the General Manager (P), Northern Railway, New Delhi in Printed Serial No.8357 dated 25.07.1983. All the posts of Office Clerks in the pre-merged cadres of Engineering Branch Clerks and Operating Accounts Clerks in all the grades, viz., Rs.950-1500, Rs.1200-2040, Rs.1400-2300, Rs.1600-2660 and Rs.2000-3200 (RPS) are controlled by the

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Divisional Railway Manager, and he has, therefore, powers to create these posts in all these cadres and also to fix cadres as has been done by merging two cadres of Office Clerks of the Engineering Department to form one unified cadre in conformity with the existence of similar unified cadres of Engineering Department Clerks in the majority of Divisions of Northern Railway viz., Delhi, Ferozepur, Bikaner, Jodhpur and Ambala.

20. That in view of the submissions made in the foregoing paragraphs of this reply, the undersigned is advised to state that none of the grounds enumerated in paragraph 5 of the application are tenable in the eye of law.

21. That in view of the submissions made in this reply the undersigned has been advised to state that the contents of paragraph 6 need no comment.

22. That the contents of paragraph 7 need no comment.

23. That in view of submissions made in the foregoing paragraphs of this reply the undersigned has been advised to state that the applicants are not entitled for any reliefs sought by them in paragraph 8 of the application.

24. That in view of the submissions already made in this reply the undersigned has been advised to state that the applicants are not entitled for any interim relief sought by them in paragraph 9 of the application.

25. That the contents of paragraphs 10, 11 and 12 need no comment.

Lucknow, dated :
December 12, 1990.

VERIFICATION

R. Prasad
निदेश अधिकारी
उत्तर रावे, पञ्चमक

I, *Shri P. Chaturvedi* presently posted as *ASST Personnel Officer* in the Office of the D.R.M., Northern Railway Lucknow hereby verify that the contents of paragraph 1

of this reply are true to my personal knowledge and those of paragraphs 2 to 19 are based on record and the same are believed to be true. The contents of paragraphs 20, 21, 23 and 24 are based on legal advice and the same are believed to be true. The contents of paragraphs 22 and 25 are believed to be true. That no part of this reply is false and nothing material has been concealed.

Lucknow, dated :
December 12, 1990.

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Fixed
27/8/91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW CIRCUIT LUCKNOW.

O.A.No: 375/90

K.P.Singh and Others Vs. U.O.I. and others.

REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANTS.

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| 1. <u>Annexure No: R-1.</u>
Photo-stat copy of Powers of Additional General Managers on Establishment matters. | 12. |
| 2. <u>Annexure No: R-2.</u>
Photo-stat copy of delegation of powers to Divisional Railway Managers on establishment matters. | 13. |
| 3. <u>Annexure R-3.</u>
Photo-stat copy of GM(P)/N.Rly., New Delhi letter No.522-E/369/43(EIID) dated 11.11.1986 to all D.R.Ms in connection with bifurcation of Ministerial Cadre of Store Department into 'P' and 'Non P' after the decision of Railway Board. | 14. |
| 4. <u>Annexure R-4.</u>
Photo-stat copy of P.S.No:6087 (Order of the Railway Board) issued by the General Manager, N.R. New Delhi in connection with determination of seniority staff directly recruited staff of Construction and Projects and the absorbing department. (under the control of G.M., N.Rly.). | 15. |

Lucknow.

Dated: 30/8/91

Signature of the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

Registration No. OA No: 376/90(L)

K.P.Singh and others

versus

Union of India and others.

REJOINDER AFFIDAVIT TO THE COUNTER OF DEFENDANTS
1 TO 43 IMPEADED LATERON ON BEHALF OF APPLICANTS
FROM 1 to 44.

I, K.P.Singh, working as Head Clerk in Operating Accounts Section in the Divisional Office, Northern Railway, Hazratganj, Lucknow, who is well conversant of the facts solemnly state as under:-

1. That the undersigned has read and understood the contents of the counter filed by the Additional Defendants 1 to 43.
2. That in reply to Para 1 of the counter its contents are denied. The Opposite Party No.2 was out to implement the decision of P.N.M. with immediate effect as contained in Annexure No.A11, so the applicant has no alternative remedies but to approach this Hon'ble Tribunal. Moreover there is no service rules to make representation against such orders. As the service conditions were to be effected immediately, so the applicants approached this Hon'ble Tribunal to grant relief. Further it is submitted that the defendants no.1 and 2 did not comment on the Paragraphs 1,2 and 3 of the application, so it is treated to be accepted.

3. That in reply to Para 3 of the counter its contents are specifically denied. Actually seniority list mentioned as Annexure No.1 dt.14.11.90 filed with the counter is only a notice for ...2

K.P.Singh

seniority list which was not served at all to any of the applicants from S.No: 1 to 44. It was not only this but the aforesaid notice was not served nor has been served to the works Accountant the Incharge of the section for getting the same noted by each staff of Operating Accounts Section. The Additional defendants from S.No: 1 to 43 who were interested in the said matter manipulated to get the notice issued on later date not on 14.11.90 and the same was got not noted by the staff of Operating Accounts Section because the Stay granted by the Hon'ble Court was served on defendant No 2 on 21.11.90, so the merger was not in operation. It is further submitted that the defendant No.2 did not say specifically anywhere in the counter that the order of merger has been implemented. The contents of para 4(1) of the application are reiterated.

4. That in reply to Para 5 of the counter it is denied as stated. At the time of regrouping of Railways the North-thern Railway was formed of seven Divisions namely, Delhi, Ferozepur, Jodhpur Bikaner and Ex E.I.R. portion of Lucknow, Allahabad and Moradabad. It is submitted that there is a separate Cadre of Operating Accounts Section and is under the Control of Works Accountant as provided under Sec. 140 and 141 of the Code for Engineering Department of Indian Railways which is statutory. The cadre means the strength of a service or part of a service sanctioned as a separate unit. So, the Operating Accounts Section is a separate unit and is not part of the Engineering Department. The seniority, promotions, strength

and transfer of staff of Operating Accounts Section are governed by the Establishment Code. If there is any deviation, the Code rule is to be amended and is a policy matter for which the Railway Board is competent to decide policy matter. The Operating Accounts Section still exists in Allahabad, Moradabad and Lucknow even prior to regrouping of Railways and the Railway Board did not consider to merge the two cadres of Operating Accounts Section and Works Section on these Divisions even on Constructions the Works Accounts Branch exists there. If the two sections are merged, the post of Works Accountant to be abolished by amending Para 140 and 141 of the Code and the D.R.M. has no power to amend the Code.

5. That in reply to Para 6 of the counter, its contents as stated are denied. There was no ~~Open Operating~~ Operating Accounts Section as such on Ferozpur, Jodhpur, Delhi and Bikaner, because Jodhpur and Bikaner were State Railways and owned by Bikaner and Jodhpur States and Delhi and Ferozepur were the portion of E.P. Railway and these Divisions have working different from Eastern Railway i.e. Allahabad, Lucknow and Moradabad Divisions. The Annexures No.2 and 3 filed with the counter only indicate that one letter is addressed to the Chief Engineer and another is a handing over note from one Engineer to other at the time of transfer and the Chief Engineer has no power on Establishment matters. The Railway Board has delegated restricted powers to the General-Managers and D.R.M.s in Establishment matters. It is further submitted that the Divisional Railway Manager is not competent to frame policies for

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unification of the two separate cadres because the service conditions of the staff of Operating Accounts section in connection with the seniority promotion and transfers will be badly and adversely affected. The Railway Board is only competent to issue or frame policies in connection with merger as well as / bifurcation of Ministerial Cadres, as is evident from the letter issued by G.M.(P)/ New Delhi No.523-E/369/43(EII-D) dated 11.11.86 and circular issued by GM, N.R. under Printed S.No: 6087. Had the General Manager, Northern-Railway being a controlling authority of the staff over N.Railway, power to bifurcate the Ministerial Cadre of stores Department, Personnel and Non-Personnel and determine the seniority of directly recruited staff of Construction and Project in the absorbing Department, he would have issued the orders accordingly but above mentioned orders were issued as per decision of Railway Board. The contents of Para 4(6) of the application are reiterated. The photo copies of Powers delegated to General Managers and Divisional Railway Managers by the Railway Board and Photo-stat copies of G.M.(P)/New Delhi's letters and Printed Serial No.6087 are annexed as Annexure Nos R-1, R-2, R-3 and R-4 respectively.

6. The contents of Para 7 of the counter are specifically denied. It is respectfully submitted that the contents of Para 7 are very irrelevant to the point because every section as mentioned in the application is directly under -

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the control of Divisional Railway Manager and according to the defendants the D.R.M. can merge all the sections into one to facilitate the working but the D.R.M. has no jurisdiction to decide such issues to such extent. It is also pointed out that the Chief Engineer has no power on Establishment matters. The implementation of merger over other Five Divisions as stated in this para is wrong and incorrect as there was no existence of ~~Operating~~ Operating Accounts Section on these five Divisions as stated in Para 5 above. The Operating Accounts Section is a separate cadre. Not only this but the Chief Engineer Construction Office is being headed by the Works Accountant as provided in the Engineering Code.

7. That in reply to Para 8 of the counter its contents are denied. The seniority, promotions and transfers of Operating Accounts Section are being regulated by the Establishment Code as well as by the Establishment Manual.

8. That in reply to Para 9 of the counter its contents are denied. The work of Operating Accounts Section is purely technical involving Accounts works which is being checked by the Works Accountant whereas the work of Works Section is not being checked by the Works ~~Accountant~~ ~~Accountant~~ Accountant. The nature of duties of Operating Accounts section is quite different from Works Section as already stated in Para 9 of the application. So far as the local purchase is concerned it is not technical and is being done

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in each section of the D.R.M. Office originally it is wrong that the work of Operating Accounts Section is being transferred to the Works Section but the tender work on the objection raised by the Accounts was transferred from Works Section to Operating Accounts Section.

9. That in reply to para 11 of the counter its contents are denied. The transfer of a particular staff can only be done in initial grade and in intermediate grade on administrative ground in the public interest provided there is a vacancy in particular grade and transfer can also be done either on request of employee or mutual exchange and in these two cases the name of the employee will be placed at the bottom of the seniority list of the section. One Shri P.G.Keshwani, who was Works Accountant had been transferred to his parent Department of Works Section on the objection raised by the Accounts and now the Section Officers of Accounts are being posted as Works Accountant. Now no executive hands are allowed to pass the Works Accountant Examination because allowing of Executive hands as Works Accountant was against the Engineering Code.

10. That in reply to Para 12 of the counter are specifically denied as stated and the contents of Paragraph 4(12) of the application are reiterated. It is respectfully submitted that the Chief Engineer, New Delhi who has no power on Establishment matters told Shri V.K.Sangal, the then Divisional Superintending Engineer/Co-ord., Lucknow that the merger of seniority was an establishment

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subject and Personnel Branch of the Division had to deal the subject in consultation with the recognised Unions. If need arises they have to consult Chief Personnel Officer, New Delhi. The General Manager and Additional General Manager have the power on Establishment matters to certain extent deligated by the Railway Board. There is no approval of the merger by the competent authority. This is actually the D.R.M. has decided to merge the two sections under the pressure of local trade unions. Had the Railway Board and the all India Federations of Railways thought it necessary in the interest of staff and Administration they would have taken this task at their level long ago. The D.R.M. has no jurisdiction to merge these two cadres but they may create the post of Office Clerks temporarily not for their own office when the ~~leas~~ ban on creation of Ministerial post is lifted by the Railway Board. As regards Printed Serial No.7298 of 31.5.79, the Powers of D.R.Ms have been deligated to the ADRMs who is of equal status vide Printed Serial No. 8357 dated 27.7.83 filed as annexure No.5 to the counter. There is no supersession of the said powers. This was done only to decrease the work load of DRMs. However, these powers can be exercised by any of them.

11. That in reply to para 13 of the counter its contents are denied and contents of Para 4.13 of application are reiterated. The representation dated 20.8.90 was made against the proposed merger on the grounds that the service conditions
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K. Singh

of staff of Operating Accounts Section was going to be entirely changed and adversely affected. The Railway Administration i.e. respondent No.2 did not bother to consider the points raised therein in speaking orders, and respondent no.2 was in haste to implement the merger. It has already been stated in foregoing paragraphs that the DRM is not empowered to agree with the local unions on the point of merger. If the respondent No.2 wanted to bring some efficiency or anything else as mentioned in paragraph, he would have approached the Railway Board through the General Manager and would have also asked the local trade unions to approach the Railway Board through their Federations but under the pressure of local unions, respondent no.2 kept aside all norms and relevant statutory rules. Such orders on such issues have been issued by the Railway Board from time to time. It is also evident from Annexure A-2 and A-7 of the application that the staff of Works Section has better avenue of promotions.

12. That in reply to para 14 of the counter its contents are denied. There is no under consideration for merger in Allahabad and Moradabad Divisions. The respondents are put to strict proof of it. The contents of 4.14 of the application are reiterated.

13. That in reply to para 15 of the counter its contents are denied. The subject matter shown in this paragraph are being dealt with by every section of D.R.M. Office not by these two sections only as mentioned in paragraph. The

So far as the policy is concerned the Railway Board can chalk out the policy. This merger is also a policy matter for which the Railway Board is competent to issue orders as they had issued on such matters from time to time as mentioned in foregoing paras. As far as creation of clerical post is concerned, the DRMs and ADRMs are not empowered to create post for their own office and if they so desired, they can approach the Railway Board as is evident from the Schedule of Powers. IN this way the merger of Operating Accounts and Works Section is illegal beyond jurisdiction, against statutory rules; hence the order of merger is liable to be quashed.

18. That in reply to para 20 of the counter its contents are denied and the grounds mentioned in the application are reiterated.

19. That in reply to para 21 of the counter, its contents are denied and para 6 of the application is reiterated. It is further submitted that there is no service rules provided for representation except in seniority, promotions, transfers and D. & A. Rules. There was no alternative remedy available to the applicants except to approach the Hon'ble Tribunal for redressal of grievances as the respondent No.2 was in haste to proceed with the merger under the influence of local unions as is evident from Annexure A-11 filed with the application.

20. That in reply to Paras 23 and 24 of the counter, its contents are denied and contents of paras 8 & 9 of the application are reiterated.

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contents of 4.15 of the application are ~~reiterated~~ reiterated.

14. That in reply to para 16 of the counter its contents are denied and the contents of Paragraph 4.16 of the application are reiterated. In case of merger, the staff of Operating Accounts section will be worst sufferers in all respects.

15. That in reply to Para 17 of the counter its contents ~~are~~ as aversed are denied. There is no merger of seniority of subordinate offices of ~~AM~~ AEN, IOW and PWI with the Works Section. Their seniority is one as a whole since long.

16. That in reply to para 18 of the counter, its contents are denied and contents of para 4.18 of the application are reiterated.

17. That in reply to para 19 of the counter, its contents are denied and the contents of para 4.19 of the application are reiterated. It is further submitted that there is a pyramidical system of working on the Railways. The Railway Board is a Policy making body and under them there are several General Managers and Divisional Railway Managers. The G.Ms and DRMs derive powers from the Railway Board. The Railway Board have deligated powers on GMs and DRMs in a restricted way. The Railway Board has regulated the working and functioning of the GMs and DRMs by issuing statutory rules embodied in Establishment Code, Engineering Code and Establishment Manual. The GMs and DRMs can not frame policies if it is inconsistant with the statutory rules and orders of the Railway Board.

Contd...10.

So far as the policy is concerned the Railway Board can chalk out the policy. This merger is also a policy matter for which the Railway Board is competent to issue orders as they had issued on such matters from time to time as mentioned in foregoing paras. As far as creation of clerical post is concerned, the DRMs and ADRMs are not empowered to create post for their own office and if they so desired, they can approach the Railway Board as is evident from the Schedule of Powers. IN this way the merger of Operating Accounts and Works Section is illegal beyond jurisdiction, against statutory rules; hence the order of merger is liable to be quashed.

18. That in reply to para 20 of the counter its contents are denied and the grounds mentioned in the application are reiterated.

19. That in reply to para 21 of the counter, its contents are denied and para 6 of the application is reiterated. It is further submitted that there is no service rules provided for representation except in seniority, promotions, transfers and D. & A. Rules. There was no alternative remedy available to the applicants except to approach the Hon'ble Tribunal for redressal of grievances as the respondent No.2 was in haste to proceed with the merger under the influence of local unions as is evident from Annexure A-11 filed with the application.

20. That in reply to Paras 23 and 24 of the counter, its contents are denied and contents of paras 8 & 9 of the application are reiterated.

Contd....11.

- 11 -

WHEREFORE it is prayed that the hon'ble Tribunal may be pleased to quash the impugned order contained in Annexure No: A-11 filed with the Application.

LUCKNOW.


(K.P. Singh)
APPLICANT.

DATED:

Verification.

I, K.P. Singh, aged about 53 years son of Late Shri Ram Deo Singh, working as Head Clerk in Operating Accounts Section of D.R.M. Office, Northern Railway, Lucknow, resident of D-27 Sarvodaya Nagar, Lucknow do hereby verify that the contents of Paras 1 to 19 of ~~this~~ this rejoinder are true to my personal knowledge and those of Para 20 are believed to be true on legal advice and that I have not suppressed any material fact.

LUCKNOW.


APPLICANT.

DATED:

Amr R-1

(12)

477

CHAPTER X

POWERS OF ADDITIONAL GENERAL MANAGERS OF INDIAN RAILWAYS

Delegation of Powers of Additional General Managers

As a result of the creation of the Posts of Additional General Managers and in order to bring about administrative efficiency and to assist the General Manager Govt. is pleased to decide that the powers on establishment matters as indicated in Annexure 'A' will be exercised by GM in person while those indicated in Annexure 'B' are delegated to the Additional General Managers.

The Powers referred to in Annexure 'B' shall be exercised by Additional General Managers in respect of staff/departments controlled by them.

With the exercise of the powers of the General Manager by the Additional General Managers the system of issuing sanctions on C.P.O. etc. and obtaining G.M's. approval post facto through a weekly/fortnightly/monthly return as provided in Para 2042. GI may be discontinued.

(Authority Railway Board's letter No. F(v) 11-80/Pw/6 dated 28-6-80.)

ANNEXURE 'A'

Items for which personal sanction of the General Manager will be required

Item No.	Nature of Item	Reference to rule under which power is vested in General Manager.
1	2	3
1.	Cadre. To vary the distribution of Gazetted posts within a particular grade for a period not exceeding 12 months provided that the total number of sanctioned gazetted posts in that grade of the service concerned is not exceeded.	Note under para 108 R-1.
2.	Promotions. To appoint a class II Officer to officiate to Senior Scale or as Senior Accounts Officer of Class I service for a continuous period not exceeding one year on each occasion.	Para 118 R-1 and Para 133 (3) (b) R-1

*True Copy
attached
KOD*

Am R-2 (13)
A78

CHAPTER VII

DELEGATION OF POWERS TO DIVL. MANAGERS

Sub:—Delegation of Powers to Divl. Railway Managers on Establishment matters.

Consequent upon upgradation of posts of Divl. Supdts to S.A. grade level I and II and redesignation of such posts as Divl. Railway Managers the General Manager with the concurrence of FA & CAO has decided that the Powers on Establishment matters, as indicated in Annexure 'A' shall hence-forth be exercised by Divisional Railway Managers. This would be in supersession of the powers on Establishment matters at present vested in Divl. Supdts as contained in Schedule 'C' of the schedule of powers on Establishment matters (Second reprint), as amended from time to time.

2. The Divisional Superintendent, Bikaner whose post has not yet been upgraded to that of Divisional Railway Manager shall continue to exercise the powers as already delegated to him vide Schedule 'C' of Schedule of powers on Establishment matters as amended from time to time.

3. DPOs, APOs and other officers on the Divisions now under Divl. Railway Managers shall continue to exercise the same powers as were enjoyed by them while working under Divl. Supds. vide column 5 of Schedule 'C' as amended from time to time.

4. These powers are exercisable with immediate effect and a report regarding its satisfactory working or otherwise be submitted to this Office after a period of six months along with your suggestions if any, for improvement.
(PS No. 7298 dt. 31-5-79)

ANNEXURE 'A'

Powers of General Managers on Establishment Matters Delegated to Divisional Railway Managers

Item No.	Nature of item Powers	Authority	Powers delegated to D.R. Ms. (Level I & II)
1	2	3	4
1.	Creation of non-gazetted posts.	Appendix VII GII.	Full powers in respect of Class III and IV staff. controlled by them except Clerical posts required for their own office. <i>Note:</i> —These powers are to be exercised keeping in view the orders regarding ban on the creation of posts issued by the Railway Board from time to time.

For Copy
attested
Kob

A 79 (14)
R-3

NORTHERN RAILWAY

No. 522-E/369/43 (EIID)

Headquarters Office.,
Bareda House, New-Delhi
Dt. 11.11.86.

The Divl. Railway Manager
Northern Rly.
New-Delhi, Jodhpur, Lucknow
The Dy.COS/JUD, LKO and Shakurbasti.

Re:- Bifurcation of Ministerial Cadre Store Depots.
into 'P' and Non 'P'

The Railway Board have decided that Ministerial staff of Store Depots be bifurcated into 'P' and Non 'P' and seniority of 'P' side shall be attached with the nearest division for further advancement. The various store Depot of N.Rly are attached with the Divisions indicated against each:-

JUD Depot	JU Division
LKO Depot	LKO Division
SSB Depot	DLI Division

FOR DY.COS, SSB AND DRM /DLI ONLY.

The Dy.Dy.COS SSB has intimated that 40 posts in various Grades on 'P' side are with him and only 4 persons have opted for 'P' side. The D.R.M. Delhi will arrange to replace Ministerial staff who is working on 'P' side but have not opted for 'P' Side in a phased manner in consultation with Dy.COS, SSB. The Dy.COS/SSB will immediately intimate the vacancies with their location etc to DRM Delhi for arranging replacement.

This has the approval of C.O.S. and C.SB.O.

Sd/- R.L.Handa)
for General Manager(P)

Copy forwarded for information to :-

1. The General Secretary URMU, 166/2 Panchsukian Road, New-Delhi
2. The General Secy. NRMU, 12 Chalmersford Road, New-Delhi
3. The D.R.M./PZR, BKN, ALD & MB.

*Copy
all
KOR*

True copy attached

U. S. Hanyal
18/12/90
Assistant Engineer / Ballast
Northern Railway
Lucknow.

In continuation of the Board's letter of even number, dated 3-12-73 a copy of the Notification No. S-19025/17/71-Fac, dated 3-12-73 issued by the Ministry of Labour & Rehabilitation (Deptt. of Labour & Employment) is sent herewith for information.

Copy of Government of India, Ministry of Labour & Rehabilitation Notification, dated 3-12-73 (issued under their file No. S. 19025/17/71-Fac).

NOTIFICATION

S.O. In exercise of the powers conferred by the fourth proviso to Clause (ii) of sub-section (5) of section 8 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963) read with sub-clause (2) of Clause 8 of the Personal Injuries (Compensation Insurance) Scheme, 1972, the Central Government hereby directs that—

- (i) in the case of an employer having a policy in force on the 30th June, 1973, the amount of the advance premium payable in respect of the quarters ending on the 30th September, 1973 and the 31st December, 1973, shall be nil and
- (ii) in the case of a person who becomes an employer for the first time during any quarter subsequent to the quarter ending on the 30th June, 1973 and is required to take out a policy of insurance in accordance with the provisions of the Personal Injuries (Compensation Insurance) Scheme, 1972 the amount of advance premium in this case shall be three paise per one hundred rupees of his wages bill for the first quarter only in which he is required to take out the policy and the amount of advance premium for the subsequent quarters shall be nil.

Sd./-

K.D. Hajela

Deputy Secretary/Internal Financial Adviser

Serial No. 6087.—Circular No. 220E/1697 (Rectt.), dated 19-2-74.

Sub.—Determination of seniority of directly recruited staff of Constructions and Projects in the absorbing Departments.

A copy of Railway Board's letter No. E (NG) III-72 RE/41, dated 27-11-73 is forwarded for information and guidance. Board's letter dated 28-12-65 &

Dr. H. C. S.

15-4-66 referred to therein were circulated under this office endorsement of even number dated 29-1-66 (P.S. No. 3302) and No. 220-E/1757 (EVA), dated 11-5-66 (P.S. No. 3447) respectively.

Copy of Railway Board's letter as referred above.

Sub.—As above.

Reference para 1 (g) of Board's letter No. E (NG) 63RE/52, dated 28-12-65 and para 4 (e) of their letter No. E (NG) 65RE/18, dt. 15-4-66 wherein it was laid down that locally recruited staff of Constructions and Projects absorbed on the Railways after screening should not be allowed benefit of their previous service for fixation of seniority. It has been represented to the Board that sometimes senior staff in the Constructions, and Projects are not released earlier in the interest of work resulting in their becoming junior to their erstwhile juniors in the absorbing departments by virtue of their earlier release and absorption. The Board have considered the matter and have decided that inter-seniority of locally recruited staff as in the Constructions and Projects may be maintained in the absorbing department irrespective of the date of their physical absorption provided.

- (a) they had been found suitable after prescribed screening for absorption; and
- (b) there has been no specific selection at which the earlier seniority has been distributed.

In cases, however, where the staff continued to serve in the Constructions/Projects at their own request this benefit would not be admissible.

This disposes of G.M., S.E. Railways letter No. P/PER/ALT/PWM/1/1309, dated 21-8-1972.

Serial No. 6088.—Circular No. 7-E/2/15 (Signal) Adj, dated 10-2-1974.

Sub.—Adjudicator's Award—Leave Reserve provision for Tele-communication Inspectors/Assst. Tele-comm. Inspectors (all grades).

A copy of Railway Board's letter No. E (G) 73LR/18, dated 20-12-1973 alongwith a copy of this office letter No. 803-E/3177 (Ens) (L), dated 24-10-1973 referred therein is sent herewith for information and necessary action.

The Board's letters No. E (G) 64LR-1-15, dated 19-1-66 and E (G) 69LC/5-4, dated 24-1-70 were circulated vide this office letter No. 3-E/2/20 (Adj.), dated 10-2-66 & 3-E/2/15/Signal (Adj.), dated 29-5-70 (P.S. 5007) respectively.

Dr. H. C. S.

A81

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

M. P. No. 65/91(L)

Civil Misc. Application No. of 1991

Inre:

O.A. No. 367/90(L)

K.P. Singh & others

Applicants.

versus

Union of India & others

Respondents.

APPLICATION FOR RECALLING

ORDER DATED 9.1.1991.

1..

The applicant most respectfully begs to
submit as under:

1. That the applicant has been authorised by

....2

Filed today
8/2/91

G. P. Minz

other applicants to verify this application on their behalf.

2. That the applicant is fully conversant with the facts and circumstances of this case.

3. That in the above noted case, the application for impleadment as respondents was filed on behalf of the applicants alongwith a Counter reply. The said application was filed on 11.12.90 and was taken on record.

4. That on 9.1.91 the objections to the impleadment application were filed on behalf of the petitioners after serving copy to the counsel for the applicants.

5. That this Hon'ble Tribunal, on 9.1.91, on the application for impleadment, passed the following order:

"M.P. 732/90 has been filed by the third party seeking impleadment in this case. Prima facie there is no case made out for impleadment. If the applicant of M.P. N 732/90 so desire, they may file a separate application under section 19."

G. P. Misra

6. That the applicants had moved an impleadment application M.P. 732/90 seeking impleadment in O.A. 367 of 1990, as they want to contest the claim of the applicants in O.A. No.367/90 for quashing the impugned order of merger dated 12.10.90 issued by the Divisional Railway Manager, Northern Railway, Lucknow on the Operating Accounts Section and Works Section on the basis of the decision taken in the P.N.M meeting.

7. That the foresaid decision and the consequent order of merger was taken on the cases of the applicant's representation dated 31.8.89 to the D.R.M. A copy of the said representation was also sent to the Divisional Superintendent Engineer, Northern Railway, Lucknow. All India Railway Ministerial Staff Association through its General Secretary also forwarded the said representation to the Minister of Railways by his letter dated 5.10.89. A true copy of the said representation dated 31.8.89 is filed as Annexure - 1 to this application.

8. That the ~~foresaid decision and~~ representation sent to the Railway Minister was forwarded to the General Manager (P) Head quarters office,

G. J. Misa

Northern Railway, Baroda House, New Delhi
by letter dated 30.11.89 of the Executive
Director Establishment, Northern Railway Board.

9. That by letter dated 1.1.90 of the Asstt.
Personnel Officer (Grievance) in the Headquarters
office of General Manager (P) to the Senior
Divisional Personnel Officer, Northern Railway,
Lucknow and the parawise reply to the petitioner's
representation was required to sent. The Senior
D.P.O., after making necessary enquiries from
the Divisional Superintending Engineer, Northern
Railway, Lucknow, in the matter ~~of~~ submitted
his reply to the Headquarters office by letter
dated 19.1.90.

10. That by letter dated 27.2.90, written
from the Headquarters office, New Delhi by the
Chief Engineer (E) in reference of the Divisional
Superintending Engineer, Northern Railway, Lucknow
letter dated 13.12.90 instructed that merger of
seniority is establishment subject and the
personnel branch of the division has to deal
with the subject by consultation with two
recognized trade unions. It further directed
that action in the matter be taken as deemed
fit.

11. That in accordance with the instructions

G. J. Misra

contained in the aforesaid letter dated 27.2.90, the two trade unions namely, Northern Railway Mens Union and Uttar Railway Mazdoor Union were consulted, which submitted their report in favour of the merger of the operating accounts section and the Works section of the D.R.M. office, Northern Railway, Lucknow.

12. That for the facts and circumstances indicated above, the decision for merger was taken vide item No. 63 of the Minutes of P.N.M. meeting issued by the D.R.M. Northern Railway, Lucknow letter dated 12.10.90 which has been challenged and impugned in O.A. 367/90.

13. That the applicants are therefore, and proper necessary party in the aforesaid O.A. No. 367 of 1990 (L) as the merger order has been passed in their favour on the basis of their representations. They cannot therefore, challenge the order of merger which is in their favour by filing separate application under section 19, as observed in the order of this Hon'ble Tribunal dated 9.1.91.

That parawise reply of the objections filed against the impleadment application by the

G. J. Misra

respondents is as under:

14. That para 1 of objections to the impleadment application is denied. It is denied as alleged that other staff in the Works Section of the D.R.M. office apart from the contesting applicants are not interested and are against merger. The application for impleadment was moved by 43 staff members of the Works section as others were posted outside and were not available at Lucknow. It is reiterated that each and every member of the Works section is in favour of the merger in view of the earlier representation on their behalf.

15. That para 2 is false and is denied for the facts and circumstances already stated above and in view of the representation dated 31.8.89 by the staff of Works section in favour of merger.

16. That para 3 as stated is denied. The decision at the P.N.M meeting was taken on the basis of the representation on behalf of Works section in favour of merger.

17. That para 4 as stated is denied. The policy

G.P. Misra,

A87

-7-

decision for merger was taken on the basis of the representation on behalf of Works Section in favour of merger. Contrary averments are denied in view of the facts and circumstances stated above.

18. That para 5 as stated above is denied. The promotion to higher posts is of common advantage. The staff, after merger in the circumstances in the circumstances are the necessary ~~part~~ and proper party to be impleaded in the above O.A. No. 367/90.

P R A Y E R

WHEREFORE, it is most respectfully prayed that the order dated 9.1.91 holding that there is no case made out for impleadment and directing that the applicants may file a separate application under section 19 be recalled and the applicants be impleaded as opposite parties in the above Original Application No. 367/90(L) and their counter affidavit may be taken on record.

Lucknow

Dated:

G. H. Misra.
Applicant.

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

I, G.P. Mishra, son of Shri Ramanand Mishra, the applicant presently posted as Assistant Superintendent in Works Section D.R.M. office, Northern Railway, Hazratganj Lucknow do hereby viefify that the contents of paras to are true to my personal knowledge and those of paras to are believed to be true by me based on legal advice and record. No part of it is false and nothing has been concealed. So help me God.

Lucknow

Dated:

G.P. Mishra
Applicant.

A89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Misc. Application No: of 1990

In re:

OA No 367 of 1990 (L)

K.P. Singh and ors - applicants

Union of India and ors - opposite parties/respondents

Sl.No:	NAMES	Father/Husband Name	Designation	Posted at
1.	G.P.Misra	Late Sri Ramanand Misra	Asstt: Superintendent	Works
2.	Smt.Asha Devi Tewari	Late Sri Kailash Chandra Bajpai	Sr.Clerk	Works
3.	Ravindra Kumar Sharma	Sri V.D.Sharma	Head-Clerk	Works
4.	Ajay Kumar Srivastava	Sri Raj Kishore Srivastava	Sr.Clerk	Works
5.	Bhanu Pratap Singh	Sri Gulab Singh	Sr.Clerk	I.O.W./B Prayag.
6.	Smt.Rekha Shukla	Sri RamGopal Dwivedi	Clerk	Works
7.	Rakesh Dwivedi	Sri R. N.Dwivedi	Sr.Clerk	Works
8.	Bandhu Uran	Raghuoran	Asstt: Suptdt.	Works
9.	Vijay Prakash Srivastava	SriKeseri Narain Srivastava	Clerk	Works
10.	G.P.Khare	Murlidhar	Supdt:	Works
11.	Km.Suman Lata Yadav	Mahadeo Prasad	Clerk	Works
12.	Madhu Srivastava	K.N.Srivastava	Sr.Clerk	Works
13.	Km.Sunita Prajapati	Chedilal	Clerk	Works
14.	Premankur Bose	Robin Bose	Sr.Clerk	Works
15.	J.N.Bhatnagar	S.N.Bhatnagar	Supdt:	Works
16.	V.D.Tewari	Y.D.Sharma	Sr.Clerk	Works
17.	Mushir Ahmad	Abdul FareedKhan	Asstt: Supdt.	Works

(contd.....2)

G.P. Misra

- 2 -

Sl.No:	N A M E S	Father/Husband Name	Designation	Posted at
18.	Smt. Geeta Kakar	H.K.Kakkar	Head-Clerk	Works
19.	Sidhu Kumar Srivastava	S.M. Sahai	Sr. Clerk	Works
20.	R.K.Tewari	Girja Shankar	Head-Clerk	P.W.B.I./ Unnao.
21.	Arun Kumar Srivastava	Late Sri Jai Singh Narain	Head-Clerk	IOW/ Faizabad.
22.	Hira Singh	Late Ramkar	Head-Clerk	CPWI/BSB
23.	Balak Ram Kuril	Ganga RamKuril	Supdt:	Works AEN/HQ.
24.	Mahesh Prasad Agarwal	K.L.Agarwal	Sr.Clerk	AEN/Rai Bareilly.
25.	M.P.Yadava	Ganga Deen Yadava	Clerk	PWI/NHH
26.	Ganga Deen Bachu Lal	Ganga Deen	Sr. Clerk	PWI/CIL
27.	A.K.Misra	R.N.Misra	Clerk	IOW/JNE.
28.	Ram Bahadur	Mahabir	Head-Clerk	PWI/UCR
29.	M.L.Vajpai	Manna Lal Vajpai	Asstt: Supdt.	AEN/II/LKO.
30.	C.L. Verma	K.R.N.L.Verma	Head-Clerk	AEN/HQ.
31.	S.Z. Husain	S.M. Husain	Head-Clerk	Works
32.	Smt.Ameeta Chatterji	Anup Chatterji	Clerk	Works
33.	Panna Lal	Ram Prasad	Clerk	Works
34.	N.Basu Mata	N.C.Basumatta	Supdt:	Works
35.	P.C.Srivastava	D.N.Srivastava	Head-Clerk	CIOW/CB
36.	I.H. Naqvi	S.S.H.Naqvi	Supdt:	AEN/I/LKO.
37.	R.D. Singh	PrabhuDayalSingh	Asstt: Supdt:	AEN/HQ.

G.D. Misra

(contd.....3)

A91

-: (3):-

Sl.No:	N A M E S	Father/Husband Name	Designation	Posted at
38.	R.C.Verma	Fateh Singh	Head-Clerk	AEN/HQ.
39.	Harish Chand	Chhotey Lal	Sr. Clerk	IOW/E/ LKO.
40.	Ram Chandra	Sant Ram	Head-Clerk	IOW/EST
41.	Smt.Prabha Chaturvedi	Sri Lal Chaturvedi	Head-Clerk	Works
42.	Madhu Jaitly	Sudhakar Jaitly	Sr. Clerk	Works
43.	Ram Kuber	Ram Samujh	Clerk	TWI/SK/ NR.
<p>.....<u>APPLICANTS</u></p>				

Cgl. Miss

IN RE:

O.A. Number - 367 of 1990(L)

MPP.SINGH & OTHERS APPLICANTS

VERSUS

UNION OF INDIA & ANOTHER RESPONDENTS.

A 92

Application for impleadment

1. That the applicants prior to merger were working in the works section of the D.R.M. Office, Northern Railway, Lucknow.
2. That the works section has been merged with the operating accounts section against which the aforesaid application has been filed by the applicants who belong to the operating accounts section.
3. That for the facts and circumstances stated in the counter reply being filed on behalf of the applicants against the aforesaid application the applicants are necessary party in the above application as they are bound to be affected by any order passed by this Hon'ble Tribunal in the above application. It is, therefore, necessary in the interest of justice that the applicants are impleaded as respondents in the above application to effectively contest the same.

G. P. Mirra

WHEREFORE it is most respectfully prayed that the applicants are allowed to be impleaded in the above application.

Verification

I, G. P. Mirra, aged 56 years, son of Rama Nand Mirra, working as Asst. Supt. in the office of Works Branch N. Railway D.R. M. Office, resident of Barabanki

A 93

-3-

do hereby verify that the contents of paras 1,2 and 3
are true to my personal knowledge and belief and
that I have not suppressed any material fact.

G. P. Singh

Date : 11/12/1990. Signature of the applicant.

Place: Lucknow.

Nakul Singh
counsel for the
applicants



P. T. O.

A94

Applicants1. Yak Singh2. Deedar Chaudh3. Amal4. Om Singh5. Mudhir Sharma6. Premankur Singh7. J. Bhadrachari8. Siddh9. Bor10. A. P. Khan11. Madhu Saran12. Prabhu Choudhary13. Geeta Varma14. Anita Chatterjee15. Arjun16. Saty Singh17. Santa Prasad18. Vijay Suresh19. Bhambhate Singh20. Kamini21. N. Sammel

Vandana Patshale
Counsel for the
Applicants

P.T.O.

Ajay Kumar
 Ramesh Bahadur
 Shobrup Singh
Syadav

महेश उसाद
 एम की मादव
 रा० द्विवेदी
अर्ध

Swaminathan Mishra
 G. S. Mishra
अर्ध

आशा तिवारी

Kanchan Jaiswal
 Counsel for the
 applicants

ब्रह्मदालत श्रीमान

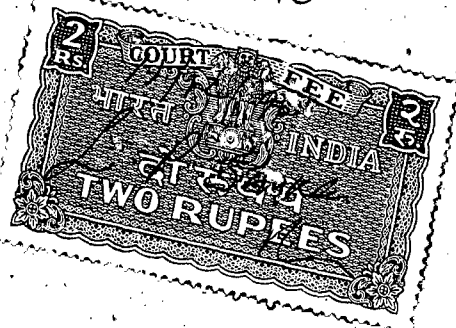
महोदय

In the Central Administrative Tribunal at Allahabad
बादी (मुद्दई) Circuit bench Lucknow

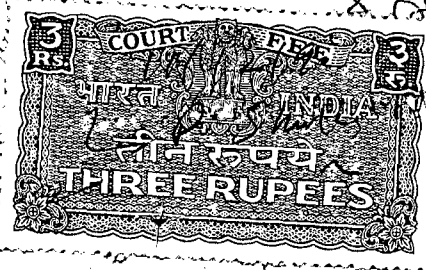
मुद्दई (मुद्दालेह) का
O.A. NO-367 of 1990

वकालतनामा

K.P. Singh
vs
Union of India
& others



A 96



बनाम

प्रतिवादी रेस्पान्डेन्ट

सन् पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L. P. S. Shukla, C. T. Mahanagar
and Om Prakash Mani Tripathi वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

Kar Prakash Mani Tripathi (adv)

हस्ताक्षर

Signature

साक्षी (गवाह)

साक्षी (गवाह)

महीना

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Misc. Application No: of 1990

In re:

Reply on behalf of Respondents
~~applicants~~

Sl. No:	N A M E S	Father/Husband Name	Designation	Posted at
1.	G.P. Misra	Late Sri Ramanand Misra	Asstt: Superintendent	Works
2.	Smt. Asha Devi Tewari	Late Sri Kailash Chandra Bajpai	Sr. Clerk	Works
3.	Ravindra Kumar Sharma	Sri V.D. Sharma	Head-Clerk	Works
4.	Ajay Kumar Srivastava	Sri Raj Kishore Srivastava	Sr. Clerk	Works
5.	Bhanu Pratap Singh	Sri Gulab Singh	Sr. Clerk	I.O.W./B Prayag.
6.	Smt. Rekha Shukla	Sri RamGopal Dwivedi	Clerk	Works
7.	Rakesh Dwivedi	Sri R. N. Dwivedi	Sr. Clerk	Works
8.	Bandhu Uran	Raghuoran	Asstt: Suptdt.	Works
9.	Vijay Prakash Srivastava	Sri Keseri Narain Srivastava	Clerk	Works
10.	G.P. Khare	Murlidhar	Supdt:	Works
11.	Km. Suman Lata Yadav	Mahadeo Prasad	Clerk	Works
12.	Madhu Srivastava	K. N. Srivastava	Sr. Clerk	Works
13.	Km. Sunita Prajapati	Chedilal	Clerk	Works
14.	Premankur Bose	Robin Bose	Sr. Clerk	Works
15.	J. N. Bhatnagar	S. N. Bhatnagar	Supdt:	Works
16.	V. D. Tewari	Y. D. Sharma	Sr. Clerk	Works
17.	Mushir Ahmad	Abdul Fareed Khan	Asstt: Supdt.	Works

(contd. 2)

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Sl. No:	N A M E S	Father/Husband Name	Designation	Posted at
18.	Smt. Geeta Kakar	H.K.Kakkar	Head-Clerk	Works
19.	Sidhu Kumar Srivastava	S.M. Sahai	Sr. Clerk	Works
20.	R.K.Tewari	Girja Shankar	Head-Clerk	P.W.F.I./ Unnao.
21.	Arun Kumar Srivastava	Late Sri Jai Singh Narain	Head-Clerk	IOW/ Faizabad.
22.	Hira Singh	Late Ramkar	Head-Clerk	CPWI/BSB
23.	Balak Ram Kuril	Ganga RamKuril	Supdt:	Works AEN/HQ.
24.	Mahesh Prasad Agarwal	K.L.Agarwal	Sr.Clerk	AEN/Rai Bareilly.
25.	M.P.Yadava	Ganga Deen Yadava	Clerk	PWI/NHH
26.	Ganga Deen Bachu Lal	Ganga Deen	Sr. Clerk	PWI/CIL
27.	A.K.Misra	R.N.Misra	Clerk	IOW/JNE.
28.	Ram Bahadur	Mahabir	Head-Clerk	PWI/UCR
29.	M.L.Vajpai	Manne Lal Vajpai	Asstt: Supdt.	AEN/II/LKO.
30.	C.L. Verma	K.P.N.L.Verma	Head-Clerk	AEN/HQ.
31.	S.Z. Husain	S.M. Husain	Head-Clerk	Works
32.	Smt.Ameeta Chatterji	Amup Chatterji	Clerk	Works
33.	Panna Lal	Ram Prasad	Clerk	Works
34.	N.Basu Mata	N.C.Basumatta	Supdt:	Works
35.	P.C.Srivastava	D.N.Srivastava	Head-Clerk	CIOW/CB
36.	I.H. Naqvi	S.S.H. Naqvi	Supdt:	AEN/I/LKO.
37.	R.D. Singh	PrabhuDayalSingh	Asstt: Supdt:	AEN/HQ.

G.L. Misra

(contd.....3)

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38.	R.C.Verma	Fateh Singh	Head-Clerk	AEN/HQ.
39.	Harish Chand	Chhotey Lal	Sr. Clerk	IOW/E/ LKO.
40.	Ram Chandra	Sant Ram	Head-Clerk	IOW/EST
41.	Smt.Prabha Chaturvedi	Sri Lal Chaturvedi	Head-Clerk	Works
42.	Madhu Jaitly	Sudhakar Jaitly	Sr. Clerk	Works
43.	Ram Kuber	Ram Samujh	Clerk	TWI/SK/ NR.

NR.
G. L. Mire
PRETENDANTS

IN RE:

O.A. Number - 367 of 1990(L)

MR. P. SINGH & OTHERS APPLICANTS

VERSUS

UNION OF INDIA & ANOTHER RESPONDENTS.

Counter Reply on behalf of Respondents

1. That paragraphs 1 and 2 as stated are denied. The application is directed against the order of merger of the operating accounts section and the works section of the engineering branch of the DRM office, Northern Railway, Lucknow, against which no representation has been preferred as required under the Central Administrative Tribunals Act and as such the application has been preferred without exhausting alternative remedy by way of representation as provided under the Central Administrative Tribunals Act. The application is, therefore, misconceived and is liable to be dismissed.
2. That para 3 needs no reply.
3. That para 4.1 as stated is not correct. After the order of the DRM dated 14.11.1990 the applicants belong to the merged accounts section of the engineering branch of Northern Railway, Lucknow Division. A photostat copy of the order dated 14.11.1990 is filed as Annexure No.1.
4. That paragraphs 4.2, 4.3 and 4.4 are not denied.
5. That in reply to para 4.5 it is stated that ^{re-grouping} after ~~gf~~ railways, a Northern Railway was formed consisting of 8 divisions, namely, Delhi, Ambala, Ferozpur, Jodhpur, Bikaner, Lucknow, Allahabad and Moradabad which included the former East India Railway (EIR) division of Moradabad,

Annexure-1

G. L. Mishra

Allahabad and Lucknow. It is denied as alleged that there is a separate cadre of operating accounts. On the contrary, the operating accounts section has always been part of the engineering department controlled by one engineering officer. Similarly the works section was also part of the same engineering department and controlled by the same engineering officer. The seniority of the operating accounts was, however, separately maintained.

6. That para 4.6 as stated is not admitted. It is stated that seniority of operating accounts section and works section stands merged in five other divisions of the Northern Railway, namely, Ambala, Ferozepur, Jodhpur and Bikaner. In order to introduce a uniform pattern in conformity with the aforesaid divisions and in the interest of efficiency of administration the merger of the two sections, that is, the operating accounts section and the works section under the same engineering department was recommended by the DRM by letter No.DSE/C Gnl./89 dated 5.10.1990 to the Headquarters office. Earlier another letter dated 1.3.1989 recommending merger of the two sections was sent from the division to the Northern Railway Headquarters on grounds of administrative efficiency. Photostat copies of the letters dated 5.10.1990 and 1.3.1989 are filed as Annexure Nos. 2 and 3 respectively.

Y.S. Mishra

Annexures-2 & 3

7. That para 4.7 as stated is denied. The example

of other sections given in para under reply is not relevant in the present case of merger of operating accounts section and works section which are part of the same branch, that is, engineering branch. The merger of these two sections as already stated above has already been implemented in other five divisions of Northern Railway having a common seniority list. It is reiterated that the operating accounts is not a separate cadre but like works section is part of the engineering branch.

8. That para 3.8 is denied. There is no code rule for regulating seniority in the two sections as alleged.

9. That para 4.9 is denied. The work shown as being performed in the operating accounts section is initially done in the works section and is inter-related. The items of work indicated in para under reply like P.O.M., D.O.M., audit inspection, local purchase etc. are also being done in the works section but in the process of distribution of work certain items have been allotted to operating accounts section and the others to the works section. But this distribution is inter-related and there is no rigid demarcation in allotment of work. The present position is that the workload from the operating accounts section was progressively transferred to the works section and as a result the merger of the two sections has been decided

G. J. Mingo

as a matter of policy for streamlining and equal distribution of work for bringing efficiency in the administration.

10. That para 4.10 is admitted.
11. That para 4.11 as stated is denied. There is no strict binding or guarantee that transfer from one section to the other will not be made. There have been examples of transfer from one section to another even before merger in spite of the fact that the seniority was separately maintained. One Sri P.C. Kesharwani was transferred by letter No.752/E/E-6/Engineering dated 22.9.1979. A photostat copy of the transfer letter dated 22.9.1979 is filed as Annexure No.4.

Annexure-4

12. That para 4.12 as stated is denied. It is denied as alleged that the merger of two sections was done as a result of pressure of Northern Railwaymen's Union and Uttriya Mazdoor union. The decision of merger was taken in the interest of administration and efficiency after referring the matter to the headquarter and obtaining its approval. The approval was communicated by the letter of the Chief Engineer No.PA/CE/Misc./90 dated 27.2.1990 and in accordance with the directions of the headquarters consent of the recognised unions was also obtained by letter No.NRMU/26(2)/89-91 dated 4.4.1990 and URMU/DEN/Engg./90-91 dated 27.3.1990. The Divisional Railway Manager (DRM) has full

4/8/1990

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powers to create posts of office clerks of all grades controlled by him and, therefore, has the power to fix and revise cadres in consultation with the recognised labour unions as notified in P.S. 8357 letter No.743 E/79(E-iv) dated 27.7.1983. Reference to the circular of 1979 in the application is misleading as the same stands superseded. A photostat copy of the P.S. 8357 letter dated 27.7.1983 is filed as Annexure No.5.

Annexure-5

13. That para 4.13 as stated is denied. The representation dated 20.8.1990 was made against the proposed merger. The same was not acceded to because the merger of the two sections was aimed at bringing uniformity in the functioning of the engineering department officers/sub units in the Lucknow division at par with other divisions of the Northern zone as already indicated above. Secondly, the merger of two sections was aimed at managing increased workload in the engineering department offices in Lucknow division by readjustment/redistribution of work and duties among the existing offices and staff working in the two sections of the engineering department since there was a complete ban on creation of new posts of office clerks. This readjustment was, therefore, necessary also to effect economy in the department. The experience of merger of the two sections in other divisions showed that it was necessary in administrative interest as also in the interest of staff by

C. L. Misra

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providing wider avenue of promotion to them.

14. That para 4.14 as stated is denied. Enquiry was made in existing position in Allahabad and Moradabad divisions and the annexures in para under reply concern the same. The question of merger in the remaining two divisions is under consideration for maintaining uniformity in accordance with the other divisions of the Northern railway.
15. That para 4.15 as stated is denied. There are common items of work in both the sections such as audit inspection, P.O.M., D.O.M., local purchases which are being done by both the sections. Even in PC80, Planning and Progress 40% work is done by operating accounts. As already stated above, the work of both the sections is inter-related.
16. That para 4.16 as stated is denied. The strength of the works section before merger was 136. After the merger the strength has become $136+49 = 185$ and as such there is better scope and prospects for promotion.
17. That para 4.17 is admitted. The seniority of works section is merged with subordinate engineering offices of MEN, IOW and PWI etc.
18. That para 4.18 as stated is misconceived and is denied. The averments made therein have no

G. J. D. S.

relevance to the present case.

19. That para 4.19 is denied. The correct factual position is that the cadre of non-gazetted posts in the Indian Railway may be determined by the General Manager or by a subordinate authority where the powers for creation of such posts have been re-delegated by the General Manager to that subordinate authority. Full powers in respect of creation of non-gazetted posts controlled by the Divisional Railway Manager are vested in him as per item 1 column 4 of Schedule of powers circulated under GM(P)/N. Rly. New Delhi P.S. No.8357 dated 26.7.1983. All posts of office clerks employed in the pre-merged sections of engineering branch including operating accounts in all grades, that is, Rs.950-1500, Rs.1200-2040, Rs.1400-2300, Rs.1600-2560 and Rs.2000-3200(RPS) are controlled by the Divisional Railway Manager and he has, therefore, the powers to create the posts in all these grades and also to fix cadres, that is, by merger of the two sections as has been done in the present case of office clerks in the engineering department under the DRM Lucknow in conformity with the position existing in other divisions in the interest of railway administration. The present application is, therefore, not maintainable and is liable to be dismissed.
20. That para 5 is denied. No grounds as stated therein are maintainable and the application is liable to be dismissed.

Y.S. Misra

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21. That para 6 is denied. The alternative remedy by way of representation has not been exhausted by the applicants and as such the application is liable to be dismissed.
22. That para 7 needs no reply.
23. That para 8 is denied. The applicants are not entitled to any relief claimed therein.
24. That para 9 is denied. The interim stay order dated 20.11.1990 is liable to be vacated.
25. That para 10 needs no reply.

Verification

I, *G.P. Misra*, aged about 56 years, son of *Rama Nand Misra*, working as *Asstt. Suptt.* in the office of *Works Branch N. Railway D.R. Office Lucknow* resident of *Barabanki* do hereby verify that the contents of paras 1 to 19 are true to my personal knowledge and those of paras 20 to 25 are believed to be true on legal advice and that I have not suppressed any material fact.

Date : 11/12/1990

Place: Lucknow.

G.P. Misra
Signature of the applicant.

G.P. Misra

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In the Central Administrative Tribunal, Lucknow Bench Lucknow

CAM 367 of 1990 (L)

K. P. Singh & Others

Applicants

Union of India & others

Respondents

ANNEXURE No 1

Annexure 1

No. 847-E/1-6/2/Seniority.

Divisional Office,
Lucknow Dt. 14.11.90.

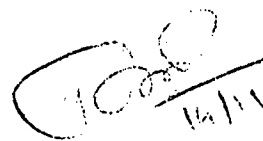
NOTICE.

The seniority of Ministerial staff of Opt. A/Cs & Engg Dept. has been merged as per decision taken the PNM Meeting held with N.R.M.U on 4/5-10-90 under Item no.523.

Accordingly the combined seniority list of Supdt gr. Rs.2000-3200 (RPS), Asstt. Supdt. gr. Rs.1600-2660 (RPS) Head clerk gr Rs.1400-2300 (RPS), Sr. clerk gr. Rs.1200-2040 (RPS) and clerks/Mcs gr Rs.950-1500 (RPS) is circulated herewith for information of staff. This may please be given wide publicity to enable the staff to make representations if any against the proposed ~~and~~ combined seniority within one month from the date of issue.

Representation of staff received if any, may be forwarded to to Supdt. Establishment (IV) in office immediately but not later than 13.12.90. The proposed seniority will be treated as final in case no representations are received by 13.12.90.

G. A. Misra



for Divl. Personal Officer,
N. City. LKO.

Copy for information

- 1- DSE/C-LKO,
- 2- Supdt. Works
- 3- Supdt. Optg. A/Cs
- 4- AEN/SLN, BSB, RBL, FD, JNU, LKO-I, LKO-II, AEN(HQ) LKO
- 5- Divl Secy NRMU
- 6- Divl Secy URMU.

In the Central Administrative Tribunal, Lucknow Bench Lucknow

OAM367 of 1990 (L)

K. P. Singh & Others

Applicants

Union of India and others

Respondents

A/c 9

ANNEXURE No 2

Northern Railway.

V.K. Sangal.

DSE/Co-ord.

Divisional Office.
Lucknow.

Dated: 20.0.1989.

4/10

D.O.No: DSE/C-Genl/89.

Dear Shri Kanwarjit Singh,

Subj: Merger of Works and Operating Accounts sections of Engineering Branch Divisional Office.

On Lucknow Division in Engineering Branch there are two sections in Divisional Office in the Clerical cadre viz. Works side with a strength of 136 and Operating Accounts with a strength of 49. The position has been checked from other Divisions of Northern Railway and it is found that on Delhi, Ferozepur and Bikaner Divisions there is only one section whereas on Moradabad and Allahabad Divisions (Old E.I.R. Divisions - including Lucknow Division) the sections are separate. The two sections deal with the following subjects:-

Operating Accounts sections:

Tender, Bill Passing, Budget, Audit Objections, Accounts and Audit Inspection notes, Stock sheets, MAS return, Passing of TLAs etc.etc.

Works Sections:

Planning of Works, Works Programme, Estimates, Water Supply, Building, Housing, Finalisation of Works and all correspondence, Land, PCDO, 27 Points Programme of C.E., Monthly Progress Reports, Store and other general correspondence of the Sub-Divisions, Local purchase, L.Xings, Audit A/Cs, Establishment etc.etc.

There is a demand from the staff of the Works Section that lot of difficulty is being experienced by them as one sub-divisional works is being managed at two places. Moreover their seniority is Division-wise i.e. the staff of Works Section can be transferred to other subordinate Offices of the Engg. Branch whereas the staff of Operating Accounts Section cannot be posted out of Lucknow. However, they are rotated in the section itself on sensitive posts.

*All India

Both the recognised Unions have demanded merger of both the sections. Also Ministerial Staff Association has requested for the merger of both the sections in the interest of larger number of staff.

In the interest of increasing efficiency from the Administrative point of view and also taking into consideration the demand of both the recognised Unions and All India Ministerial Staff Association, it is considered worthwhile if both the sections are clubbed together.

As the merger of seniority of Works and Operating A/Cs staff involves a policy matter, it is requested

PTO continued.

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that a decision may be communicated whether the merger
be done.

With regards,

Yours sincerely,

(V.K. Sangal) 20/9/50

(V.K. Sangal)

Shri Karmarjit Singh,
Chief Engineer/East,
Northern Railway,
Baroda House,
New Delhi.

Y.S. Singh

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In the Central administrative Tribunal, Lucknow Bench Lucknow
OAM 367 of 1990 (L)

K. P. Singh & others _____ Applicants

Union of India & another _____ Respondents

ANNEXURE No 3

Annex 3

EXTRACT OF PARA 25 OF HANDING OVER NOTES OF SHRI
BUDH PRAKASH DIVISIONAL SUPERINTENDING ENGINEER (C)
(ADMINISTRATIVE GRADE OFFICER) TO SHRI V.K. SONGAL
DATED 1.3.88.

" WITH PASSAGE OF TIME INCREASING PAPER WORK AND REDUCTION
IN STAFF , FUNCTIONING OF WORKS SECTION REQUIRES
LOT OF IMPROVEMENT . I SUGGEST TWO METHODS:-

- 1) to transfer as much load as possible on the
computer and
- 2) Merge the Operating Accounts and work Sections.

FOR THE SECOND ONE I HAD ASKED THE OTHER DIVISIONS TO GIVE
THE SYSTEMS WITH THEM. THEY ARE AVAILABLE WITH SHRI V.P.
BHATNAGAR , CA WHICH MAY BE SEEN AND FURTHER ACTION TAKEN."

G.L. Dhillon
