

## ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE C.A. 118 of 1990 (W)

Name of the parties \_\_\_\_\_

P. S. Sharma

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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3.	Judgment 21-7-91	A6 - A8
4.	Petition	A9 - A27
5.	Power	A28 - A29
6.	Answer	A30 - A84
7.	Short Counter Reply	A85 - A87
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CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Date of Filing 9-4-92  
Date of Receipt 9-4-92

Dep. of Registrar (J)

Registration No. 110 of 1989 (L.V.)

APPLICANT(S) P. S. Sharma

RESPONDENT(S) U.O.C.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ? Yes
2. a) Is the application in the prescribed form ? Yes
- b) Is the application in paper book form ? Yes
- c) Have six complete sets of the application been filed ? Yes
3. a) Is the appeal in time ? Yes
- b) If not, by how many days it is beyond time ?
- c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation/ Vakalatnama been filed ? Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/- Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ? Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? Yes
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? Yes
- c) Are the documents referred to in (a) above neatly typed in double space ? Yes
8. Has the index of documents been filed and paging done properly ? Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? No

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *Y*

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

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given address the registered address ? *Y*

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

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*

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 ? *Y*

18. Have the particulars for interim order prayed for indicated with reasons ? *Y*

19. Whether all the remedies have been exhausted. *b.*

dinesh/

9.4.90

O.A. No.118/90 (L)

Hon. Mr. P.S. Habib Mohammad, A.M.

Hon. Mr. J.P. Sharma, J.M.

Admitt.

Issue Notice.

In the matter of interim relief issue notice. Para-167 of the Indian Railway Establishment Manual while providing for an examination in accordance with appendix-II as a condition precedent to the confirmation of an Accounts Clerk grade-I is coupled with the provision in Rule 4(a) of the Appendix-which says that it is open to the EA. & C.A.O. to permit a candidate in deserving cases to take an examination for the 4th time. While the applicant failed in the three examination of 1987, 1988 and 1989, Annexure A. 11 dated 11.1.90 emanating from Dy. Chief Accounts Officer, O.P. No. 4, called upon the concerned authorities of the Deptt. to submit a list of candidates who had not passed the appendix-II Examination alongwith their request for the additional chance. Annexure-A.12 is the application of present applicant made on 17.1.1990 for an opportunity to appear at the 4th examination. We would like to know what instructions have been issued by the Railway Board or the competent authority about the manner in which the persons who have failed at the three examinations and have applied for further chance are to be dealt with. Para 2 (f) of Annexure-A.2 speaks of termination of service if a chance is granted to the candidates within four years of service and he fails and the results are announced after expiry of four years. In the case of the applicant<sup>s</sup> the period of four years has not yet expired as they were appointed in April/May, 1986. In the circumstance, we direct that the case be listed for orders on 19.4.1990 alongwith O.A.115/90. Till that date the operation of the impugned order dated 29.3.1990 contained in Annexure-A.1 shall remain stayed in so far as the present applicant<sup>s</sup> are concerned therewith.

J.P. Sharma

J.M.

A.M.

Verbal  
Answered

10-4-90

OR  
Notices were issued  
to O.P. no 1 to 4 by  
sgd. Post on 10.4.90  
2/c to the applicant  
No. 1 to 4  
Any acknowledgement  
on behalf of O.P. no 1  
No reply filed  
S.P.A. L.

Received copy

D.P.S.  
Dated 19/4/90

AU

O.A. 22 115/90  
118/90  
86/90

8.1.91 Hon. Mr. D.K. Agrawal, J.M.  
Hon. Mr. K. Obayya, A.M.

Shri R.C. Saxena appears in O.A. 115 & 118/90 for applicant. Shri A.K. Chaturvedi appears for the applicant in O.A. 86/90. Shri Anil Srivastava appears for opposite parties in all the cases. Shri R.C. Saxena desires adjournment on the ground of illness. Shri A.K. Chaturvedi also does not want to address the court on the ground that it may be better if the cases are taken up together. We find that stay order already operates ~~is~~ since 6.4.90. Therefore, undue adjournment cannot be permitted in these cases. However, in the interest of justice we permit an adjournment today and order this case to be listed on 25.2.91.

O.A. 127/90 V.P. Sinha vs. Union of India is on the same subject matter and is fixed for 22.1.91. On the basis of request made by Shri Anil Srivastava it is hereby ordered that the said case will also be listed on 25.2.91. Let Office may make a note in the order sheet of the case also. The stay order already passed shall remain in force till 25.2.91.

♦

A.M.

J.M.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD.

D.A. NO. 118 OF 1990 (L)

P. S. ~~Sharma~~ vs. S. & T. E.

Sl.No.	Date	Office Report	Orders
1	2	3	4
		<p>Received Copy Dated 14/7/91 F. K. Jain 14/8/91</p>	<p><u>31-7-91</u> Judgment delivered Today. The application is allowed.</p>

PANKAJ/

P.T.O.

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH

LUCKNOW

O.A. No. 118 of 1990(L)

Prem Shanker Sharma

Applicant

versus

Union of India & Others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Admn. Member.

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

The applicant has approached this Tribunal against the order dated 29.3.90 passed by respondent No.5, terminating his services from the post of Accounts Clerk Grade I and the Railway Board's letter dated 24.6.86, which, according to the applicant, has been issued in contravention of para 167 of the Indian Railway Establishment Manual. The applicant was appointed on 1.1.1978 on the post of Cleaner in Loco Running Shed Northern Railway, Lucknow in the pay scale of Rs 196-232 and ultimately, after due trade test promoted to the post of Skilled Fitter in the scale of Rs 260-400 and was confirmed on 7.3.84 as Skilled Fitter. Railway Service Commission advertised 414 posts of Accounts Clerk Grade I in scale Rs 330-560 and 524 posts of Senior Clerks in the scale of Rs 330-560. The minimum qualifications prescribed in the same were fulfilled by the applicant. The applicant appeared in the same and also qualified for viva-voce test and in the result he was declared successful and was placed at 25th position. Offer of appointment was

was also issued to him and he was required to submit testimonials and medical examination report. Thereafter, he was posted as Accounts Clerk, Grade I in the office of Senior Accounts Officer, Northern Railway at Moradabad on 28.5.1986 on probation for a period of one year. The applicant appeared at the Appendix II examination as per para 167 of the Indian Railway Establishment Manual but could not succeed. On 23.10.89 the applicant submitted an application to respondent No. 3 requesting him to change his category from Accounts Clerk Grade I to Senior Clerk again showing his desire to appear in the Appendix II examination but instead of granting his prayer for additional chance, his services were terminated. The respondents have taken the plea that no candidate was allowed 4th or 5th chance, though elsewhere in the reply they had stated that to bring uniformity and remove the disparity Railway Board has framed final guidelines vide letter dated 24.6.86 putting and end to fourth and fifth chance. The applicant was not entitled to any further chance. The respective pleadings of the parties have been considered by us in O.A. No. 115 of 1990 'Raj Kumar <sup>Gupta</sup> Gupta & another vs. Union of India & others' which has also been pronounced today. The facts of the present case and that of Raj Kumar Gupta's case are identical and in that case we have allowed the application holding that for non passing examination the services cannot be terminated and the respondents cannot impose a condition which does not find place in the statutory rules without amending the same and the change of category if it had not been done can also be considered for the applicant and without considering this their services cannot be terminated. This judgment shall affirm our view of that judgment also.

Accordingly the order of termination being arbitrary and illegal and without any legal sanction

(R.S)

or authority is quashed and the applicant will be deemed to be in continuous service and if any action for examination is taken, then the respondents shall also consider the case of the applicant before the change of category taking into consideration that it has done so for persons belonging to same service.

*Shamsay B*

Admin. Member

*Allahabad*

Dated: 31- 7-91

*[Signature]*  
Vice Chairman.

Shakeel/

Deputy Registrar(I)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

(LUCKNOW BENCH), LUCKNOW

O.A.NO. 118 OF 1990(L)

PREM SHANKER SHARMA

... APPLICANT

VERSUS

UNION OF INDIA &amp; OTHERS

... RESPONDENTS

COMPILATION NO. 'A'

S.No.	Particulars of Documents	Page Nos.
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1. Application under section 19  
of the Central Administrative  
Tribunal Act, 1985. 1 - 18
2. Enclosure No. A-1:- Termination  
order dated 29.3.1990. 19
3. Enclosure No. A-2:- Railway Board's  
letter dated 24.6.1989. 20 - 22
4. Vakalatnama ... ...

LUCKNOW:

DATED: 9.4.1990.

APPLICANT

To,

The Registrar,

*Sharma*  
9/4/90

Circular Stamp (Railway)  
Date of Filing ... 9-4-80  
Date of Receipt by Post ...  
Deputy Registrar (1)  
AIO

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW

O.A.NO. 118 OF 1990(L)

PREM SHANKER SHARMA, aged about 33  
years, son of Shri S.D.Sharma,  
resident of 32/D, Hyder Canal Colony,  
Charbagh, Lucknow.

... APPLICANT

VERSUS

1. UNION OF INDIA, through the  
General Manager, Northern Railway,  
Baroda House, New Delhi;
2. RAILWAY BOARD, through its Secretary,  
Rail Bhawan, New Delhi;
3. FINANCIAL ADVISER & CHIEF ACCOUNTS  
OFFICER, Northern Railway, Baroda  
House, New Delhi;
4. DEPUTY CHIEF ACCOUNTS OFFICER (G),  
Northern Railway, Baroda House,  
New Delhi;
5. SENIOR ACCOUNTS OFFICER (STORES &  
WORKSHOP), Northern Railway,  
Alambagh, Lucknow.

... RESPONDENTS

•2.

DETAILS OF APPLICATION

(1) PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE :

The applicant is aggrieved by the order dated 29.3.1990 passed by respondent No.5, terminating his services from the post of Accounts Clerk Grade I and the Railway Board's letter No. 84/AC III/20/17 dated 24.6.1986 issued by the Railway Board in contravention of para 167 of the Indian Railway Establishment Manual. True electrostat copies of the aforesaid orders dated 29.3.1990 and letter dated 24.6.1986 are filed herewith as ENCLOSURE NOS. A-1 and A-2 respectively to this application.

(2) JURISDICTION OF THE TRIBUNAL :

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

(3) LIMITATION :

The applicant further declares that the application is within limitation prescribed in section 21 of the Administrative Tribunal Act, 1986.

S. Chauhan

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(4) FACTS OF THE CASE :

(I) That the Indian Railways have separate cadre of MINISTERIAL STAFF in various Departments including that of Accounts Department under the Administrative and functional control of Financial Adviser and Chief Accounts Officers of each Zonal Railways.

(II) That Rule 167 of the Indian Railway Establishment Manual provides the following classes of ministerial staff in Accounts Departments of Railways:-

(a) Clerk Grade II

Rs. 110-180,

(b) Clerk Grade I

Rs. 130-300,

(c) Sub-Head

Rs. 210-380,

(d) Junior Accountants

Rs. 270-435,

(e) Senior Accountants

Rs. 435-575.

(III) That the aforesaid Rule 167 also stipulates that recruitment of Clerks Grade II to the extent of 20% of vacancies will be made from the suitable class staff and 80% of the vacancies will be filled by way of direct recruitment. The essentially required educational qualification for Clerk Grade II is matriculation/ Higher Secondary and for Clerk Grade I is

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University degree preference being given to persons with I and II Division, Honours and Masters degree.

(IV) That Rule 167 of the Indian Railway Establishment Manual further provides that directly recruited Clerks Grade I, will be on probation for one year and will be eligible for confirmation only after passing the prescribed departmental examination in Appendix II.

(V) That Rule 167 does not specify any period for passing the departmental examination necessary for confirmation. However, in Appendix II there is a provision for qualifying examination for promotion above Grade II of the clerical staff of the Accounts Department upto and including the rank of Sub-Head. The syllabus and relevant papers are given in Appendix II.

(VI) That Rule 4(a) in Appendix II provides as under:-

Prasanna  
"Normally no Railway servant will be permitted to take the examination more than thrice but the Financial Adviser and the Chief Accounts Officer may in deserving cases permit a candidate to take a examination for a fourth time, and, in very exceptional cases, the General Manager may permit a candidate to take the examination for the fifth and the last time".

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(VII) That from the above it is quite clear that unless a directly recruited Clerk Grade I (Rs.130-300) passed the departmental examination provided in Appendix II, he will not be eligible for confirmation and further promotion as Sub-Head (Rs. 210-380), Junior Accountant (Rs.270-435) and Senior Accountant (Rs.435-575), the next higher posts.

(VIII) That the applicant on 1.1.1978 was appointed on the post of Cleaner in Loco Running Shed, Northern Railway, Lucknow in the pay scale of Rs.196-232 and on 5.6.1981 after the trade test was promoted to the post of Greaser in the scale of Rs.210-290. The applicant again after due trade test was promoted on 1.7.1982 on the post of skilled fitter in the scale of Rs.260-400. The applicant later on, vide order dated 1.4.1984, was confirmed with effect from 7.3.1984 on the post of skilled Fitter. A electrostat copy of confirmation order dated 1.4.1984 is filed herewith as ENCLOSURE NO.A-3 to this application.

(IX) That in the year 1985, the Railway Service Commission advertised 414 posts of Accounts Clerk Grade I in scale Rs. 330-560 and 524 posts of Senior Clerks in the scale of Rs. 330-560. The minimum qualification prescribed for appearing in the examination was graduation with preferencial qualification M.A. and Honours. A electrostat copy of the advertisement is filed herewith as ENCLOSURE NO.A-4 to this application.

(X) That the applicant's educational qualification being B.Sc., LL.B. with Diploma in Mechanical Engineering applied for both the posts i.e. Accounts Clerk Grade I and Senior Clerk. The department issued no objection certificate dated 25.6.1985, a electrostat copy of which is filed herewith as ENCLOSURE NO.A-5 to this application.

(XI) That after the examination and Viva Voce test the result was published in the newspaper and the applicant was declared successful achieving 25th position in order of merit. The Railway Service Commission also intimated the result of the said examination to the applicant vide its letter dated 5.12.1985, a electrostat copy of which is filed herewith as ENCLOSURE NO.A-6 to this application.

(XII) That thereafter the applicant was issued an offer of appointment containing few terms and conditions of recruitment in the service and also requiring the applicant to submit testimonials and medical examination report. A electrostat copy of offer of appointment dated 28.3.1986 is filed herewith as ENCLOSURE NO.A-7 to this application.

(XIII) That the applicant thereafter was ordered to be posted as Accounts Clerk, Grade I in the office of Senior Accounts Officer, Northern Railway at Moradabad but as he was

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appearing in the final year examination of Mechanical Engineering at Government Polytechnic, Lucknow, he, vide application dated 10.4.1986, requested the respondent No.4 to give him posting at Lucknow, consequently whereof the applicant, vide order dated 7.6.1986, was posted as an Accounts Clerk Grade I under Stores Accounts Office, Alambagh, Lucknow under respondent No.5. True electrostat copies of the aforesaid application dated 10.4.1986 and order dated 7.6.1986 are filed herewith as ENCLOSURE NOS. A-8 and A-9 respectively to this application.

(XIV) That the applicant thereafter in compliance of order dated 7.6.1986 joined the post of Accounts Clerk Grade I under the respondent No.5 on 28.5.1986.

(XV) That it is not irrelevant here to mention that the applicant's appointment on the post of Accounts Clerk Grade I was on probation for a period of one year.

(XVI) That as per provisions of para 167 of the Indian Railway Establishment Manual Appendix II Examination for the purpose of confirmation of the applicant and others was held at the Divisional Office in the year 1987, in which all the candidates bye-cotted the examination.

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(XVII) That the Appendix II examination as per para 167 of the I.R.E.M. was again held in the year 1988 and also in the year 1989, in which the applicant appeared but unfortunately remained unsuccessful.

(XVIII) That the applicant on 23.10.1989 submitted an application to respondent No.3 requesting him to change his category from Accounts Clerk Grade I to Senior Clerk, a electrostat copy of which is filed herewith as ENCLOSURE NO.A-10 to this application.

(XIX) That the respondent No.4 vide D.O. dated 11.1.1990 directed all the concerned authorities to send the names and particulars of the persons, who have failed in the Appendix II Examination but are desirous to avail the additional chances, a electrostat copy of which is filed herewith as ENCLOSURE NO.A-11 to this application.

(XX) That the applicant on 17.1.1990 submitted an application in the office of the respondent No.5 addressed to respondent No.3 showing his desire to avail additional chances for appearing in the Appendix II Examination, a electrostat copy of which is filed herewith as ENCLOSURE NO.A-12 to this application.

*Scharru*

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(XXI) That all of a sudden the respondent No.5 passed the impugned termination order dated 29.3.1990 terminating the applicant's services forthwith simply for the reason that he failed to qualify Appendix II Examination within the stipulated period as provided in para 2(e) and (3) of Railway Board's letter dated 24.6.1986 contained in Enclosure No.A-2 to this application.

(XXII) That the applicant is not aware of the fate of his application dated 17.1.1990 contained in Enclosure No.A-12 and the compliance about the D.O. dated 11.1.1990 contained in Enclosure No. A-11 to this application.

(XXIII) That the applicant's services have been terminated without offering further chance to appear in Appendix II Examination which has not yet taken place.

(XXIV) That the instances of providing 4th and even 5th chance to appear in Appendix II Examination as per para 167 of the I.R.E.M. are not rare. One Shri Atar Singh, who was also directly recruited as Accounts Clerk Grade I, was allowed vide order dated 27.1.1982 to appear 4th time in the aforesaid Appendix II Examination. When he could not qualify even on 4th time, he moved an application dated 15.2.1983 requesting the authorities to allow him Vth chance to appear in the said examination which was allowed to him. A electrostat copy of the order dated 27.1.1982

and application dated 15.2.1983 are filed herewith as ENCLOSURE NOS. A-13 and A-14 respectively to this application.

(XXV) That one Shri Iqbal Ahmed, directly recruited Accounts Clerk Grade I vide order dated 3.10.1983, was given 5th chance to appear in Appendix II Examination, A electrostat copy of the said order dated 3.10.1983 is filed herewith as ENCLOSURE NO. A-15 to this application.

(XXVI) That not only that the respondent No.3 became so lenient with reference to Smt. Alka Sahani and Smt. Sharda Singh, directly recruited Accounts Clerks Grade I to allow them to change their category from Accounts Clerk Grade I to Senior Clerk vide order dated 7.9.1987, a true electrostat copy of which is filed herewith as ENCLOSURE NO. A-16 to this application. The applicant vide application dated 23.10.1989, contained in Enclosure No. A-10, similarly made a request for change of his category that is from the post of Accounts Clerk Grade I to the post of Senior Clerk on which no orders till date have been passed.

(XXVII) That the work and conduct of the applicant throughout the service period remained excellent and above mark and no adverse entry or even warning was ever issued to him. His

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whole service record remained unblemished and his integrity has always been certified.

(XXVIII) That though the applicant as a direct recruit joined the post of Accounts Clerk Grade I on 28.5.1986 yet he retained his lien on the post of skilled Fitter on which he was confirmed vide order dated 1.4.1984 contained in Enclosure No.A-3.

(XXIX) That the impugned termination order under the facts and circumstances of the case is not only arbitrary and discriminatory but is also in contravention of Rule 301 of the Indian Railway Establishment Code, Volume I in as much as no one month's notice or pay in lieu thereof has been given to him.

(XXX) That the Railway Board's letter dated 24.6.1986, contained in Enclosure No.A-2, is inconsistent to the statutory provisions contained in para 167 of the I.R.E.M.

*SS*  
(XXXI) That the terms and conditions contained in sub-para Ka, Ga and Gha of offer of appointment, contained in Enclosure No.A-7 are unconscinable, unjust and unreasonable.

(XXXII) That besides the above, the respondent No.5 is not the appointing authority of the applicant for the post of Accounts Clerk Grade I

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and is much below in rank to the appointing authority of the applicant which is the respondent No.3.

(XXXIII) That at any rate the impugned order of termination for not qualifying Appendix II Examination, under the facts and circumstances of the case and in effect and substance amounts to removal from service without complying the provisions of Article 311(2) of the Constitution of India.

(XXXIV) That the applicant has not yet handed over charge of the post and is on medical leave with effect from 29.3.1990 and in case the further operation of the impugned order dated 29.3.1990, contained in Enclosure No.A-1, is not stayed, he would suffer irreparable loss and injury.

(XXXV) That the principal Bench of the Central Administrative Tribunal at Delhi in similar matters in O.A.No.262/1990 and the Central Administrative Tribunal (Lucknow Bench), Lucknow in O.A.No.115 of 1990 have been pleased to pass interim orders, the electrostat copies of which are filed herewith as ENCLOSURE NOS. A-17 and A-18 to this application.

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**(5) GROUND FOR RELIEF WITH LEGAL PROVISIONS:**

(I) Because no one month's notice or pay in lieu thereof as per provisions of Rule 301 of the I.R.E. Code has been given to the applicant.

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(II) Because the work and conduct of the applicant throughout the service period remained excellent and above mark and there exists no material even a least on the basis of which the applicant could be adjudged inefficient or unsuitable for the post.

(III) Because the applicant, inspite of his direct recruitment on the post of Accounts Clerk Grade I, still holds a lien on the post of skilled Fitter, on which post he was confirmed vide order dated 1.4.1984, contained in Enclosure No.A-3.

(IV) Because the respondent No.5 is not the appointing authority of the applicant and is not competent to terminate the services of the applicant.

(V) Because the Railway Board's letter dated 24.6.1986, which in substance changes the statutory provisions contained in para 167 of Chapter I Section B of I.R.E.M., is illegal and inoperative.

Issue on

(VI) Because the Railway Board's Letter dated 24.6.1986 is hit by Article 14, 16 and 311 of the Constitution of India.

(VII) Because failure to pass the departmental examination for confirmation would not render the employee unsuitable to the post of justifying termination.

(VIII) Because the termination order is arbitrary and is not based on any legitimate material german to the termination.

(IX) Because under the facts and circumstances of the case, the impugned order terminating the services amounted to removal without complying the provisions of Article 311(2) of the Constitution of India.

(X) Because the condition to terminate the services on failure to pass Appendix II Examination contained in Railway Board's letter dated 24.6.1986 and in para Ka, Kha, Ga of the offer of appointment dated 28.3.1986 is unconscionable, unfair and unreasonable and is void being violative of Article 14 of the Constitution of India.

(XI) Because the act of respondents is not giving further chances to appear in Appendix II Examination and is not changing the category as done with reference to other employees is arbitrary and discriminatory, hit by Articles 14 and 16 of the Constitution of India.

SShuva  
(6) DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that no statutory remedy is available to him under Rules and the remedy by way of non-statutory representation under the circumstances of the case is neither efficacious nor effective.

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

The applicant further declare that he had 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 :

The Tribunal may graciously be pleased to:-

(a) quash the impugned termination order dated 29.3.1990 passed by respondent No.5 and contained in Enclosure No.A-1 holding the same illegal, void and inoperative and directing the respondents to treat the applicant still in continuous service with all consequential benefits such as payment of full salary and allowances, increments and seniority etc.,

(b) quash the Railway Board's letter No. 84/AC III/20/17 dated 24.6.1986 issued by the Railway Board and contained in Enclosure No.A-2 to the application;

(c) any other relief which the Tribunal may, under the facts and circumstances of the case, deem fit in favour of the applicant such as

.15.

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

The applicant further declare that he had 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 :

The Tribunal may graciously be pleased to:-

(a) quash the impugned termination order dated 29.3.1990 passed by respondent No.5 and contained in Enclosure No.A-1 holding the same illegal, void and inoperative and directing the respondents to treat the applicant still in continuous service with all consequential benefits such as payment of full salary and allowances, increments and seniority etc.,

(b) quash the Railway Board's letter No. 84/AC III/20/17 dated 24.6.1986 issued by the Railway Board and contained in Enclosure No.A-2 to the application;

(c) any other relief which the Tribunal may, under the facts and circumstances of the case, deem fit in favour of the applicant such as

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grant of additional chances to appear in Appendix II Examination on change in category may be passed.

(9) INTERIM ORDER, IF ANY, PRAYED FOR :

The Tribunal may graciously be pleased to stay further operation of the impugned termination order dated 29.3.1990 passed by respondent No.5 and contained in Enclosure No. A-1 to this application during the pendency of the case and an ad-interim order may graciously be passed.

(10) The application is personally presented through counsel.

(11) PARTICULARS OF THE POSTAL ORDER FILED IN RESPECT OF APPLICATION FEE:

Postal order No. : B 02 414114

Dated : 4.4.1990

Issued by : High Court Bench

Post Office.

In favour of : The Registrar,  
C.A.T., Allahabad.

(12) LIST OF THE DOCUMENTS :

- (1) Enclosure No. A-1 : Impugned termination order dated 29.3.1990.
- (2) Enclosure No. A-2 : Railway Board's letter dated 24.6.1986.
- (3) Enclosure No. A-3 : Confirmation order dated 1.4.1984.

(4) Enclosure No. A-4 : Advertisement.

(5) Enclosure No. A-5 : No objection certificate dated 8.6.1985.

(6) Enclosure No. A-6 : Intimation regarding selection dated 5.12.1985.

(7) Enclosure No. A-7 : Offer of appointment dated 28.3.1986.

(8) Enclosure No. A-8 : Application for change of posting dated 10.4.1986.

(9) Enclosure No. A-9 : Posting order dated 7.6.1986.

(10) Enclosure No. A-10 : Application for change of category dated 23.10.1989.

(11) Annexure No. A-11 : Posting order dated 11.1.1990.

(12) Enclosure No. A-12 : Application for additional chance dated 17.1.1990.

(13) Enclosure No. A-13 : Order for additional chance dated 27.1.1990, in favour of Atar Singh.

(14) Enclosure No. A-14 : Application for Vth chance dated 15.2.1983.

(15) Enclosure No. A-15 : Order dated 3.10.1983,

(16) Enclosure No. A-16 : Order dated 7.9.1987 for additional chance to Iqbal Ahmed changing category of Smt. Alka Sahani and Smt. Sharda Singh.

(17) Enclosure No. A-17 : Stay order dated 14.2.1990.

(18) Enclosure No. A-18 : Stay order dated 6.4.1990.

VERIFICATION

I, Prem Shanker Sharma, aged about 33 years, son of Shri S.D.Sharma, resident of 32/D-Hyder Canal Colony, Charbagh, Lucknow, do hereby verify that the contents of paras 1, 4, including

.18.

9222

sub-paras 6, 7, 10 to 12 of this application are true to my personal knowledge and those of paras 2, 3, 5, 8 and 9 are believed by me to be true on legal advice and nothing material has been suppressed.

## LUCKNOW:

✓ See more

DATED: 9.4.1990.

**APPLICANT**

Before the Central Administrative Tribunal  
ब अदालत श्रीमान Lucknow. महोदय

[वादी] अपीलान्ट

श्री

Prem Shanker Sharma  
का विकालतनामा



Prem Shanker Sharma  
बनाम प्रतिवादी (रेस्पान्डेंट)  
Union of India and others.  
मुकदमा नं० सन् १९९० (केस) की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से धी R. C. SAXENA  
Advocate, 1986 Court - E- 366  
Raja Ji Puram, Lucknow. वकील महोदय एडवोकेट

की अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया 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 हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा और मुकदमा अदम पैरवी में एक तरफ मेरे लिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पक्षालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

Accepted

Devan  
Devan Cle

Hastakshar PSL-42

मुकदमा (गवाह)  
दिनांक १८/८/९८

साक्षी (गवाह)

९

महीना

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सन् १६ ई०

९०

Before The Central Administrative Tribunal,  
Circuit Bench, Lucknow  
घदालत ओमान्.....महोदय

(वादी) अपीलान्ट

प्रतिवादी रेस्पान्ट

जी

का

बिकालितनामा

टिकट

वादी (अपीलान्ट)

P. S. Sharma पनाम 11.0. of the प्रतिवादी रेस्पान्ट

CA नं० मुकदमा 118 सन् 1990 वेशी को ता० 30-4-1990. ई०

ऊपर लिखे मुकदमा में अपनी ओर से

ANIL SRIVASTAVA

वकील

महोदय

एडवोकेट

तामा	अदालत	नं०	फैसला
तामा	मुकदमा	नं०	फैसला
तामा	मुकदमा	नं०	फैसला

को अपना वकील नियुक्ति फरके प्रतिज्ञा इधरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी 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 सुलहमामा 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 अदाम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर कार्य आवेदन।

Acc'd  
Anil Srivastava

मुस्ताक्षर

षट्किञ्च लेखा अधिकारी/पर्सनल अ०  
७०८०, बालमदाग, उत्तराखण्ड

साक्षी (गवाह) 8मंब 30-4-90 साक्षी (गवाह) A.O(S)/N.R./AMV-AK

दिनांक

महीना

सन् १९

ई०

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

(LUCKNOW BENCH) LUCKNOW.

O.A. NO.

1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents

ENCLOSURE NO. A-1

S.O.O. NO. 183

DE. 29.3.1990

In terms of Dy. C.A.O.(G)'s S.O.O. No. 152 dated 23.3.1989 the services of the following staff are hereby terminated with immediate effect as they could not qualify the Appendix-II A ( IRM Examination ) within the prescribed period as per their service conditions as they joined in para 2(c) & 3 of Railway Board's letter No. 84/ACII/21/17 dated 24.6.1986.

However, they can send their requests for appointment as C.G-II as fresh entrants for the Accounts Department through proper channel for consideration of Railway Board.

S.No.	Name of the Staff in S.O.O.	Designation	Office where working
1.	Prem Shanker Sharma	J.A.A.	SAO(S)/ANV/LKO
2.	Raj Kumar Gupta	-do-	-do-
3.	S.K. Shamin	-do-	-do-

341/11 (29/3/90)  
Sr. Accounts Officer ( S.A.O )  
N.Rly., Alambagh, Lucknow

Copy to :-

- 1) Dy. C.A.O.(G), N.Rly., New Delhi with reference to her D.O.O. No. 88/A/81/C/3/CG-I/183/Enq/Loose dated 3/1990.
- 2) P.M.G.O.(ADN), Northern Railway, Hazratganj, New Delhi.
- 3) S.A.O., Hazratganj, Lucknow.
- 4) S.O.(I), S.O.(PT), S.O.(ANV)/ANV/LKO.
- 5) Smt. Prem Shanker Sharma.
- 6) Sh. Raj Kumar Gupta.
- 7) Sh. S.K. Shamin.
- 8) Spares.

S.A.O. (S.A.O)/ANV/LKO.

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ATLIS

Debjit  
O.C. S.O.O.  
M.C. S.O.O.  
G-3665, R.P.O., Lucknow

Passes on

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.

O.A. NO. . . . . OF 1990

Prem Shanker Sharma . . . . . Applicant  
Versus  
Union of India & others . . . . . Respondents  
ENCLOSURE NO. A-2

20

A-2

NORTHERN RAILWAY  
HEADQUARTERS OF ICRC  
BAJODA HOUSE NEW DELHI.

No.85/L.DR/C/1/CC1/DRQ

Dated: 3.9.86.

Sr.DAO, AID LKO MA/NDLS, DAOs FZR, EKH, JU  
SAO(W) JUD, ASR, AVV/LKO, CBL-LKO, SAO/ME/AID,  
Addl. FA & CAO/T/DKZ, FA & CAO/Const.K.Cate, Delhi.  
AFA/CC, IRCTC Bldg., New Delhi. AOs Books, Corrp. Estd., EG, X, Effy, FX, Finance,  
S.O. Adm. 1, 2, 3, 4 & 5/HQ. Insp. Accounts, Pension, PF Store, Indent, Stores  
A/c, WC, Fuel/HQ.

Sub: Directly recruited Clerks Grade I in the Accounts Department of Railways.

A copy of Railway Board's letter No.84-ACIII/20/17 dated 24.6.86 on the subject  
cited above is enclosed for your information and necessary action.

D.K. (C.R. 2)

DA/As above.

(D.K. KHANNA)

/P.A. & CHIEF ACCOUNTS OFFICER/AM.

Copy of Board's letter No.84-ACIII/20/17 dated 24.6.86.

Sub: As above.

Under the existing orders on the subject, directly recruited Clerks Grade I are required to be given a maximum of two chances to appear at the Appendix 2 (I.C.M.) examination within a period of three years from the date of entering service, and those who fail to qualify themselves within these two attempts render themselves liable for discharge from service. In a few cases, additional chance was given to some candidates on the basis of the recommendation of the P.A.O./AM of the Railways. However, with a view to bring in uniformity, as also to make the concerned employees fully aware of the extant rules in this respect (so that the availability of this additional chance is not taken for granted) Board under their letter No.84-ACIII/20/34 dated 4.6.86 and 10.2.86, reiterated the position and directed the Railways that they may approach the Board for retaining the staff in service beyond three years, or for permitting them to sit in App.2(I.C.M.) examination beyond three years or for the third time in the third examination in relaxation of the extant rules, provided there were compelling reasons for such relaxation.

The entire position has been reviewed by the Department of Railways (Railway Board), and the following decisions have since been taken which should be followed by the Railways/Units, meticulously in future:

- a) In respect of directly recruited Clerks Grade I, the Railways/Units should ensure that two clear chances to appear in the Appendix 2 (I.C.M.) examination within three years of their service should be made available to them duly taking into consideration the training period involved. In other words, after their training is over, the employees should be able to appear in two examinations within a period of three years from the date of their appointment. This should be ensured by even holding Appendix 2 (I.C.M.) examination, specifically for such candidates, if need be.
- b) As regards candidates who have availed of two chances within three years of service, who still apply for having given a third chance, within or beyond three years, their cases if found justified, could be referred to

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D.K. KHANNA  
P.A. & CHIEF ACCOUNTS OFFICER/AM

Issue

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the Board with the ~~your~~ personal approval of the FA & CAO alongwith details of performance of the candidates in earlier examinations.

c) In respect of candidates who did not avail of any chance within three years of service, on medical grounds, involving request for leave of absence supported by Sick Certificate from the Railway Doctor, in spite of the Examinations having been conducted during that period, request for grant of chance after completing of three years of service, will be considered by the Board only on the basis of the personal approval of the F&CAO concerned and if the case is otherwise found to be justified.

d) In case the employee did not appear in the earlier Examinations within three years due to genuine health reasons duly supported by proper Railway Medical Certificate, and a chance was granted by the Board after completion of three years of service, vide (c) above, which was availed by the employee's request for grant of one more chance, i.e., the second chance after three years' service may be referred to the Railway Board, with the personal approval of the General Manager. It is felt that instances of such cases, as also of those dealt with in (c) above would be extremely rare as for example on occasion of maternity leave taken by female employees. However, such cases may be recommended in such a manner that the employee will have an opportunity to appear in the Examination within one year thereafter i.e. within a total span of four years from the date of appointment.

e) Merely absenting in the two examinations held within three years of service will not amount to chance 'Not counted' and no reference should be made to the Board for additional chance, and the employee's service should be terminated without any reference to Board and in terms of extant orders.

f) Wherever sanction for an additional chance is given after three years' service vide paras 2(t), (c) and (d) above, it should be so acted upon that the employee in any case will not be recommended for additional chances after those brought out therein, and that in any case the employee will not be given any chance beyond two/three chances which too should be availed of within a total span of four years of service. However, the action of termination of service in the event of failure in the last chance granted within the period of four years of service will be taken immediately after the announcement of the results of the Examination, if the results happen to be announced after the expiry of four years.

g) In respect of employees who are initially appointed on one Railway/Unit and subsequently transferred to another Railway/Unit, the details of Appendix-2/ IREM Examination taken by them on the Railways/Units of initial posting should be clearly mentioned on their Service Records as well as in the Last Pay Certificate so that the Railway/Unit to which the staff are transferred are aware of the same in time to avoid any further correspondence in this regard.

h) In cases where the employees do not qualify in the Examination even after availing of chances referred to in para-2 of this letter, their services should be terminated. In case however the employees do request, their cases for appointment as CGIs, as fresh entrants in the Accounts Department will be considered by the Board on merits on receipt of a proposal from the Railway/Unit concerned, duly recommended by the General Manager provided a vacancy in CGI grade is available.

These orders will be made effective immediately. Postponed orders, however, be reopened.

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5. In respect of the proposals from the (i) Western (ii) South Central and (iii) Southern Railways received with their letters no. Adm/3/41576/E/90/995/V dated 24.1.1986, Adm/III dated 30/31.1.86 and P.563/HQA/OC/1/0/II/Corr. dated 27.2.1986 respectively, Board desire that the cases should be reviewed in the light of the instructions contained in this letter and specific reference should be made to Board for relaxation wherever admissible duly quoting the clause (i.e. the specific sub-para in para 2) under which the relaxation is sought.

6. Receipt of this letter may be acknowledged.

7. Hindi version is attached.

Sd/-

(M.R. Laljani)  
Executive Director /Accounts  
Railway Board.

Copy to:-

1. FANCIO of All Indian Railways/Production Units.
2. JDE/R/Railway Board, two spares.
3. DDM/R/Railway Board, two spares.
4. E/NC/1 with five spares/E/NC/II, E/Rep/1, II & III  
S/SC/ I & II, E/T&A, I & II, PC-III Branches, Railway Board.

Sd/-

( M.R. LALJANI)  
Executive Director /Accounts  
Railway Board.

Attestis True Copy

D  
Advocate

TRUE COPY  
ATTESTED

1. SC/SC/

  
D. R. Dutt  
QC  
QC  
QC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(LUCKNOW BENCH), LUCKNOW

O.A. NO. OF 1990(L)

PREM SHANKER SHARMA ... APPLICANT

# VERSUS

UNION OF INDIA & OTHERS ... RESPONDENTS

COMPILATION NO. 'B'

S.No.	Particulars of Documents	Page Nos.
1.	Enclosure No. A-3 : Confirmation order dated 1.4.1984.	23 - 24
2.	Enclosure No. A-4 : Advertisement.	25 - 26
3.	Enclosure No. A-5 : No objection certificate dated 8.6.1985.	27 - -
4.	Enclosure No. A-6 : Intimation regarding selection dated 5.12.1985.	28 -
5.	Enclosure No. A-7 : Officer of appointment dated 28.3.1986.	29 - 30
6.	Enclosure No. A-8 : Application for change of posting dated 10.4.1986.	31 - 32
7.	Enclosure No. A-9 : Posting order dated 7.6.1986.	33 - -
8.	Enclosure No. A-10 : Application for change of category dated 23.10.1989.	34 - -
9.	Enclosure No. A-11 : <del>Posting</del> order dated 11.1.1990.	35 - -
10.	Enclosure No. A-12 : Application for additional chance dated 17.1.1990.	36 - -
11.	Enclosure No. A-13 : Order for additional chance dated 27.1.1990 in favour of Atar Singh.	37 - -

Contd...2

RS

2.

S.No.      Particulars of Documents      Page Nos.

Page Nos.

12. Enclosure No. A-14 :	Application for Vth chance dated 15.2.1983.	38/-
13. Enclosure No. A-15 :	Order dated 3.10.1983.	39/-
14. Enclosure No. A-16 :	Order dated 7.9.1987 for additional chance to Iqbal Ahmed changing category of Smt. Alka Sahani and Smt. Sharda Singh.	40/-
15. Enclosure No. A-17 :	Stay order dated 14.2.1990.	41
16. Enclosure No. A-18 :	Stay order dated 6.4.1990.	

LUCKNOW :

DATED: 9.4.1990.

1 SSN →  
APPLICANT INFO

To,

The Registrar,

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents

ENCLOSURE NO. A-3

P-34

23

FORM NO. 1A

No. 847E/1-7/Fitter

Divisional Office,  
Lucknow, dated 7/4/84.

NOTICE.

The undernoted staff are hereby confirmed as fitter Grade Rs.260-400 (RS) from the date noted against each:-

S. No.	Name	Present designation & station.	Date of confirmation.
1.	Ram Lakh	Fitter, SA/SLN	7.3.1984
2.	Sukhdeo	"/LF/PBH	7.3.84
3.	R.N. Srivastava	"/" / LKO	7.3.84
4.	Kaushal Kishore	-do- / BSB	7.3.84
5.	Bansraj Misra	-do- / BSB	"
6.	Ghottey Lal	-do- / PBH	"
7.	Ram Sewak	-do- / PBH	"
8.	Sri Krishna	"/do- / LKO	"
9.	Ajodhaya Rd.	-do- / FD	"
10.	Ram Deo	-do- / PBH	"
11.	Bindra	-do- / LKO	"
12.	Jai Narain	"/do- / PBH	"
13.	Moti Lal	"/BKO	"
14.	Ram Raj	"/LKO	"
15.	Mohd. Shafi	"/LKO	"
16.	Badruddin	"/LKO	"
17.	R.L. Gosawami	"/BSB	"
18.	Amar Singh	"/LKO	"
19.	Raj Bahadur Singh	"/LKO	"
20.	Durga Charan	"/LKO	"
21.	Ram Pd.	"/LKO	"
22.	Virendra Vir Pd.	"/LKO	"
23.	Ghuroo	"/LKO	"
24.	Jalaluddin	"/LKO	"
25.	Gauri Shanker	"/LKO	"
26.	Mohd. Jamil	"/PBI	"
27.	Dal Bhadur Singh	Fitter SA / RBL	"
28.	Prakash Chand	Fitter LF / LKO	"
29.	Ram Lakh	"/FD	"
30.	Akbar Ali	"/LKO	"
31.	Ram Sumer	"/PBH	"
32.	N.K. Gosh	"/PBH	"
33.	Subhan	"/LKO	"
34.	Raja Ram Dubey	"/LKO	"
35.	Sri Eishan s/o Sanoo	"/LKO	"
36.	Ram Sahai	"/LKO	"
37.	Sant Ram	"/FD	"
38.	Abdul Hamid	"/FD	"
39.	Raj Kishore Singh	"/BSB	Not confirmed as SF-5 pending
40.	Basant Lal	"/LKO	7.3.84.
41.	Shyam Lal	"/LKO	"
42.	Sheo Pd. Sharma	"/FD	"
43.	Satya Narain Singh	"/PBH	"
44.	Amrit Lal	"/PBH	"
45.	Shiv Shanker	"/PBH	"

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contd...2/-

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A-3

1.	2.	3.	
97.	Ajodhya Pd.	Fitter	LF/LAC
98.	Jagdamba Pd.	"	/FD
99.	Mohd. Bashir	"	/BSB
100.	Sidh Mitra	"	/FD
101.	Raja Ram	"	/BSB
102.	Baboo lal	"	/LKO
103.	Mahabir Pd.	"	/BSB
104.	Shiy Charan	"	/LKO
105.	Baboo lal Pd.	"	/LKO
106.	Mool Chand	"	/BSB
107.	Sukhdeo Singh	"	/FD
108.	Mewa lal	"	/PBH
109.	Moti lal	"	/LKO
110.	B.N. Gosh	"	/LRC
111.	Misri lal	"	/FD
112.	Chottee lal	"	/LKO
113.	Sita Ram Pathak	"	/BSB
114.	Ram Asrey Misra	"	/PBH
115.	Avadh Behari	"	/BSB
116.	Sarfraz Hussain	"	/LKO
117.	Sewa lal	"	/BSB
118.	Mohd. Umar	"	/FD
119.	Gulab Chand	"	/LKO
120.	Sheo Shunker Shukla	"	/LKO
121.	Nand lal Singh	"	/BSB
122.	Ram Nath Ram	"	/BSB
123.	Bachnu Ram	"	/BSB
124.	Irratullah	"	/PBH
125.	Nanhey lal	"	/LKO
126.	Sabdeo Bux Singh	"	/LKO
127.	Om Prakash Misra	"	/PBH
128.	Sri Dhar Pandey	"	/BKO
129.	Jagdish Pd.	"	LKO
130.	Misri lal	"	/LKO
131.	Salim Khan	"	/LKO
132.	Ram Kumar	"	/LKO
133.	Sukh Ram	"	/BSB
134.	Jagjiwan	"	/LKO
135.	Brij Bahadur	"	/LKO
136.	Mohindra Ojha	"	/BSB
137.	David Rajis	"	/LKO
138.	Dal Singar	"	/BSB
139.	Sarjeet Singh	"	/LKO
140.	Maikoo	"	/LKO
141.	Madan lal	"	/LKO
142.	Hadhey Shyam Misra	"	/LKO
143.	Krishan lal	"	/LKO
144.	Kailash Nath	"	/LKO
145.	Sobh Nath	"	/LKO
146.	Sidheshwar Singh	"	/BSB
147.	Rajendra Pd.	"	/BSB
148.	Ram Kumar Gupta	"	/LKO
149.	Ram Surat	"	/LKO
150.	Sri Ram	"	/LKO
151.	Deo Kumar Dwivedi	"	/PBH
152.	Manni lal	"	/LKO
153.	Raj Kishore	"	/LKO
154.	Surya Pd.	"	/PBH

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SSwaroop

Q.C. 100%  
Q.C. 100%  
Q.C. 100%  
Q.C. 100%  
Q.C. 100%  
Q.C. 100%

Prem Shanker Sharma .... Applicant

Versus Union of India & others

ENCLOSURE NO. A-4

Respondents

आवश्यकता है

रेल सेवा आयोग

१९, सरदार पटेल मार्ग,

इलाहाबाद

नियोजन सुचना संख्या-१८२-३

निर्धारित काम पर आवेदन पत्र आमंत्रित किए जाते हैं। जो सहायक सचिव, रेल सेवा आयोग, १९, सरदार पटेल मार्ग, इलाहाबाद के पास दिनांक १५-६-८२ को सायंकाल ५.०० बजे तक पहुंच जाना चाहिए।

१- आवेदन पत्र के लिए किसी भी रेल सेवा आयोग का निर्धारित काम प्रयोग किया जा सकता है। ये काम सभी सहायक प्रयोग के लिए जाते हैं। अनुसूचित जाति एवं अनुसूचित जन जाति के उम्मीदवारों के लिए तथा बर्मा और भीलंका पूर्वी पाकिस्तान (बंगलादेश) के विद्यापितों के लिए ५० पेसे देने होंगे। साथ में १०- रुपये का कास हिन्दून पोस्टल आडंड (२.५० रुपये का पोस्टल आडंड अनुसूचित जाति अनुसूचित जन जाति एवं बर्मा तथा भीलंका और पूर्वी पाकिस्तान (बंगलादेश) के विद्यापितों के लिए) नक्षी करके भेजना होगा। जो सहायक सचिव रेल सेवा आयोग, इलाहाबाद को जनरल पोस्ट अफिस इलाहाबाद में देय होगा। बंक चेक तथा डाक टिकट छुपीकार नहीं होंगे।

२- आपसीमा का निर्धारण दिनांक १-६-८२ से किया जायेगा आप की उच्चतम सीमा में छूट नमून प्रकार से होगी।

(क) ५ वर्ष की छूट अनुसूचित जातियों अनुसूचित जन जातियों के लिए है जो राज्य अधिकारी द्वारा तत्त्वाधीन प्रमाणपत्र प्रस्तुत होंगे।

(म) रिजर्व सेनिकों को जो सरकारी सेवा में नहीं है, आप की उच्चतम सीमा ४० वर्ष होगी।

(ग) भूतपूर्व सेनिक जो अपने हैं उन्हें सीन वर्ष की छूट मिलेगी।

(घ)- आप की उच्चतम सीमा यमो भारत भीलंका हिन्दूविद्यापित उम्मीदवारों की ४५ वर्ष होगी। जो १-६-६३ एवं १-११-६४ द्वारा क्रान्ति भारत आये हों। एवं पूर्वी पाकिस्तान (बंगलादेश) से १-१-६४ तक या इसके बाद तथा २५-३-७१ के पहले भारत आये हों। ५० वर्ष की ५२ विद्यापित, अनुसूचित एवं अनुसूचित

(ङ) यत्तमान नियमानुसार अपार्टमेंट, रेलवे के तृतीय तथा चतुर्थ घरें के कम्बिनेशनों तथा रेलवे कंटीन, सोसाइटी तथा संस्थाओं में कार्यरत कम्बिनेशनों को। (१) नियुक्त कम्बिनेशनों का। (२) भूतपूर्व सेनिक और (३) परकवा द्वारा दरियोजना के सूचकाल विभिन्न कम्बिनेशनों को आप सीमा में छूट मिलेगी।

३- रेलवे आपसीमा अप्रेटिस द्वारा कोटियों पर लागू नहीं होगी। इनके लिए उपयुक्त आपसीमा की छूट देने पर भी छद्दतम आप सीमा ३० वर्ष से अधिक नहीं होगी। (भूतपूर्व सेनिकों के लिए अधिकतम आपसीमा में ३५ वर्ष तक की छूट दी जायेगी।)

४- विधवाओं, तात्पार शुद्धी और सीमा एवं कानूनी तात्पार ज्ञाने पतियों से अलग रहने वाली सीमा भूतपूर्व सेनिकों जिन्होंने दुबारा विद्याह नहीं हिता है, आप सीमा में ३५ वर्ष तक की छूट दी जायेगी। (अनुसूचित जाति एवं अनुसूचित जन जाति के लिए ४० वर्ष की छूट होगी)। दैलेखिक योगदान एवं घटन निधि में किसी प्रदान की छूट नहीं होगी।

५- आवेदन पत्र : (क) जिनके ताथ आप समर्थक (मेट्रिक या वृत्त एवं सीमा) का प्रदान पत्र दैलेखिक योगदान एवं अनुभव संबंधी प्रमाणपत्रों सीमा प्रदानित प्रतिलिपियां नहीं होगी। (ख) सबीततम दो काटो नहीं होंगे। एक आवेदन पत्र पर निर्धारित स्थान पर विभिन्न दुक्का तथा दूसरों प्रति भजनता के राय काम में नक्षी की हुई (ग) टैक टंग से काम न भरा गया हो या अप्राप्यता के द्वारा नहीं होंगे। काम में अधिक काटकूह के होने पर (घ) काम विभिन्न स्थानों से भरा गया होने पर (इ) इस नियोजन सुचना तथा निर्धारित काम में दिए गए नियमों के अनुसार छोड़ दी जायेगी। (ज) निरस्त कार्म की निरस्त कर दिया जायेगा।

६- सरकारी सेवा में आये उम्मीदवारों को यदि यह अंक दिया जाता है तो विभागाध्यक्ष के नियम भेजे जाने वाला आवेदन पत्र द्वारा में पहुंचेगा तो ऐसी हालत में वे अपना आवेदन पत्र आयोग में सीधा भेज सकते हैं। लक्षित इन्हें विभिन्न परीक्षा साक्षात्कार विभाग में सम्बलित होने की अनुमति तभी दी जायेगी जबकि वे अपने विभागाध्यक्ष का 'कोई आपत्ति नहीं' प्रमाणपत्र प्रस्तुत करेंगे।

७- अमर्यालिकाके ऊपर पर नियोजित सुचना संख्या एवं कोटि संख्या अवश्य सिलें।

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१८८२५

Q.B.S.  
Rajendra  
Loknayak

८- रेल सेवा में नियम। रामी पुरुष उम्मीदवारों को आयोगकार्यालय न सार प्रावेशिक तेवा की रेलवे इंजीनियरिंग पुनिट में सात वर्ष तथा प्रावेशिक मुरक्कत गंता में ८ वर्ष की उत्तिक्रिय तेवा करनी होगी।

९- आयोग को यह अधिकार है कि वंधु कारपों पर किसी भी आवेदन पत्र को रद्द कर दे तथा इस संबंध में न तो कोई जानकारी दी जायेगी और नहीं कोई पत्र व्यवहार किया जायगा।

१०- किसी प्रकार की सिक्कारिया करने वाले उम्मीदवार को अयोग्य प्रोफिल कर दिया जायेगा।

उत्तर रेलवे के हित

कोटि संख्या १-१३० पद हम्मूटर का सिविल इंजीनियरिंग में डिप्लोमा वेतनमान रु ५५०-७५० (सं० वे०)। वो पद अनुसूचित जाति के लिए स्थाया एक पद अनुसूचित जनजाति के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त विद्यालय से सिविल लाभयंशण में स्नातक। अनुभव प्रात अभ्यविधियों को वरीयता। आयु-२० से ३० वर्ष। प्रशिक्षण-इंजीनियरिंग आक्सिस में इंग्रजी का प्रशिक्षण यूनिका एवं जनानत वर्तमान नियमों के अधीन होगा। महिलाएं आवेदन न करें।

कोटि संख्या २-४३ पद नियमित एन्ट्री मेटलगिरिल राज्यकार के लिए। वेतनमान रु ४५०-७०० (सं० वे०) ७ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद अनुसूचित जनजाति के लिए आरक्षित है। योग्यता-नीतिक विद्यालय आवेदन रु १० प्रशिक्षण के साथ स्नातक लाभयंशण एवं अभ्यविधियों के साथ। इनके दासत एक साल का अनुरूप होगा या मेटलगिरिलगिरिल : नीतिकरिता में स्नातक या स्नातकर या अकार्यनिक रसायन विद्यालय रसायन, औद्योगिक रसायन या रसायनिक तकनीकी में पास्टर डिप्लोमा या समकक्ष या रसायनिक इंजीनियरिंग। रसायनिक तकनीकी या अन्यदृष्टि यो समकक्ष। आयु-२२ से ३० वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या २-१० पद रेल अधिकारी गिरिल के लिए। वेतनमान रु ४८०-५८० (सं० वे०)। १५ पद अनुसूचित जाति के लिए ५ पद अनुसूचित जनजाति के लिए तथा ५ पद अनुसूचित जनजाति के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त तथा नें सिविल इंजीनियरिंग में डिप्लोमा अभ्यविधियों का शारीरिक शमाता अच्छी होनी चाहिए। आयु-१८ से ३० वर्ष। प्रशिक्षण इंजीनियरिंग, जनानत वर्तमान नियमों के अधीन होगा। महिलाएं आवेदन न करें।

कोटि संख्या ८-४४४ पद लेखा लिपिक प्रेडर के लिए। वेतनमान रु ३३०-५१० (सं० वे०)। १२ पद अनुसूचित जाति के लिए २६ पद अनुसूचित जनजाति के लिए तथा ४९ पद भूतपूर्व संनिकों के लिए आरक्षित हैं। योग्यता-किसी मान्यता प्राप्त पिद्यालय से स्नातक। आयु-१८ से २५ वर्ष। महिलाएं भी आवेदन करें।

कोटि संख्या ५-५२५ पद वरिष्ठ लिपिक वा प्रशासनिक विभाग के लिए वेतनमान रु ३३०-५६० (सं० वे०)। १०५ पद अनुसूचित जाति के लिए, २७ पद अनुसूचित जनजाति के लिए तथा ५८ पद भूतपूर्व संनिकों के लिए आरक्षित हैं। योग्यता-किसी मान्यता प्राप्त विद्यालय से स्नातक या समकक्ष। आयु-१८ से २५ वर्ष। महिलाएं भी आवेदन करें।

कोटि संख्या ६-१७ पद शारीरिक के लिए। वेतनमान रु २६०-४०० (सं० वे०) ३ पद अनुसूचित जाति के लिए ५ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व संनिकों के लिए आरक्षित हैं। योग्यता-हाईस्कूल या समकक्ष। आयु-१८ से २५ वर्ष। महिलाएं आवेदन न करें।

डीजल रेल इंजन धारकाता,

#### बाराणसी

कोटि संख्या ७- एक पद जार्ज मैन दिव्युत (वी) के लिए। वेतनमान रु ४२५-७०० (सं० वे०) योग्यता-हाईस्कूल तथा फिसी मान्यता प्राप्त संस्था से इंस्प्रारिस्स इंजीनियरिंग में डिप्लोमा। किसी विश्वस्त संस्थान में कार्य के अनुभव को वरीयता दी जायेगी। आयु-१८ से २८ वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या ८-२ पद वरिष्ठ लिपिक के लिए। वेतनमान रु ३३०-५६० (सं० वे०)। एक पद अनुसूचित जाति के अभ्यविधियों के लिए आरक्षित है। योग्यता-स्नातक या समकक्ष। आयु-१८ से २५ वर्ष।

महिलाएं भी आवेदन करें।

कोटि संख्या ९-५ पद वरिष्ठ डिजाइन अस्ट्रेनर के लिए। वेतनमान-रु ५५०-७५० (सं० वे०)। एक पद अनुसूचित जाति के लिए एक पद अनुसूचित जनजाति के लिए तथा एक पद भूतपूर्व संनिकों के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त तथा नें सिविल इंजीनियरिंग में डिप्लोमा अभ्यविधियों के लिए हाईस्कूल या ए० एम० आई० ई० डिजाइन का अनुभव बांधनीय है। आयु-२० से ३० वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या १०-७ पद प्रशिक्षण धार्जनें (विद्युत) प्रेडर के लिए। वेतनमान रु ५५०-७५० (सं० वे०)। एक पद अनुसूचित जाति के लिए एक पद अनुसूचित जनजाति के लिए तथा एक पद भूतपूर्व संनिकों के लिए आरक्षित है। योग्यता-विद्युत अभियंशण में स्नातक तथा साथ में किसी विश्वस्त संस्थान में समान स्तर पर कार्य करने का एक दबंध या अनुभव बांधनीय है। आयु-दिनांक ३०-६-८२ को २१ वर्ष से कम तथा ३० वर्ष से अधिक नहीं होनी चाहिए। महिलाएं आवेदन न करें।

कोटि संख्या ११-१७ पद धार्जन (प्रांगिक) प्रेड ११ के लिए। वेतनमान रु ५५०-७५० (सं० वे०)। ३ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व संनिकों के लिए आरक्षित है। योग्यता-प्रांगिक अभियंशण में स्नातक तथा साथ में किसी विश्वस्त संस्थान में समान स्तर पर कार्य करने का एक दबंध या अनुभव बांधनीय है। आयु-दिनांक ३०-६-८२ को २१ वर्ष से कम तथा ३० वर्ष से अधिक नहीं होनी चाहिए। महिलाएं आवेदन न करें।

कोटि संख्या १२-४९ पद प्रशिक्षु सहायक धार्जन (प्रांगिक) प्रेड ११ के लिए। वेतनमान रु ४२५-७०० (सं० वे०) ८ पद अनुसूचित जाति के लिए ४ पद अनुसूचित जनजाति के लिए ५ पद भूतपूर्व संनिकों के लिए आरक्षित है। योग्यता-मंसोनिक इंजीनियरिंग में डिप्लोमा। समान स्तर में कार्य करने का एक दबंध या अनुभव बांधनीय है। आयु-दिनांक ३०-६-८२ को २१ वर्ष से कम तथा २८ वर्ष से अधिक नहीं होनी चाहिए। महिलाएं आवेदन न करें।

कोटि संख्या १३-२१ पद प्रशिक्षु सहायक धार्जन (विद्युत) प्रेड ११ के लिए। वेतनमान रु ४२५-७०० (सं० वे०)। ४ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व संनिकों के लिए आरक्षित है। योग्यता-विद्युत अभियंशण में डिप्लोमा। समान स्तर में कार्य करने का एक दबंध का अनुभव बांधनीय है। आयु-दिनांक ३०-६-८२ को २१ वर्ष से कम तथा २८ वर्ष से अधिक नहीं होनी चाहिए। महिलाएं आवेदन न करें।

नोट-१. कोटि संख्या १ और ९ के लिए एक आवेदन पत्र भरें। कोटि संख्या ४, ५ और ८ के लिए भी एक ही आवेदन पत्र भरें तथा आवेदन पत्र में कोटि संख्या और पद की प्रायमिकता लिख दें।

२. लिफाका के मपर निम्न-लिखित लिखें—

“कोटि सं०..... पद..... के लिए आवेदन पत्र। एस २१८-सी

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others Respondents  
ENCLOSURE NO. A-5

ASCD

27

(S)

जी० एल० 19/G.L. 19  
जनरल 99-वडा/Genl. 99-Large

A-5

उत्तर रेलवे/NORTHERN RAILWAY

No. ३७२/१.८/८३

Divl Rly Manager  
N. Rly LKO  
Dt 26/6/85

Mr. J. S. Secretary  
Ex. Secy. to Commission  
17 Sardar Patel Marg  
Allahabad.

Reg- Issuing no objection certificate

Ref- Application of Shri P. S. Sharma letter NO. 198  
dt. 11/6/85

This Administration has no objection for appearing  
of Shri P. S. Sharma & S/o S.D. Sharma letter NO. 198  
under Loco Running Shed (N. Rly) Lucknow in the  
interview for the post of st. Clerk Goods Ps 330-56c  
(Rs) fixed on 3rd July 1985.

Copy to Shri P. S. Sharma  
for Divl Rly Manager  
N. Rly Lucknow

प्रमाणित रखा गया  
प्रमाणित रखा गया

copy to - Shri P. S. Sharma in reference  
to his application dt. 11/6/85 NO. 198

ATTESTED

D. S. Sharma

P. S. Sharma

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents  
ENCLOSURE NO. A-6

28

(R2)

(4)

रेल भर्ती परिषद्

१९. सरदार पटेल मार्ग  
इलाहाबाद

पत्र संख्या RSCA/H/19982/30.

दिनांक

12/12/1985

श्री/श्रीमती/कुमारी P. S. Sharma

पुत्र/पुत्री/पत्नी S. D. Sharma

अनुक्रमांक 14700

दस्तावेज़ लिपिक/निपिक ग्रेड I  
विषय दे०.मा०.330-560. (उ०.रे०.देतु.संपत्ति).....

सन्दर्भ कोटि सं० ५ एवं ६ वियोजन सूचना  
द०.म०.३२-४३ के अंतर्गत आवेदन.....

☆☆☆

C. GR

उपरोक्त के सन्दर्भ में हुई परीक्षा के आधार पर आपको  
के लिये उपयुक्त पाया गया है। कुल 414 चयनित प्रत्याशियों में योग्यतानुसार आपको 25  
स्थान प्राप्त हुआ है।

चयनित व्यक्तियों के नाम की सूची महाप्रबन्धक (कार्मिक), उ०.रे०, प्रधान कार्यालय बड़ीदा हाउस,  
नई दिल्ली को इस कार्यालय के पत्र सं० RSCA/H/19982 दिनांक 3 DEC 1985  
द्वारा भेज दी गई है।

नियुक्ति पत्र महाप्रबन्धक (कार्मिक) द्वारा ही समुचित समय पर आपको भेजा जायेगा। इस कार्यालय  
से इस सम्बन्ध में अब कोई पत्राचार नहीं किया जायेगा।

ध्यान रहे यह चयन निर्धारित नियम एवं चिकित्सा परीक्षण में उपयुक्त होने पर ही मान्य है।

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ATTESTED

Par 180  
146321  
24-3-86  
LKO-MB

महाप्रबन्धक सचिव  
C. GR

Q.C. C.  
Rajaji Puram, Lucknow  
E-3665, Rajaji Puram, Lucknow

Prem Shanker Sharma . . . .

OF 1990

**Applicant:**

Versus  
Union of India & others ....

## Versus

### Respondents

ENCLOSURE NO.

460

जायत्य से, दित्त दुर्जहार एवं मुह्य लेखाचिकारी  
उत्तर रत्न, बड़ौदा हाऊ, वई दित्ती

सं०८६/प्रश्ना०८८/५/दिन०१०/डी.प्रार.रघु/पैकित/इताहावाद. दिनांक ३-१९८६  
श्री प्रभ०...प्रेम.शंकर शर्मा (Prem Shankar Sharma)

.....पंडित द्वारा लिखा गया अनुसार विवरण दिया गया है।

१. रेलवे नंबर १०२, इलाहाबाद होटल अधिकारी सलैरी के फॉरमल आपको उत्तर रेलवे के फॉलोवर विभाग में पैतंबार उ. ३३०-१०-३८०-५.वी-१२-५००-५.वी-१३-५६०। संयोग में तिपिक शेणी-१ के अस्थाई पद पर बिहुरित के तिए बुका गया है। तद्वारा बिस्कलिडित बिहुम व शत्रौ के अलीन आपको इस फार्मलिय में प्रशिक्षण के लिये आरक्षित एक अस्थाई पद पर अस्थाई असे बिहुरत छरबे छा प्रस्ताव ठिया जाता है :-

अपाप भारती नियमित की तारीख से एठ वर्ष तक परियोग लात के उत्तीर्ण रहेगे। और भारतीय रेल स्थापना नियमावली ठे परिशिष्ट-27 में विद्यारत पराला ठन्तीर्ण ठरवे दे वाद ही अपाप स्थायी लए दे दाव होने।

म. यदि आप उपरोक्त मद । क। में उल्लिखित परिणिष्ट-२० ली परीक्षा उत्तीर्ण नहीं थी ठर पाते या अन्यथा आपकी प्रगति असत्यानक रहती है, तो एसीपी ली ली परिणिष्ट लकड़ायी त्रूप सदृशी है, जिन्हें सेवा में दावे की तारीख हो तीक लगाये अन्दर-अन्दर अधिकतम दो सेवसर लिए जाते पर ती यदि आप उत्त परीक्षा उत्तीर्ण नहीं थी ठर पाते तो आपको सेवा में लिया जा सकता है ।

८। परिवीक्षा दी अवधि के किसी श्री और ते १४ दिन पा गोटिस देख आएगी। तेवा ए समाप्त कीजा सकती है। तथा ए यदि आपको लिखा दिया हार द ठार वरलालस्ट छिये जाके या हैवा से बिकाले जाके या उपर्युक्त सद तो मे डॉलिंग संज्या मे अद्वित रिक्ष जाके पर श्री गोरिश्वास-२२ परीक्षा मे अद्वित रहके ठारण आपको सेवा समाप्त दी जाती है तो एक तोटिस जी आवश्यकता नहीं होगी।

5. ਖਾਪਕੋ ਦਿਲਕੀ, ਜਗਾਧਰੀ, ਥੀ ਫਾਕੇਰ ਧਾ ਪ੍ਰਭਾ ਵਿਦਾ ਤੁਟਦ ਰੈਲਕੇ ਲੈ ਲਿਗੀ ਸੀ ਤੇ ਕਾ ਕਾਧੂਲਿਧੇ ਮੇਂ ਰਥਾਂ ਕਾਨਤ ਰਿਤ ਨਿਧਾ ਜਾ ਸਫਤਾ ਕੁ ਕੋਈ ਰੱਤ ਆਵਾਜ਼ ਨੀ ਫਾਈ ਗਾਰਣਾਈ ਕਈ ਵੀ ਜਾ ਸਫਤੀ ।

व. आपको उत्त प्रश्नाण पुरा करने के बाद यदि प्रश्नासंक चाहे तो उस से लग 5 वर्ज तक कार्यशील गद पर रेल सेवा में रहका प्रश्ना और आपको किसी भी कारण, सिवाय ऐसे कारणों के आधार पर जो प्रश्नासंक द्वारा आपके बिधंत्रण हैं वहां समझ जाय, प्रश्नाण छोड़ने की अनुमति नहीं ही जायेगी ।

७. आप अहंकारी सेवा के दोषों, समय-समय पर लागू लियमें के उत्तर्गत अहंकारी व्यवाहारियों को देय साधारण अतापा न तो, जिसी प्रेषण के हफदार होगे और बंदराज्य देतव मिल बिनियित उपदाद लियमें के आपीं वे जिसी तरफ और वह ही अतां सहित दिसी उटटी के हफदार होंगे ।

ज. वियुक्ति हे समय प्राप्त हो अस्थायी सेवा आर लक्ष्यिवाह संबंधी घोषणा पर हस्ताक्षर ठरवे अस्तिगे आर इतरतीय यथाराज्य के प्रति क्रिंठा की गायत्रेकी होगी

जारी है.....?

-: 2 :-

प्र. ६ अापको दियारित कार्फ पर विषया लघुता संलग्न है, फो ऐतिहासिक इतिहासी डार्कार्डी जिलेटेट, जिला जिलेटेट या उप प्रभाग मैजिस्ट्रेट द्वारा विधित हस्तालित का धोरण प्रमाण-पत्र प्रस्तुत करवा होता ।

2. यदि आप उपर्युक्त घाँटे पर उत्तर देते हैं लेहा विषय में जियुरित घाँटे हैं तो तक अपने विवरण का लिखना न करें।

3. आपकी डाकटी परीका के उद्देश्य से आपकी ८५०.....से...M.D. तक की यात्रा के लिए एक दूसरे द्वारे का पास ८०.१.१६३२.१.....दिनांक २२.१.८६ युक्त है। यह दूसरे द्वारे की हस्तालियत में जियुरित के समय आपको इस पाय दी रही है। टिकट/क्रैकटर से प्राप्त घरें प्रस्तुत करनी पड़ती। ऐसा ब करके पर सापड़ी जियुरित में लिखवाएं।

4. आप अपनी यात्रा ईमिल योजनाता की उमिट में भूत प्रमाणपत्र, उपायिता तथा आयु का प्रमाण भी लावें। अनुचित जाति के प्रत्यावरी के संबंध संदर्भ, विद्यात सम्बन्ध या जिला मैजिस्ट्रेट द्वारा हस्तालित अनुसन्धित जाति प्रमाण-पत्र भी प्रस्तुत करना पड़ता है।

5. यदि आप उपर्युक्त तारीखों तक डाकटी परीका के लिए रिपोर्ट नहीं करते या उसके बाद डाकटी आदार पर स्वरूप व्यवहार की जावे पर, इस कायतिय में द्वारा द्वारा दिए रिपोर्ट लहीं करते तो आप का बाय शोह सत्य सुधारा दिए जिला पैनल से काट दिया जायेगा। द्याव रहे कि जिली भी हालत में उपर्युक्त तारीख वडायी बहीं जारी हैं।

6. यदि आप उक्त जियुरित के इच्छुक ब हों तो दूसरे द्वारे का उक्त पास हस्तालिय को लैटा हैं।

7. सभी प्रादार भी प्रस्तुतिक परिवर्तियों गे जिला विधान यहाँ किए जा से बहीं किया गया अद्यता इर्दीं संवंधी जियमों में द्वारतीय देते थोड़े एवं समय पर जारी अतिवेश तथा परिवर्तित अतिवेश आप पर आय होये।

उप मुठ्ठ लेलाचितारी / सामान्य  
उत्तर रेल्यू द्वारा हाल्य,  
दर्शकी विविली ।

દંતશબ્દ/ 1. એક દૂસરે દાંત છા એસાસ  
 2. દૂસરે સ્થાનનામાં ફાર્મ  
 3. કિયુનિટ ફિલિએ કોન.

1 Schwaag

TRUE COPY  
TESTED

Shri Shri  
S. S. Shriji  
B. S. S. Bajajipuram, Lucknow

6386 × × /

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.

O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents  
ENCLOSURE NO. A-8

31

APR 2

To

Dy. Collector Officer (General)  
Northern Railway, Lucknow  
District

Subject-Statement of Prem Shanker Sharma on Accts. Cash  
Grade I in Scale R.C. 920-1000 (R.S.)

No. 8:- Your letter No. 06-10.01.96-0 dated Grade I-D.R.O./P.D.R./  
N.L.R.B. dated 23.2.96

Madam

In reference to your above quoted letter I, with due  
respect, state as under for sympathetic consideration:-  
1. That at present I am working as Officer in Grade R.C. 920-1000  
(R.S.) in Zoso Drawing Stand (Holly.) Lucknow and to date of  
confirmation on letter No. 70301234, I had already been declared  
fit in Medical Category 4-I (Photostat copy of Medical certifi-  
cate enclosed as Annexure 'A') I am a departmental candidate  
as per Annexure 'C'.  
2. That I am studying in Final Year of Mechanical Engineering  
of 8 yrs. Diploma Course in Government Polytechnic,  
Lucknow as per certificate from the Principal (Photostat -  
copy enclosed Annexure 'B').  
3. That the final examinations of the Final Year of my  
Mech. Engineering are to be held in May/June 1996  
as per certificate Annexure 'B'.  
4. That I secured 25th position in the P.D.R. issued by the  
Railway Recruitment Board (Holly.) Lucknow, for appointment  
on the above post on P.R. Railway Recruitment Board, Lucknow  
Letter R.C.R.S. 8/1992 dated 5 December 1995.

S. Shanker

TRUE COPY  
ATTTESTED

  
S. Shanker  
C. S. S. Colliery, Lucknow

COLLIERY

32

Feb.

80

Go. That there are vacancies in the category of class Grade I under G.D.I.C. (H.R.L.Y.C.) Lucknow as well as in Work-Shop Accounts office at Lucknow.

Go. That some juniors in the Panel have been posted at Lucknow which resulted my shifting from Lucknow and posting at Moradabad.

7. That my above posting at Moradabad will not only affect my future career but will also affect my financial position having two establishments viz. one at Lucknow where my family members are residing permanently and the other at Moradabad where I shall also have to face the housing problem in as I am posted there.

8. That in addition to the above I have to help my two married sisters because of no other helping hand except myself in this regards.

#### Prayers

Under the above circumstances I may approach your honour to kindly appoint me at Lucknow in Divisional Accounts Section instead of Moradabad so that I may continue my study helping financially my sisters and other members otherwise on the same establishment at Lucknow either in A/Cs Budget or in Executive.

D/3 & II Class named pass No 11632

Yours faithfully,

Shankar Gupta

(Deon Shankar Gupta)  
2/6 Shri Ram Das Lane  
T-32-2 Model Colony  
Gardabagh, Lucknow 2260010

Dated 10/10/80

SSL

TRUE  
TESTED

D. S. S.  
CC  
F-365, Rajajipuram, Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others ... Respondents  
ENCLOSURE NO. A-9

Recd

33

( COPY )

7

Northern Railway

A-9

Office of the  
Sr. Accounts Officer (S&W)  
N.Rly., Alambagh, Lucknow.

S.O.O. No. 268  
Dated: 28.5.1986.

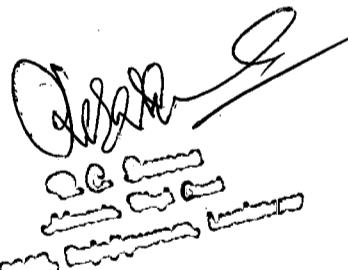
In terms of FA&CAO's SOO No.43 dt.22.5.86 Shri Prem Shanker Sharma  
Direct CG.I who has joined his duty on 28.5.86 (EN) is posted in Stores  
Accounts Office, Alambagh, Lucknow vice Shri Rakesh Kumar Srivastava, CG.II  
who is transferred to this office and posted in P.F.Section.

Sd/-  
Sr. Accounts Officer (S&W)  
N.Rly/AMV/LKO,  
7.6.86

Copy to:

1. SAO(S)AMV/LKO.
2. S.O.(E)
3. Sr.D.A.O/LKO.
4. Bill Clerk.
5. Spare.

TRUE COPY  
ATTESTED

  
Date: 7.6.86

P. Shanker Sharma

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... | Applicant  
Versus  
Union of India & others .... | Respondents  
ENCLOSURE NO. A-10

34



उत्तर रेलवे  
NORTHERN RAILWAY

AG A-10

माना

मेरी गाना राजा राजा = 110 रुपये तिलो तांबाचारे  
उत्तर रेलवे राजा, राजा 1990

लेटर - लेटर उत्तर रेलवे राजा, 1990 तांबाचारे

माना

लेटर - लेटर उत्तर रेलवे राजा 1990

21/10/1990 दिन का दस्तावेज़ 11-11-1-209

उत्तर रेलवे राजा = 110 रुपये तिलो तांबाचारे  
उत्तर रेलवे राजा = 110 रुपये तिलो तांबाचारे

उत्तर रेलवे राजा, लेटर की 10 रुपये तिलो तांबाचारे  
में फोटोग्राफ़ी की जापानी दर्ता द्वारा दी जाएगी।  
उत्तर रेलवे राजा की 10 रुपये तिलो तांबाचारे की जाएगी।  
रुपये 10 रुपये तिलो तांबाचारे, लेटर की 10 रुपये तिलो तांबाचारे की

माना

आप श्री गाना राजा राजा हैं मेरी प्राप्ति है।  
मेरी राजा तिलो तांबाचारे (21.10) से तिलो

तिलो (21.10) तिलो तांबाचारे (21.10)

फै. - 23.10.89

TRUE COPY  
ATTESTED

23/10

PSL - 06

मेरी प्राप्ति है।  
(मेरी प्राप्ति है।)  
नौराही राजा

मेरी प्राप्ति है।  
नौराही राजा

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others ... Respondents  
ENCLOSURE NO. A-11

Miss Urmila Sharma  
Dy. C.A.O. (G)

~~CONFIDENTIAL~~

**Northern Railway  
Headquarters Office  
Baroda House  
New Delhi.**

D.O. No. 90/Adm/C/4/Addl. chance

Dated: 11-1-90

Dear Sh/Smt./Miss

Sub: Details of DR CG-I in connection with App:II-A Examination.

1

Kindly arrange to send the particulars of all DR CG-I who have not passed the App:II (IREM) examination alongwith their requests for additional chance of Ist & IIInd chance after 3 years of service. •

The details should be given strictly in the following format.

Name. Dt. of completion of four years of App-II. Date of completion of four years of App-II. No. of times appeared in App:II with full details. Year/years in which appeared in App:II with full details. Year in which service. Roll Appeared/ Year in which service. Roll Appeared/ In case of which No. absented. absents allotted Roll No. whether allowed non-counting.

Past performance  
(Marks obtained).

(6)

Kindly ensure that no candidate has been left out to be included in the list by giving a certificate to this effect. Also kindly note that the responsibility for non-inclusion of any candidate and the consequences thereon will totally rest on the issuing authority & any failure/delay on this account will jeopardise the efforts of administration to safeguard the interests of such candidates.

KINDLY TREAT THIS AS MOST URGENT & ARRANGE TO SEND THE DETAILS IMMEDIATELY  
THROUGH SPECIAL MESSANGER BY 18.1.90.

Yours sincerely,

*W. L. S.*  
(Miss Urmila Sharma)

TRUE COPY  
ATTESTED

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
D.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents  
ENCLOSURE NO. A-12

36 (APD)

मिलामें

श्री मान वित्त सचिवारब मुद्रलेला कीचकारी  
क्र० १०, बड़ौल दार्शन, नई दिल्ली ।

कारा - बोर्डलेखा कीचकारी (मुद्रा)  
क्र० १०, आलमबां, लखनऊ ।

विषय - परिवर्तन की परीक्षा में सम्मिलित  
दृष्टि के लिए अतिरिक्त अवसर के  
सम्बन्ध में ।

निवेदन है कि प्राप्ति दि. 28-05-1986 की  
१०३२ लेखा कार्यालय, क्र० १०, आलमबां, लखनऊ में  
१० को आपांत इलाहाबाद से असंक्षि-५६ पर चर्चा-नाम  
दृष्टि की नियमित लेखा सहायता (जै. १०. ५०) के पद्धति  
का रूप है तथा इसका कार्यालय व्यवहार सदा ही  
प्राप्ति की प्रक्रिया है परन्तु कर्मान्वया आपांत  
दृष्टि प्रदान किये गये तीनों परीक्षा उत्तरसंदर्भ में  
उत्तीर्ण नहीं हो सका है ।

प्राप्ति की वर्ष १९८७ की परिवर्तन की प्राप्ति स्वेच्छा  
में निम्न विवरण से प्राप्त है ।

अनुक्रमिक - 261

विषय - 1- जै. ३०८-पी० - २८/८०

2- क्षमान्वय कार्य - ५२/८०

3- लूक कीरिंद्रा - १५/८०

उत्तर सहायता के निवेदन है कि प्राप्ति के  
संविष्य की व्याप्ति में उपरोक्त त्रिपुनःपरि० II-२००  
की प्रीति की सम्मिलित दृष्टि के लिए अतिरिक्त  
अवसर प्रदान करने की वृत्ति वृत्ति ।

सदानन्द द्वारा होती

दि. १७-०१-९०

ATTESTED  
T. D.

Signature  
R-3665, R-1

प्राप्ति  
कुमारकर्णी  
[प्रमुख कर शामि]

प्रमुख दिवाल द्वारा शामि  
जै. ३०८०

मुद्रा लेखा कार्यालय,  
क्र० १०, आलमबां,  
लखनऊ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents

ENCLOSURE NO. A-12

उच्चर रेलवे

NORTHERN RAILWAY

From— The Addl. FA & CAO/TA,  
N.Hy., Delhi-Kishanganj.

To— The Accounts Officer/TA  
TA/Delhi-Kishanganj.

Reff. No./Quo Ref. No. 78/DKZ/Adm.I/C/5/2/Pt II Dated 27-1-1982

Subj— Failure to pass App.2 IREM Examination by Shri Atter Singh, directly recruited CGI Coaching Local Section/DKZ.

Ref— Your No. Mil dated 13-11-1982

A copy of Railway Board's letter No. 1-A CII/20/17 dated 16-1-82 is sent herewith for guidance and further compliance.

Shri Atter Singh, directly recruited CGI of your section may be informed accordingly, indicating clearly "that this is the final chance for him to clear the examination and that he would not be granted any more extra chance for this purpose.

DA: One

for Addl. FA & CAO/TA

Copy of letter reff.

Subj— Special chance to Shri Atter Singh, directly recruited CGI App.2(IREM) examination.

Ref— Your letter No. 78/DKZ/Adm.I/C/5/2 Pt.II dated 27-11-1982.

The approval of this Ministry for granting a special chance one more chance i.e. 4th chance to Shri Atter Singh, directly recruited CGI to appear in Appendix 2(IREM) examination as recommended by you in your letter under reference is hereby communicated. It may be brought to the notice of the employee that this is the final chance for him to clear the examinations and that he would not be granted any more extra chance for this purpose.

Kindly acknowledge receipt of this letter.

TRUE COPY  
ATTESTED

Signature  
D. S. Rajalipuram, U.P.

E-3665, Rajalipuram, U.P.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.

O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents

ENCLOSURE NO. A-IV

The Honourable Minister for L.S.,  
Government of India,  
Rail Bharati,  
New Delhi.

Sub:- Grant of additional chance for Appendix II-A  
examination over Northern Railway.

Respected Sir,

Most Respectfully I bow to approach to your kind honour with the some facts for your kind personal and sympathetic consideration.

I was appointed by the Railway Service Commission, Allahabad as a direct C.C.I in 1978 and was posted in Addl. F.A. & C.A.O/T Office N.Rly., Delhi-Kishanganj.

In accordance with the service condition I was supposed to qualify the above said examination in two chances within a period of three years.

I appeared in the said examination last year after having permission of the Railway Board of fourth chance. But unlucky I could not pass. My performance during the last years is as under:

Year	R.No.	Book-Keeping	G.R.P.	Optional Paper
1978	429	44(6)	32	54
1980	433	51(6)	32	40
1981	517	51(6)	33	42
1982	369	51(6) <small>RE-APPLIED</small>	30	72(6)
1983	521	51(6) <small>RE-APPLIED</small>	30	72(6)

During these years I was worried on account of my domestic circumstances, as last year(1982) just before the examination I was suffering from Dangu fever and also my grand mother had got Polio attack just before the examination. I was the only man to look after.

Even in these adverse circumstances I appeared in the examination and got exemption in optional paper securing 72 marks out of 100 marks. It is just for your information Sir, that I had already exemption in Book-Keeping also and in this way I have to clear only one paper i.e. G.R.P. in which I failed by the marginal marks.

It is, therefore, requested that I may kindly be given an other chance to appear in the above said examination. I am sure that I will get through this time by clearing one paper only.

Hoping for favourable action Sir,

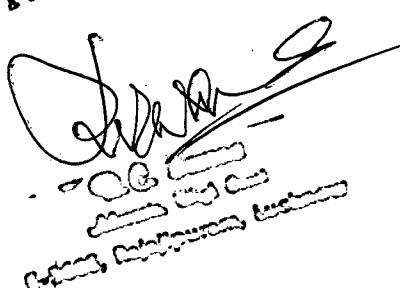
Dated:- 15.2.83

Yours faithfully,

Atar Singh  
(ATAR SINGH)  
C.C.I, N.Rly.,  
Delhi-Kishanganj,  
Delhi.

P. Shanker

ATTESTED



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
D.A. NO. OF 1990

Prem Shanker Sharma .... , Applicant  
Versus  
Union of India & others .... / Respondents

ENCLOSURE NO. A-15

भारत सरकार  
रेल मन्त्रालय (रेलवे बोर्ड)  
GOVERNMENT OF INDIA (Bharat Sarkar),  
MINISTRY OF RAILWAYS (Rail Mantralaya)  
(Railway Board)

No. 82 ACIII/2 0/13

नई दिल्ली-110001, तिथि  
New Delhi-110001, dated

19  
-3-10 83.

The General Manager (Accounts),  
Northern Railway,  
Baroda House,  
New Delhi.

Sub : Special Examination for direct recruits  
Clerk Grade-I.

In continuation of Board's letter of even number dated 15.12.82, and Ministry of Railways have decided to give one more chance to Shri Iqbal Ahmed Clerk Gr.I as a very special case.

However, this should not be quoted as a precedent in any other case for future.

Receipt of this letter may please be acknowledged.

$$\frac{\partial \psi(\mathbf{r}, t)}{\partial \mathbf{r} \cdot \mathbf{v}(\mathbf{r}, t)}$$

2  
173

N. Parthasarathy  
( N. Parthasarathy ) M/ 1/ 22  
Jt. Director Finance (A) II.

Single  
ring

103/3

ATTESTED

*John G. Clegg*  
John G. Clegg  
John G. Clegg  
John G. Clegg  
John G. Clegg  
John G. Clegg

14/12/1991

K -- 2 -

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.  
O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant  
Versus  
Union of India & others .... Respondents  
ENCLOSURE NO. A-16

46

कृत्य रैते  
कृत्य विवरण  
कृत्य विवरण

१००९०४०४६

दिनांक १.९.१९८७.

प्रिय. उ.एवं मु.ले.प्रिय/प्रश्ना. एवं मुक्त्य फार्मिंग प्रिक्टरी के श्रीमती माला साहबी, निलौली तथा श्रीमती शारदा चौहान, तिले १/१८०८० लेटा/प्र०फ्टो वेतव्यमाला स. १२००-२०४० में प्र०फ्टो फार्मिंग प्रिक्टरी विवाह/व.काउस, बंदी विलती में विवृति फरवे के लिये दियी गृहीत है।

उपर्युक्त फर्मवारियों का वर्ग परिवर्तन बिल्ड इंस्टी/परिवर्तनियों के उल्लंघन है।

उपरोक्त फर्मवारियों का वर्ग फार्मिंग प्रिक्टरी में फार्मिंग प्रिय/प्रश्ना वेतव्यमाला स. १२००-२०४० विवरण विवरण है।

2. उपरोक्त फर्मवारियों के विस्तृत विवरण एवं विवरण/विवरण कुलिस वांदी, वर्षभवा संबंधी फोह गी मामला व वल रहा के अंतर व तो विवारादी है।  
प्राप्तिकार: उपर्युक्त प्रिय/प्रश्ना वेतव्यमाला के अद्येता विवाह २.९.८७ कार पूर्ण अ. ३४ फाइल सं. ८२/प्र०फ्ट/१/५/मी.जी.।/वर्ग परिवर्तन।

प्रियलिपि:-

१. विवाह विवरण एवं मुक्त्य लेटा/प्रिक्टरी/प्र०फ्टो वांदी  
१००९०४०४६/फार्मिंग, उ.रे.व.काउस, बंदी विलती फोह उन्हें पत्र सं.  
११३९/१/२२८-के ग्रामी/इ. की दिनांक १.९.८७ के संदर्भ में।

2. लेटा/प्रिक्टरी/विवाह/प्र०फ्टो

3. परिवर्तन/प्र०फ्टो/विवरण, प्र०फ्टो

4. विवरण/प्र०फ्टो/विवरण, प्र०फ्टो

5. विवरण/प्र०फ्टो/विवरण, प्र०फ्टो

6. अ.प्रिय/प्र०फ्टो/विवरण, प्र०फ्टो

7. फाइल, रिफाई, प्रिय/प्रश्ना

कार्य सुन कर  
सौंपा गया

१००९०४६  
११.९.८७

१००९०४६

१००९०४६

TKL  
ATTESTED

Director  
CC

Enclosure

3  
10.9.87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.

O.A. NO. OF 1990

Prem Shanker Sharma .... Applicant

Versus

Union of India & others .... Respondents

ENCLOSURE NO. A-57

Page No. 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

OA/TA/RA/CCP No. 262/90 19

Hasan Afsai Kazmi & Ors. MP-403/90

APPLICANT(S)

COUNSEL

VERSUS

U.O.I.

RESPONDENT(S)

COUNSEL

Date	Office Report	Orders
------	---------------	--------

14.2.1990.

Present: Shri R.K. Patel, Counsel for the  
applicant.

MP-403/90 Heard.

MP for joining together in one application  
is allowed.

OA-262/90

Heard the learned counsel for the applicant.  
Admit. Issue notice to the respondents to file  
counter affidavit within four weeks with a copy to  
the learned counsel for the applicant who may file  
rejoinder, if any, within two weeks thereafter.  
List before Deputy Registrar on 2.4.1990.

As regards interim relief prayed for, issue  
notice to the respondents returnable on 27th Feb.  
1990. In the meanwhile, the respondents are directed  
to maintain status quo as regards the continuance  
of the applicants in their present post is  
concerned. Issue dasti.

( I.K. Rasgotra )  
Member (A)

( T.S. Oberoi )  
Member (J)

Central Administrative Tribunal  
Principal Bench, New Delhi

Passing of

THE  
ATTESTED

*[Signature]*  
Associate Legal Officer

RSV H2  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH) LUCKNOW.

D.A. NO. OF 1990

Prem Shanker Sharma .... Applicant

Versus

Union of India & others Respondents

ENCLOSURE NO. A-18

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

Hon'ble M.K. K.N. Raman, A.M.

The Two Applicants are permitted to file this application  
jointly.

Admitting

Issue Notice.

In the matter of interim relief issue notice. Para 167 of the Indian Railway Establishment Manual while providing for an examination in accordance with Appendix-II as a condition precedent to the confirmation of an Accounts Clerk grade I is ~~coupled~~ coupled with the provision in Rule 4(a) of the Appendix-which says that it is open to the P.A.C.A.O. to permit a candidate in deserving cases to take an examination for the 4th time. While the applicants failed in the three examinations of 1987, 1988 and 1989, Annexure-A.11 dt. 11.1.90 emanating from Dy. Chief Accounts Officer, O.P.No.4, called upon the concerned authorities of the Deptt. to submit a list of candidates who had not passed the Appendix-II Examination alongwith their request for the additional chance. Annexures - A.12 and A-13 are the applications of the present applicants made on 17.1.90 for an opportunity to appear at the 4th examination. We would like to know what instructions have been issued by the Railway Board or the competent authority about the manner in which the persons who have failed at the three examinations and have applied for further chance are to be dealt with. Para 2(f) of Annexure-A.2 speaks of termination of service if a chance is granted.

PSShankar

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to the candidates within four years of service and he fails and the results are announced after expiry of four years. In the case of the applicants the period of four years has not yet expired as they were appointed in April/May, 1986. In the circumstances, we direct that the case be listed for orders on 19.4.90. Till that date the operation of the impugned order dated 29.3.90 contained in Annexure-A.1 shall remain stayed in so far as the present applicants are concerned therewith.

The applicants' counsel undertakes to have the O.P.5 served out of court. A copy of this order alongwith notices meant for O.P. 3 be delivered to Shri R.C. Saxena, Advocate within twentyfour hours to enable the applicants serve O.P.No.5 within three days. They will file a service report on the date fixed.

Sd/-

Sd/-

A.M.

V.C.

(CJC)

Attested

16/3/90  
314/100

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

S. Sharma

TRUE COPY  
ATTESTED

J. C. Saxena  
R.C. Saxena  
Advocate  
C.A.T. Lucknow

Main Copy

AS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition(M.P.) No.459 of 1990(L)

In Re:

Registration (O.A.) No. 118 of 1990 (L)

Prem Shanker Sharma ..... Applicant.

Versus

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

APPLICATION FOR DISMISSAL OF ORIGINAL APPLICATION

That for the facts and reasons stated in the accompanying Short Counter Reply, it is most respectfully prayed that in the interest of justice, the original application may be dismissed in favour of answering respondents and against the applicant.

Lucknow.

Dated: 25-7-90

*Anil Srivastava*  
( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for the Respondents.

filed today  
25/7/90

Recd copy  
Dated 25/7/90

P56

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Civil Misc. Application No. 460 of 1990 (L)

In Re:

Registration (O.A.) No. 118 of 1990 (L)

Prem Shanker Sharma ..... Applicant

Versus

Union of India & Others ..... Respondents

PRELIMINARY OBJECTIONS

That in view of facts and reasons stated in the accompanying Short Counter Reply, the answering respondents crave leave of this Hon'ble Tribunal to raise the following preliminary legal objections which may be decided before taking up the case on merits.

1. Whether having accepted the offer of appointment for the post of C.G.-I in the year 1986 i.e. prior to their appointment with the stipulated terms and conditions, the applicants are entitled to challenge the same at this stage i.e. in the year 1990.

2. Whether the applicant can challenge the Railway Board's Circular dated 24.6.86 (Annexure No. A-2) in the year 1990, without explaining the cause of delay.

Lucknow.

Dated: 25-7-90

*Anil Srivastava*  
(ANIL SRIVASTAVA  
ADVOCATE

Counsel for the Respondents.

PST

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition(M.P.) No. 461 of 1990(L)

In Re:

Registration (O.A.) No. 118 of 1990 (L)

Prem Shanker Sharma ..... Applicant  
Versus

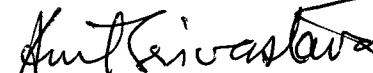
Union of India & Others ..... Respondents.

APPLICATION FOR VACATION OF INTERIM ORDER

That for the facts and reasons stated in the accompanying Short Counter Reply, it is most respectfully prayed that in the interest of justice, the interim order granted in this case may kindly be vacated and ad-interim order to the said effect may also be passed.

Lucknow.

Dated: 25.7.90

  
( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for the Respondents.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 118 of 1990 (L)

Prem Shanker Sharma ..... Applicant.

Versus

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

SHORT COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS.

I, Mrs. Renu Mukherjee working as  
Deputy Collector of Revenue (General) Northern  
Railway, Head Quarter Office, Baroda House,  
New Delhi, do hereby solemnly affirm and state as  
under:-

1. That the abovenamed official is the respondent No. 4 and as such is fully conversant with the facts and circumstances of the applicants case and has been authorised by other respondents also to file this reply.
2. That the answering respondents wanted to bring the following information to the knowledge of this Hon'ble Tribunal which, the answering respondents believe would be sufficient for final disposal of the case.
3. That persuant to the selection, as notified in the said advertisement, the applicants were initially appointed sometimes in April/May, 1986 on terms and conditions specified in their offers of appointment which were duly accepted by them

*Renu Mukherjee*

Cont.....2...

(PQ)

prior to their said appointments. The said offer of appointment makes it clear that the applicants would not be confirmed and will be treated as on probation unless they qualify the Appendix-2 examination in two attempts within a period of three years and if they do not qualify the said examination within the said stipulated period and chances, their services would become liable to be discharged. Moreover in the said offers of appointment of the applicants, it has been clearly mentioned that all the rules and policies which will be subsequently issued by the Railway Board will be applicable to them. It is also not out of place to mention here that in their said offers of appointment, it was also clearly mentioned that if they accept these service conditions, they may report for medical ~~report~~ ~~for medical~~ fitness. The applicants after accepting the aforesaid service conditions reported for medical fitness.

Q

4. That appendix-2 examination as stated in para 167 of Indian Railway Establishment Manual (IREM) is meant for two purposes. Firstly for promotion from Clerk Grade-II (C.G.-II) to Clerk Grade- I) and above upto the rank of Sub-Head as indicated by the heading of the said para. Secondly for the confirmation of directly recruited Clerk Grade-I as stated and clarified in the Railway Boards letter dated 24.06.86. Thus it is clear that the rule contained in para 167 of IREM alone is not applicable in case of directly recruited CG-1 as it pertains to promotional categories but the said rule read with aforesaid letter dated 24-06-86 is applicable in case of the directly recruited C.G.-1 for their confirmation.

*Amulchandji*

Cont.....3...

5. That here it may be clarified that passing of Appendix-2 examination is a condition precedent for confirmation of directly recruited Clerk Grade-1 candidates. As per the service conditions the directly recruited Clerk Grade-1 (C.G.-1) candidates will be treated as on probation unless they successfully pass the said Appendix-2 examination.

6. That initially an advertisement as contained in Annexure No.-A4 to the original application was notified for several posts including Senior Clerks and Clerks Grade-1. As per the advertisement, the candidates were also asked to give their preferences for the advertised posts in one and the same form. It is further clarified here that an advertisement is only a mere invitation to apply for selection and nothing else. It does not confer any right to the applicants in respect of their appointment or service conditions therof.

7. That in the aforesaid selection, the candidates were selected strictly as per their merit in order of their preference. Here it may again be clarified that the post of Senior Clerk is a post of general nature hence this post does not require any further test of examination for their confirmation but the post of C.G.-1 belongs to Accounts department and is highly professional/technical hence the passing of Appendix-2 examination is a condition precedent for their confirmation.

8. That taking into consideration the technical nature of work required for the post of Clerk Grade-1, and as per merit who were also found qualified for

*Mulherji*

(Ab)

the said post were given an offer of appointment as stipulated in chapter 2, para 224 of Indian Railway on certain basic service conditions and Establishment Code (Vol-1), before their initial one of these conditions is that appointment, in which it is specifically stated that if they could not pass the said Appendix-2 examination in two chances within a period of three years from the date of their appointment, their services would liable to be discharged. However, this period that is from the date of their initial appointment till they pass the said examination will be treated as their probation period but if they pass the said examination they will be confirmed on that post.

Infact direct recruit C.G.-1 undergo training for acquainting themselves with the various procedures of accounts work which is necessary for them to work efficiently in the accounts departments. However, since the direct recruit C.G.-1 enjoy the higher grade of Rs. 1200-2040 (RPS) right from beginning i.e, when they join the accounts department. The very idea behind to ~~directly~~ recruit <sup>directly</sup> C.G.-1 is to enhance the efficiency of work in accounts department and for that Appendix-2 examination is prescribed to judge their effeciency and suitability for working in accounts department. The basic principle is to take younger hand with higher efficiency and for this purpose they were given two chances within a period of three years to qualify the said examination. The third chance within a period of four years was, in fact, given to them as an additional chances though they were not entitled for the third chance as per their service conditions but it was given to them as a relaxation.

9. That it is further submitted that the Railway Board after carefully considering the over all view, finally formulated a policy in respect of maximum number of chances to be given to the directly recruited C.G.-I as per the circular dated 24.06.86 and in para 4 of the said circular it is specifically stated that the said orders will be made effective immediately and past cases should not however, be reopened. Since Sri Attar Singh and Iqbal were given additional chances prior to 1983-84 i.e. prior to this Railway Board's Circular dated 24.06.86 hence the applicants are not entitled to claim parity with them. Moreover after 1983, no direct recruit C.G.-I was given any additional i.e. 4th. or 5th. chance.

10. That it is also clarified here that certain persons were appointed as C.G.-I under sports quota on different service conditions and for them their retention in service depends upon their performance in sports therefore, their services can not be compared with services of applicants who were general candidates. Apart from this the said employees are entitled to many more benefits/ relaxation which can not be given to the applicants.

11. That since the present applicants have themselves accepted the said offer of appointment before their initial appointment without any protest or resistance rather as per their own will and choice hence they can not challenge the same now at this belated stage, as also there exists a contractual obligation for them to fulfill these

*Amulheraj*

ABG

basic service conditions which are binding on them and they can not run away from it now.

12. That in view of the aforesaid facts and reasons, the original application is devoid of merits and not maintainable and as such deserves to be dismissed in favour of answering respondents with costs and against the applicant.

Lucknow.

Dated. 25-7-90

B. Mukherjee

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

I, the official abovenamed do hereby verify that the contents of para 1 of this reply are true on the basis of my personal knowledge and those of paras 2 to 12 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow.

Dated: 25-7-90

B. Mukherjee

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BNCH

LUCKNOW

Civil Misc. Petition No. 690 of 1990 (L)

In Re

O.M. No. 118 of 1990 (L)

Pran Shankar Sharma

Applicant.

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 deserves 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.

*Amil Srivastava*  
(AMIL SRIVASTAVA)

Advocate.

Counsel for Respondents.

Lucknow

Dated: 21-11-90

*Amil Srivastava*  
22/11/90

R/S

IN THE HON'BLE CENTRAL DISCIPLINARY TRIBUNAL  
CIRCUIT BENCH  
LUCKNOW

Reinst. application (C.O.A.) No. 118 of 1990(L)

Ram Shankar Sharma

Applicant

versus

Union of India & others

Respondents.

Fixed for 8.1.91

COUNSEL PLEASE ON BEHALF OF ALL THE RESPONDENTS

I, Ms. R. Mukherjee working as Deputy  
Chief Accounts Officer(G. neral), Northern  
Railway, Head Quarters Office, Baroda House,  
New Delhi, do hereby solemnly affirm and state  
as under:

1. That the a-venamed official is the  
respondent No. 4 herself and as such she is fully  
conversant with the facts and circumstances of  
the applicant's case and has been authorised  
by other respondents also to file this reply.
2. That in compliance of this Hon'ble  
Tribunal's order and in addition to short counter  
reply already filed in the present case the

answering respondents are filing parawise reply to the contents of the original application.

3. That the contents of para 1 of the Original Application are misconceived hence denied. A perusal of para 167 of Indian Railway Establishment Manual read with Offer of appointment (Annexure No. A-7) and Railway Board's Direction dated 24.6.86 (Annexure A-2) would make it amply clear that it is mandatory for the applicant to pass the Appendix II examination in maximum three chances within a period of four years and if they could not qualify the same as stipulated above, their services are liable to be discharged without notice. The present applicant has duly accepted these conditions even prior to their appointment (Annexure No. A-7). The alleged impugned order dated 29.3.90 (Annexure no. A-1) has been passed strictly in compliance with the aforesaid terms and conditions hence the applicant has no legal right to challenge the <sup>belated</sup> same at this stage.

4. That the contents of para 2 of the original application do not call for any comment.

5. That in view to the contents of para 3 of the original application, it is

that a claim is highly time  
barred hence cannot be entertained unless the  
claim is condoned.

Not reply to the contents of para 4  
of the original application are as below:

6. This is the contents of para 4(i) and  
4(ii) of the application are admitted.

7. Not in reply to the contents of para  
4(iii) to 4(v) of the original application,  
it is clear that initially there was  
no direct recruitment of Clerks Grade I  
rather only Clerks Grade II were appointed  
and the Appendix II examination was meant  
only as "Qualifying Examination for Promotion"  
and Appendix II of the Clerical Staff of  
Accounts Department upto and including the  
rank of Sub- Head" as contained in para  
167 of R.R.L. Subsequently a decision was  
taken to directly recruit the Clerks Grade II and  
their service conditions were to be governed by  
the rules and policies framed by the Railway  
Board from time to time. Accordingly Railway  
Board via its letters dated 1.10.1954,  
4.7.1956 and 4.5.1959 made it very clear  
that the directly recruited clerks Grade I  
(C.G.I.) are required to pass Appendix II  
examination in maximum two chances within a

409

period of three years from the date of entry in service and those who fail to qualify the said examination within the stipulated period and chances, their services would be liable to be discharged.

8. That prior to 1983 the Railway Board allowed a very few directly recruited C.G.I. candidates to appear for the fourth and in one or two cases even for the fifth chance to qualify the said examination. In the dispute arose as to how many chances are to be given to a directly recruited C.G.I. candidate to qualify the Appendix II examination. To bring the uniformity and remove the disparity, the Railway Board reviewed the entire position once again and framed the final guide lines vide its letter dated 24.6.86 (Annexure no. A-2) to be followed by the Railways/Units, meticulously in future and which are applicable in case of applicant also.

9. That in reply to the contents of para 4(vi) of the original application, it is stated that para 4(a) of Appendix II is not applicable in case of directly recruited Clerks Grade I candidates rather it is applicable in case of promotion from Clerks Grade II to Clerks Grade I and higher posts as stated in

b/w

tje./xxi. the preceding paragraphs.

10. That in reply to the contents of para 4(vii) of the original application, it is stated that the service conditions of directly recruited C.I.T. candidates are to be governed by the latest Railway Board's circular dated 24.6.86 (Annexure no. A-2).

11. That in reply to the contents of para 4(viii) of the original application so far it is a matter of record it is admitted. It is further submitted that when the applicant, after resigning service in the other department of railways joined the Railway Accounts Service, after competing in the open market competition, his entry into the service of the Accounts Department of the Railways was treated as a fresh one. However, he was given the pay scale of Rs 330-560, but in his offer of appointment basic service conditions were clearly mentioned, one of which clearly indicated that he had to qualify departmental examination i.e. appendix 2A examination within the prescribed period of time in permissible <sup>chances</sup> time and if he fails to qualify the same, his services are liable to be terminated. The applicant previous service in the railways i.e. when the applicant was initially appointed in the year 1978 in the Railway Department in technical

b6b

and services and worked there upto 1986, ~~the~~ the time when ~~he~~ was selected from open market competition in the Railway Accounts Service as Junior Accounts Assistant, does not in any way contradicted. ~~On~~ ~~his~~ his fresh appointment as Junior Accounts Assistant (C.G.I) in Accounts Department of Railways, however, the benefit of ~~his~~ past service can only be taken into account for his pensionary benefits. The applicant ~~already~~ accepted certain basic service conditions before joining ~~against~~ the Accounts Department of the Railways. Therefore, he had a contractual obligation to fulfil these service conditions, which are binding on him.

12. That in reply to the contents of para 4(ix) of the original application, so far it is a matter of record it is admitted.

13. That in reply to the contents of para 4(x) it is submitted that Railway Administration had issued a no objection certificate for allowing the applicant to appear in the interview for the selection of the post of Junior Accounts Assistant (C.G.I) in Railway Accounts Department. As per rules on the subject, the applicant had to obtain the permission of railway administration before applying for the selection in the Accounts Department as Junior Accounts Assistant.

which the applicant did not do. Before joining the services in the Accounts Department of the Railways the applicant had accepted basic service conditions which were mentioned in his offer of appointment which are binding on him. Therefore, he cannot claim his retention in service as his right when he failed to fulfil such basic service conditions.

14. That in reply to the contents of para 4(xi) to (xv) of the original application so far it is a matter of record it is admitted.

15. That the contents of parts 4(xvi) and 4(xvii) of the original application are admitted except that 'in 1987 in Lucknow, all the candidates including applicant did not participate and walked out as the papers were not, in consonance with the prescribed syllabus' which are wrong hence denied. The candidates from eleven centres of Lucknow appeared and most of them qualified in the said examination in 1987.

16. That in reply to the contents of para 4(xviii) of the original application, it is stated that applicant was himself given his first preference as CG-I in Accounts department an even at the time of accepting/ signing the offer of appointment in the year 1986, as did not request for change of

contd....8

category. Now, after joining C.S.I (Jr. A.A.) as a fresh entrant and having failed in all the three attempts within four years, his request for change of category at this stage is not in accordance with rules. The status of the applicant is of probationer and for their confirmation in service, he has to qualify an endir-II examination, which is a basic condition in his offer or a placement. So when his status is still temporary and he is not the confirmed employee, no change in his category is permissible as per rules on the subject.

17. That in reply to the contents of para 4(xix) and 4(x) of the original application, it is further clarified that the ideal I ching D.C. letter dated 11.1.90 (Annexure no. A-II) is to give x an additional chance to those candidates who are genuine as regards their non appearance in the said examination due to unforeseen circumstances i.e. sickness, accidents etc. The present applicant does not come under the purview of the said letter as he has already availed the maximum permissible chances to appear in the said examination and as such he is not entitled to any other additional chance in terms of Railway Board's letter dated 24.6.1986.

18. That the contents of para 4(xxxi) xxix of the original application are not

contd....9

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disputed except that it was not all of a sudden but as per his offer of a ppointment (Annexure no. A-6) and as per Railway Board's instructions dated 24.6.86 (Annexure No. A-2).

In fact as per his offer of ppointment, the applicant was to be given only two chances in three years to qualify the said Appendix II examination but as concession Railway Board has already allowed him additional third chance within a period of four years but the applicant could not qualify even in the third chance given to him.

19. That the contents of para 4(xxii) of the original application do not call for comments. However, it is further clarified that the said letter dated 11.1.90 contained in enclosure No. A-11 of the application is issued for the purpose that if due to any genuine medical grounds if a candidate could not appear in the examination only then an additional chance (which may be 1st, 2nd or 3rd chance for an individual candidate) may be given in fourth year. The applicant does not come under the such category as he has already granted three chances in 1987, 1988 and 1989.

20. That the contents of para 4(xxiii) of

of the original application are denied. The appendix 2 A examination has already taken place in the year 1990. As per rule contained in Railway Board's letter dated 24.6.86, the respondents had no alternative but to terminate the services of the applicant.

21. That in respect of contents of paras 4(xxiv) and 4(xxv) of the original application, so far it is a matter of record, is admitted. However, it is further clarified that the case of the applicant is different. The correct position has already been explained in para 8 of this reply. After 1983, no candidate was allowed to appear for the fourth or fifth chance.

22. That the contents of para 4(xxvi) of the original application are not admitted as alleged. Smt. Alka Sahani and Smt. Sharda Singh being outstanding sports women were appointed under sports quota on different service conditions. Their retention in service depends upon their performance in sports and as such their service conditions cannot be compared with those of applicant who is appointed on certain basic terms and conditions through Railway Recruitment Board

which he duly accepted by signing his offer of appointment.

23. That in reply to the contents of para 4(xxvii) of the original application, it is stated that as per service conditions of the applicant he will be treated as on probation unless he qualifies the said appendix II examination within the stipulated period and chances but if he fails to do so, his services would be liable to be discharged and accordingly his services have been discharged. It is further stated that the applicant was fully aware of the terms and conditions even prior to his appointment as C.I. in Accounts department.

24. That the contents of para 4(xxviii) of the original application are not admitted as stated. It is true that the applicant joined his services in the Accounts Department as direct recruit but as per Rule 2008 of Indian Railway Establishment Code Vol II, the lien of the applicant on the post of skilled fitter on which he was previously working and confirmed ceased to exist after the expiry of three years from the date of his joining the Accounts Department as C.I. Otherwise also he has joined the Accounts Department as a fresh entrant after competing the open market selection with no

continuity to his previous service in other department of the Railways. Therefore, no benefit can be given to him on account of his previous service except the pensionary benefit, if he would have qualified the said Appendix 2-A examination.

25. That the contents of para 4(xxix) of the original application are denied. As per condition laid down in para Gha(ए) of annexure no. A-7 i.e. offer of appointment, which he duly accepted, no such notice is required as alleged. Railway Board is also empowered to frame the rules and policies.

26. That the contents of para 4(xxxi) to 4(xxxiii) of the original application are categorically denied. The detailed explanation has already been given in the short counter reply as well as in the preceding paras hereinabove.

27. That in reply to the contents of para 4(xxxiv) of the original application, it is stated that only due to stay order granted by this Honourable Court, the applicant is still continuing in service.

28. That the contents of para 4(xxxv) of the

O.A. do not call for contents.

29. That the grounds mentioned in para 5 of the original application are vague, irrelevant, illegal, imaginary, false and not applicable to the instant case.

30. That the contents of para 6 and 7 of the original application do not call for reply.

31. That in reply to the relief claimed in para 8 and 9 of the original application, it is stated that in view of the facts and reasons already stated in the paragraphs hereinabove of this reply, there is no relief in this case and thus it deserves to be dismissed with costs in favour of the answering respondents.

Lucknow dtd. 21.11.90

*R. Mukherjee*  
(Ms. R. Mukherjee)

verification

I, Ms. R. Mukherjee working as Deputy Chief Account Officer (S) i.e. respondent No. 4 do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and that of paras 2 to 31 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow

*R. Mukherjee*  
(Ms. R. Mukherjee)

Dated: 21.11.90

*AM*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BRANCH, LUCKNOW

Registered A.D. 51

Chandi Bhawan  
C.P. Residency  
Lucknow.

Registration No. 118190 (L) 1990

No.CAT/Alld/Jud/ 4220-4232

Date: 10-4-90

Day: 10-4-90

Prom. Sankar Sharma APPLICANT(S)

VERGUS

Union of India

RESPONDENT(S)

① Union of India through the General Manager, N. R. Baroda House New Delhi

② Railway Board, through its Secretary Rail Bhawan New Delhi

Please take notice that the applicant above named has represented an application a copy of whereof is enclosed herewith has been fixed

registered this Tribunal and the Tribunal has fixed

day of 1990. Order.

19. 4. 90

If an appearance is made on your behalf, your pleader or by some duly authorised to act and plead on your behalf in the said application. It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this

10.

day of

4.

1990.

Atto. popular

FOR DEPUTY REGISTRAR  
(JUDICIAL)

③ Financial Advisor and Chief Accounts Officer, N. Railway Baroda House New Delhi.

Ok.

④ Deputy Chief Accounts Officer, (G) N. R. Baroda House, New Delhi

⑤ Senior Accounts Officer (Store and workshop)

N. Railway Mambagh, LUCKNOW

Copy of order with petition copy or notice

EXCISE TAXES SECTION

O.A. NO. 120 OF 1990 (L)

From Shukar Shams	.....	Applicant.
Vested		
Union of India & Others	.....	Respondents.

Order

Non-DPO Mr. D.S. ~~Subbaram~~, A.M.  
Non-DPO Mr. S.P. Sharma, J.P.

Article.

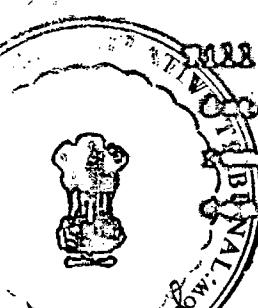
Issue Notice.

In the matter of interim relief issued notice. Para-107 of the Indian Railway Establishment Manual which providing for an examination in accordance with appendix - II as a condition precedent to the confirmation of an Accounts Clerk Grade - I is coupled with the provision in Rule 4 (n) of the Appendix - which says that it is open to the R.A. & C.A.O. to permit a candidate in deserving cases to take an examination for the 6th time. While the applicant failed in the three examination of 1987, 1988 and 1989, Annexure A-11 dated 11.1.1990 emanating from Dy. Chief Accounts Officer, Opposite Party No. 6, called upon the concerned authorities of the Department to submit a list of candidates who had not passed the appendix - II Examination alongwith their report for the additional chance. Annexure - A.12 is the application of present applicant made on 17.1.1990 for an opportunity to appear at the 6th examination. He would like to know what instructions have been issued by the Railway Board or the competent authority about the manner in which the persons who have failed at the three examinations and have applied for further chance are to be dealt with. Para 3 (2) of Annexure - A.2 speaks of termination of service if a chance is granted to the candidates within four years of service and he fails and the results are announced after expiry of four years. In the case of the applicant the period of four years has not yet expired as he was appointed in April/ May, 1986. In the circumstances, we direct that the case be listed for orders on 10.4.1990 alongwith O.A. NO. 119 of 1990.

checked  
Smt  
q/wd

-8.2.0-

will that date the operation of the impugned order  
dated 20.9.1993 continued in Agra - A & shall  
remain stayed in so far as the present applicant is  
concerned therewith.



Sd/-  
S. K. S.  
9/4/1990

Sd/-

Ch. No.

Sd/-

Ch. No.

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9/4/1990  
Deputy Registrar  
General Administrative Tribunal  
Lucknow Bench.  
Lucknow