

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW .

## INDEX SHEET

CAUSE TITLE C.A. 118 of 1990 (W)

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

P. S. Sharma

Applicant.

Versus.

Union of Indes

Respondents.

## Part A.B.C.

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File B/C needed and destroyed.

So (S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Circuit Bench,  
Date of Filing 9-4-90  
Date of Receipt 5-1-90

Depy. Registrar (J)

Registration No. 110 of 1989 (14)

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 case 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 out come of such representation been indicated in the application? Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? No

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
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 ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
  - a) Concise ?
  - b) Under distinct heads ?
  - c) Numbered consecutively ?
  - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

YD

YD

No

YD

YD

NA

YD

YD

h

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 the period of four years has not yet expired as <sup>he was</sup> 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>is</sup> are concerned therewith.

J.M.

A.M.

Received copy

*[Signature]*

Adv. 9/4/90

Notices were issued to O.A. no 1 to 4 by Sd. Govt. on 10.4.90. He for the applicant has not <sup>yet</sup> any acknowledgement on behalf of O.A. No reply filed. S. P.

Notices issued  
10-4-90

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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 in 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.

O.A. NO. 118 OF 1990 (L)  
P. S. Sharma vs. Union of India

(95)  
(15)

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

PANKAJ/

P.T.O.

(A6)

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

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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 an 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 Gupta <sup>Gupta</sup> & another vs. Union of India & others' which has also been pronounced today. The facts of the present case and that of Raj Kumar Gupta 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



AD

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.

*Shaukat Ali*  
Admn. Member

*[Signature]*  
Vice Chairman.

Shakeel/

*Attested*  
Dated: 31- 7-91

AA

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 & OTHERS

...

RESPONDENTS

COMPILATION NO. 'A'

S.No. Particulars of Documents Page Nos.

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

...

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LUCKNOW:

DATED: 9.4.1990.

SSharma

APPLICANT

To,

The Registrar,

P.T.  
9/4/90

Noted  
9/4/90

Deputy Registrar (I)

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

(A1)

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.

P Schaner

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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

Scholarship

Contd...4

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.4.

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:-

"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<sup>2</sup> 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 preferential qualification M.A. and Honours. A electrostat copy of the advertisement is filed herewith as ENCLOSURE NO.A-4 to this application.

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(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.

P. S. Chauray

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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

Signature

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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

Contd...11

(A28)

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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.

*Isa...*  
(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 unconscionable, 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.

(5) GROUNDS 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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.13.

(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.

(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.

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.14.

(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.

SSharma

(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.

Contd...15



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.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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(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

A25

.16.

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

(9) INTERIM ORDER, IF ANY, PRAY 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.

Contd...17

A28

.17.

- (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

Contd...18

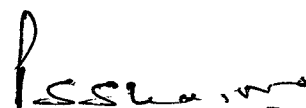
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.18.

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:

DATED: 9.4.1990.



APPLICANT

128

Before the Central Administrative Tribunal  
व अदायत श्रीमान Lucerna महोदय

[वादी] अपीलान्त

Prem Shanker Sharma  
का वकालतनामा



Prem Shanker Sharma  
बनाम प्रतिवादी (रिस्पॉन्डेंट)  
Union of India and others.

NO AND  
मुकदमा नं०

सन् 1990 (पेसी) की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

R. C. Saxena

Advocate, High Court - E-3665  
को वकील

Raja Ji Prasad Sharma  
महोदय एडवोकेट

नाम पदावत	मुकदमा नं० नाम	परीकन
.....	.....	.....
.....	.....	.....
.....	.....	.....

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 कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया 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 रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पट्टालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे।

Accepted

Deewan  
Advocate

हस्ताक्षर P. S. Sharma

साक्षी (गवाह) साक्षी (गवाह)  
दिनांक 9 महीना 4 सन् १६ ई०

Before The Central Administrative Tribunal,  
Circuit Bench, Lucknow

बदालत अधीन..... महोदय  
(वादी) अपीलान्त

प्रतिवादी रेषपाडेन्ट

धी

का

बदालतनामा

टिकट

वादी (अपीलान्त)

P. S. Sharma पनाम 11.0.9.10 प्रतिवादी रेषपाडेन्ट

GA नं० मुकदमा 118 सन् 1990 पेशी की ता० 30-4-1990 ई०

ऊपर लिखे मुकदमा में अपनी ओर से

ANIL SRIVASTAVA

वकील

महोदय

एडवोकेट

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

Accepted  
Anil Srivastava

हस्ताक्षर

बकिष्ठ लेखा अधिकारी/प्रबंधक  
ए००२, आलमबाग, खखनर

साक्षी (गवाह)

Resub  
A.O(S)/NR/AMV-24-490

साक्षी (गवाह)

दिनांक

पहीना

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

S.O.O. No. 183

19  
180  
A30  
Dt. 29.3.1990

In terms of Dy. C.A.O.(G)'s S.O.O.No.182 dated 23.3.1990 the services of the following staff are hereby terminated with immediate effect as they could not qualified the Appendix-II A ( IIM Examination ) within the prescribed period as per their service conditions as in joined in para 2(a) & 3 of Railway Board's letter No. 84/ACI/21/17 dated 24.6.1986.

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

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

34141 29/3/90  
Sr. Accounts Officer (SAW)  
N.Rly., Alambagh, Lucknow

Copy to :-

- 1) Dy. C.A.O.(G), N., B., H., New Delhi with reference to her D.O.No. 88/AMV/C/5/CG-I/AMV/Enn/Looone dated 3/1990.  
2) F.A.O.(ADM), Northern Railway, Baroda House, New Delhi.  
3) Sr. DAG, Hazratganj, Lucknow.  
4) SO(1), SO(PT), SO(ADM)/AMV, LKO.  
5) Sr. Prem Shankar Sharma  
6) Sh. Raj Kumar Gupta.  
7) Sh. S.K.Shamin.  
8) Spares.

S.A.O.(SAW)/AMV/LKO.

TRUE COPY  
ATTESTED

*[Signature]*  
3665, Raj... Lucknow

*[Signature]*



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

20

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

(A3)

NORTHERN RAILWAY  
HEADQUARTERS OFFICE  
BANGODA HOUSE NEW DELHI.

No.85/Ldr/C/1/CGI/DRQ

Dated: 3.9.86.

Sr.DAOs, AID LKO/AN/NDLS, DAOs PZR,BKN,JU  
SAO(W) JUD,ASR, AMV/LKO, CB-LKO, SAO/RE/ALD.  
Addl.PA & CAO/T/DKZ, PA & CAO/Const.K.Cate,Delhi.  
AFA/CC,IRCI Bldg,New Delhi. AOs Books,Corrp.Estt.,EG,X,Effy,FX,Finance,  
S.O.Adm.1,2,3,4/5/HQ. Insp.Accounts,Pension,PF Stores,Indent,Store  
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. Khanna*

DA/As above.

(D.K.KHANNA)

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

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

Sub: As above.

Under the extant 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 (IRCI) 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. 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 extra additional chance is not taken for granted) Board under their letters No.84-ACIII/20/34 dated 4.9.85 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 (IRCI) Examination beyond three years or for the third time in the said 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:

- In respect of Directly recruited Clerks Grade I, the Railways/Units should ensure that two clear chances to appear in the Appendix 2 (IRCI) 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 (IRCI) examination, specifically for such candidates, if need be.
- As regards candidates who have availed of two chances within three years of service, who still apply for being given a third chance, within or beyond three years, their cases if found justified, could be referred to

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*[Signature]*  
20.9.86  
Joint Secretary

*[Signature]*

A32 25

- These orders will be made effective immediately. Past ones should not however be reopened.

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*[Handwritten initials]*  
*[Handwritten text]*  
 P. [unclear], Rajapipuram, Madurai

ASS

22

5. In respect of the proposals from the (i) Western (ii) South Central and (iii) Southern Railways received with their letters no. Adm/3/41379/EM90/99/V dated 24.1.1986, Adm/RII dated 30/31.1.86 and P.563/1104/CCI/O/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. FM&AO of All Indian Railways/Production Units.
2. JDE/R/Railway Board, two spares.
3. DDH/R/Railway Board, two spares.
4. E/NC/1 with five spares/E, NC, II, E/Rep/1, II & III  
E/SCT/ I & II, E/P&A, I & II, PC-III Branches, Railway Board.

Sd/-

( M.R. LALJANI)

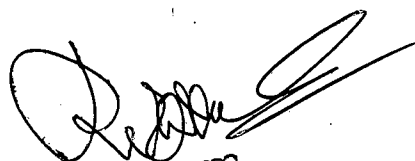
Executive Director /Accounts  
Railway Board.

Attested True Copy

Advocate

TRUE COPY  
ATTESTED

15/11/86



Advocate  
15/11/86

(28)

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

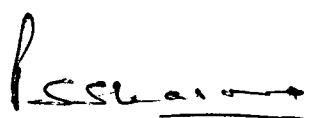
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.2.

S.No.	Particulars of Documents	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.

  
APPLICANT ~~XXXX~~

To,

The Registrar,

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

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

Applicant  
Respondents

ENCLOSURE NO. A-3

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 Lakhan	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.	Chottey Lal	-do- / PBH	"
7.	Ram Sewak	-do- / PBH	"
8.	Sri Krishna	-do- / LKO	"
9.	Ajodhaya Pd.	-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.	Badraddin	" / 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.	Giuroo	" / LKO	"
24.	Jalaluddin	" / LKO	"
25.	Gauri Shanker	" / LKO	"
26.	Mohd. Jamil	" / PBH	"
27.	Dal Bhadur Singh	Fitter SA / RBL	"
28.	Prakash Chand	Fitter LF / LKO	"
29.	Ram Lakhan	" / 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	"
40.	Basant Lal	" / LKO	Not confirmed as SF-5 pending 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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ATTESTED

*[Signature]*

*[Signature]*

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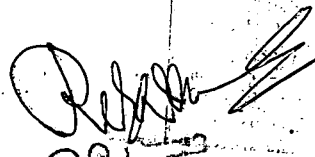
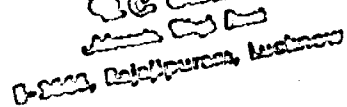
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A-3

PSS

1.	2.	3.	4.
97.	Ajodhya Pd.	Fitter	7.3.84
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.	Shiv 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	" / LKO	"
111.	Misra lal	" / FD	"
112.	Chottey lal	" / LKO	"
113.	Sita Ram Pathak	" / BSB	"
114.	Ram Asrey Misra	" / PBH	"
115.	Avadh Behari	" / BSB	"
116.	Sarfraj Hussain	" / LKO	"
117.	Sewa lal	" / BSB	"
118.	Mohd. Umar	" / FD	"
119.	Gulab Chand	" / LKO	"
120.	Sheo Shanker Shukla	" / LKO	"
121.	Nand lal Singh	" / BSB	"
122.	Ram Nath Ram	" / BSB	"
123.	Bachnu Ram	" / BSB	"
124.	Iryatullah	" / PBH	"
125.	Nanhey lal	" / LKO	"
126.	Sahdeo 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 Singh	" / BSB	"
139.	Sarbjeet Singh	" / LKO	"
140.	Maikoo	" / LKO	"
141.	Madan lal	" / LKO	"
142.	Radhey Shyam Misra	" / LKO	"
143.	Krishan lal	" / LKO	"
144.	Kailash Nath	" / LKO	"
145.	Sobh Nath	" / BSB	"
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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178/25

Prem Shanker Sharma

Applicant

Versus

Union of India & others

Respondents

ENCLOSURE NO. A-4

आवश्यकता है

रेल सेवा आयोग

१९, सरदार पटेल मार्ग,

इलाहाबाद

नियोजन सूचना संख्या-१८२-२३

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।

२- आवेदन पत्र के लिए किसी भी रेल सेवा आयोग का निर्धारित काम प्रयोग किया जा सकता है। ये काम सभी महत्वपूर्ण रेलवे स्टेशनों पर २१- रुपये प्रति काम देकर लिए जा सकते हैं। अनुसूचित जाति एवं अनुसूचित जन जाति के उम्मीदवारों के लिए तथा वर्मा और भीलका पूर्वी पाकिस्तान (बंगलादेश) के विस्थापितों के लिए ५० पैसे देने होंगे। साथ में १०१- रुपये का कास इंडियन पोस्टल आर्डर (२.५० रुपये का पोस्टल आर्डर अनुसूचित जाति/अनुसूचित जन जाति एवं वर्मा तथा भीलका और पूर्वी पाकिस्तान (बंगलादेश) के विस्थापितों के लिए) नत्थी करके भेजना होगा। जो सहायक सचिव रेल सेवा आयोग, इलाहाबाद को जनरल पोस्ट ऑफिस इलाहाबाद में देय होगा। बैंक चेक तथा डाक टिकट स्वीकार नहीं होंगे।

३- आयुसीमा का निर्धारण दिनांक १-६-८२ से किया जाएगा आयु की उच्चतम सीमा में छूट निम्न प्रकार से होगी।

(क) ५ वर्ष की छूट अनुसूचित जातियों/अनुसूचित जनजातियों के लिए है जो राशन अधिकारी द्वारा तत्संबंधी प्रमाणपत्र प्रस्तुत करेंगे।

(ख) रिजर्व सैनिकों को जो सरकारी सेवा में नहीं हैं, आयु की उच्चतम सीमा ४० वर्ष होगी।

(ग) भूतपूर्व सैनिक जो अपंग हैं उन्हें तीन वर्ष की छूट मिलेगी।

(घ) आयु की उच्चतम सीमा वर्मा और भीलका के विस्थापित उम्मीदवारों की ४५ वर्ष होगी। जो १-६-६३ एवं १-११-६४ के बाद 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 छूट विस्थापित, अनुसूचित एवं अनुसूचित

(ङ) वर्तमान नियमांक अर्थात् (अ) रेलवे के तृतीय तथा चतुर्थ श्रेणी के कर्मचारियों तथा रेलवे केन्द्रीत, सोसाइटी तथा संस्थाओं में कार्यरत कर्मचारियों को (ब) नैमित्तिक मजदूर एवं प्रति नियुक्त कर्मचारियों को। (स) भूतपूर्व सैनिक और (द) फरवरी में रेल परियोजना के अन्तर्गत बंशित कर्मचारियों को आयु सीमा में छूट मिलेगी।

उपरोक्त आयुसीमा अप्रैक्टिस केनी कोटियों पर लागू नहीं होगी। इनके लिए उपयुक्त आयुसीमा की छूट देने पर भी उच्चतम आयु सीमा ३० वर्ष से अधिक नहीं होगी। (भूतपूर्व सैनिकों के लिए अधिकतम आयुसीमा में ३५ वर्ष तक छूट मिलेगी)।

४- विधवाओं, तलाक़ मुदा औरतों एवं कामूनी तौर पर अपने पतियों से अलग रहने वाली महिलाओं को जिन्होंने दुबारा विवाह नहीं किया है, आयु सीमा में ३५ वर्ष तक का छूट दी जायेगी। (अनुसूचित जाति एवं अनुसूचित जनजाति के लिए ४० वर्ष की छूट होगी)। शैक्षणिक योग्यता एवं चयन विधि में किसी प्रकार की छूट नहीं होगी।

५- आवेदन पत्र : (क) जिनके साथ आयु समर्थक (मैट्रिक या ए० ए० सी०) का प्रमाण पत्र शैक्षणिक योग्यता एवं अनुभव संबंधी प्रमाणपत्रों की प्रमाणित प्रतिलिपियां नहीं होगी। (ख) नवीतम दो कोटो नहीं होंगे। एक आवेदन पत्र पर निर्धारित स्थान पर चित्राया हुआ तथा दूसरी प्रति मजबूती के साथ काम में नत्थी की हुई (ग) टांक एवं से काम न भरा गया हो या उम्मीदवारों के हस्ताक्षर नहीं होंगे, काम में अधिक काटकट के होने पर (घ) काम विभिन्न स्थाहियों से भरा गया होने पर (ङ) इस नियोजन सूचना तथा निर्धारित काम में दिए गए नियमों के अनुसार कोई भी कमी पाये जाने पर फार्म को निरस्त

कर दिया जायेगा।

६- सरकारी सेवा में जाये उम्मीदवारों को यदि यह अशक हो कि विभागाध्यक्ष के संकेत भेजे जाने वाला आवेदन पत्र देर में पहुंचेगा तो ऐसी हालत में वे अपना आवेदन पत्र आयोग में सीधा भेज सकते हैं। लेकिन उन्हें लिखित परीक्षा साक्षात्कार परीक्षा में सम्मिलित होने की अनुमति तभी दी जायेगी जबकि वे अपने विभागाध्यक्ष का 'कोई आपत्ति नहीं' प्रमाणपत्र प्रस्तुत करेंगे।

७- अभ्यर्थी लिफाफे के ऊपर यह नियोजन सूचना संख्या एवं कोटि संख्या अवश्य लिखें।

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Signature  
Date 10/10/2020  
Lucknow



८- रेल सेवा में नियुक्त सभी पुरुष उम्मीदवारों को आयु-कक्षा अनुसार प्रादेशिक सेवा की रेलवे इंजीनियरिंग यूनिट में सात वर्ष तथा प्रादेशिक सुरक्षित सेवा में ८ वर्ष की सक्रिय सेवा करनी होगी।

९- आयोग को यह अधिकार है कि वंश कार्यों 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 जायेगा।

१०- किसी प्रकार की सिफारिश करने वाले उम्मीदवार को अयोग्य घोषित कर दिया जायेगा।

उत्तर रेलवे के लिए

कोटि संख्या १-१४ पद कम्यूटर का सिविल इंजीनियरिंग के लिए। वेतनमान रु० ५५०-७५० (सं० वे०)। १० पद अनुसूचित जाति के लिए तथा एक पद अनुसूचित जनजाति के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त विश्वविद्यालय से सिविल अभियंत्रण में स्नातक। अनुभव प्राप्त अभ्यर्थियों की वरीयता। आयु-२० से ३० वर्ष। प्रशिक्षण-इंजिन आफिस में ६ माह का प्रशिक्षण यत्तिका एवं जमानत बर्तमान नियमों के अधीन होगा। महिलाएं आवेदन न करें।

कोटि संख्या २-२३ पद विभिन्न एन्ड मेटलमिश्रित सामग्री के लिए। वेतनमान रु० ४२५-७०० (सं० वे०)। ७ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-भौतिक विज्ञान और रसायन विज्ञान के साथ रसायन विज्ञान में स्नातक या समकक्ष या अकादमिक रसायन (कार्बनिक रसायन, औद्योगिक रसायन या रसायनिक तकनीकी में मास्टर डिग्री या समकक्ष या रसायनिक इंजीनियरिंग। रसायनिक तकनीकी में स्नातक या समकक्ष। आयु-२२ से ३० वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या ३-३५ पद सड़क और सिविल इंजीनियरिंग के लिए। वेतनमान रु० ४२५-७०० (सं० वे०)। १५ पद अनुसूचित जाति के लिए ५ पद अनुसूचित जनजाति के लिए तथा ५ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त संस्था से सिविल इंजीनियरिंग में डिप्लोमा अभ्यर्थी का शारीरिक क्षमता अच्छी होनी चाहिए। आयु-१८ से ३० वर्ष। प्रशिक्षण-यत्तिका, जमानत बर्तमान नियमों के अधीन होगा। महिलाएं आवेदन न करें।

कोटि संख्या ४-४१४ पद लेखा लिपिक ग्रेड १ के लिए। वेतनमान रु० ३३०-५६० (सं० वे०)। १२ पद अनुसूचित जाति के लिए २६ पद अनुसूचित जनजाति के लिए तथा ४९ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त विश्वविद्यालय से स्नातक। आयु-१८ से २५ वर्ष। महिलाएं भी आवेदन करें।

कोटि संख्या ५-५२५ पद वरिष्ठ लिपिक या प्रशासनिक विभाग के लिए वेतनमान रु० ३३०-५६० (सं० वे०)। १०५ पद अनुसूचित जाति के लिए, २७ पद अनुसूचित जनजाति के लिए तथा ५२ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-किसी मान्यता प्राप्त विश्वविद्यालय से स्नातक या समकक्ष। आयु-१८ से २५ वर्ष। महिलाएं भी आवेदन करें।

कोटि संख्या ६-१७ पद शार्फ के लिए। वेतनमान रु० २६०-४०० (सं० वे०)। ३ पद अनुसूचित जाति के लिए तथा ३ पद अनुसूचित जनजाति के लिए आरक्षित है। योग्यता-हाईस्कूल या समकक्ष। आयु-१८ से २५ वर्ष। महिलाएं आवेदन न करें।

डीजल रेल इंजन कारखाना,

बाराणसी

कोटि संख्या ७- एक पद गार्ज मैन विद्युत (बी) के लिए। वेतनमान रु० ४२५-७०० (सं० वे०)। योग्यता-हाईस्कूल तथा किसी मान्यता प्राप्त संस्था से इलेक्ट्रॉनिक्स इंजीनियरिंग में डिप्लोमा। किसी विश्वस्त संस्थान में कार्य के अनुभव की वरीयता दी जायेगी। आयु-१८ से २८ वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या ८-२ पद वरिष्ठ लिपिक के लिए। वेतनमान रु० ३३०-५६० (सं० वे०)। एक पद अनुसूचित जाति के अभ्यर्थियों के लिए आरक्षित है। योग्यता-स्नातक या समकक्ष। आयु-१८ से २५ वर्ष।

महिलाएं भी आवेदन करें  
डी० सी० उच्च शिक्षा विभाग के लिए

कोटि संख्या ९-५ पद वरिष्ठ डिजाइन अस्सिस्टेंट के लिए। वेतनमान-रु० ५५०-७५० (सं० वे०)। एक पद अनुसूचित जाति के लिए एक पद अनुसूचित जनजाति के लिए तथा एक पद भूतपूर्व सैनिकों के लिए आरक्षित है। एक पद शारीरिक रूप से अपंग अभ्यर्थियों के लिए। परन्तु जायबत अभ्यर्थी के न मिलने पर अनारक्षित माना जायेगा। योग्यता-सिविल इंजीनियरिंग में स्नातक या ए० एम० आई० ई० डिजाइन का अनुभव वांछनीय है। आयु-२० से ३० वर्ष। महिलाएं आवेदन न करें।

कोटि संख्या १०-७ पद प्रशिक्षु धातुगर्भ (विद्युत) ग्रेड ११ के लिए। वेतनमान रु० ५५०-७५० (सं० वे०)। एक पद अनुसूचित जाति के लिए एक पद अनुसूचित जनजाति के लिए तथा एक पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-विद्युत अभियंत्रण में स्नातक तथा साथ में किसी विश्वस्त संस्थान में समान स्तर पर कार्य करने का एक वर्ष का अनुभव। आयु-दिनांक ३०-६-८२ को २१ वर्ष से कम तथा ३० वर्ष से अधिक नहीं होना चाहिए। महिलाएं आवेदन न करें।

कोटि संख्या ११-१७ पद धातुगर्भ (धातु) ग्रेड ११ के लिए। वेतनमान रु० ५५०-७५० (सं० वे०)। ३ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-धातु अभियंत्रण में स्नातक तथा साथ में किसी विश्वस्त संस्थान में समान स्तर पर कार्य करने का एक वर्ष का अनुभव। 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 धातुगर्भ (धातु) ग्रेड ११ के लिए। वेतनमान रु० ४२५-७०० (सं० वे०)। ८ पद अनुसूचित जाति के लिए ४ पद अनुसूचित जनजाति के लिए ५ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-मैकेनिकल इंजीनियरिंग में डिप्लोमा। समान स्तर में कार्य करने का एक वर्ष का अनुभव वांछनीय 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 धातुगर्भ (विद्युत) ग्रेड ११ के लिए। वेतनमान रु० ४२५-७०० (सं० वे०)। ४ पद अनुसूचित जाति के लिए २ पद अनुसूचित जनजाति के लिए तथा २ पद भूतपूर्व सैनिकों के लिए आरक्षित है। योग्यता-विद्युत अभियंत्रण में डिप्लोमा। समान स्तर में कार्य करने का एक वर्ष का अनुभव वांछनीय 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 प्राथमिकता लिख दें।

२. लिफाफा के ऊपर निम्न-लिखित लिखें:-

"कोटि सं०..... पद..... के लिए आवेदन पत्र।

एसो 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

जी० एल० 19/G.L. 19

जनरल 99-बड़ा/Genl. 99-Large

उत्तर रेलवे/NORTHERN RAILWAY

No 372/E/1.7/Misc/83

Divl Rly Manager  
N. Rly LKO  
Dt 28/6/85

To Secretary  
Rly. Service Commission  
17 Sardar Patel Marg  
Allahabad.

Reg- Issue of no objection certificate

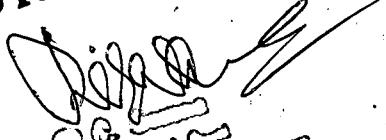
Ry- Application of Shri P. S. Sharma for transfer to LKO  
Dt. nil

This administration has no objection for appearing  
of Shri P. S. Sharma s/o S.D. Sharma for TNC 1985  
under Loco Running Shed (N. Rly) Lucknow in the  
interview for the post of Sr Clerk (Grade Ps 330-560  
(Rs) fixed on 3rd July 1985.

copy to - Shri P. S. Sharma in reference  
to his application dt nil for NOC

for Divl Rly Manager  
N. Rly Lucknow  
प्रमुख प्रमुख प्रमुख  
प्रमुख प्रमुख प्रमुख

ATTESTED

  
A. G. ...  
...

P. S. Sharma

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

## रेल भर्ती परिषद्

१९, सरदार पटेल मार्ग  
इलाहाबाद

पत्र संख्या RSCA/MB/19982/30.

दिनांक १२

श्री/श्रीमती/कुमारी P. S. Sharma

पुत्र/पुत्री/पत्नी S. D. Sharma

अनुक्रमांक 14700

वरिष्ठ लिपिक/लिपिक ग्रेड I  
विषय वे. मा. 330-560 (उ. रे. हेतु चयन)

सन्दर्भ कोटि सं. 4 एवं 5 नियोजन सूचना  
सं. 1/82-83 के अंतर्गत आवेदन

☆☆☆☆

उपरोक्त के सन्दर्भ में हुई परीक्षा के आधार पर आपको C. G. I  
के लिये उपयुक्त पाया गया है। कुल 414 चयनित प्रत्याशियों में योग्यता अनुसार आपको 25  
स्थान प्राप्त हुआ है।

चयनित व्यक्तियों के नाम की सूची महाप्रबन्धक (कामिक), उ. रे., प्रधान कार्यालय बड़ोदा हाउस,  
नई दिल्ली को इस कार्यालय के पत्र सं. RSCA/MB/19982 दिनांक 3 DEC 1985  
द्वारा भेज दी गई है।

नियुक्ति पत्र महाप्रबन्धक (कामिक) 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।

TRUE COPY  
ATTESTED

Per No

146321

24-3-86

LKO→MB

सहायक-सचिव

②

SSha...

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

Applicant  
Respondents

ENCLOSURE NO. A-7

आयालय से  
दिल्ली, उत्तर प्रदेश एवं मुख्य लेखाधिकारी,  
उत्तर प्रदेश, बड़ोदा हाउस, नई दिल्ली

सं०८६/प्रशा०/सी/५/दि०३०/१०/डी.आर.ए.एन/इलाहाबाद. दिनांक ३-१९८८

श्री/सं०... प्रेम.शंकर शर्मा (Prem Shankar Sharma)

..... नं० ३२-४४ ..... रेलवे केनाल रेलवे कालोनी  
..... बाराबंकी जेलखाना (उत्तर प्रदेश) २०६००१

विषय:- लेखा विभाग में लिपिक श्रेणी-१। वेतनमान रु. ३३०-५६०। सं० ८६/प्रशा०/सी/५/दि०३०/१०/डी.आर.ए.एन/इलाहाबाद

१. रेलवे भर्ती बोर्ड, इलाहाबाद द्वारा आयोजित सलेक्शन के फलस्वरूप आपको उत्तर प्रदेश के रेलवे विभाग में वेतनमान रु. ३३०-१०-३८०-ई.वी-१२-५००-ई.वी-१५-५६०। सं० ८६/प्रशा०/सी/५/दि०३०/१०/डी.आर.ए.एन/इलाहाबाद में लिपिक श्रेणी-१ के अस्थाई पद पर नियुक्ति के लिए चुना गया है। तदनुसार निम्नलिखित नियम व शर्तों के अधीन आपको इस कार्यालय में प्रशिक्षण के लिये आरंभिक एक अस्थाई पद पर अस्थाई रूप से नियुक्त करने का प्रस्ताव दिया जाता है :-

क. आप अपनी नियुक्ति की तारीख से एक वर्ष तक परीक्षा की बात के आधीन रहेंगे और भारतीय रेल स्थापना नियमावली के परिशिष्ट-२२ में निर्धारित परीक्षा उत्तीर्ण करने के बाद ही आप स्थायीकरण के पात्र होंगे।

ख. परीक्षा की अवधि में आपको ६ महीने का प्रशिक्षण प्राप्त करना पड़ेगा। इस प्रशिक्षण के दौरान आप वृत्ति और भत्तों के रूप में नियमानुसार रु. ३३०/-२० प्रतिमाह प्राप्त करने के हकदार होंगे। रेल विभाग द्वारा आलान और आवास की कोई व्यवस्था नहीं की गई है। अतः प्रशिक्षण के लिए आपको पूरी तैयारी करके आना चाहिए। आवश्यकता अनुसार आपको रिक्रेशन कैंस में भेजा जायेगा जिसमें शांति होना अनिवार्य होगा।

ग. यदि आप उपरोक्त मद १.क में उल्लिखित परिशिष्ट-२२ की परीक्षा उत्तीर्ण नहीं कर पाते या अन्यथा आपकी प्रगति असंतोषजनक रहती है, तो परीक्षा की अवधि बढ़ायी जा सकती है, किन्तु सेवा में आने की तारीख से तीन वर्षों के अन्दर-अन्दर अधिकतम दो अवसर लिए जाने पर भी यदि आप उक्त परीक्षा उत्तीर्ण नहीं कर पाते तो आपको सेवा से निकाला जा सकता है।

घ. परीक्षा की अवधि में किसी भी ओर से १४ दिन का नोटिस देकर आपको सेवाएं समाप्त की जा सकती हैं। तथापि यदि आपको किसी हकदार होने के कारण वरक्षाएँ मिले जायें या सेवा से निकाले जायें या उपर्युक्त मद १.ग में उल्लिखित संख्या में अवसर दिए जाने पर भी परिशिष्ट-२२ परीक्षा में असफल रहने के कारण आपकी सेवा समाप्त की जाती है तो ऐसे नोटिस की आवश्यकता नहीं होगी।

ड. आपको दिल्ली, जगदहरी, धीकानेर या अन्य स्थित उत्तर प्रदेश के किसी भी लेखा कार्यालय में स्थानान्तरित किया जा सकता है और रेल आवास की कोई गारण्टी नहीं दी जा सकती।

व. आपको उक्त प्रशिक्षण पूरा करने के बाद यदि प्रशासन चाहे तो कम से कम ५ वर्ष तक कार्यशील पद पर रेल सेवा में रहना पड़ेगा और आपको किसी भी कारण, विधाय ऐसे कारणों के आधार पर जो प्रशासन द्वारा आपके नियंत्रण से बाहर समझे जायें, प्रशिक्षण छोड़ने की अनुमति नहीं दी जायेगी।

छ. आप अस्थाई सेवा के दौरान, समय-समय पर लागू नियमों के अंतर्गत अस्थाई कर्मचारियों को दिये जाने वाले अलावा न तो किसी पेंशन के हकदार होंगे और न राज्य रेलवे भविष्यनिधि उपदान नियमों के अधीन किसी लाभ और न ही भत्तों सहित किसी छुट्टी के हकदार होंगे।

ज. नियुक्ति के समय आपको अस्थाई सेवा और बहुविवाह संबंधी घोषणा पर हस्ताक्षर करने होंगे और भारतीय गणराज्य के प्रति निष्ठा की शपथ लेनी होगी।

जारी है.....२

-: 2 :-

१. कि आपको विचारित कार्य पर जिनका अनुभव संलग्न है, को वैतनिक प्रथम श्रेणी कार्यकारी मैजिस्ट्रेट, जिला मैजिस्ट्रेट या उप मुख्य मैजिस्ट्रेट द्वारा नियमित हस्ताक्षरित का वैध प्रमाण-पत्र प्रस्तुत करना होगा।

2. यदि आप उपर्युक्त शर्तों पर उत्तर देने के लेखा विभाग में नियुक्ति चाहते हैं तो तब *Sanjay Kumar A/S Officer - N. B. Mandalia* में डाकद्वारा भी भेजे के लिये रिपोर्ट करें।

3. आपकी डाकद्वारा परीक्षा के उद्देश्य से आयकी *L.K.O.....से...M.D....* तक की यात्रा के लिए एक दूसरे दर्जे का पास *चं. 1.1.63.41.....दिनांक...2.2.1/86* संलग्न है। कृपया यह नोट करें कि इस कार्यालय में नियुक्ति के समय आपको इस पास की रसीद टिकट कौन्टर से प्राप्त करके प्रस्तुत करनी पड़ेगी। ऐसा न करने पर आपकी नियुक्ति में बाधा पड़ सकती है।

4. आप अपने वाय वैधिक योग्यता की पुष्टि में मूल प्रमाण-पत्र, उपाध्याय तथा आयु का प्रमाण भी लाएं। अनुसूचित जाति के प्रत्याकी को संसद सदस्य, विधान सभा सदस्य या जिला मैजिस्ट्रेट द्वारा हस्ताक्षरित अनुसूचित जाति प्रमाण-पत्र भी प्रस्तुत करना पड़ेगा।

5. यदि आप उपर्युक्त तारीखों तक डाकद्वारा परीक्षा के लिए रिपोर्ट नहीं करते या उसके बाद डाकद्वारा आचार पर स्थिति स घोषित किए जाने पर, इस कार्यालय में ~~हजिरी के लिए रिपोर्ट नहीं करते~~ तो आप का नाम कोई अन्य सुचना दिए बिना पैन्ल से काट दिया जायेगा। ध्यान रहे कि किसी भी हालत में उपरोक्त तारीखें बढ़ायी नहीं जाएंगी।

6. यदि आप उक्त नियुक्ति के हल्क न हों तो दूसरे दर्जे का उक्त पास इस कार्यालय को लौटा दें।

7. सभी प्रकार की प्रसंगिक परिस्थितियों में जिनका विचार यहां किया आ वे नहीं किया गया अथवा भर्ती संबंधी नियमों में भारतीय रेलवे बोर्ड एवं समय समय पर जारी आदेश तथा परिवर्तित आदेश आप पर लागू होंगे।

*[Signature]*  
उप मुख्य लेखाधिकारी/सामान्य  
उत्तर रेलवे, दंडोवा हाउस,  
वर्दी दिल्ली.

- संलग्न/1. एक दूसरे दर्जे का पास  
2. वैध प्रमाण-पत्र का  
3. नियुक्ति के लिए कान.

*[Signature]*

TRUE COPY  
ATTIESTED

*[Signature]*  
Sd/-  
D-223, Rajajipuram, Lucknow

## 31

• • • •

24/2

Union of India &amp; others

## Respondents

ENCLOSURE NO.

A-8

7. Chief Account Officer (General)  
Dezhou Railway, Dezhou Hebei,  
P.R. China.

228:-YOUR LETTER NO. 10-100-156-0 DATED 23.3.58  
RECEIVED 23.3.58

Mr. Madam.

1. That at present I am working as Fitter in Grade Rs.210-400 (RS) in Loco Running Shed(Holly.) Lucknow and on date of confirmation as Fitter in 7.3.1934, I had already been declared fit in Medical Category A-1 (Enclosed copy of Medical Certificate 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 year years Diploma Course in Government Polytechnic, Bhubaneswar as per certificate from the Principal (Factories - copy enclosed herewith "B").

3. That the Annual Examinations of the First Year of Mech. Engineering are to be held in near future from 16.1.66 and per certificate MEMORANDUM 130.

4. That I secured 25th position in the Post, formed by the Railway Recruitment Board (N.H.V.) Aligarh, for appointment on the above post on part Railway Recruitment Board, Aligarh letter R.R.S.G./NH/1932 dated 5 December 1906.

Issue over

TRUE COPY  
ATTESTED

**CONFIDENTIAL**

**TESTED**

*[Signature]*

**RECEIVED**

**GOVERNMENT, Rajapipuram, Madras**

32  
HPS

80

5. That there are vacancies in the category of Junior Grade I under P.D.A.O. (H.R.V.) Lucknow as well as in Work-shop Accounts office at Lucknow.

6. That some juniors in the Rank 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 case I am posted there.

8. That in addition to the above I have to help my five unmarried sisters because of no other helping hand except myself in this regard.

#### Prayers

Under the above circumstances I may approach your honour to kindly appoint me at Lucknow in Divisional Accounts Office 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/C or Deputy or in Executive.

DA/3 & II Class would pass No. 116321

Date: 10/10/83

*P. S. Sharma*

Yours faithfully,

प्रिय शंकर शर्मा

(P. S. Sharma)

2/6 East End Post Office  
T-32-2 Haldar Canal Colony  
Charbagh, Lucknow 226010

TRUE COPY  
ATTESTED

*P. S. Sharma*  
E-3365, 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

( COPY )

Northern Railway

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 S.O. No.43 dt.22.5.86 Shri Prem Shanker Sharma Direct CG.I who has joined his duty on 28.5.86 (FN) 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

*[Signature]*  
Sr. Accounts Officer  
N.Rly./AMV/LKO.

*[Signature]*



मौजाना नि.० गुलाबवा १० रजत मु.ले.० आधिकारी  
(प्रवासाय)  
३०००, न.० १०००, न.० १०००, न.० १०००।

लखनऊ - लखनऊ ३१ दिसंबर १९५२ - आत्मनिर्भरता

45134

Topic - Chitra Chitra Chitra Chitra Chitra

[illegible]

अतः शांता शरीर निदान है कि प्राणी की  
जाति जलवा लिपिक (सं. ५) से नविष्ठ  
लिपिक (सं. ५) जलवा लिपिक (सं. ५) से नविष्ठ

FD-23.10-89

Recd.

23/10

TRUE COPY  
ATTESTED

1. प्रार्थना  
 (उम शंकर शर्मा)  
 दि. ०१.०५.०५

म. ग. र. लेखाकादमी  
उ. र. उ. ल. म. ल. म.  
म. र. न. म.

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

CONFIDENTIAL

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

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.

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 1st & IInd chance after 3 years of service.

The details should be given strictly in the following format.

Name.	Dt. of Apptt.	Date of completion of four years of service.	No. of times appeared in App-II.	Year/years in which appeared in App:II with full details.			
				Year in which allotted Roll No.	Roll No.	Appeared/absented	In case of absence whether allowed non-counting.
				(a)	(b)	(c)	(d)
				Past performance (Marks obtained).			
				(e)			

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 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 MESSENGER BY 18.1.90.

Yours sincerely,

(Miss Urmila Sharma)

TRUE COPY  
ATTESTED

*[Signature]*  
AG  
E-3365, Rajajipuram, Lucknow

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

ENCLOSURE NO. A-12

सूचना में,

श्री मान बिन्दु खलद्वार व मुन्दी लेखा अधिकारी  
उ० र०, बड़ौदा हाउस, नई दिल्ली।

द्वारा - बोरख लेखा अधिकारी (मण्डल)  
उ० र०, आलमबाग, लखनऊ।

विषय - परि० II-ए० की परीक्षा में सम्मेलित  
होने के लिये अतिरिक्त अवसर के  
सम्बन्ध में।

निवेदन है कि प्रार्थी दि० 28-05-1986 से  
मण्डल लेखा कार्यालय, उ० र०, आलमबाग, लखनऊ में  
र० र० आयोग द्वारा हाउस क्रम सं०-26 पर चर्चीना  
होकर फीनल लेखा सहायक (जे० ए० ए०) के पद पर  
नियुक्त हैं तथा इसका कर्पिल व्यवहार सदा ही  
सराहनीय रहा है परन्तु दुर्भाग्यवश आपके  
द्वारा प्रदान किये गये तीनों परीक्षा अवसरों में  
उत्तीर्ण नहीं हो सका है।

प्रार्थी को वर्ष 1989 की दी० II ए० की परीक्षा  
में निम्न विवरण से प्राप्ति प्राप्त हुई है:-

अनुक्रम सं० - 26।

विषय - 1- जी० आर० पी० - 29/100

2- सामान्य विषय - 52/100

3- बुक कीपिंग - 15/100

अतः महोदय के निवेदन है कि प्रार्थी के  
सर्वविषय को उत्तीर्ण में रहते हुए पुनः परि० II-ए०  
की परीक्षा में सम्मेलित होने के लिये अतिरिक्त  
अवसर प्रदान करने की कृपा करें।

सहानुभूति होगी।

दि० 17-01-90

Sharma

TR  
ATTESTED

[Signature]

[Stamp]

E-3665, R.1

प्रार्थी  
प्रेमशंकर शर्मा  
[प्रेमशंकर शर्मा]  
पुत्री शिवदेव शर्मा  
जे० ए० ए०  
मण्डल लेखा कार्यालय,  
उ० र०, आलमबाग,  
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

उत्तर रेलवे

NORTHERN RAILWAY

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

To:— The Accounts Officer/CGI,  
TA/Delhi-Kishanganj.

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

Sub: Failure to pass Appr 2 IRM Examination by Shri Attar Singh, directly recruited CGI Coaching Local Section/DKZ.

Ref:— Your No. M11 dated 13-11-1982

A copy of Railway Board's letter No. 1-1 M11/30/17 dated 16-1-82 is sent herewith for guidance and further compliance.

Shri Attar Singh, direct 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 report

Sub: Special Appr 2 (IRM) 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 as a special case one more chance i.e. 4th chance to Shri Attar Singh, directly recruited CGI to appear in Appendix 2 (IRM) examination as recommended by you in your letter under reference is hereby communicated. It may be brought to the notice of the employees 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  
E-3665, 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-14

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

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

Respected Sir,

Most Respectfully I beg 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. P.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 unluckly I  
could not pass. My performance during the last years is as under:

Year	R.No.	Book-Keeping	T.R.P.	Optional Paper
1978	429	44	23	34
1980	433	51 (E)	32	40
1981	517	A.E.	33	42
1982	369	A.E. (Kishanganj)	30	72 (E)
1983	321	A.E. (Kishanganj)	30	72 (E)

During these years I was worried on account of my domestic  
circumstances as last year (1982) just before the examination I was  
suffering from Dengue 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,

Yours faithfully,

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

Dated:- 15.2.83

P. Sharma

ATTESTED

*[Signature]*  
C.C.I, N.Rly.,  
Delhi-Kishanganj,  
Delhi.

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

150 39

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

ENCLOSURE NO. A-15

भारत सरकार  
रेल मंत्रालय (रेलवे बोर्ड)  
GOVERNMENT OF INDIA (Railway Board)  
MINISTRY OF RAILWAYS (Rail Mantralya)  
(Railway Board)

A-15

No.82 ACIII/2 0/13

नई दिल्ली-110001, तिथि 19  
New Delhi-110001, dated -3-10-83.

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

107  
10/11/83  
10/11/83  
10/11/83

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

Ref : Your letter No.65/Adm/1/6 of 19.10.82.

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.

18/11/83  
17/3  
18/3

N. P. Parthasarathy  
( N. Parthasarathy ) M/s/83  
Jt. Director Finance(A)II.

ATTESTED

18/11/83  
17/3  
18/3

Prem Shanker Sharma .....

Applicant

Versus

Union of India & others .....

Respondents

ENCLOSURE NO. A-16

उत्तर, रेलवे,  
नई दिल्ली, कोयला, बयौ दिल्ली।

कोयला, बयौ दिल्ली, 6/

दिनांक 9.9.1987.

वि.स.एवं मु.ले.अधि/प्रशा. एवं मुख्य कार्मिक अधिकारी के श्रीमती अलका साहनी,  
लि.प्र. तथा श्रीमती शारदा सिंह, लि.प्र. 1/मंडार लेटा/प्रो.को. वेतनमान र. 1200-2040  
उनकी हवेली को प्राथमिकता पर वर्ग परिवर्तन करके वरिष्ठ लि.प्र. वेतनमान 1200-2040  
में प्रो.को. कार्यकारी विभाग / व.हाउस, बयौ दिल्ली में नियुक्ति करके के लिये हकीकत  
बताव दी है।

उपरोक्त कर्मचारियों का वर्ग परिवर्तन निम्न बातों/परिस्थितियों के अन्तर्गत है।

1. उपरोक्त कर्मचारियों के कार्मिक शर्तिका में कार्यरत व. लि.प्र. वेतनमान र. 1200-2040  
निम्नलिखित वरिष्ठता के अन्तर्गत।

2. उपरोक्त कर्मचारियों के विरुद्ध अनुशासन एवं अपील नियम/विशेष पुलिस जांच/  
सर्वोच्च संबंधी कोई भी मामला चल रहा है और वे तो विचारधीन हैं।

प्रतिपादक: उप मुख्याधि/सा.सा. के आदेश दिनांक 2.9.87 सार पुष्ठ सं. 38  
काइस सं. 82/प्रशा./ 1/5/सी.जी. 1/वर्ग परिवर्तन।

प्रतिपादक:-

1. श्रीमती मीना अग्रवाल।

कृते वि.स.एवं मु.ले. मुख्य लेटाधिकारी/प्रशा.सब।

कोयला, बयौ दिल्ली को उनके पत्र सं.

939/ई/228-वे.गरी/ई. डी दिनांक 1.9.87 के संदर्भ में।

2. लेटाधिकारी/स्थापना, प्रो.को.

3. वरिष्ठ अधि/मंडार लेटा, प्रो.को.

4. ले.अधि/प्रशा./ विल, प्रो.को.

5. ले.अधि/मि.वि.मि.प्र.

6. अधि.अधि/प्रशा. 1, 2, 3, 4

7. काइस, रिकार्ड, अधि.प्रशा.

3  
10-9-87

कार्यमुक्त कर  
सा.सा.  
24-9-87

14/9

THE  
ATTESTED

20/9/87

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

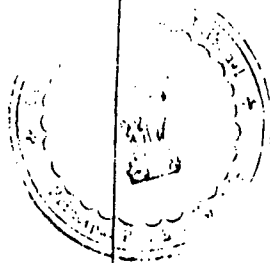
VERSUS

U.O.I.

RESPONDENT(S)

COUNSEL

Date	Office Report	Orders
		<p>14.2.1990.</p> <p>Present: Shri R.K. Kelan, Counsel for the applicant.</p> <p><u>MP-403/90</u> Heard.</p> <p>MP for joining together in one application is allowed.</p> <p><u>OA-262/90</u></p> <p>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.</p> <p>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.</p>
		<p>( I.K. Rasgotka ) Member (A)</p> <p>( T.S. Oberoi ) Member (J)</p>



14.2.1990  
Section 11  
Central Administrative Tribunal  
Principal Bench, New Delhi

P. Sharma

TRUSTEY  
ATTESTED

*[Signature]*  
- 20 -  
Accounts, High Court, Lucknow



(32) 42

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-18

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

Hon'ble Mr. K.J. Raman, A.M.

The Two Applicantare premitted to file this application  
jointly .

~~Admittance~~

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 F.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

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*[Signature]*  
O.C. Secy  
C.A. Secy  
C.A. Secy

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- 2 -

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. 5 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/-

A.M.

*[Signature]*

Sd/-

V.C.

*Attested*

*[Signature]*  
7/4/90

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

*[Signature]*

TRUE COPY  
ATTESTED

*[Signature]*  
R.C. Saxena  
Advocate  
Lucknow

AS5

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  
AS5  
27/7/90

Received  
copy  
27/7/90

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(A56)

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.

157

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*  
( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for the Respondents.

4.

(158)

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. Ruma Mukherjee* working as  
*Asst. Secy. (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 pursuant 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

*Ruma Mukherjee*

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AS9

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 <sup>will</sup> 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.

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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.

Mukherjee

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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 thereof.

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



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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~~ <sup>one of these condition is that</sup> 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.

In fact 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~~ <sup>directly</sup> recruit C.G.-1 is to enhance the efficiency of work in accounts department and for that Appendix-2 examination is prescribed to judge their efficiency 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.

*S. M. Dhanraj*

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- 5 -

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

*Mulherjee*

Contd.....6.....

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

Mukherjee

VERIFICATION

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

Mukherjee

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

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

In Re

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

Prer 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.

Lucknow

Dated: 21-11-90

*Anil Srivastava*  
(ANIL SRIVASTAVA)  
Advocate.

Counsel for Respondents.

*P  
filed today  
22/11/90  
Received  
22/11/90  
Advocate*

A65

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
LUCKNOW

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

Brem Shankar Sharma

Applicant

versus

Union of India & others

Respondents.

Fixed for 8.1.91

COUNTER AFFIDAVIT ON BEHALF OF ALL THE RESPONDENTS  
-----

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

1. That the afovenamed 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

*[Handwritten signature]*

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-2-

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 mis conceived 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 issued strictly in compliance with the aforesaid terms and conditions hence the applicant has no legal right to challenge the belated same at this stage.

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

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

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

That reply to the contents of para 4 of the original application are as below:

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

7. That in reply to the contents of para 4(iii) to 4(v) of the original application, it is clarified 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' above Grade II of the Clerical Staff of Accounts Department upto and including the rank of Sub-Head" as contained in para 167 of I.R.S.R. Subsequently a decision was taken to directly recruit the Clerks Grade I 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 vide its letters dated 1.10.1954, 4.7.1956 and 4.6.1959 made it very clear that the directly recruited clerks Grade I (C.C.I.) are required to pass Appendix II examination in maximum two chances within a

contd....4

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period of three years from the date of entry in service and those who fail to ~~ex~~ 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. Then 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

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tjz./rxz. 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.J.I. 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 basis service conditions were clearly mentioned, one of which clearly indicated that he had to qualify departmental examination i.e. appendix 2A examination with 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

APD

services and worked there upto 1986, <sup>and</sup> the time when <sup>he</sup> was selected from open market competition in the Railway Accounts Service as Junior Accounts Assistant, does not in any way connected. <sup>On</sup> ~~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 has 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 paras 4 <sup>ix</sup> ~~(viii)~~ of the original application, so far it is a matter on 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

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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 paras 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 has himself given his first preference as CG-I in Accounts Department and even at the time of accepting/ signing the offer of appointment in the year 1986, he did not request for change of

contd.....8

for

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-3-

category. Now, after joining C.C.I (Gr. A.A.)  
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 confir-  
mation in service, he has to qualify an endir-II  
examination, which is a basic condition in his  
of or on a pointment. So when his status is  
still temporary and he is not the confirmed  
employee, no change in his category is permis-  
sible as per rules on the subject.

17. That in reply to the contents of para  
4(xix) and 4(xv) of the original application,  
it is further clarified that the idea behind D.O.  
letter dated 11.1.90 (Annexure no. A-II) is  
to give an additional chance to those  
candidates whose cases 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 per-  
missible chances to appear in the said examina-  
tion 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(xvii)  
xxx of the original application are not

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-9-

disputed except that it was not all of a sudden but as per his offer of appointment (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 appointment, 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 Ist, IInd or IIInd 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

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A74

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

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for

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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 4(xxx) of the original application are denied. As per condition laid down in para Gha(घ) 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 Hon'ble Court, the applicant is still continuing in service.

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



O.A. do not call for comments.

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 parts 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 merit 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 Accounts Officer (C) 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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registered A/D

Chandi Shewan  
C.P. Residency  
Lucknow.

Registration A./ No. 118/90 (L) 199

No. CAT/ALLS/Jud/ 4220-4232

Date: 10-4-90

Date: 10-4-90

Brom Sankar Sharma APPLICANT(S)

VERSUS

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 Raul 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 in this Tribunal and the Tribunal has fixed 19.4.90

day of 1990.

Order

If no appearance is made on your behalf, your pleader or by some one 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.

FOR DEPUTY REGISTRAR  
(JUDICIAL)

① Financial Adviser and Chief Accounts Officer, N. Railway Baroda House New Delhi

② Deputy Chief Accounts Officer (Gr) N. R. Baroda House, New Delhi

③ Senior Accounts Officer (Store and workshop) N. Railway Alambagh, Lucknow

Copy of order with petition copy a part of it

EXERCISE BOOK LONDON

O.A. NO. 110 of 1930 (L)

Prof Shankar Sharma

.....

Applicant.

Votes

Union of India & Others

.....

Respondents.

2/1/1930

Hon'ble Mr. P.S. Mohd. Mahmood, A.M.

Hon'ble Mr. J.P. Sharma, J.P.

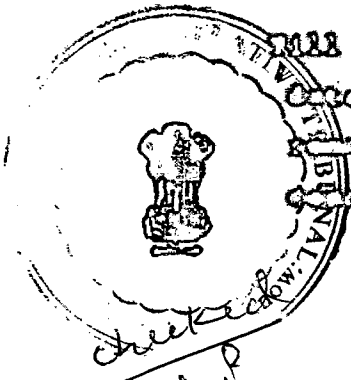
At.

Extra Notice.

In the matter of interim relief issue notice. Para-107 of the Indian Railway Establishment Manual while providing for an examination in accordance with appendix - XI 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 E.A. & 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 examinations of 1907, 1908 and 1909, Annamro A- 11 dated 11.1.1920 emanating from Dy. Chief Accounts Officer, Opposite Party No. 4, called upon the concerned authorities of the Department to submit a list of candidates who had not passed the appendix - XI Examination alongwith their request for the additional chance. Annamro - A.12 is the application of present applicant made on 17.1.1920 for an opportunity to appear at the 4th examination. He would like to know that 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 (2) of Annamro - 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, 1906. In the circumstances, we direct that the case be listed for orders on 10.4.1930 alongwith O.A. NO. 119 of 1930.

checked  
S.P.  
9/2/1930

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Will that date the operation of the impugned order  
dated 29.3.1990 contained in Annexure - A I shall  
remain stayed in so far as the present applicant is  
concerned therewith.

SA/-

A.M.

SA/-

A.M.

// Sd/- Copy //

✓

*[Signature]*  
Deputy Registrar

Central Administrative Tribunal  
Lucknow Bench.  
Lucknow