

IN THE GENERAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW
2, RANA PRATAP MARG, MOTI MAHAL, LUCKNOW

O.A./T.A./C.C.P/Rev No./ . . . 373/90 In. O.A 2000

6.6.6.6. M.C. Ray APPEICANTS

VS
G. G. G. G. RESPONDENTS

Sl.No. PARTICULAR OF DOCUMENT

1. Check List
2. Order Sheet
3. Final Judgement Dt. 11-5-2000
4. Petition Copy With Power
5. Compilation (III)
6. Counter with power
7. Rejoinder with Annexure
8. Supplementary Counter
9. Supplementary Rejoinder
10. Mice. Application

1 to 2 ✓
3 to 10 ✓
11 to 15 ✓
16 to 37 ✓
38 to 66 ✓
66 67 TO 70 ✓
to
to
to
to
to
to

PART (B) 3 to 80

PART (C) 1st

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the record room (decided)

B/C. Heeded out / Destroyed.

Counter Signed

DATED:-

SCS

28/8/12

Signature of dealing Asst

Section officer 06/06/2012

CIRCUIT BENCH, LUCKNOW

Circuit Court, 1st District, 1904

Date of Birth: _____

Date: _____

211 R 22.11.92

Wm. Registrar

2

Union of India is of

Endorsement as to result of examination

- [illegible]

26-11-90

(1)
Honble Mr Justice K. Nath, V.C.
Honble Mr. M. M. Singh, A.M.

Admit.

Issue notice to respondents to
file a counter within six weeks to which
the applicant may file a rejoinder within
two weeks thereafter.

petition

In the matter of interim relief issue
notice and list for order on 10.12.90, till
then the applicants shall not be reverted
from their present posts.

Sd/

Sd/

A.M.

V.C.

Sd/

*Notice issued
29-11-90*

CR

10/12/90

Hon Mr. Justice K. Nath, V.C.
Hon. Mr. K. Chatterjee, A.M.

Shri L. P. Shukla for the applicant
Shri Anil Srivastava appearing
on behalf of respondents
requests for and is allowed
three weeks time to file a
counter to which the applicant
may file a rejoinder within
two weeks thereafter. List
for further orders on 21/1/91;
the interim orders shall
continue till then.

Stamps were issued
on 29.11.90
Neither reply nor
any unserved repd
cover have been
received.
→ P O

5/12/90

*R
Am.*

*2
V.C.*

No certified
S.P.O.
4/1

*21.1.91
14*

No sitting order to
14.2.91

14.2.91.

No sitting order to 5.4.91.

(2) O.A. 373

2.12.91
D.R.

Counter has not been filed Respondent to file counter by 18/2/92.

18.2.92
D.R.

Both the parties are absent. Counter has not been filed Respondent to file counter by 13/5/92. 211

13.5.92
D.R.

Both the parties are absent. Respondent to file counter by 3/8/92.

02.8.92
D.R.

Both the parties are absent. Counter has not been filed O.P. to file counter by 1.10.92

(6)

(1)

GA 3.7.3/90

24/1/93
DR.

Both the parties are not present. R.A. has not been filed till today. The same may be filed on the date fixed. List this case before DR. on 02/9/93.

al
Rasnik
A. K. K. K.
R.
20/1/93

2/9/93
G. K.

Both the parties are not present. R.A. has not been filed today. Applicant to file R.A. on the date fixed. List on 7/10/93 for F.H.

al
Rasnik
S. K. K.
R.
20/1/93

7.10.93

Case not reached adj
DR.

15-12-98
DR.

Filed before me today. See the office report. Place before Hon'ble Bench on 07-1-99 for hearing.

as directed
in memo (3) copy
to be sent to
DR. for
interview

15/12/98
DR.

07-1-99

as sitting of D R. adj.
to 29-4-99

1/1/99
DR.

(10)

O.A. 373/90

09-5-2000

Humble Mr. D.V.S.R.G. Datta Trayulu, J.M.
Humble Mr. S. Manickavasagam, A.M.

DD

No representation from the applicant.
Heard Sri Anil Srivastava for respondents.
Orders reserved.

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A.M.

J.M.

11-5-2000

BY:- Humble Mr. D.V.R.S. G. Dattatrayulu, J.M.
Humble Mr. S. Manickavasagam, A.M.

Judgment pronounced today
in open court. Dismissed

by
A.M.

✓
J.M.

o/p
4/5/2000 11-5-2000
Prepared on 11-5-2000
By 1st class clerk with
signature of 1st class clerk
20/5/2000
Sri Anil Srivastava
11-5-2000

(12)

D.V.R.S.G. Dattatreya
Member (J)

To

Sri S. Manickavasagam,
Member (A)

Pre-delivery order in O.A. no. 373 of 1990 is sent
herewith for consideration.

S. Manickavasagam
10/5/2000

10/5/2000
(D.V.R.S.G. Dattatreya)
Member (J)

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 373 of 1990

this the 11th day of May '2000.

HON'BLE MR D.V.R.S.G. DATTATREYULU, MEMBER (J)
HON'BLE MR S. MANICKAVASAGAM, MEMBER (A)

M.C. Roy, S/o late N.C. Roy, Travelling Ticket Examiner under
Station Supdt. N.R. Charbagh, Lucknow, resident of Railway
Quarter no. A/5-B, Jail Road, Lucknow. and four others.

... Applicants

By Advocate : None

Versus.

Union of India through the General Manager, Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Divisional Personnel Officer, N.R., Lucknow.

... Respondents

By Advocate : Sri Anil Srivastava

O R D E R

D.V.R.S.G. DATTATREYULU, MEMBER (J)

The applicants in this case pray for production of
answer books of the candidates alongwith the selection proceedi-
ngs and after examining the same, to quash the selection
alongwith Annexures A-3, A-7 and A-10.

2. The brief facts of the case are as follows :

The applicants averred in the application that the
respondent no.3 by his notification no. 757 E/6/8/TTE/88 dated
9.6.88 decided to hold a selection for the posts of Conductors,
Head ~~Station~~ Ticket Collectors and Senior Ticket Examiners in
the grade of Rs. 1400-2300. The quantum of vacancies was not
notified. 142 candidates were called-for to appear in the
written test . It is ^{the} contention of the applicants

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in the application that favouritism ^{was} shown to certain candidates. The examination was conducted and mass copying was done. The answer books ^{was} ⁱⁿ not proper in order. Though, the applicants and the union protested for the same, but there was no proper response. The selection was also made in spite of protest. The applicants and the union ^{awaited} avoided for action by the respondents for one & half years, but no action was taken, Hence this application.

3. In the Counter filed on behalf of the respondents, the allegations made in the application are denied parawise. It is stated that the applicants were allowed to appear in the selection for the post of STE/Head T.C/Conductor in the grade of Rs. 1400-2300/- (RPS). None of the applicants qualified in the selection. The selection was made correctly. The examination was conducted properly under the supervision of responsible officials. The seniority of the some of the candidates have been changed in view of the judgment of C.A.T. Therefore, the allegations made in the application regarding certain changes in the seniority, is not correct. The answer books were properly valued. The department conducted the enquiry ^{with regard to alleged} which recorded unfairness in the examination, but no evidence was found. Lastly, it is stated that there are no merit in the application and the same has to be dismissed.

4. This is a old case of the year 1990 and this was listed for hearing before the Special Bench with proper notice. There is no representation for the applicant. Hence, we have heard the learned counsel appearing for the respondents and have also perused the Application, Counter, Rejoinder and Annexures.

5. The point for consideration is whether the prayer of applicant is to be granted or not ?

[Signature]

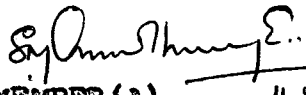
6. This is a case where the applicants made huge allegations stating that some of the candidates, who appeared in the examination, were shown favouritism by the respondent no.2 & 3. It is also there allegation that the applicants and the union asked for thorough enquiry into this matter by the vigilance department or the C.B.I. It is pertinent to note that this assertion of the applicants is denied in the Counter filed by the responsible official. This is a case where the entire ^{facts} case are in dispute. In writ petition like this one, the Tribunal cannot make a roving enquiry and assess the method in which the examination was conducted. The applicants have a right to be considered in the selection. Whether the examination is conducted according to the rules or not may be a subject matter that one can agitate in court of law, but whether the examination was conducted properly or not, whether mass copying is allowed or not, whether the marks are inflated or deflated ^{are} or the actual aspects of the case, ^{where} the Tribunal cannot give a decision without any evidence being recorded ^{by different persons} sufficiently ~~enforced by the same~~ is entirely different as sought by the applicant. ~~The role of the vigilance commission is only whether such enquiry is to be done properly or not, is left for the authorities and the Tribunal cannot give any direction because of the disputed facts.~~

7. The very prayer in this case is so vague. The Tribunal is not expected to call all the answer books and scrutinise all the answer books, cannot come to the conclusion whether any mass copying has been done or not. Hence, this is not a case where the Tribunal can interfere as sought by the applicants. This is a matter related to examination of the year 1988. By any stage of imagination, the Tribunal cannot interfere at this stage with any selection already made in pursuance of the said examination unless the

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positive right is said to have been violated.

8. It is left open for the applicants and the Government
clear these allegations
how to ~~remove the dispute~~, in question, if any. Hence, there
are no merits in the application and the same, is, therefore,
dismissed. No costs.


MEMBER (A) 11.5.2000
LUCKNOW: DATED:
GIRISH/


11/5/00
MEMBER (J)

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the number of the first of these is the

2. The second of these is the fact that the

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4. The fourth of these is the fact that the

5. The fifth of these is the fact that the

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD,
CIRCUIT BENCH, LUCKNOW.

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C.A.No. 373 of 1990 (L).

1. H.C. Roy, son of Late H.C. Roy, Travelling Ticket Examiner under Station Superintendent, Northern Railway, Cherbagh, Lucknow, resident of Railway Quarter No. A/5-B, Jail Road, Lucknow.
2. Daver Abbas, son of Late A. Abbas, Senior Ticket Examiner under Station Superintendent, Northern Railway, Cherbagh, Lucknow, resident of Vashiri Mohalla, Lucknow.
3. Rajendra Singh, son of Sardar Sohan Singh, Senior Ticket Examiner under Station Superintendent, Northern Railway, Cherbagh, Lucknow, resident of 193/8, New Railway Colony, Sec-8, Lucknow.
4. Hari Ram Yadva, son of Late Ram Avadh Yadva, Senior Ticket Examiner under Station Superintendent, Northern Railway, Cherbagh, Lucknow, resident of 546/125, Kailashnuri, Lucknow.
5. K.D. Singh Sonshi, son of Late B.S. Sonshi, Conductor under Station Superintendent, Northern Railway, Cherbagh, Lucknow, resident of Tokra-ganj, Lucknow.

_____ Applicants.

Versus

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

_____ Respondents.

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STATEMENT OF PETITIONER.

1. Particulars of the orders against which application is made.

- 1). Orders contained in Notice No. 757/W/6/8/TFW/88 dated 26.10.1988 issued by the respondent no. 3 (Annexure No. A-3).
- 2). Orders contained in Notice No. 757/W/6/8/TFW/88 dated 2.9.90 issued by the respondent no. 3 (Annexure No. A-7).
- 3). Orders contained in notice no. 757/W/6-8/TFW/88 dated 25.7.90 issued by the respondent no. 3 (Annexure No. A-10).

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the 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.

- i). That under the respondents, the applicant no. 1 is working as travelling ticket examiner in grade Rs. 1200-2300 (B-3) while the applicants no. 2 to 4 have been officiating as Junior Ticket Examiner in grade Rs. 1400-2300 (B-5) for the last one to three years. The applicant no. 5 has been officiating

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as for persons in grade Rs. 1400-2300 (RPS) for the last year, i.e. three years.

ii). That the applicants are the senior persons in their cadre.

iii). That in the year 1988, the respondent no. 3, by his notice No. 7577/6/8/PTE/38 dated 9.6.88 decided to hold a selection for the posts of Conductors, Head Ticket Collectors and Senior Ticket Examiners grade Rs. 1400-2300(RPS). According to the said notice, 142 (not 144 as mentioned in the notice) staff were called to appear in the written test scheduled to be held on 2.7.1988. A photo stat copy of the said notice dated 9.6.1988 is being filed herewith as ANNEXURE NO. 1-1 to this application.

Annexure 1-1.

iv). That as per extant rules, the candidates, in a selection of 142 candidates, are called three times of the number of vacancies calculated as per extant rules for which are provided in the written test. The number of vacancies for which the selection is held is always notified to rule out the possibility of manipulation at a later stage in favour of the bench.

v). That the respondent no. 3, with an ulterior motive, deliberately did not notify the number of vacancies in the selection of candidates (as per no. 1-1). However, since 142 candidates were called to appear in the written test, it is

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[Signature]

referred that about 7 candidates were available with the administration for which a panel was being formed.

vi). That as per instructions, all candidates, in each selection, are called according to their seniority and all directions regarding seniority are decided before hand as the seniority ranks play a great role in the selection to decide the fate of the candidates.

vii). That in the aforesaid selection, the respondent No. 3, adopted the policy of pick and chose wherein senior persons such as S/Shri B.L. Sharma, S/O. Sharma and S/O. Sharma (S.O. Candidate) etc were not called in the selection. On the other hand, S/O. Sharma (S.O. candidate), who was junior to S/O. Sharma was ~~also~~ promoted as S.O. over his senior as the authorities were interested in him, was called to appear in the aforesaid selection that was selected.

viii). That after referring seniority of a large number of staff was a far dispute even before the Hon'ble Tribunal in S.O. No. 1 of 1983 (S/O. Sharma and another Vs. Union of India and others) and S.O. No. 1 of 1985 (S.O. Sharma and others Vs. Union of India and others) wherein stay orders were continuing. When the stay order was lifted by this Tribunal dated 30.1.1988 and in the list of the staff, the seniority list of the staff already drawn up by the respondent No. 3 stood altered to a great extent. In consequence of the judgment, the respondent No. 3 had to fresh seniority list and their letter No. 274/6/8/1988 dt. 7 Oct 88

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1. The first of the cases of the said staff of
7. The staff of 1930. The staff of 1930, the staff
not called in the staff of 1930, the staff of 1930
number 1, 21 and 69 respectively. The staff of 1930 -
1930, who was called in the staff of 1930, the staff
finally selected in the staff of 1930, the staff
staff of 1930, the staff of 1930, the staff of 1930
letter dated 1.12.98 along with the staff of 1930
in the staff of 1930, the staff of 1930, the staff of 1930
application.

2. The staff of 1930.

ix). That the aforesaid 6/1930, the staff of 1930
of 1930, the staff of 1930, the staff of 1930
section 19 of the Administrative Code, 1930
in the staff of 1930, the staff of 1930, the staff of 1930
Travelling Ticket Examiners from the staff of 1930
(C.A. No. 111 of 1930 - 1930, the staff of 1930, the staff of 1930
of 1930, the staff of 1930, the staff of 1930, the staff of 1930
of 1930, the staff of 1930, the staff of 1930, the staff of 1930
respondents have admitted that they have not been
given promotions because of the staff of 1930, the staff of 1930
ending before the staff of 1930, the staff of 1930, the staff of 1930
are still ending in the staff of 1930, the staff of 1930.

x). That despite all these facts mentioned
above and despite the staff of 1930, the staff of 1930
1930, the staff of 1930, the staff of 1930, the staff of 1930
and the staff of 1930, the staff of 1930, the staff of 1930
interested, the staff of 1930, the staff of 1930, the staff of 1930
in the staff of 1930, the staff of 1930, the staff of 1930
the staff of 1930, the staff of 1930, the staff of 1930
of the staff of 1930, the staff of 1930, the staff of 1930

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of persons for being appeared in the aforesaid selection. In such circumstances, the selection was not fair & against the rules.

xi). That in the aforesaid notice dated 9.6.1938 for written test (Annexure No. A-1), the names of the applicants, no. 1 to 5, according to their seniority, were at serial no. 11, 16, 13, 32 and 17 respectively.

xii). That on 2.7.1938, the applicants along with many others appeared in the aforesaid written test.

xiii). That in the written test, it was found by the applicants and others that the answer books supplied to them were neither officially stamped, numbered nor initialed by any authority, which were necessary and being done previously. No code numbers were allotted to the candidates appearing in the written test. The candidates were required to write their names on the answer books, which was un-fair and against instructions and directives for holding selection. In this way, every room was left and opportunity afforded to the candidates, to use un-fair means, in whom the authorities were interested. These all were done in a pre-planned manner.

xiv). That under a pre-planned manner and in connivance with the interested authorities as observed by the applicants and others, a number of staff particularly junior staff, in whom the authorities were interested, freely adopted un-fair means such as copying and exchange of answer books. The applicants and others

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other staff, who had appeared in the written test with clean hands, made protest on the said activities. After the examination was over, the applicants and many others gave a joint complaint to the authority present over there against the said un-fair means and mass copying etc by a large number of staff. No acknowledgment of it was given to any applicants or to any one, however, they were assured that appropriate action would be taken and no injustice would be caused to any one.

xv). That the answer books of the candidates are the documentary proof of the facts mentioned above.

xvi). That thereafter, the respondents held a supplementary written test on 29.9.1988 of the candidates who had not appeared in the written test held on 2.7.1988.

xvii). That without any inquiry or investigation into the complaint of the applicants and others, the respondent no. 3, by his notice No. 7574/6/3/ITE/88 dated 26.10.1988, arbitrarily declared the result of the aforesaid written tests held on 2.7.1988 and 29.9.1988. By this notice, some persons including juniors and those who had adopted un-fair means in the written test were declared pass whereas the applicants and many other senior staff who had not adopted any foul means in the test were declared fail. A true photo stat copy of the said notice dated 26.10.1988 is EXHIBIT-1-3 to this application.

Enclosure 4-3.

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[Signature]

xviii). That in the aforesaid notice dated 26.10.1988 (Memo No. A-3) containing the list of candidates declared pass in the written test, the names of V/Shri M. Chakraborty, Indul Kumar, Kishor Lal and Jalandar were not shown and no request for their names was given therein to show that they also passed the written test.

xix). That against the aforesaid un-fair labour practice, one of the recognised Unions namely the 'Northern Railway Men's Union' came into action. The then Divisional Secretary of the said Union, by his letter no. 26(2)/210 dated 16.8.1989 followed by reminders dated 19.6.1989 and 19.7.1989, asked the respondent no. 2 and the Senior Divisional Personnel Officer, Northern Railway, Lucknow to cancel the aforesaid selection on the ground of un-fairness adopted by a large number of staff in the written test. Photostat copies of the reminders dated 19.6.1989 and 19.7.1989 are being filed herewith as A-4 and A-5 to this application respectively.

xx). That the respondent no. 2 registered the aforesaid complaint of the Union at Serial Nos. 45 and 11 on 20.6.89 and 23.7.89 respectively in the register maintained by the Union. Call of his office for necessary action.

xxi). That thereafter, the Divisional Divisional Railway Officer, Northern Railway, Lucknow (Mr. Das) discussed the issue with the then Divisional Secretary of the Union. In order to to

the validity of the complaint, the said Divisional Railway Manager, called on the suspected candidates, who were declared as in the written that they were interviewed/checked and the complaint of the Union was found correct.

xxii). That thereafter, the Union Divisional Secretary of the Union, by letter dated 28/2/69 dated 28.2.1969, asked the Manager no. 2 to cancel the result on the very ground that the copying was done and un-fair means were used by the staff in the written test as also established before the Divisional Railway Manager, Northern Railway, Lucknow. The cancellation of result was also demanded by the Union on the ground that the issue of seniority of the staff was still pending in the court. The photo stat copy of the said letter dated 28.2.1969 is being filed herewith as EXHIBIT-6 to this collection.

xxiii). That in the circumstances mentioned above, the candidates and others were made to understand that the aforesaid selection could be cancelled and a fresh selection could be held by taking all the precautionary measures to rule out every possibility of un-fair means being used by the staff.

xxiv). That in the aforesaid circumstances, the candidates who had taken part in the selection to be held on the ground of the aforesaid written test for the 1st time; and as such the candidates and others remained in the selection

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believe that their request was considered by.

xxv). That after the retirement of the aforesaid Divisional Secretary of the Union, who had taken interest in the matter, the respondent no. 3, in order to promote his own son, issued a notice bearing no. 7574/8-2/88/ dated 2.3.1990 calling upon 83 persons for interview on 16.5.1990 and 23.5.90. It is pertinent to mention here that in terms of notice dated 26.10.1988 (Annexure no. 1-3), 10 persons were declared pass in the written test, ^{but} in the interview, 13 persons were called and the name of Sri. J. Raghunath was deleted from the select list (Annexure no. 1-3). Sri. J. Raghunath was placed at Serial no. 2 in the list dated 26.10.88. In this way, four such names of V. S. Chelapati, K. S. Reddy, K. S. Reddy and K. S. Reddy, who were given no place in the select list dated 26.10.88 (Annexure no. 1-3), were added in the notice dated 2.3.90. True photo stat copy of the said notice dated 2.3.90 is being filed herewith as P. 1-7 to this application.

xxvi). That the aforesaid act of the respondent no. 3 was further wrong, illegal and mala fide as he had no authority to interpolate the names of the aforesaid four persons in the list of candidates declared passed in the written test vide Annexure 1-3 to this application.

xxvii). That the applicants alongwith many

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others, by means of a joint representation dated 15.5.90, challenged the action of the respondent No. 3 and prayed for a thorough enquiry into the matter by Vigilance of the department or C.B.I. It was further prayed to postpone the dates fixed for interview on 16.5.90 and 23.5.90 and decide their representation. It was also prayed to hold the fresh written test. A true photo stat copy of the said joint representation dated 15.5.90 is being filed herewith as ANNEXURE NO. A-8 to this application.

Annexure A-8.

xxviii). That despite reminder dated 5.7.90 having been given by the applicants, the respondents neither got the matter investigated through any agency nor decided their representation. It may be mentioned that under the extant rules, every employee has a right to represent his grievances to the appropriate authority and that authority has to consider and decide the same. Since Mr. in the instant case, the authorities were interested to get their own man promoted, no action was taken either on the representation of the Union or of the applicants and as such, they all the times evaded to get the matter investigated through any agency such as Vigilance or C.B.I. A true photo stat copy of the reminder dated 5.7.90 is being filed herewith as ANNEXURE NO. A-2 to this application.

xxix). That the respondents, at least first dismember of the aforesaid representation of the applicants, held the interview and finally declared the result of the selection vide notice no. 7572/6/8/117/88 dated 25.7.1990, a true photo stat copy of

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Annexure 4-10. which is being filed herewith as ANNEXURE NO. 4-12 to this application.

xxx). That by the aforesaid notice (Annexure 4-10), the respondents formed a panel of 54 persons for being promoted in grade Rs. 1400-2300 (P.B.) therein junior most persons and those who had adopted un-fair means in the written test were also included. It was also noticed that the names of S/Shri V.P. Cholepati, Balji Prasad, Ashwini Lal whose names were not declared in the list of candidates, who had qualified the written test (Annexure no. 4-3), were also shown at serial nos. 51, 52, 53 and 54 of the final list of selected candidates (Annexure no. 4-10)

xxxi). That Sri R.D. Gupta, B.L.E., Faizabad whose name was not circulated in the list dated 9.6.88 (Annexure No. 4-1) for appearing in the written test was also included in the lists dated 26.10.1988 and 25.7.90 (Annexure No. 4-3 and Annexure no. 4-10) at serial no. 1 by the respondents.

xxxi). That in terms of instructions contained in Railway Board's Letter No. I(12)I-83-P-I-282 dated 16.1.1982 (Printed Serial No. 6095), the candidates are called in the written test three times of the number of vacancies. Since according to the notice dated 9.6.1988 (Annexure no. 4-1), 162 candidates were called in the written test, there were 47 vacancies available with the respondents and accordingly a panel of 47 staff should have been formed. Contrary to these instructions, the respondents, ~~the respondents~~ formed the panel of 54 persons for which 162 staff should have been called.

Annexure

xxiii). That in terms of instructions contained in Railway Board's Letter No. E(NG)I-25/PM/13 (PPO) dated 5.9.1985 (Printed Serial No. 8341), confidential roll number should have been allotted to the candidates to bring greater confidence amongst the staff in the written test, but the respondents did not follow the said instructions in this particular selection, which was deliberate and motivated.

xxiv). That in terms of instructions contained in Railway Board's Letter No. E(NG)169 PM I/126 dated 12.2.1968 (Printed Serial No. 1800), the marks in a selection are allotted in the following manner :-

(i).	Professional ability	..	50	Marks
(ii).	Personality, address, leadership and academic/technical qualifications.	..	20	"
(iii).	Record of service	..	15	"
(iv).	Seniority	..	15	"

To qualify in the test of professional ability, a candidate, in terms of instructions contained in Railway Board's Letter No. E(NG) 62 PM I/22 dated 5.10.1964 (Printed Serial No. 2717), must obtain 30 marks and in order to be eligible to be placed on the panel, he must obtain ~~60~~ 60% marks on the aggregate.

xxv). That according to the seniority of the applicants no. 1 to 3 and 5 as notified in the notice dated 9.6.1988 (Annexure No. A-1) being at serial nos. 11, 16, 13 and 17 respectively, they were entitled to get seniority marks to the extent of 10, 8, 9 and 7 respectively and as such they had a bright chance

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(120)

of their being declared successful in the selection in comparison to those staff, who are getting no marks of seniority under the extant rules but have been declared pass. The names of such staff have been shown in the panel dated 25.7.90 (Annexure No. 4-10) from serial nos. 46 to 54 whose seniority position, as notified vide Annexure 4-1 to this application, is between 26 to 131. These facts are, therefore, indicative of the fact that the selection is un-fair for the reasons already mentioned above.

xxxvi). That till today, the respondents have not decided the representation dated 15.5.90 of the applicants which is invited on the selection in terms of Railway Board's Letter No. E(RG)168 Pt. I-60 dated 29.3.1968. It may be mentioned that a period of 6 months has expired on 14.11.1990.

xxxvii). That none of the candidates declared pass vide notice dated 25.7.1990 (Annexure No. 4-10) has been promoted on the basis of the aforesaid selection as they have yet not passed the requisite training course for promotion from the Zonal Training School, Chandigarh. The petitioners no. 2 to 5, on the basis of their seniority have been officiating in grade Rs. 1400-2300 (BPS) but they will be reverted to promote the staff who have illegally been declared pass in the aforesaid selection.

xxxviii). That the entire selection, for reasons mentioned above, is illegal, un-fair rather unlawful and it hits the spirit of the applicants guaranteed under Articles 14 and 16 of the Constitution of India.



5. Grounds for relief with legal provisions:G r o u n d s.

- (a). ~~Because~~^{Because} the selection being based on the policy of pick and choose in calling the the candidates to appear in the written test, the same is un-fair and illegal.
- (b). Because the selection having not been conducted in accordance with the instructions contained in Railway Board's Letter No. E (13)I-81-PHI-282 dated 16.4.1982 (Printed Serial No. 8095) prescribing the number of candidates to be called in the written test that ^{is} three times of the number of vacancies, the same is un-fair and illegal.
- (c). Because no confidential roll numbers having been allotted to the candidates appearing in the written test, as required under Railway Board's Letter No. E(13)I-85/PHI/13 (PRC) dated 5.9.1985 (Printed Serial No. 8841), the selection is un-fair and illegal.
- (d). Because the selection having been held even during the pendency of seniority disputes of certain staff in the court of law, the same is un-fair and illegal.
- (e). Because the manner under which the written test was held being un-fair rather defective, the selection is illegal.
- (f).  Because mass copying having been done and

un-fair means selected by a large number of staff, the selection is un-fair and illegal.

(g). Because no inquiry or investigation having been made into the complaint of the applicants ~~of the applicants~~ and many others and of the Union through Vigilance of the Department or C.B.I. or any other authority, the selection is malefide and un-fair.

(h). Because despite verification of facts by the ~~the~~ Additional Divisional Railway Manager and the complaint of the Union having been found as correct, the act of non cancellation of selection is un-fair rather malefide.

(i). Because interpolation of names in the panel (Annexure A-10) of certain staff who were not declared successful in the written test announced vide Annexure A-3 to this application is indicative of the fact that selection is un-fair rather malefide.

(j). Because most junior persons even at Serial number 51, 53, 57, 58, 62, 63, 65, 66, 66, 67, 68, 72, 73, 74, 77, 79, 81, 84, 85, 89, 113, 116, 117, 127, 128 and 135 in the list of candidates called for written test (Annexure No. A-1), who got no seniority marks having been declared pass, the action is self-indicative of the fact ^{that} the selection has not been held honestly practically when the seniors who got the seniority marks have been declared fail.

Imu

(2) Because the answer books and other records of the candidates appeared in the selection will itself speak that the selection has not been held honestly.

(1). Because the representation of the applicants made in pursuance of the instructions contained in Railway Board's Letter No. E (13) 163 P I-60 dated 29.1.1966 regarding inquiry through Vigilance or C.B.I. having not been decided by the respondents, the action is belated and self-indicative of the fact that the authorities have soft corner for the candidates who used and adopted unfair means in the selection and, thus, they do not want to bring the fact into light.

(2). Because the applicants belong to senior persons and deserving candidates having been denied of their due right of promotion, the treatment given to them is hit by Articles 14 and 16 of the Constitution of India.

6. Details of the remedies availed:

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

7. Matter not previously filed in any court.

The applicants further declare that they had not previously filed any application, writ or

Mun

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 4 above, the applicants pray for the following reliefs :-

- (a). This Hon'ble Tribunal be pleased to direct the respondents to produce the answer books of the candidates along with the selection proceedings and this Hon'ble Tribunal, after examining the same, be pleased further to quash the selection done with reference to Nos. 1-3, 4-7 and 8-10.
- (b). This Hon'ble Tribunal be further pleased to direct the respondents to hold a fresh selection in accordance with law and rules.
- (c). Cost of this application be awarded to the applicants.

9. Interim order, if any, desired for:

During pendency of this application, the Hon'ble Tribunal be pleased to stay the operation of the orders mentioned in paras Nos. 1-10 to this application.

Amr

10. Particulars of Postal orders filed in respect of the application for:

- i). No. of Postal Order 802 415972
- ii). Date of Postal Order 21/11/90
- iii). Place of Post office High Court Branch
issuing the postal order.
- iv). Post office at which Allahabad
payable.

11. List of enclosures:

1. Photo stat copy of Notice No. 7572/6/1/PTE/88 dated 9.6.1988 issued by respondent no. 3.
2. Photo stat copy of Letter No. 7572/6/3/Court/87 dated 10.6.1990.
3. Photo stat copy of Notice No. 7572/6/3/PTE/88 dated 26.10.1988 issued by respondent no. 3.
4. Photo stat copy of order dated 18.6.89 issued by the Divisional Secretary, Northern Railway India Union.
5. Photo stat copy of order dated 19.7.89 issued by the Divisional Secretary, Northern Railway India Union.
6. Photo stat copy of Letter No. 7572/6/2/PTE/89 dated 29.7.89 issued by the Divisional Secretary, Northern Railway India Union.
7. Photo stat copy of Notice No. 7572/6-2/PTE/88 dated 2.5.90 issued by the respondent no. 3.
8. Photo stat copy of joint representation dated 19.8.90 of the applicant and others.
9. Photo stat copy of order dated 5.7.90 given by the applicants and others.
10. Photo stat copy of Notice No. 7572/6/3/PTE/88 dated 25.7.1990 issued by the respondent no. 3.

...20.

Amr

Memorandum

I, J.C. By, son of J.C. By, aged about
35 years, residing at [redacted] [redacted]
near the station, [redacted], [redacted],
[redacted], Indiana, residing at [redacted] [redacted],
Indiana, do hereby verify that the contents of
pages 1 to 7 of this solicitation are true to my
knowledge and believe and that I have not furnished
any material fact.

J.C. By

Signature of the
affiant.

Photostat

To:

Ken [redacted]

General [redacted],
General [redacted],
Circuit [redacted], [redacted].

ब अदालत श्रीमान In the Central Administrative Tribunal महोदय
Circuit Bench Lucknow

[वादी] अपीलान्त
प्रतिवादी [रेस्पान्डेंट] OAN of 1990 वकालतनामा

टिकट

वादी अपीलान्त

M.C. Roy & others

Union of India & others बनाम

प्रतिवादी (रेस्पान्डेंट)

नं० मुकदमा सन् पेशी को ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री L.P. Shukla Advocate

7th Mahanager Lucknow

& Sri O.P.M. Tripathi Advocate

वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Dependent R.D. Shukla 82/20 मादक
हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

On Prakash Mani To

In the Central Administrative Tribunal, Allahabad,
Circuit Bench, Lucknow.

O.A. No. 573 of 1990 (L).

M.C. Roy and others ... Applicants.

Versus

Union of India and others ... Respondents.

I N D E X.

Sl. No.	Description of documents.	Page Nos.
1.	Application ...	1 to 20
2.	<u>Annexure No. A-1.</u> Photo stat copy of Notice No. 757E/6/8/TTE/88 dated 9.6.1988.	21 to 25
3.	<u>Annexure No. A-2.</u> Photo stat copy of Letter No. 847E/6/8/Court/ dated 10.8.90.	26 to 32
4.	<u>Annexure No. A-3.</u> Photo stat copy of Notice No. 757E/6/8/TTE/88 dated 26.10.1988.	33
5.	<u>Annexure No. A-4.</u> Photo stat copy of reminder dated 19.6.89 issued by the Divisional Secretary, Northern Railway Men's Union.	34
6.	<u>Annexure No. A-5.</u> Photo stat copy of reminder dated 19.7.89 issued by the Divisional Secretary, Northern Railway Men's Union.	35
7.	<u>Annexure No. A-6.</u> Photo stat copy of Letter No. NRMU/26/2/89 dated 29.7.1989 issued by the Divisional Secretary, Northern Railway Men's Union.	36
8.	<u>Annexure No. A-7.</u> Photo stat copy of Notice No. 757E/6-8/TTE/88 dated 2.5.90.	37 to 39
9.	<u>Annexure No. A-8.</u> Photo stat copy of joint representation dated 15.5.90.	40 to 46
10.	<u>Annexure No. A-9.</u> Photo stat copy of reminder dated 5.7.90	47
11.	<u>Annexure No. A-10.</u> Photo stat copy of Notice No. 757E/6/8/TTE/88 dated 25.7.90.	48


Signature of the applicant.

Pl. attend the Reception of the 1400-2300 & AR0पी0 में तथा हेतु
अ-10th

ANNEXURE NO

A-1

उत्तर रेलवे

मण्डल कार्यालय
लखनऊ दि. 9.6.88

पत्रांक 757ई/6/8/टी0टी0ई0/88.

सूचना

केंडीयर प्रधान टिकट कलेक्टर, जेतनमान 1400-2300 & AR0पी0 में तथा हेतु
निम्नलिखित कर्मचारियों को दिनांक 02.7.88 को प्रातः 10 बजे मण्डल रेल प्रबन्धक
कार्यालय में लिखित परीक्षा हेतु उपस्थित होना है।

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| 1- सर्व श्री जे0एन0 तिवारी ✓ | च0टि0परी0/लखनऊ |
| 2- " श्रीताराग ✓ | प्र0टि0परी0/लखनऊ & तदर्थ |
| 3- श्रीमती विमला मितल ✓ | " " /लखनऊ " |
| 4- श्री राम रजुवीर गुप्ता ✓ | " 6 /लखनऊ " |
| 5- " जानकी प्रसाद | " " /वाराणसी " |
| 6- " बी0आर0एस0 यादव ✓ | प्र0टि0परी0/लखनऊ & तदर्थ |
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| 11- " रम0सी0राय ✓ | " " /लखनऊ " |
| 12- " के0एस0 यादव | " " /वाराणसी & तदर्थ |
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| 14- श्रीमती स्वप्ना घोष ✓ | " " / " " |
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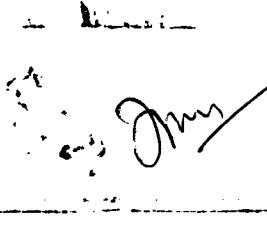
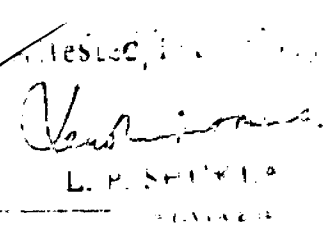
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सर्व श्री :-

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37- शिव प्रसाद	प्र०टि०परी०/लखनऊ	तदर्थ
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60- वी०एन० दूबे	" /लखनऊ	"
61- डब्ल्यू० खान	" /वाराणसी	"

L. P. SHUKLA
Advocate

सर्व श्री :-	838	
62- एम0ए0 खान ✓	ध0दि0पररी0/लखनऊ	
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96- गीतेश कुमार	" "	लखनऊ
97- बी0पी0 सिंह	" "	वाराणसी



 L. P. SHARMA

सर्व श्री :-

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- 98- मीली नाल चोटिपररी 0/फेजाबाद
- 99- रिआसत आली " /लखनऊ
- 100- पी0स्न0 मिश्रा " /लखनऊ
- 101- आर0के0 टन्डन " /वाराणसी
- 102- पी0के0 श्री वास्तव " /लखनऊ
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- 112- स्न0के0 प्रसाद अनु. " "
- 113- बी0पी0 जेजापती चोटिपररी 0/लखनऊ अतुसुचित
- 114- सत्यनारायण 8118 प्रोटिपररी 0/वाराणसी सदस्य
- 116- जनादेव 8118 " " फेजाबाद
- 117- जगदीश प्रसाद " " वाराणसी
- 118- स्न0के0 श्री वास्तव चोटिपररी 0/फेजाबाद
- 119- ओ0पी0 तगसेना " /लखनऊ
- 120- बी0के0 मल्होत्रा " /
- 121- राम मिश्रा " /फेजाबाद
- 122- पी0के0 श्री वास्तव " /लखनऊ
- 123- सुवर " /लखनऊ
- 124- सावित्रराम " /
- 125- पी0 मिश्रा " /वाराणसी
- 126- स्न0स्न0 मिश्रा " /वाराणसी
- 127- लालजी प्रसाद " /वाराणसी
- 128- कन्हैयालाल " /फेजाबाद
- 129- भूपेन्द्र सिंह " /लखनऊ
- 130- मो0 पीलीन " /लखनऊ
- 131- स्न0स्न0 खान " /लखनऊ
- 132- स्न0स्न0 राजवंशी " /लखनऊ

Attested: L. P. Singh

[Signature]

L. P. Singh
Adv. Gen.

§ 58

सर्व श्री :

133-	सत०पी० गुला	च०टि०परी० गुला
134-	सत०पी० गुला काजगी	" " "
135-	सत०के० जैन	" " "
136-	विनय प्रकाश	" " "
137-	के०पी० सिंह	" " किताबत
138-	सत०पी० गुला	" " "
139-	आर०पी० गुला	" " "
140-	अब्दुल लताफ	" " /वाराणसी
141-	के० एन० गुला	" " "
142-	पी०के० गुला	" " "
143-	आर०पी० लाल	" " "
144-	शलेन्द्र श्री वास्तव	" " "

1- कर्मचारियों को स्पष्ट किया जाता है कि यह अपने साथ कलम दवात, एवं लेखनी सामग्री आदि लाये केवल प्रश्नपत्र एवं उत्तर पुस्तिका ही उपलब्ध कर जायेगी।

2- व० अधिनियमों की निर्देश दिया जाता है कि उपरोक्त कर्मचारियों को नि समय पर परीक्षा में उपस्थित होने हेतु कार्यमुक्त कर दें। यदि कोई कर्मचार करता है तो उसके तिक मीमांसा पर स्पष्ट रूप में लिख है कि इस कर्मचारी को 02/7/88 को होने वाली परीक्षा में सम्मिलित होना है।

प्रतिलिपि:-

मृते मण्डल कार्यालय अधिकारी
उ०२०/लखनऊ

- 1- स्टेशन अधी०/लखनऊ/वाराणसी/पेजाबाद/प्रतापगढ़/आवाग
- 2- मु०टि० निरी०/लखनऊ/वाराणसी/प्रतापगढ़/पेजाबाद/आवाग, मु
- 3- म०मु०टि०निरी०/लखनऊ
- 4- व०मु० वणि०अधी०/लखनऊ
- 5- मण्डल मंत्री/मु०आर०पी०मु०/स०आर०पी०मु०

NO. 847E/1/3/Contt/87

Director's Office
Lucknow, 10/8/90.

44

1. The Station Superintendents,
Northern Railway,
LKO, BSB, FD, PBH, PRG, JNU, RBL, SLN, AME, AY, KEI, SHS & BIK
2. JCIT & CIT/ LKO, BSB, FD, SLN, RBL, PRG & ON

CIR NO

A-2

Sub: Provisional seniority list of Ticket
Collectors Gr.Rs.950-1500(RPS) on
Lucknow Division.

Ref: CAT/ALD's judgement dt.30.1.90 in TA No.4
of 1988(L)- S.R. Varma & another Versus
Union of India and others.

Revised ~~para~~ provisional seniority list of Ticket
Collectors Gr.Rs.950-1500(RPS) on LKO Divn. in supersession
of provisional seniority list circulated under this office
endorsement of even number dated 8.2.89 in compliance with
the directions of CAT/ALD, circuit bench, Lucknow contained
in its judgement dated 30.1.90 in TA No.4 of 1988(L)-
S.R.Varma & another V/s Union of India & others is sent
herewith in duplicate for wide publicity and circulation
amongst the staff concerned, working in your unit. Each
staff concerned working in your unit should be asked to note
their position under their clear dated signatures against
their name and one copy of the seniority list within the
notice period for making representation against seniority
list, if any and the same should be returned to this office
for record along with representations, if any, preferred by
staff concerned. One copy of the seniority list may be
retained for your office record.

Representations, if any, preferred by concerned staff
should be forwarded to the undersigned within a period of
one month from the date of issue of this seniority list after
which no representation shall be entertained. It is again
emphasised that one copy of seniority list must be got noted
by each individual concerned staff within the stipulated
period and any failure on this account would be personal
responsibility of senior subordinate Incharge of the unit
concerned who would render him liable for being taken up for
dis-obedience of orders.

D.A./As above.

Sr.Divl. Personnel Officer,
N.Rly./ Lucknow.

Copy to:-

1. C.L.A./ Law Section, DRM's office, LKO.
2. Divl.Secretary, NRMJ/URMJ, Lucknow.

.....

[Handwritten signature]

E/16181 TC/87

b 10/8/90

PROVISIONAL SENIORITY LIST OF TICKET COLLECTORS IN GR.E. 240-400(R3)/950-1500(RPS)
 (Prepared in supersession to all the seniority lists issued through No. 347E/6/8/TC dated 23.6.1982 and 11.10.83 in accordance with the decision taken by Hon'ble CAT/LKO.)
 No. 347E/6/8/TC dated 15.6.89 and 11.10.83 in accordance with the decision taken by Hon'ble CAT/LKO.)
 18-2-89

Name	When- ther SC/ST	Date of birth	Date of appoint- ment	Date of passing P/T-68 B.O.D.	REMARKS
------	------------------------	------------------	-----------------------------	--	---------

1.	2.	3.	4.	5.	6.	7.
----	----	----	----	----	----	----

S/Shri

1. R.P. Nigam

2. Jagdamba Prasad

3. V.K. Malhotra

4. S.K. Varma

5. Mahendra Kr. Srivastava

6. Smt. Reeta Joshi

7. Jagdish Prasad

8. Bhannu Pratap Singh (Died)

9. Lalita Prasad (Rtd.)

10. Moti Lal

11. A.K. Chatterjee

12. S.K. Rai

13. R.C. Shukla

14. O.P. Saxena

15. J.P. Gupta

16. C.B. Mishra

17. Ram Chandra Prasad

18. M.C. Srivastava (Died)

19. Ram Milan

20. A.A. Khan

21. O.N. Pathak

22. Ram Chandra

23. Kall Charan

24. N.C. Tewari

25. R.P. Nag

26. Satya Narain

27. Raghubar Yadav

28. Salig Ram

29. P. Mishra

By change of category

-do- (Joined on change of category in 1976)

Came on transfer on 8.4.81 at administrative ground.

On the basis of medically decategorisation absorbed as TC on 13.9.84.

Date of passing P-6 not available in records.

Expired on 11.8.88.

Retired on 16.6.89.

By change of category.

-do-

-do-

-do-

-do-

-do-

Expired on 28.5.90.

Joined on 6.12.79 from Western Railway at his own request.

contd... 2

Sd/-

L.P. Srivastava

T. P. Srivastava

27

45

--(2)--

28

46

1.	2.	3.	4.	5.	6.	7.
	S/Shri					
30.	S.N. Mishra	6.1.47	23.9.72	24.12.79		
31.	A.P. Varma	16.2.33	16.2.51	-		Their positions are provisional as their result of T/P-6 is not reflected in records.
32.	P.K. Srivastava	30.5.55	16.11.78	-		
33.	Idu Ali	12.9.40	10.4.60	21.2.80		
34.	H.K. Anand	24.6.50	16.11.78	23.2.80		
35.	V.K. Dwivedi	1.7.58	20.3.79	23.2.80		
36.	Yogendra Singh	15.1.52	14.2.79	23.2.80		
37.	C.B. Pandey	1.1.57	16.11.78	23.2.80		
38.	A.K. Pandey	1.8.56	20.3.79	23.2.80		
39.	Hari Om Bajpayee	10.5.60	20.2.80	23.2.80		
40.	Arif Ullah	4.7.58	20.2.80	23.2.80		Under order of transfer for MB/Divn. on administrative ground.
41.	Raj Kishore	1.6.49	26.2.80	23.2.80		
42.	A.H. Khan	28.2.53	17.11.78	23.2.80		
43.	D.R. Shukla	1.1.51	20.2.80	23.2.80		
44.	M.K. Saxena	6.2.61	16.2.80	23.2.80		
45.	A.K. Sharma	24.1.54	20.3.79	23.2.80		
46.	H.H.N. Chauhoy	21.12.54	20.2.80	23.2.80		
47.	Janardan	1.12.55	16.2.80	23.2.80		
48.	Redhey Shyam	1.7.54	20.2.90	23.2.80		
49.	Smt. S. Devi Varma	1.7.40	23.5.78	23.2.80		
50.	S.K. Srivastava	2.7.57	20.2.79	23.2.80		
51.	Lalji Prasad	10.3.46	16.2.80	23.2.80		
52.	R.K. Srivastava	13.10.55	25.4.80	-		
53.	P.B. Srivastava	1.5.56	9.5.80	1.5.80		Came from DLI/Divn. on administrative ground on 20.7.81.
54.	Ram Shanker	12.9.55	9.5.80	1.5.80		
55.	P.P. Tewari	28.7.43	21.4.80	1.5.80		
56.	Anwar Alam	31.12.55	9.5.80	1.5.80		
57.	M.A. Noorani	15.7.53	9.5.80	1.5.80		
58.	R.K. Juneja	20.10.59	18.4.80	1.5.80		
59.	Ahmad Irfan	26.10.55	8.5.80	1.5.80		
60.	M.K. Khan	1.3.54	7.5.80	1.5.80		
61.	P.C. Pandey	15.1.57	24.5.80	1.5.80		
62.	V.K. Singh	20.7.54	28.9.76	-		Came on transfer on M/E with Sri S.N.Mandal on 30.8.83.

contd.... 3

11/11/83
Sd/-
Advocate

1.	2.	3.	4.	5.	6.
	S/Shri				
63.	B. Majumdar	-	13.8.56	14.9.80	15.9.80
64.	Raj Kumar Srivastava	-	13.8.56	14.9.80	15.9.80
65.	Jenardan Prasad	S/C	3.2.55	20.5.80	1.5.80
66.	Smt. Saroj Devi	-	14.1.58	15.3.80	1.5.80
67.	Ram Jenam Tewari	-	14.10.51	23.3.76	-
68.	J.N. Pathak	-	1.1.34	18.5.79	-
69.	Sita Ram Varma	S/C	2.8.56	24.5.80	20.8.80
70.	S.A. Ali	-	7.12.54	24.5.80	20.8.80
71.	M.A. Ali Ansari	-	20.11.55	24.5.80	20.8.80
72.	R.K. Puri	-	19.8.52	24.5.80	20.8.80
73.	Mohd. Afroz Anwar	-	6.8.57	25.5.80	20.8.80
74.	R.K. Singh	-	1.9.55	24.5.80	20.8.30
75.	Faizatul Hasan	-	1.9.57	26.5.80	20.8.80
76.	R.N. Ravi	-	7.1.54	24.5.80	20.8.80
77.	S.K. Srivastava	-	10.10.55	24.5.80	20.8.80
78.	H.K. Srivastava	-	1.7.56	29.5.80	20.8.80
79.	A. M. Ansari	-	3.7.55	2.6.81	19.8.80
80.	K.M. Khan	-	3.3.54	7.8.80	19.8.80
81.	P.K. Tewari	-	30.5.54	6.3.80	19.3.80
82.	K.L. Srivastava	-	30.6.57	7.8.80	19.8.80
83.	R.K. Banerjee	-	3.8.58	14.8.80	19.8.80
84.	J.P.S. Bal	S/C	14.11.57	21.8.80	19.8.80
85.	Smt. Indu Srivastava	-	24.12.55	23.8.80	19.8.80
86.	S.Z. Akram	-	3.4.54	7.8.80	19.8.80
87.	Manohar Lal	-	22.2.56	21.9.30	4.9.80
88.	D.S. Pandey	-	20.1.54	24.9.80	4.9.80
89.	B.B. Bhatia	-	31.3.58	7.9.80	4.9.80
90.	A.K. Bali	-	22.6.58	21.9.80	4.9.80
91.	Raghupati Prasad	-	10.12.55	21.9.80	4.9.80
92.	M.T. Siddiqi	-	12.11.54	23.9.80	4.9.80
93.	Kamaljeet Ahluwalia	-	7.10.58	25.9.80	4.9.80
94.	G.P. Srivastava	-	22.1.52	30.9.80	4.9.80
95.	V.B. Shukla	-	8.7.50	25.10.76	-
96.	R.B. Sinha	-	9.1.61	7.9.80	14.1.81

Joined on transfer from N.E.H. on 20.5.80.
-do- NFR on 19.7.80.

Original course from 22.2.80 to 23.3.80 i.e. earlier to course 16.6.80 to 14.7.80, result of which announced on 19.8.80.

Came on transfer on 26.11.82 from ALD/Divn. on administrative ground. Original course from 16.6.80 to 14.7.80.

Spared for Guard/Lucknow.

Came on A/B with Matanjya Pandey in 1982.
Original T-6 Course is 16.7.80 to 14.8.80 & passed B.O.D. on 14.1.81 i.e. within six months of original course result.

-(4):-

1.	2.	3.	4.	5.	6.	7.
	S/Srri					
97.	Kanhaya Lal	S/C	20.1.39	22.12.80	10.10.80	
98.	Sarwan Kumar	S/C	1.1.40	22.12.80	10.10.80	
99.	S.N. Malhotra	-	31.03	22.12.80	10.10.80	
100.	Ram Sahai	S/C	1.6.55	22.12.80	10.10.80	
101.	Kishan Chand	-	13.3.37	22.12.80	10.10.80	
102.	Balak Ram	S/C	9.7.36	22.12.80	10.10.80	
103.	Sunder Ram	S/C	11.8.36	22.12.80	10.10.80	
104.	Ramesh Chand	-	7.1.38	22.12.80	10.10.80	
105.	Munni Lal	-	1.1.35	22.12.80	10.10.80	
106.	Sri Ram III	-	4.1.39	22.12.80	10.10.80	
107.	Behari	S/C	21.9.35	22.12.80	10.10.80	
108.	Sri Ram II	-	8.9.39	22.12.80	10.10.80	
109.	Balak Ram II	-	14.10.55	22.12.80	10.10.80	
110.	J.N. Tewari	-	16.1.54	22.12.80	10.10.80	
111.	Ashok Kapoor	-	6.2.62	22.12.80	10.10.80	
112.	P.J. Jaiswal	-	15.10.54	22.12.80	10.10.80	
113.	A.B. Yadav	-	1.6.44	22.12.80	10.10.80	
114.	Indarjeet Mishra	-	9.6.40	22.12.80	10.10.80	
115.	A.B. Singh	-	20.9.42	22.12.80	10.10.80	
116.	Shyam Sunder	-	9.3.42	22.12.80	10.10.80	
117.	K.K. Sharma	-	15.3.38	22.12.80	10.10.80	
118.	Babban Singh	-	9.1.42	22.12.80	10.10.80	
119.	O.P. Chittoria	-	28.1.30	22.12.80	10.10.80	
120.	R.K.L. Srivastava (Retd.)	-	5.10.41	22.12.80	10.10.80	
121.	Bhagwan Ram	-	23.1.46	22.12.80	10.10.80	
122.	Ram Dhani Yadav	-	1.1.48	22.12.80	10.10.80	
123.	Mahmood Ali	-	5.2.53	22.12.80	10.10.80	
124.	N.S. Shukla	-	3.12.53	22.12.80	10.10.80	
125.	Sudhir Kumar	-	20.6.54	22.12.80	10.10.80	
126.	M.A. Haq	-	3.3.55	22.12.80	10.10.80	
127.	K.S. Dixit	-	2.2.57	22.12.80	10.10.80	
128.	Suresh Pal (Died)	-	20.7.58	22.12.80	10.10.80	
129.	R. Sherif Ahmad	-	31.7.55	22.12.80	10.10.80	
130.	A.K. Brijpaya	-	7.4.7	22.12.80	10.10.80	

Transferred to NER on W/E with Sri Onkar Singh on 5.7.84.

Retired on 31.1.88.

Expired on 27.11.89.

contd... 5

Attested/True Copy

L. P. SHUKLA

Advocate

Advocate

5

contd.

Attest:

-(5):-

S/S		3.	4.	5.	6.
164.	K.K. Tewari	-	10.30	1.1	91
165.	Satya Sri Mishra	-	10.53	6.2.	
166.	Suresh Chandra	-	10.53	6.2.	
167.	S.P. Srivastava	-	10.53	6.2.	
168.	Karuna Shanker	-	2.3.53	4.4.81	
169.	Hari Shanker	-	31.3.56	16.7.82	
170.	S.N. Tewari (Rtd.)	-	31.7.38	30.11.53	7.1.82
171.	Smt. Sarla Saxena	-	1.1.28	3.10.50	7.1.82
172.	S.M. Muslim	-	12.12.48	10.4.80	No. known
173.	Hari Dass	-	20.1.46	9.1.71	
174.	R.S. Nanda	S/C	7.11.39	5.12.58	-
175.	Kr. Meena Singh	-	10.12.58	5.1.82	23.6.83
176.	Fahim Ahmad Khan	-	26.1.56	21.5.79	23.6.83

1.82.
Came on 16.4.82 from FZR Divn.
Came on 14.8 with Sri Suresh Chandra from N.E.R.

Relieved on 12.85

Came on 2.7.34 from ALD/Divn. on administrative ground.
He was employed in ALD/Divn. as TC on -12-82.
Came on 1.12.84 from ALD/Divn. on administrative ground.
He was employed in ALD/Divn. as TC on -12-82.

Asstt. Personnel Officer,
N.R.V. Lucknow.

10/8/90

DW

757/P/6/2/TTE/88

Date: 26 10 1988

(51)

As a result of written test held on 2.7.88 and 29.9.88. the following staff have qualified for interview for the post of STEs/EI. TC in gr. 1400-2300(RPS)

S/Shri

1. R.D.Gupta	TTE/PD
2. Sita Kuma	STE/LKO.
3. Ram Paghbir	-do-
4. Janki pd.	TTE/PSB
5. I.R. Yadav	TTE/LKO.
6. V.S. Kushwaha	-do-
7. R.S.Srivastava	-do-
8. D.D.Batra	TTE/BSB
9. Gerakh Nath	TT-/LKO.
10. K.S.Yadav	TTE/PSB
11. Smt.S.Ghosh	TTE/LKO.
12. Brij Nath	TTE/PD
13. S.K.Pandey	TTE/BSB
14. S.K.Bhatnagar	TTE/LKO.
15. H.N.Sharma	TTE/BSB
16. R.P.Vishwakarma	TTE/BSB
17. C.V.Sinha	TTE/LKO.
18. Ashish Roy	-do-
19. R.A.Yadav	TTE/BSB
20. J.H.Naqvi	TTE/LKO.
21. S.K.Gupta	-do-
22. R.A.Khan	TTE/BSB
23. Shashi Kant Srivastava	-do-
24. S.E.Misra-I	-do-
25. Har Lochan Pd.	-do-
26. L.N.Sharma	TTE/LKO.
27. Shiv Prasad	-do-
28. Kailash Nath	TTE/BSB
29. Deoki Mandan	TTE/LKO.
30. R.K.Saxena	TTE/PRG
31. B.S.Sharma	TTE/LKO.
32. M.Haque	TTE/LKO.
33. J.J.R.Upadhiya	TTE/PSB
34. Smt. Sarojini Devi	TTE/LKO.
35. P.C.Jaiswal	TTE/PSB
36. C.S.P.Singh	TTE/PSB
37. M.R.Zaidi	TTE/LKO.
38. Satya Nam Singh	TTE/PSB
39. M.A.Khan	TTE/LKO.
40. N.P.Singh	TTE/PSB

Original Copy

[Signature]

Advocate

(52) 34
A-4

ANNEXURE NO

26(2) 1248

19/6/89

The Divl. Mgr.,
Northern Railway,
Lucknow.

Dear Sir,

Reg: Cancellation of selection
of Hd.T.Cs.

....

Your kind attention is invited to this
office letter of even number dated 18.5.89
to which no reply has yet been received.

Kindly expedite the case as the same
has already been delayed.

Yours faithfully,

(V.P. Trivedi)
Divisional Secretary

Ans
Approved, 19-6-89,
Chairman
Board of Directors
Lucknow

REMINDER

Phone : Rly. 516
Resi 517

Northern Railwaymen's Union
(Lucknow Division)

No. NRMU/26(22/210) *DSH*
Near Guard Running Room
Charbagh, Lucknow
Dated *19/7/79*
To, The Divisional Rly. Manager
Northern Railway
Lucknow

Dear Sir: *Rohoo Ram*

Sub. *Cancellation of Selection of H.T. Tcs.*

Register in Union cell at S.No. *415* *27* *20.6.87*

Ref.

Your attention is invited to this office letter of even number Dated *17/6/79* followed by reminders dated to which no reply has yet been received.

It is there fore requested that the case may kindly be given priority and a decision may kindly be communicated at an early date, as the case has been much delayed.

Yours Faithfully,

OK
(Divisional Secretary.)

Ans
Attested True Copy

V. S. S. S. S.
Advocate

.....
उत्तर ऐतवे
.....

प्राप्तः
.....

सूचना
.....

विषयः- प्रो० टि० परीक्षा/संग्रह एवं कन्डक्टर वेतनमात्र 1400.2300
- [सं. वे.] चयन ।

इस कार्यलय सूचना समसंख्यक दिनांक 26.2.88 के अनुपालन में अधोतिष्ठित कार्यलयों को दिनांक 16.5.90 एवं 23.5.90 को साक्षात्कार हेतु इस कार्यलय को प्रार्थना है ।

- | | |
|---------------------------|---------------------------|
| 1. सर्व श्री आर०डी०गुप्ता | टी०टी०ई०/पञ्जाबाद |
| 2. सीता राम | त०प्र० " लखनऊ |
| 3. राम रङ्गवीर | " " |
| 4. बी०आर०एस० यादव | " " |
| 5. वी०एस० शुभावाहा | उपरोक्त |
| 6. आर०एस० श्रीवास्तव | ५०० काशी २५५३ |
| 7. डी०डी० बजा | ५०० काशी २५५३ |
| 8. गोविन्द बाथ | लखनऊ |
| 9. कमला सिंह यादव | वाराणसी |
| 10. श्री मती शम्भूदास धोष | लखनऊ |
| 11. श्री वृज बाथ | फैजाबाद |
| 12. एस०के० पाण्डे | वाराणसी |
| 13. एस०के० शटनागर | लखनऊ |
| 14. एच०एस०राम | वाराणसी |
| 15. आर०पी० विश्वकर्मा | " |
| 16. सी०वी०सिन्हा | लखनऊ |
| 17. आशीष राम | " |
| 18. आर०ए० यादव | त०प्र०पटिक्ट जोनपुर |
| 19. जे०एच० बस्ती | संगरम त०टी०टी०पररीखर लखनऊ |
| 20. एस०के०गुप्ता | ५०० काशी २५५३ |
| 21. आर०ए० बजा | ५०० काशी २५५३ |
| 22. श्रीवास्तव श्रीवास्तव | " |
| 23. एस०एस० मिश्रा | " |
| 24. हरतिलक प्रसाद | " |
| 25. एल०एस० शर्मा | लखनऊ |
| 26. शिवप्रसाद | " |
| 27. कैलाश बाथ | वाराणसी |
| 28. देवकी लखन | ५०० काशी २५५३ |
| 29. आर०के० सुबेदा | " प्रयाग |
| 30. श्री २५० श्री | ५०० |

Mr. J. H. ...
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31. એમ૯ હેડ
32. જે૦જે૦આર૦ઉપાધ્યાય
33. શ્રી મતી સરોજીની દેવા
34. પી૦સી૦ જાયસવાલ
35. સી૦એસ૦પી૦સિંહ
36. જમ૦આર૦જૈલી
37. સતનામ સિંહ
38. એમ૦એ૦જાન
39. એમ૦પી૦સિંહ
40. પી૦ડે૦ ઉપાધ્યાય
41. એમ૦એ૦ પાઠકે
42. પી૦પી૦ ઉપાધ્યાય
43. એમ૦પી૦પાઠકે
44. એમ૦એમ૦ વર્મા
45. પી૦આર૦સિંહ
46. પી૦પી૦શ્રીવાસ્તવ
47. વાડ૦આર૦એલ૦શ્રીવાસ્તવ
48. મો૦નર્મદા જોષી
49. ડી૦એલ૦ગુપ્તા
50. વિજય ગંધર
51. આર૦આર૦સિંહ
52. શ્રીરંગ સિંહ
53. એમ૦એ૦ જાયસી
54. પી૦ડી૦ જમા
55. જી૦બી૦સિંહ
56. જી૦ અમવાલી
57. આર૦એલ૦આમર
58. એમ૦એ૦ પાઠકી
59. શૈલેન્દ્ર કુમાર
60. મોતી તાલ
61. રિયાસત અલી
62. મો૦મુબીન
63. પી૦ડે૦શ્રીવાસ્તવ
64. એમ૦પી૦જૈલી
65. શૈલેન્દ્ર શ્રીવાસ્તવ
66. વિજય પ્રજાપતિ
67. પી૦ડે૦.જાન

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પ્રતાપગઢ

વારણસી (નરેન્દ્ર)

લલ્લુ તાલુકો

પ્રતાપગઢ

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વારણસી

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વારણસી

Attested True Copy
L. P. SHUKLA
Advocate

21/07/90

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68. एम० एन० शुक्ला
69. आर० पी० लाल
70. ए० डे० चटर्जी
71. एम० सी० श्रीवास्तव
72. जे० पी० त्रिपाठी
73. एस० डे० राय
74. श्री जगदीश प्रसाद 1 अ० ज० तर्क्य प्र० टि० परीक्षक वाराणसी
75. ओ० पी० सक्सेना वल टि० परीक्षक लखनऊ
76. वी० डे० लहोत्रा लखनऊ
77. पी० डे० श्रीवास्तव
78. रघुवर यादव
79. एस० एल० मिश्रा
80. बी० पी० चेलापति
81. लाल जी० प्रसाद
82. कन्हैया लाल
83. जगदीश 1

1. एल० डे० राय
2. एल० डे० राय
3. एल० डे० राय
4. एल० डे० राय
5. एल० डे० राय
6. एल० डे० राय
7. एल० डे० राय
8. एल० डे० राय
9. एल० डे० राय
10. एल० डे० राय

वा० अधीनस्थों को निर्देश दिये जाते हैं कि वह क्र० 50 से 50 तक के कर्मचारियों को 16.5.90 एवं शेष को 23.5.90 को प्रातः 7 बजे साक्षात्कार हेतु कार्यमुक्त करके कार्यालय को प्रेषित करें

मण्डल कार्यालय अधिकारी
30 रेलवे, लखनऊ

प्रतिलिपि

वमवायी / ववाधि = लखनऊ
सवाधी :- लखनऊ, वाराणसी
स्टेशन अधीक्षक :- लखनऊ, वाराणसी, प्रयाग, प्रतापगढ़, फैजाबाद, जौनपुर, रायबरेली,
मण्डल मु० टि० निरीक्षक :- लखनऊ
मु० टि० निरीक्षक :- लखनऊ, वाराणसी, प्रयाग, प्रतापगढ़, फैजाबाद, जौनपुर, रायबरेली
स० अधीक्षक :- गोपनीय अनुभाग को इस निर्देश के साथ कि वार्णित तिथि को सम्बन्धित
कर्मचारियों को गोपनीय रिपोर्ट स० वा० अधिकारी 11 / लखनऊ समक्ष प्रस्तुत करें

मण्डल मंत्री :- एम० आर० एम० यू० / यू० आर० एम० यू० लखनऊ

[Handwritten signature]
21/07/90

410
ANNEXURE NO A-OP
(58)

15/5

The Divl. Railway Manager,
Northern Railway,
Lucknow:

Through : The Proper Channel.

Subject : Representation for cancellation
of selection held for the posts
of STes/Hd. T.Cs grade Rs. 1400-
2300 (RPS).

Reference: Your Notice No. 757E/6-8/TTE/88
dated 2.5.1990.

Sir,

We the undersigned TTEs working under
you beg to inform and request you as under :-

1. That a selection for the posts of
STes/Hd. T.Cs in grade Rs. 1400-2300 (RPS) was
held on 2-7-1988 and 29.9.1988.
2. That in the aforesaid selection, we
the undersigned staff, alongwith many others
junior staff, appeared and solved the paper
correctly to the extent of their being declared
successful.
3. That in the aforesaid selection, mass
copying was done by many other junior staff by
using un-fair means which is well in the knowledge
of concerned authorities.
4. That a number of staff namely S/Shri -
S.K. Bhatnagar, C.V. Sinha, Shri Prasad and many
others, before appearing in the aforesaid selec-
tion, by means of a notice given through Sri -

Encl. (1)

Advocate

Om

Munawar Sultan, Advocate, Lucknow and representation, had challenged the validity of the selection on various grounds, which still hold good. They, therefore, appeared in the said selection under protest and without prejudice to their legal right to challenge the validity of the same.

5. That despite the facts that the representation and notice of the aforesaid staff was pending, the selection was held and without the least consideration of the fact that mass copying was done by some staff and unfair means were adopted by them in the selection, the result of the said selection (written test) was notified vide D.P.O's Letter No. 757/E/6/8/TTE/88 dated 26.10.1988, a photo stat copy of which is Annexure No. 1 to this representation.

6. That in the aforesaid letter of the respected D.P.O., 80 persons, including those, who had challenged the selection before appearing therein, as mentioned in para 4 of this representation, were declared successful which was deliberate just to defeat their objections made through representation and legal notice.

7. That on declaration of the result, it further came to the notice of the undersigned that staff, who were indulged in copying and using unfair means in the aforesaid selection (written test), were also declared successful. It was also observed that a number of staff, who were most junior to the

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undersigned-applicants and who, in no way, better than the applicants in every respect, were also declared successful. The names of a few of them are given below :-

1. Sri M.N. Khan, TTE/Lko.
2. Sri P.P. Srivastava, TTE/Lko.
3. Sri M.M. Verma, TTE/BSB.
4. Sri Mohd. Moveen, TTE/Lko.
5. Sri Riasat Ali, TTE/Lko.
6. Sri P.K. Srivastava I, TTE/Lko.
7. Sri P.K. Srivastava-II, TTE/Lko.
8. Sri O.P. Sexena, TTE/Lko.
9. Smt. Sarojni Devi, TTE/Lko.
10. Sri G. Ambani, TTE/Lko.

8. That aggrieved by the aforesaid injustice, the undersigned and many others, by means of a representation, challenged the aforesaid selection being un-fair and impartial. The matter was also taken up and represented by one of the recognised Unions as would be seen from Divisional Secretary, Northern Railwaymen's - Union's Letter No. NRMU/26/2/89 dated 29.7.1989, a true photo stat copy of which is Annexure No.2 to this representation.

9. That in order to test and verify the veracity of the complaints made by the undersigned and many others as well as the aforesaid Union for cancellation of the aforesaid selection (written test), the then ADRM (Sri Das) arranged a practical demonstration wherein some of the staff indulged

Mr

in copying and using un-fair means in the written test were interviewed in the very same manner as had already been done by the then C.C.S./NDLS in such type of complaint made by Sri K.K. Tewari, T.T.E./Lko, who was declared fail in the earlier selection but subsequently declared successful. In the said interview arranged by the ADRM, the complaints made by the undersigned and others as well as the Union were found correct. Thus the Union was assured that necessary steps would be taken by the Administration to cancel the aforesaid written test.

10. That because of the above facts being correct, no further steps were taken by the Administration after the announcement of the aforesaid result on 26.10.1988. Thus the undersigned -applicants had reason to believe that the aforesaid written test was being treated as cancelled.

11. That the aforesaid selection was further challenged on the ground that seniority of a number of staff belonging to checking branch was under challenge in the Hon'ble High Court, Lucknow/ Hon'ble Central Administrative Tribunal, Circuit Bench, Lko in cases filed by Sri D.R. Shukla and others, Sita Ram Verma and others, N.C. Tewari and G.K. Verma. The cases filed by Sri D.R. Shukla & others and Sri Sita Ram Verma and others have been decided by the Hon'ble Tribunal in the month of January, 1990 wherein the Administration has been directed to prepare the seniority list of the staff on the principle as mentioned in the judgment within a period of 3 months.

cc: This Copy

[Signature]

L. P. SHUKLA
Advocate

[Signature]

The judgment of the Hon'ble Tribunal has yet not been complied with and no fresh seniority list, as ordered by the Tribunal, has yet been issued with the result a number of staff is being deprived of their legal right of promotion which may cause further litigation if the aforesaid selection is not cancelled and a fresh test is not held.

It may also be mentioned that the cases filed by S/Sri N.C. Tewari and G.K. Verma, who have been deprived of their right to appear in the aforesaid selection (written test), are still pending in the Hon'ble Central Administrative Tribunal, Circuit Bench, Lucknow. The decisions of these cases may cause legal complications if the aforesaid selection (written test) is not cancelled and a fresh test is not held after the decision of the cases.

12. That without first disposing of the representation/notice given by S/Sri S.K. Bhatnagar, C.V. Sinha and Sheo Prasad etc, as mentioned in para 4 above, and the representations made by the under-signed and many others as well as the Union, as mentioned in para 8 above, and also without taking into consideration the fact of some staff having been interviewed by the then ADRM, the learned Divisional Personnel Officer, Northern Railway, Lucknow, by his notice dated 2.5.1990, has fixed the dates of interview of the staff already declared successful (under challenge) on 16.5.1990 and 23.5.1990, which is most unfair rather illegal. Atleast, the representations of staff must have been disposed of first before fixing the dates for interview. Thus the action of the Administration is wholly illegal, arbitrary malafide and discrimi-

Om

natory violative of Articles 14 and 16 of the Constitution of India.

13. That the applicants are loyal and faithful to the Administration and they do not prefer to start litigation but the Administration, by its afore-mentioned illegal and arbitrary acts, has been compelling them to seek redress in the Court of Law and that is why such action fixing the dates of interview on 16.5.90 and 23.5.90 has been taken without first disposing of the representations of the staff and the Union.

14. That it is reiterated that for the facts and grounds mentioned above, the written test held on 2.7.1988 and 29.9.88 on the basis of which the dates for interview have been fixed for 16.5.90 and 23.5.1990 are illegal and against the Principles of Justice.

15. That from the facts and circumstances of the case, it is quite evident that the action of holding the interview on 16.5.90 and 23.5.90 is deliberate and motivated which warrant a thorough investigation through Vigilance/C.B.I. as the Administration as well as deserving candidates are being cheated.

It is, therefore, most respectfully prayed that the matter may kindly be viewed seriously and in order to bring the true facts into light, a thorough enquiry be ordered to be made into the

Om

case through Vigilance or C.B.I. and till such time the report is ^{not} received, the dates for interview fixed for 16.5.90 and 23.5.90 be postponed to avoid litigations.

It is further prayed that in the mean time, the representation of the staff be decided, so that the undersigned-applicants and others may not feel humiliation and frustration of justice at the departmental level.

Thanking you.

Dated : 15-5-1990.

Yours faithfully,

1. S. K. Singh
2. A. Jethley
3. Ramesh Singh
4. M. C. Ray
5. Jagdeep Singh
6. H. S. Singh
7. D. A. B. Singh
8. R. D. Singh
9. H. S. Singh
10. V. K. Singh
11. S. P. S. Singh
12. J. K. Singh
13. M. S. Singh

Om

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A-9
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Dt. 5-7-1990

P. K. M.
5.7.90
The Divl. Railway Manager,
Northern Railway,
Lucknow

Ref : Joint representation dated 15.5.90
for cancellation of selection held
for the post of STEs/Hd. TCs & Con-
ductor grade Rs. 1400-2300(RPS).

Sir,

Please call for our representation referred
to above. It is reiterated that the selection held
for the above posts, for the reasons and circum-
stances mentioned in the said representation, is
wholly un-fair and against all cannons of justice.

It is, therefore, respectfully prayed that
our representation referred to above may kindly be
decided before taking any further action on the
basis of the aforesaid illegal selection which has
been challenged by us.

An early reply is awaited.

Thanking You.

Yours faithfully,

- Om*
- (1) Mr. (M. C. Roy)
 - (2) Mr. (Dagdevhalla)
 - (3) K. D. Singh Sodhi
 - (4) Hari Ram Yadav
 - (5) J. K. Sharma
 - (6) Rajendra Singh
 - (7) B. S. Bhatia (B. S. Bhatia)
 - (8) S. P. S. Anand
 - (9) V. N. Kum.
 - (10) D. abbas

Northern Railway.

No.757E/6/8/TTE/88.

Divisional Office,
Lucknow Dt. 7/7/90.

NOTICE.

As a result of written held on 2.7.88, 29.9.88 and viva voce test held on 16.5.90, 31.5.90, 10.7.90 in connection with selection for the post of Hd.TC/HTTE/COR grade Rs.1400-2300(RPS) the undernoted staff have been found suitable and placed on the panel of the Hd.TC/HTTE/COR in grade Rs.1400-2300(RPS) provisionally subject to passing P-6A Course from ZTS/CH.

Sl. No. Name. Design./Station.

1.	S/Sri R.D. Gupta.	TTE/FD
2.	Sita Ram	Ad.TTE/LKO
3.	Ram Raghubir.	" " "
4.	B.R.S.Yadav.	" " "
5.	V.J.Singh Kushwaha	" " "
6.	R.S. Srivastava.	" " "
7.	D.D. Bhat	" " "
8.	Devi Nath	" /PBH
9.	B.S. Yadav	" /LKO
10.	Smt. S.Ghosh	" /BSB
11.	Brij Nath	" /LKO
12.	S.K.Pandey	" /FD
13.	S.K.Bhatnagar	" /BSB
14.	H.N. Sharma	" /LKO
15.	C.V.Sinha	" /BSB
16.	A.R.Chauhary	" /LKO
17.	J.H. Navi	" /LKO
18.	S.K.Gupta.I	" /LKO
19.	R.A. Khan	" /LKO
20.	S. Kant Srivastava	" /ESB
21.	Harlochan Pd.	" /BSB
22.	L.N.Sharma	" /BSB
23.	Shiv Prasad.	" /LKO
24.	Deoki Nandan	" HTTE/LKO
25.	R.K. Saxena	" /LKO
26.	B.S. Shari	" /PRG
27.	M. Haq	TTE/LKO
28.	J.J.Ram Upadhya.	" /LKO
29.	Smt. Sarajini Devi	" /BSB
30.	Sri P.C. Jaiswal	TTE/LKO
31.	Sri C.S.P.Singh	" /PBH
32.	Sri M.R. Zaidi	" /BSB
33.	Sri Satnam Singh	" /LKO
34.	Sri M.A.Khan	" /BSB
35.	Sri N.P.Singh	" /LKO
36.	Sri A.K. Upadhya	" /BSB
37.	Sri M.N. Pandey	" /BSB

P.T.O.

[Signature]

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH,

Civil Misc. Petition No. of 1993 (L)

In Re:

Registration (O.A.) No. 373 of 1990 (L)

M.C.Rai & others....

Applicants,

Versus

Union of India & others

Respondents,

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER REPLY.

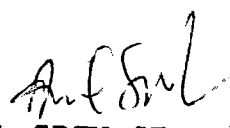
That delay in filing Counter reply is not intentional or deliberate but due to Administrative and bonafide reasons which deserved to be condoned.

P R A Y E R

WHEREFORE, ~~it~~ is most respectfully prayed that in the interest of Justice , delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow:

Dated: 20/4 1993,


(ANIL SRIVASTAVA)
Advocate

Counsel for the Respondents,

(68)

BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

C.A. NO. 373 OF 1990

M.C.Rai and others. -----

Applicants.

Versus;

Union of India and others. -----

Opp. parties.

COUNTER REPLY ON BEHALF OF ALL THE
RESPONDENTS

M. Laljee Misra, working as

Assistant Personnel Officer, in the office of Divisional
Railway Manager, Northern Railway Nazratganj, Lucknow,
do hereby solemnly affirm and state as under:

1. That the official above named is working under
the respondents and as such he is fully conversant
with the facts of the case deposed to hereunder.
He is in a position to file the counter reply on
behalf of all the respondents which are as follows.
2. That the contents of paras 1 and 2 of the
original application need no reply.

M. Laljee Misra
Divisional Railway Manager
Nazratganj

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that the reply to the contents of para 4 of the original application are as follows:

3. That in reply to the contents of para 4 (i) of the original application, it is stated that the applicant No. 2 to 5 were put to officiate in grade Rs.1400-2300 (RPS) purely on adhoc basis subject to replacement by the panelled staff. As far as applicant No. 1 is concerned, he has all along been working as STE in grade Rs. 1200-2040 (RPS) and all these above applicants were allowed to appear in the selection for the post of STE/Head T.L./Conductor in grade Rs. 1400-2300 (RPS). None of these qualified in the selection held for the purpose.

4. That the contents of para 4(ii) do not need any comment.

5. That in reply to the contents of para 4(iii) of the original application it is to state that the point raised is purely a clerical and or typographical error which has already been rectified.

6. That in reply to the contents of para 4 (iv) of the original application, only this fact is admitted that the number of candidates called to appear in the selection is normal, three times the number of vacancies. It is also stated that selection

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can not be deemed to be illegal if the number of vacancies sought to be filled in the selection are not circulated.

7. That in reply to the contents of para 4(v) of the original application, it is submitted that the allegation of not circulating the number of vacancies had an ulterior motive is emphatically denied. The rest of the contents of para under reply are not denied.

8. That the contents of para 4(vi) of the original application are admitted.

9. That the contents of para 4(vii) of the original application are not admitted as alleged.

It is further stated that Sri Kanhaiya Lal was a senior Scheduled Caste candidates amongst the eligible ones.

Hence he was called for the selection, as per seniority list effective then. The judgement of the Hon'ble Tribunal arrived on 30/1/92 necessitating some revision of the seniority list available at the time the selection was initiated i.e. 9th June, 1981.

In view of the promotion ^{of} Sri Kanhaiyalal has been withheld and he has not yet been promoted. So far as the names of Barva Sri N.S. Tewari, C.K. Verma

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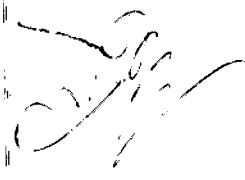
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are concerned, it is stated ~~that~~ keeping in view the judgement of the Hon'ble Tribunal dated 30/1/90 the seniority position has been revised and the grant of further benefits, if any due, on the basis of the revised seniority ~~list~~ is under consideration. It is confirmed that any and all the benefits due would be allowed to all the staff consequent to change in the seniority list including the above named three persons.

10. That no reply to para 4(viii) of the original application in view of what has been stated in the reply to the contents of para 4(vii) above.

11. That in reply to the contents of para 4(ix) of the original application, it is stated that the seniority list concerning Sarva Sri S... Verma and H.C. Tewari as also for others has been revised. Moreover, they have filed petitions in the CA which is pending for final decision.

12. That the contents of para 4(x) of the original application are denied. It is also stated that the selection was initiated in 1983 while the judgement of the Hon'ble Tribunal



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regarding seniority list arrived on 30th January, 1997.
As such there was nothing wrong or malafide in
initiating the selection.

13. That the contents of para 4(ii) and 4(iii)
of the original application do not call for any
reply.

14. That the contents of para 4(xiii) of the
original application are denied. It is stated that
specific answer book containing code number etc.
have not yet been supplied by state department.
As such all the selections including the selection
under dispute was conducted using the answer book
as were available. It is also stated that the
written test was conducted under the supervision
of the Executive Officer in a peaceful manner. In
addition to the Executive Officer, one personnel
officer was also present to ensure proper conduct
of the test. The answer books were duly stamped
and signed by one co-ordinating officer and as
soon as the written examination was over the answer
books were immediately sealed and sent to officer
nominated for evaluation. It is emphatically denied
that any unfair means were allowed to be used
in the written test.

Colonel
11/11/97

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15. That the contents of para 4 (iv) of the original application are denied. No unfair means were allowed to be adopted in the examination. It is also denied that any joint application was ever made to the authorities after the examination regarding the use of unfair means. This allegation appears to be based on afterthought.

16. That the contents of para 4 (v) are also denied. It is stated that for the information of the Hon'ble Tribunal that after declaration of the result of the written test the answer books were re-checked by the authorities on receipt of the complaint from one of the recognised unions to find out any evidence of the use of unfair means but no such evidence was found. In these circumstances, the allegation of the use of unfair means is wrong.

17. That the contents of para 4 (xvi) of the original application are admitted.

18. That the contents of para 4 (xvii) of the original application are denied.

19. That the contents of para 4 (xviii) of the original application are not admitted as alleged. It is submitted that serve Sri N.V. Chelapati, Lalji Prasad, Manhaiya Lal and Jaganadan Prasad

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were all Schedule Caste candidates. As per rules the vacancies meant for schedule caste candidates are to be filled by schedule caste candidates only even if they are of lower merit. In the instant case all the above staff ~~were~~ declared successful in the written test. Consequently, they were interviewed and found suitable for empanelment. Thus there was nothing ~~is~~ wrong in what was done.

20. That in reply to the contents of paras 4(xiii) to 4(xiv) of the original application, it is stated that the matter was discussed with the union and it was made clear to the representative of the union that no unfair means were adopted at the examination and there ~~was~~ been no violation of any rules and under the circumstances the ~~applicant~~ complaint made by them is not correct and it is not possible to cancel the result of the examination and/or the selection.

21. That in reply to the contents of para 4(xxv) of the original application, it is stated that the name of Sri Ram Naghubhai was not included in the list on account of having been published. As far as Sarva Sri P.V. Chelapati, Balji Prasad, are concerned they were schedule caste candidates

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who have been declared to have qualified at the written test against the vacancies meant for schedule caste candidates and were therefore called interview. Thus, there was nothing wrong or irregular in what was done. The allegation of manipulation made in this para is denied.

22. That the contents of para 4(xxvi) of the original application are denied.

23. That in reply to the contents of paras 4(xxvii) and 4(xxviii) of the original application, it is stated that the complaint made by the staff as well as the union was enquired into confidentially by the then A.D.I. Sri Dass who found the complaint of the staff as well as the union false and baseless. In view of the enquiry made by Sri Dass, no further enquiry was called for.

24. That in reply to the contents of para 4(xxix) of the original application, it is stated that necessary action has been taken on the representation of the applicants and the then Divisional Secretary of the union who was pleading the case of the applicant was informed accordingly with instructions to inform the applicants.

25. That in reply to the contents of para

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4(xxi) of the original application, it is stated that the names of Sarva Sri D.V. Chelapati, Balaji Prasad and Kanhaiyalal belonging to schedule castes were empanelled against vacancies reserved for them as per rules. Rest of the contents of para under reply are denied.

26. That the contents of para 4(xvii) of the original application are not admitted as stated. The name of Sri A.D. Gupta appears at serial No. 139 in the list dated 9/6/88 enclosed as annexure No. 1 to the original application.

27. That in reply to the contents of para 4(xxii) of the original application, it is stated that the total vacancies were 77-59 for General candidates, 12 for schedule castes and 6 for schedule tribes candidates. So a total 231 candidates were required to be called for the selection, but as per on roll position on the post of T1 grade .1200-2240 which is the only feeder post for grade .1401-2200 (RPS), only 142 candidates were then available. All of them were called for the written test. There was nothing wrong in this. Rest of the contents of para under reply are denied.

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28. That in reply to the contents of para 4(xxxiii) of the original application, it is stated that the instructions contained in Railway Board's circular mentioned in this para are not denied. But it is denied that this was not observed in the instant case deliberately with some ulterior motive. This ^{Administrative omission} was purely incidental which does not render the selection void or illegal.

29. That the contents of para 4(xxxiv) of the original application need no comments.

30. That the contents of para 4(xxxv) of the original application are not admitted. The staff was allotted seniority marks to the maximum of 15 and minimum of 3 ~~was allotted~~ in accordance with the position in the seniority ^{list}. It is stated that nothing wrong and irregular was committed in this regard.

31. That in reply to the contents of para 4(xxxvi) of the original application, it is stated that the competent authority enquired into the ~~the~~ representation of the applicants and it was found that the allegations were baseless and unjustified and claim untenable. This was brought to the notice of the Divisional Secretary of the Union who was sponsoring their case and the Divisional Secretary

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: 11 :

was instructed to inform the applicants accordingly.

32. That in reply to the contents of para 4(xxxvii) of the original application, it is stated that the selection has already been finalised in the proper manner and the staff placed on the panel has been promoted to grade Rs. 1400-2300 subject to their passing the requisite training.

33. That the contents of para 4(xxxviii) of the original application are denied. It is submitted that no irregularity has been committed in the selection as such the selection is ~~l~~legal.

G R O U N D S:

A In reply to the contents of paras under this heading ^{it} ~~his~~ stated that most of the contents have been covered in the reply to the various paragraphs of the petition. It is, however, stated that best possible efforts were made to conduct the selection within the frame of the rules and regulations. The request made by the applicants to cancel the selection is neither tenable nor justified.

Lucknow;

Dated: 20/4 /1993.

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VERIFICATION:

I, the above named official do hereby verify that the contents of paragraph 1 of this counter reply are true to my personal knowledge and those of paras 2 to 33 of this counter reply are based on legal advice and records.

No part of it is false and nothing material has been concealed. So help me god.

Lucknow;

Dated; 20/4 /1993.



अध्यात्म श्रीमान Before Central Administrative Tribunal
(Circuit Bench) Lucknow

वादी मुद्दा का बकाया नाम

ANo 373 of 1990 (CL)

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वादी मुद्दा 10-12-90
प्रतिवादी मुद्दालय

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सन 19 श्री को तारीख
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19 ई

Shri Anil Srivastava

एडवोकेट
महोदय

Shri Anil Srivastava तकील

मैं अपना वकील नियुक्त करके प्रतिज्ञा करता हूँ। लिख देता हूँ। इस मुकदमे में कभी-कभी समय अपना अन्य वकील द्वारा लेने देखते व जवाब देते व प्रश्न करेगा अन्य कार्य वास्तव में करे या लौटा दें इसकी ओर न ध्यान देने की कोशिश करें और अपना बहुत करेगा। इसका नाम बकाया नाम अर्थात् कि निम्नलिखित बकाया और से बकाया का अपने उत्तराधिकारी को देकर तत्काल करे या सुधारा लवाये या जोर में लवाये या हवाले या निम्न मुद्दाओं का तत्काल किया गया अपने या द्वारा इसका नाम मुद्दा मुद्दा में लेने का वक्तव्य करे वकील महोदय द्वारा की गई कर बकाया का हकीकत करेगा समीक्षा है और जो भी है यह कहता हूँ कि मैं इस के लिए तैयार हूँ कि अपने बकाया को बकाया रहेगा अगर मुद्दा अल्प में इस बकाया को बकाया बकाया हो जाता है तो उसकी जिम्मेदारी लेने बकाया का वकील

कहा कि यह बकाया नाम लिख दिया कि प्रमाण रहें और समय पर काम आये।

साक्षी मुद्दा
महोदय

हस्ताक्षर
साक्षी मुद्दा
नाम अध्यात्म
रु. मुद्दा
नाम अध्यात्म

[Handwritten signature and notes]