

(See rule 114)

OA/TA/RA/CP/MA/PT .....387.....of 2090

S. N. Singh

..Applicant(S)

*Versus*

U. O. g. g. n

..Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
	Cycle Sheet	3 to 5
	Judgment 17-9-92	6 to 11
	Refuse	12 to 27
	the objection	28 to 39
	R.A.	40 to 59
	Supp R.A	60 to 72
	Supp	73 to 85

Certified that the file is complete in all respects.

Certified that the file is complete in all respects.

Signature of S.O. *[Signature]* 15/6/22

Signature of Deal. Hand *[Signature]*

Signature of Deal. Hand

OA No 38/90 (L)

Sh. S. N. Singh

- vs -

U. O. G.

- (1) Check list
- (2) order sheet
- (3) Sedgement
- (4) Petition Copy -
- (5) pnn

D1 - D2

D3 - D5

D6 - D11

D12 - D25

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central

Date

Date

Department (U)

Registration No. 387 of 1989 (C)

APPLICANT(S) Shri S. N. Singh

RESPONDENT(S) C. C. T. & others

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	<i>application</i> no
2. a) Is the application in the prescribed form ?	no
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	<i>application</i> yes
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time?	yes
c) Has sufficient case for not making the application in time, been filed?	yes
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 sapce ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	no



Particulars to be Examined

Endorsement as to result of examination

*Only in Main copy*

1. Are the application/duplicate copy/extra copies signed?
2. Are extra copies of the application and annexures filed?
3. Identical with the Original?
4. Corrective?
5. Missing or Annexures
6. *Page Nos* \_\_\_\_\_?
7. Are the fill in the envelopes bearing full addresses of the respondents been filed?
14. Are the given address the registered address?
15. Do the names of all parties stated in the copies tally with those indicated in the application?
16. Are the translations certified to be true or corrected by an affidavit affirming that they are true?
17. Are the facts of the case contained in item no. 6 of the application?
18. Correct?
19. Under distinct heads?
20. Numbered consecutively?
21. Typed in double space on one side of the paper?
22. Are the particulars for interim relief prayed for indicated with clarity?
23. Whether all the remedies have been exhausted.

*yes*

*yes*

*old proforma*

*N.A.*

*yes*

*yes*

*N.A.*

*yes*

*yes*

*yes*

*yes*

discrep/

*There is no specific remedy available*

*Proforma is old numbers have been changed by C/P. M.C. Anandhu*

*20/11/90*

*20 11 90*

*Put up before the Hon. Bench 26/11*

*En-27/11/90 order*

*26.11.90*

Hon Mr Justice K. Nath VC  
 Hon Mr. M.M. Singh AM

put up tomorrow on 28.11.90  
 for admission  
 H H L  
 AM.

*[Signature]*

*[Signature]*

28.11.90

Hon Mr Justice K. Nath VC  
 Hon Mr. M M. Singh AM

Applicant ~~is~~ counsel is not present  
 case is adjourned to 23.1.91

H H L  
 AM.

*[Signature]*

*[Signature]*

23.1.91

No sitting Adj. to 1/2/91

*[Signature]*

12.91 -

No sitting Adj to 13.2.91

*[Signature]*

13.2.91

No sitting Adj to 4.3.91

*[Signature]*

ORDER SHEET  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD/C.B. LUCKNOW

(A)  
4

No. \_\_\_\_\_ OF 19  
Vs. \_\_\_\_\_

Sl.No.	Date	Office Report	Orders
	04/3/91		<p>Hon'ble Mr. Justice U.C. Srivastava, V.C. Hon'ble Mr. A.B. Gorthi, A.M.</p> <p>Heard the learned for applicant. Admit.</p> <p>Issue notice to respondents to file a counter affidavit within four weeks + which the applicant may file rejoinder within two weeks thereafter. List before DR (J) on 22/3/91 for completion of Pleadings and thereafter to fix for final hearing.</p> <p>As regards interim relief the same is rejected at this stage.</p> <p style="text-align: right;">A.M. V.C.</p>
	22.4.91	<p><i>or Notice issued 11/3/91</i></p> <p>D.R. No. appears for the applicant. Shri Anil Srivastava appears and he files his vakalatnama on behalf of respondents. He has filed preliminary objection today. Hence, this case is listed on 15/7/91 for filing counter before me.</p>	

263.42

D R.

Both the partners are  
present. Applicant  
has filed Rejoinder  
today. Hence, this  
case is listed for hearing  
on 22/4/92 before  
the Hon. Bench.

Q. Supplementary Rajanah  
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to 14.7.92

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CA - ready for  
CA - P

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Joehel M. Joshi 12-C Trinidad 16  
 John Mike. Cibaya 12-11

2. H.C. Awasthi learned Committee  
applied to the District Board  
Committee for response in person.

Argument to be made: Indigenous

Alm

✓  
✓

17-9-92

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22nd m. 10.0 500.00

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOW BENCH)  
LUCKNOW.

...

O.A. NO 387 of 1990 122 (L)

T.A NO

Date of Decision 9.1992

Petitioner.

S.N. Singh

Advocate for the  
Petitioner(s)

V E R S U S

Respondent.

Union of India & Others

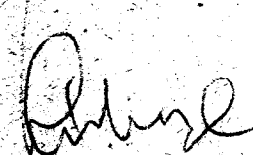
Advocate for the  
Respondents

C O R A M

The Hon'ble Mr. Justice U.C. Srivastava, VC ✓

The Hon'ble Mr. K. Obayya, Member (A)

1. Whether reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether to be circulated to other benches ?
4. Whether ~~see~~ their Lordships wish to see the fair copy of the Judgment ?

  
VICE-CHAIRMAN/MEMBER

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL BOMBAY PENCH PENCH

Original Application No. 337 of 1990(A)

S. M. Singh . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Writble No. Justice C.C. Srivastava, V.C.

Writble No. K. Chayya, Member(A)

( By Writble No. K. Chayya, A.M.)

The applicant who is employed in the Northern Railway has filed this application under section 10 of the Administrative Tribunals Act, 1985, for quashing the order dated 20.1.1990 (Annexure-I) reverting him to his parent division. The applicant has also prayed that he may be confirmed on the post of Commercial Instructor (C.I.) Zonal Training School (Z.T.S.), Chandhasi, reckoning the seniority from the date of his joining on that post.

2. The applicant, on recruitment, was appointed to the post of Assistant Station Master (A.S.M.) in Jodhpur division of Northern Railway on 12.1.79. Later on he was posted as C.I. in Z.T.S. on 8.9.80. According to the applicant he has been working in the Training School ever since his transfer. His work has been found to be satisfactory, but vide order dated 20.1.90 he is being reverted to his cadre in parent division. The contention of the applicant is that after the service of more than 7 years in the Z.T.S., he is eligible to be confirmed on the post of C.I., but the respondents are treating the post as tenure post contrary to statutory instructions and direct recruit-

B

Contd.../-

(7)

:: 2 ::

ment has been notified for this post. He moved an application before the Principal Bench (C.A. 533/88) along with others challenged in the reversion order. However, that application was rejected as premature as there was no adverse order passed against the applicant. Thereafter another application (C.A. No. 1122/88) was moved again in the Principal Bench after the reversion was passed but that was admitted only in respect of one Mr. Sains as relief in orders were passed in his case and not in respect of others who were not affected. Thereafter the applicant was also served with relief in order. The applicant alleges that the authorities are sore with him because of his union activities as Secretary of Northern Railway Union of Chandulal Branch. It would appear that he has proceeded on sick leave and later on by order dated 19.3.1991 he was directed to report for duty to his parent division i.e. Godhpur division.

3. The respondents have contested the case and in the counter-affidavit it has been stated that the post of C.I. is an ex-cadre post. Normally the staff is taken for this ex-cadre post for a period of 5 years on deputation and thereafter they have to go back to their parent cadre in their original divisions. The applicant has been given full term and in fact he has exceeded the term. As such he is being reverted to his parent division. It is also stated that earlier he was repatriated on 8.9.87, but that order was set aside by the Principal Bench in C.A. No. 1145/87 as the transfer was felt to be bad as it was at the instance of vigilance department and not in public

interest. However, it was left open to the respondents to proceed with the departmental action and transfer the applicant if that was considered necessary in the exigency of service. The Department proceeded with the disciplinary matter which resulted in punishment of reduction by two stages in the time scale vide order dated 13.6.90. It is also stated by the respondents that the applicant holds a lien in the parent cadre and as a matter of fact he has been confirmed on the post of A.S.N. The rules do not permit any confirmation or permanent absorption in ex-cadre post and as such the applicant cannot be absorbed as C.I. in Z.F.S., Chandausi.

4. The respondents deny any malafides or arbitrariness on their part, in reverting the applicant to his parent in accordance with rules and instructions. In the rejoinder the applicant has stated that he does not hold a lien on the post of A.S.N. On the other hand upon selection, he was appointed as C.I. on adhoc basis. That appointment was by direct recruitment and, therefore, it has nothing to do either with the appointment as A.S.... or his direct recruitment as A.S.N. and the embargo of deputation beyond 5 years period is not applicable in his case. He also states that there are 11 permanent posts of C.Is in Z.F.S. and that he could be absorbed against one of those posts.

5. We have heard the counsel for the parties. The short point involved in this case is whether the applicant is entitled to be absorbed as C.I. in Z.F.S. on permanent basis notwithstanding the fact that his earlier selection was to the post of Assistant Station Master.

6. The learned counsel for the applicant has referred to the Railway Circular No. 5243 (Annexure-A-1) wherein the Railway Board gave instructions that directly recruited instructors who were appointed against permanent or temporary posts may be considered for confirmation as Instructors provided they fulfil the requisite conditions. So far as the promotion is concerned, the Railway Board has given instructions that those who are working in Z.T.S. may be promoted in the parent cadre on proforma basis and avenue should be sought to promote those instructors recruited directly to the Training Institute, Chandausi. The learned counsel also placed reliance on the Circular instructions issued by the Railway Board, copies of which are available as Annexures to the rejoinder, in support of his contentions that the applicant, whose record has been very good, should be absorbed in Z.T.S.

7. We have carefully considered the instructions. These are general instructions as to how to tune up and bring qualitative improvement in the working of the Training Institutes run by the Railways, and on recruitment of suitable persons of ~~with~~ outstanding merit and incentives to be provided to make the posts attractive. These instructions do not speak of absorption of those working in ex-cadre posts. The learned counsel for the respondents pointed out that the training institutes constitute as separate units; so far as recruitment is concerned; there are certain posts for which direct recruitment is made and such of those who enter the

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institutes as direct recruits, start their career in the institute and retire there only; their service prospects, promotional avenues are confined to the posts available within the institutes, and as there is not much scope for their service advancement, certain incentives were provided, so that the posts do not become less attractive. As distinct from the direct recruits there are ex-cadre posts created for getting teaching staff from other departments of the railways, on deputation; this is done with a view to see that different departments of Railways are represented in the institutes and training is imparted on practical aspects of work, from those who come from the field. The learned counsel for the respondents further contended that taking staff from different departments to work in the ex-cadre posts, has been found to be very useful as this enables continuity of flow of experience from the field to the class room and vice-versa; and that the Railway Administration has created the ex-cadre posts in the training institutes as a policy measure in the interest of Administration. From the record available as Annexure-2 to the Rejoinder-affidavit, it is noticed that Z.T.S. has a total strength of 152 of which 149 of permanent establishment. The strength further represents personnel taken from the different department like Operative commercial, mechanical engineering and tele-communication etc. Annexure R.A.-4 clearly indicates that A.S.Ms. who were found fit for the post of transportation inspectors as a result of interview were sent to the institutes in ex-cadre posts. Also it is noticed in annexure R.A.-5 that where certain persons selected to work in Z.T.S.

*b*

Contd..6/-

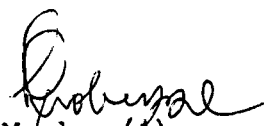
(11)

:: 6 ::

Chandausi; the transfer involved not only of personnel, but also grade of the posts to that division. From the aforesaid facts it is beyond doubt that persons selected to work in institutes were selected from different departments and that they were working on ex-cadre posts. It is a settled position that no right accrues to incumbents working in ex-cadre posts for absorption in these very posts.

8. The applicant who was appointed as A.S.M.; as a direct recruit, and confirmed subsequently in that post, has no right for absorption in some other ex-cadre posts. He has to seek his career prospects in his own line. His claim for absorption in an ex-cadre post has no merit, and in these circumstances, we do not find any irregularity in the reversion order, by which he is only being sent back to his parent division.

9. The application is liable to be dismissed and accordingly, it is dismissed with no order as to cost.

  
Member (A)

  
Vice-Chairman

Lucknow Dated 17th 9.1992.

(RKA)

(1)

IN THE ~~CENTRAL~~ ADMINISTRATIVE TRIBUNAL  
BENCH AT LUCKNOW.

O.A. No. 387

of 1990. (U)

IN THE MATTER OF :

Shri S.N. Singh - - - - - Applicant

Vereus

Union of India & Others - - - - - Respondents

I N D E X

<u>S.No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	Application Under Section 19 of the A.T. Act, 1985	1 to 12
2.	Order No. 21/Selection/90 dated 20.4.90 (impugned order)	13
3.	Order No. 21/Misc. dt. 14.9.90	14
4.	Order No. 844-E/5/6 dt. 16.8.80	15
5.	Order No. 21/Comm./Pt. V dt. 29.7.83	16
6.	Order No. 803-E/0/5 dt. 25.9.68	17
7.	Order No. 844/183-XV dt. 11.3.88	18
8.	Order No. 844-E/59 dt. 14.3.88	19
9.	Order No. 21/Sel./87 dt. 8.12.87	20
10.	Order No. 961-E/120 dt. 6.2.1989	21
11.	Order No. E(MPP)/86/13/2 dt. 28.3.89	22 & 23
12.	Judgment dt. 11.5.88 O.A. No. 533/88	24 - 26
13.	Order dt. 10.6.88 in O.A. No. 1122/88.	27 - 28
14.	Vakalatnama	29

Lucknow:

Dated: -11-1990.

Applicant

(H.C. Awasthi)  
Advocate

Counsel for the Applicant.

(17)

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

DATE OF FILING - - - - -

OR

DATE OF RECEIPT

BY POST - - - - -

REGISTRATION NO. - - - - -

Signature Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.  
ADDITIONAL BENCH ALLAHABAD  
SITTING AT LUCKNOW.

BETWEEN

S.N. Singh, aged about 40 years,  
Son of Shri Ram Naresh Singh,  
Resident of Village Pindrai, Post: Pindra,  
District Varanasi.

- - - - - Applicant

A N D

1. Union of India, through  
the Chairman, Railway Board,  
Ministry of Railways, Rail Bhavan,  
New Delhi.

2. General Manager,  
Northern Railway, Baroda House,  
New Delhi.

*filed today  
26/11*

26/11/95

24/11/95

3. The Principal, Zonal Training School,  
Northern Railway, Chandausi,  
District Moradabad.

- - - - Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF APPLICANTS:

- i) Name of the applicant : Shri S.N. Singh,
- ii) Father's Name : Late Shri Ram Naresh Singh.
- iii) Age of applicant : 38 years.
- iv) Designation and office in which employed. : Commercial Instructor Northern Railway, Zonal Training School, Chandausi, (U.P.).
- v) Address of Office : -do-
- vi) Address for service of notices : Kothi No.27 B, Zonal Training School, Chandausi (Moradabad).

2. PARTICULARS OF RESPONDENTS:

Respondent No.1:

- i) Name and/or designation of the Respondent No.1 : Union of India, through the Chairman, Railway Board, Ministry of Rlys Rail Bhavan, Lucknow.
- ii) Office address of the Respondent No.1 : Rail Bhavan, New Delhi.
- iii) Address for service of all notices : Chairman, Railway Board Rail Bhavan, New Delhi.

*[Handwritten signature]*

Respondent No.2:

- i) Name and/or designation of : General Manager,  
the Respondent No.2. Northern Railway,  
Baroda House, New Delhi.
- ii) Office address of the : Northern Railway,  
Respondent No.2. Baroda House, New Delhi.
- iii) Address for service of : General Manager,  
all notices: Northern Railway, Baroda  
House, New Delhi.

Respondent No.3:

- i) Name and/or designation : Principal, Zonal  
of the Respondent No.3. Training School, Northern  
Railway, Chandausi,  
Distt: Moradabad.
- ii) Office address of the : Zonal Training School,  
Respondent No.3. Northern Railway,  
Chandausi, Moradabad.
- iii) Address for service of : As mentioned above.  
all notices.

7. Particulars of the order against which application  
is made.

The application is against the following order:

- (i) Order No.21/Selection/90
- (ii) Date 20.4.1990.
- (iii) Passed by the Principal, Zonal Training  
School, Northern Railway, Chandausi, Moradabad.
- (iv) Repatriating the applicant to the parent  
division from Zonal Training School, Northern  
Railway, Chandausi.

8. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further declares that the application is within limitation prescribed in Section 21 of the Administrative Tribunals Act, 1935.

4. FACTS OF THE CASE :

The facts of the case are given below:

- 4.1 The applicant was initially recruited as Assistant Station Master on 10.1.1979, but after 1½ years he was selected for posting as Commercial Instructor in the Zonal Training School at Chandausi and since then he is working thereat, but now the Opposite Parties/Respondents are sending back the applicant in the cadre of Assistant Station Master, against which this Petition is directed.
- 4.2 Facts of the case are given in detail in OA No.533 of 1988 (Copy attached as Annexure 'A').
- 4.3 After hearing the counsels for the applicant as well as respondents the Hon'ble Tribunal delivered their Judgment in O.A. No.533/88 (Copy enclosed as Annexure 'B' ).
- 4.4 Immediately on the heels of the Judgment

dated 11.5.1938 an adverse order dated 13.5.1938 was passed against the applicant.

4.5 That the Hon'ble Tribunal in para 8 of the Judgment had observed as under:

"Whenever an adverse order is made against the applicant, it is undoubtedly open to all or any of them to approach this Tribunal for all such reliefs as are open to them, at which stage, the contentions urged by the both sides can be properly examined. On this view, we consider it proper not to examine all the questions raised by both the sides and leave them open."

4.6 The applicants submit that the respondents are treating the posts of Commercial Instructors as tenure posts in violation of statutory instructions and therefore they are entitled to confirmation against the permanent posts of Instructors.

4.7 That the applicant has been occupying the post of Instructor for well over 9 years and he has been working very hard in the hope of improving his future prospects. His work, conduct and performance has always been satisfactory and at no point of time any complaint was made by any body against him.

4.8. That without any valid reason the Opposite

Parties proposed to replace the applicant and Others similarly situated by making a selection for direct recruitment of Commercial Instructors in the year 1983. The applicant along with three Others candidate S/Shri B.S.Bains, R.S.Yadav & R.M.Saxena filed O.A. No.533 of 1983 in the Principal Bench of the Central Administrative Tribunal which was rejected vide Judgement dated 11.5.1983 on the ground that although the selection was made, but no adverse orders had been passed against the applicant and hence the application was rejected as premature with the observations that when an adverse order is made against the applicant which was opened to all or any of them to approach this Hon'ble Tribunal for all such reliefs as are open to them, at which stage the contentions urged by ~~them~~ both sides can be properly examined.

6.9 That repatriation order of Shri B.S.Bains was passed by the Opposite Parties, whereon the applicant as well as three others filed O.A. No.1122 of 1983 again in the Principal Bench, at New Delhi on which it was ordered on 10.6.1983 that the application was admissible so far as the claim of B.S.Bains was concerned, but the application for the remaining applicants 1, 3 and 4 was not admissible as no order had been passed against him. The application of the applicants 2 and 6 was rejected, but the application of B.S.Bains was admitted.

..//

- 6.10 That as regards the Interim relief application, it was observed that since B.S.Bains had already been relieved for being repatriated to the parent division, it was not possible to entertain the claim of Interim Relief when the applicant stands relieved from the post.
- 6.11. That ~~the~~ meanwhile the applicant was elected as Secretary of the Chandausi Branch of Northern Railway Mens Union and in that capacity he had to participate in the Trade Union activities which became an eye-sore for the Opposite Parties.
- 6.12 That the applicant was not considered for absorption and confirmation in the Zonal Training School and instead an order No.21/Selection/90 dated 20.4.90 was passed repatriating the applicant to his Division treating the post of Commercial Instructor as a tenure post.
- 6.13 That however, the applicant has not so far been relieved as he is on sick and will getting all the benefits from Zonal Training School, Chandausi.
- 6.14 That the case of the applicant is identical to that of B.S.Bains in O.A.No.1122 of 1988 admitted by the Principal Bench of the Central Administrative Tribunal at New Delhi.

- 4.15 That the repatriation order of the applicant is bad in law as the same is illegal, arbitrary and malafide and discriminatory.

5. DETAILS OF REMEDIES EXHAUSTED :

That there is no specific remedy available to the under the Service Rules. If a representation is submitted it will be time consuming and in the meantime the applicant apprehends that he would be reverted. The applicant being in urgent need of relief is approaching this Hon'ble Tribunal for redressal.

6. Matter not pending with any other court, etc.:

That the applicant ~~has~~ further declares that he has not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this ~~has~~ application has been ~~made~~, before any other authority or any other Bench of the Tribunal and nor any such application, Writ Petition or Suit is pending before any of them. The result of the two applications moved by the applicant jointly with others have already been indicated herein above.

7. Reliefs Sought :



In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs.

- I. This Hon'ble Tribunal may be pleased to set aside and quash the order dated 20.4.1990 and direct the respondents to confirm the applicant against the post of Commercial Instructor in Zonal Training School, Chandausi and ~~grant~~ to give him seniority with effect from the date of his first joining the said post with all other consequential and incidental reliefs as if the applicant belongs to the cadre of Commercial Instructors.

2. Interim Order if any prayed for :

Pending final orders on the application, the applicant seeks the issuance of the following Interim Orders:-

- I. The applicant submits that the Respondents may be directed ~~to~~ not to revert the applicant to his parent department pending a decision on the application.

The applicant has not been relieved and he is still a Commercial Instructor in Zonal Training School, Chandausi. The applicant will suffer irreparable loss and injury in case his reversion

is not stayed. The application itself is likely to become infructuous if the Interim relief prayed for ~~him~~ is not granted. ,

9) Particulars of Bank Draft/Postal Order in respect of the Application Fee :

- i) Name of the Bank on which drawn
- ii) Demand Draft No.

OR

- i) Number of Indian Postal Order(s) *802415981*
- ii) Name of the Issuing Post Office. *High Court P.O*
- iii) Date of issue of Postal Order(s) *23-11-90*
- iv) Post Office at which payable: *G.P.O. Allahabad*

10. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of Enclosures:

- (1) Order No.21/Selection/90 dated 20.4.1990 passed by the Principal, Zonal Training School, Chandausi for repatriation of the applicant (impugned order).
- (2) Order No.21/Misc. dated 14.9.1990 passed by the Principal, showing that the applicant is still a Commercial Instructor in Zonal Training School, Chandausi and has not been relieved.

../11.


*[Signature]*

- (3) Order No.844-E/5/6 dated 16.8.1980 appointing the applicant as Commercial Instructor in Zonal Training School, Chandausi.
- (4) Order No.21/Comm./V. Pt. dated 29.7.1983 formally appointing the applicant as Commercial Instructor as a result of Written test and Viva-voce.
- (5) Order No.803-E/0/5 dated 25.9.1968.
- (6) Order No.844/183-XV dated 11.3.1988.
- (7) Order No.844/E-/59 dated 14.6.1988.
- (8) Order No. 21/Selection/87 dated 8.12.1987.
- (9) Order No.961-E/120 dated 6.2.1989.
- (10) Order No.E(MFP)/86/13/2 dated 28.3.1989.
- (11) Judgment dated 11.5.1988 of the Principal Bench, New Delhi, in O.A. No.533 of 1988.
- (12) Order dated 10.6.1988 of the Principal Bench at New Delhi in O.A. No.1122 of 1988.

Lucknow:

Dated: 13-11-1990.


  
Applicant

  
(H.C. Arasthi)  
Advocate  
Counsel for the applicant.

VERIFICATION:

I, S.N.Singh, aged about 38 years, son of

../12



late Shri Ram Naresh Singh, working as Commercial Instructor, in the Zonal Training School, Northern Railway, Chandausi, do hereby solemnly affirm that the contents of paragraphs 1 to 3 and 6 to 12 are true to my own personal knowledge and paragraphs 4 and 5 are believed by me to be true on the basis of legal advice and that I have not suppressed any material facts.

Lucknow:

Dated: 23-11-1990.



Applicant

To:

The Registrar,  
Central Administrative Tribunal  
Bench at Lucknow.

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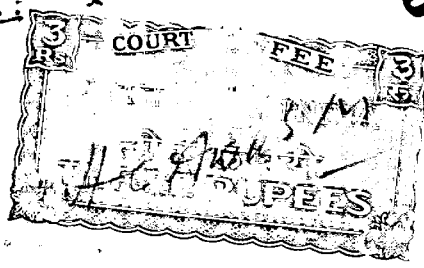
*Central Administrative Tribunal*

ब अदालत श्रीमान महोदय

वादी अपीलान्त

प्रतिवादी का

## वकालतनामा



*S. M. Singh.*

वादी (मुद्ई)

बनाम

*Union of Mills and others* प्रतिवादी (मुद्आलेह)

न० मुकद्दमा सन १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

एच० सी० अवस्थी एडवोकेट १४, कृष्णा भवन, चारबाग, लखनऊ

फोन नं० ५१५३४

*Dr R. R. Dixit Advocate*  
*Dr Y. P. Yadav Advocate*

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे

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

स्वीकार किया

हस्ताक्षर.....

साक्षी (गवाह).....साक्षी [गवाह].....

दिनांक.....महीना.....सन् १९७ ई०

13

ANNEXURE MC-I  
Northern Railway.

Zonal Training School  
Chandausi.

Dated: 20/4/1990

NOTICE

Sub:- Repatriation of Instructors of Transportation and Commercial department to their parent divisions due to completion of their tenure.

Ref:- Authority:- Rly.Board's letter No. E(MPP)86/13/2 dated: 28/3/1989

The following Instructors who have completed their tenure in Z.T.S./CH are to be repatriated to their parent divisions soon. Those who want to be spared early due to the scholastic session or otherwise should apply immediately.

S.Nos.	Names	Designation
--------	-------	-------------

Commercial Department:

	S/Shri	
1-	R.S.Yadav	CR
2-	S.N.Singh	CR
3-	S.S.Saxena	CR
4-	R.P.Avasthi	CR
5-	R.M.Saxena	CR
6-	K.H.Johari	CR

Transportation Department:

	S/Shri	
1-	V.C.Saxena	TR
2-	S.C.Verma	TR

NO: 21/Selection/90 Dt: 20/4/90  
Copy to:- TR-I, CR-I, for getting  
it noted by the Instructors  
working under them.

( H.M. SINGHI )  
Principal

*Noted*  
*20/4/90*

**ANNEXURE No-2**  
**उत्तर रेलवे**  
**NORTHERN RAILWAY**

74

✓

2

No 21/Misc/Instructor/II

The Joint General Officer (JGO)

Principal's Office

Barabanki Division

Principal's Office

ZTS/Chandauli

DT-14-9-90

Subject - Termine of the Instructors

Ref - Memo No 897E/223-XVI

C&M dt 15-9-90

The following instructors of this School have been spared on the date noted against each.

- |    |                      |                          |               |
|----|----------------------|--------------------------|---------------|
| 1. | S. C. Verma          | Transp. Instructor       | 30-4-90       |
| 2. | S. P. Singh          | Ex Transp Instructor/SSM | 18-8-90       |
| 3. | Vinod Chandra Saxena | Transp. Instructor       | 06-9-90       |
| 4. | S. S. Saxena         | Comm. Instructor         | 02-7-90       |
| 5. | K. N. Jhau           | - do -                   | 02-7-90       |
| 6. | S. N. Singh          | - do -                   | He is on sick |

List from 21-5-90 under 2 DMO/BSB as per his sick certificate No. 570320  
 DT 21-5-90

*R. S. Singh*

PRINCIPAL

Copy to:- The C S S/N. Rly/Barabanki Division.

*21/9/90*

NOTICE

ASST. CM has passed the following orders:-

The under mentioned staff may please be relieved and directed to report to the Principal, ZTS for the post of Commercial Instructors in existing grades and pay. They will however draw instructor allowance from the date, they took over the charge of the post of Instructors:-

	Grade	Designation.	Divn.
1. M. Singh	B.330-560 (RS)	ATI	Jodhpur
2. K. Saxena	B.125-640 (RS)	ATI/ Harthala	Moradabad

The above assignments are purely on an adhoc basis pending sanction. The above noted staff may please be relieved immediately and directed to report to the Principal, ZTS/CM, provided there is no DAR/SPE/Vig pending against them under advice to this office.

*(Signature)*  
( Manager Pass )  
for General Manager (P).

8412/59-VI RIC

Dated 16-8-1980

Copy forwarded for information and necessary action to :-

1. The Divl. Railway Managers, Northern Railway, Jodhpur and Moradabad.

2. The Principal, Zonal Training School, Chandauli in reference to his D.O. letter No.21/Comml/VI dated 20-7-80.

EX-10  
6

attached  
29/1/80

# ANNEXURE No-4

N. Railway.

Zonal Trg. School,  
Chandausi

## Notice

As a result of written test and viva-voce for the post of Comml. Instructors (ex. Cadre Post) in various grades for zonal training school, Chandausi held on 11.7.82 and 14.6.83 respectively, the following candidates have been placed on the panel in order of merit and tested against the post and grade as mentioned against each.

S.Nos.	Name	Desig./Divn.	Grade for which recommended.
	S/Shri		
1.	I.D. Saxena	Comml. Instructor	700-900 (RS)
2.	M.C. Joshi	Comml. Instructor	Line pay & S+1 Pay.
3.	K.N. Jauhri	Comml. Instructor	455-700 (RS)
4.	S.N. Singh	Comml. Instructor	455-700 (RS)
5.	Rameshwar Pd. Awasthi	Booking Clerk/JU	425-640 (RS)

AUTHORITY: GM(P)/NDLS letter No. 844E/59-VI/ECG/dt: 6/17.7.83.

Accordingly the following arrangements are hereby issued and to be carried out with immediate effect.

1. Shri I.D. Saxena, working as Offtg. Comml. Instructor, ZTS-CH Pay Rs. 545/- in grade Rs. 455-700 (RS) is allowed to put to work in the same capacity on pay Rs. 700/- in grade Rs. 700-900 (RS).
2. Shri M.C. Joshi, working as offtg. comml. Instructor, ZTS-CH pay Rs. 500/- in grade Rs. 425-640 (RS) is allowed to continue in the same capacity on line pay plus s+1 pay as admissible under the rules.
3. K.N. Jauhri offtg. Comml. Instructor, ZTS-CH pay Rs. 428/- in grade Rs. 330-560 (RS) is allowed to put to work in the same capacity on pay Rs. 455/- in grade Rs. 455-700 (RS).
4. Shri S.N. Singh, offtg. Comml. Instructor, ZTS-CH pay Rs. 370/- in grade Rs. 330-560 (RS) is allowed to put to work in the same capacity on pay Rs. 455/- in grade Rs. 455-700 (RS).

Item No. 1, 3, and 4, are not allowed for the benefit of special pay. No joining time is admissible under the rules.

*Concurs*  
✓ Principal 29/7/83  
Z.T.S./Chandausi.

No. 21/Comml./Pt-V dt: 29/7/1983

Copy to the following for information and n/action:-

1. DRMs MB. BKN. JU.
2. DPO/Sr. DPOs, MB. DKN. JU.
3. Sr. DAO/MB
4. SSM, Bill Clerk, Qr. Clerk, Store Clerk, /ZTS/CH
5. GM(P)/NDLS for information in reference to his letter no. 844-E/59-VI/ECG dt: 16/17.7.83.

Attested in 29/7/83  
Copy to S/Shri I.D. Saxena CR-I K.N. Jauhri CR S.N. Singh CR

(30) (29) Annexure 'A'  
ANNEXURE XIO-5 17 (5)

Annexure 'A'-3

4434

Circular No.803-E/O/5-IV (Eiv) dated 25-9-68.

Sub:- Conversion of temporary posts into permanent and confirmation of temporary staff after completion of one year's service.

A copy of Rly. Board's letter No.2(NO)1/68 OM 5/2 dated 3-8-1968 is forwarded for information & necessary action.

The review should be conducted immediately in consultation with your Accounts Officer and the result thereof be communicated direct to APO(1) (EV), Hd.Qrs.Office, New Delhi by 15th October, 1968 latest.

DA/As share below.

Copy of Rly. Board's letter No.2(NO)1/68 OM 14/2 dated 3-8-1968.

Sub:- As above.

The board have decided that an employee officiating in a regular manner by virtue of this seniority cum-suitability or position in the panel against a permanent vacancy should be considered for confirmation after one year of this service, provided he fulfills other conditions for such a confirmation.

They also desire that a fresh review should be undertaken immediately by your Rly. with a view to seeing what temporary posts can be converted into permanent ones and the results of such review should be intimated to them as early as possible.

Attested!  
W. S. Gulati

No. 844-E/183-NV(VIC)

Dt. 11.3.28.

The Principal,

Z.P.S.--Chandauli.

Subject: Selection of Instructors in Head  
quarters Office.

It has been decided by C.C.S.(G) that selection  
of 12 candidates for Const. Instructors will be held  
at 10.00 Hrs. on 23.3.1928 in which Dy. C.P.O.(G)  
and your self are to associate in the selection  
Committee.

It is also likely that selection date of Traffic  
Instructors will also be fixed on 23.3.28 by C.C.S.

Please ensure to attend.

sd/-

A. A. Bakshi),  
for General Manager (P),  
New Delhi.

Accepted  
Signature

## NORTHERN RAILWAY.

A. Bakshi,  
S.P.O. (TTC).HEADQUARTERS OFFICE  
BARODA HOUSE,  
NEW DELHI.

D.O. No. 844-F/59(TTT)

DID 14 March, 59.

My Dear Shri

Sub: Selection for the post of Coml. Instructors  
for Zonal Training School/Chandani.

It has been decided by the C. S. that selection for the post of Coml. Instructor (ex-ladre) will be held in the Baroda House at 12.00 hrs. on 28.3.59. The following staff may be directed to attend this office with an identity slip giving the service particulars, D.C.A., D.O.N., Qualification Courses passed and Awards/Punishment during the last 3 years provided no. D.A. Vig./SPF case is pending or contemplated against them.

1. Shri Mahesh Chandra Joshi-C.M.I./LND
2. Sh. R.K. Singh, A.S.M./Sandila/MS Division.
3. Sh. P.S. Vohra--S.S./Maurala/ML Division.
4. Sh. Hari Singh--CNC/Dehjol/MB Division.
5. Sh. Y.K. Sharma--A.T./Karongi/MB Division.
6. Sh. Shyam Lal-S.M./Jorgaan/MB Division.
7. Sh. Navvir Singh Chauhan-ASM/Jorgaan/MB Division.
8. Sh. Surinder Singh-ATL/TOL--ALD. Division.
9. Sh. Mill Zia Siddiqui-ATL-MS Division.
10. Sh. Vid Parkash-ATL/MLL/FZR Division.

This may please be treated as most urgent.

With regards.

Yours sincerely,

Shri  
Sr. Divisional Personnel Officer,  
Northern Railway,  
IKO, DLI, AN, ALD. Mr.

SD/-  
(A. BAKSHI)

C/ to Sh. H.V. Sharma, Principal ZTR Chandani.

Attested  
by  
[Signature]

(S)

A-5

~~A-2~~

Northern Railway

Zonal Trg. School,  
Chandauli

No.21/Selection/87

Dated:-08/12/1987

TRH  
All Instructors of and trainees  
Transportation & Comml.  
Zonal Trg. School,  
Chandauli.

Notice

Sub:- Filling up the posts of Instructor at  
ZTS/CH.

.....

Copy of DO No.844-E/183-XV(E1b) dt.2.12.87  
from Shri A.K.Bhaduri, C&S/NDLS is ~~represent~~ reproduced  
below: (Enclosure)

All desirous should submit their applications  
in duplicate latest by 15/12/87.

*[Signature]*  
Principal 01/11

Attested  
by  
12/12/87

ANNEXURE X10-9 I

21  
9

Headquarters Office,  
Baroda House, New Delhi.  
Date: 6/2/1989.

No: 961-E/120-P-1989/NMU/E-Union

The Divisional Rly Manager,  
Northern Railway, Moradabad.

Principal ZTS - Chandausi

Sub: Election of office bearers of Chandausi Branch held on  
20.1.1989.

As a result of election, held on 20/1/1989, the following changes  
as advised by the GS/NMU, are notified for information and  
guidance please:-

Chandausi Branch.  
Moradabad Division.

1. President

2. Vice President.

3. Vice President.

4. Vice President.

5. Vice President.

6. Vice Secretary.

7. Ass+: Secretary.

8. Ass+: Secretary.

9. Ass+: Secretary.

10. Treasurer.

: Shri. Baboo Ram, Gau+an, clerk, under  
PWI, Rajghat.

: Shri Udai, Ma+e, under PWI, Chandausi.

: Shri S.S. Varshney, PWI/RG.

: Shri. O.P. Gupta, SM, AOL.

: Shri Prem Pal Sharma, Helper Kh., Elec+/BJK.

: Shri Rameshwar Pd, Hd.clerk, SID/CH.

: Shri. V.C. Aggarwal, Sr. Goods clerk, CH.

: Shri. Kishan Lal, Token Porter/BJK.

: Shri S.N. Singh, Commercial Ins+ruc+or,  
BTS/Chandausi.

: Shri Prem Chandra Sharma, Hd.clerk, AEN/CH.

Authority: GS/NMU's letter No: NMU/MB-Chandausi-Branch/89/24 d+.  
6/2/1989.

Note:

Names of such employees who stand dismissed/removed/terminated/discharged  
and who are under orders of transfer, i.e., whose transfer orders have  
been passed on the file before the date of letter of Genl. Secy/NMU, are  
are not valid and need not be taken any cognizance of and their names  
should be advised promptly to this office.

  
JIT SINGH ) 6/2  
for General Manager(P).

Copy to:- General Secretary/NMU, 12, Chelmsford Road, New Delhi. with  
the request that Sh S.N. Singh, Commercial Ins+ruc+or, ZTS/CH item N. 9 may not be nominat-  
ed to attend any formal/informal  
meeting outside the school.

*21/1/89*  
*1/1/89*

ANNEXURE XIC (1984)  
List

22  
(10)

Government of India  
Ministry of Railways  
(Railway Board)

No.E(MPP)/86/13/2

New Delhi, dated 28 -3-1989

The General Managers(P)  
All Indian Railways including Production Units.

Subject: Monetary incentives in the form of  
'Teaching Allowance' to Faculty  
Members employed in Zonal & System/  
Technical Training Schools.

...-

Please refer to Railway Ministry's letter of  
even number dated 11.5.1988, wherein instructions have  
been issued for granting teaching allowance to non-  
gazetted faculty members employed in the various centralised  
railway training Institutes.

2. The Railway Ministry had been considering the  
question of granting similar benefits to faculty members,  
both gazetted and non-gazetted, employed in the Zonal  
Training Schools and System/Technical Training Schools.  
It has now been decided that faculty members, both  
gazetted and non-gazetted, drawn on deputation from the  
field for the purpose of imparting training in the nine  
[Schools] Zonal Training, nine System Training Schools on the nine  
Zonal Railways and three Technical Training Schools in CLW,  
DLW and ICF may also be granted the incentives as detailed  
below:

- (a) Faculty members, both gazetted and non-gazetted,  
who are drawn on deputation from the field and  
whose duty is to impart training/education to  
the trainees may be granted 'Teaching Allowance'  
at the rate of 30% of the basic pay in the  
revised scales of pay;
- (b) Consequent to the grant of 'Teaching Allowance',  
as mentioned in para (a) above, the existing  
training allowance, special pay, deputation  
pay and allowances thereon will not be admissi-  
ble to the faculty members drawn on deputation  
to these schools.
- (c) Faculty members recruited directly and speci-  
fically for the training institutions are not  
eligible for this 'Teaching Allowance.'

....2

22/04/90

- (d) Faculty means 'An employee of the Government who joins a Training Institute meant for training Govt. officials as a faculty member and whose work is to impart training/teaching'. This will also include the Principals of these training institutes.
- (e) Staff, whether on deputation from the field or transferred or locally recruited, who are not directly engaged in imparting training/education will not be eligible for the 'teaching allowance';
- (f) Training allowance will be admissible to faculty members without any ceiling and will not form part of pay as defined in FR(9)(21) (2003(21)-R-II, but however, will count for purpose of leave salary.
- x (g) The admissibility of the allowance in each individual case will be examined by a Committee at appropriate level to be constituted by the General Manager in consultation with his FA&CAO.

The Committee will screen the existing incumbents drawn on deputation and would complete the process expeditiously. Only those who are outstanding and have good training capabilities would be recommended for sanction of teaching allowance and retained; the others should be repatriated to their respective parent cadres. Ad-hoc appointees will not be allowed this teaching allowance till they are replaced by suitably selected candidates. However, the existing instructors who are not found suitable for retention and adhoc appointees will be entitled to the training allowance, etc. as was previously admissible to them till they are repatriated/replaced by duly selected suitable candidates.

- (h) deputation period of Faculty members shall not exceed five years in any case under any circumstances.

3. The orders will take effect from 1.4.1989.

4. Para 2 above has the sanction of the President and issues with the concurrence of the Finance Directorate of the Ministry of Railways.

*R.D. Lakhanpal*  
(R.D. Lakhanpal)  
Director, Establishment ( T&MPP )  
Railway Board.

New Delhi, dated 28 -3-1989

No: E(MPP)/86/13/2

Copy forwarded for information to ADAI(Rlys), New Delhi  
(with 40 spares).

*R.D. Lakhanpal*  
for Financial Commissioner/Rlys.

....3

*Missed*  
*W. Singh*

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Fardikot House  
Copernicus Marg,  
New Delhi-110 001

From: The Registrar,  
Central Administrative Tribunal  
Principal Bench, New Delhi.

To

1. Shri S.N. Singh, G/o Sh. J.K. Bali,  
Advocate, A 91/3, S.F.S. Flats,  
Saket, New Delhi-17.

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.  
2. Union of India, through Chief Safety Superintendent,  
Northern Railway, Baroda House, New Delhi.

Regn. No. 533/88

...Shri S.N. Singh & Ors. .... Applicant (s)

Versus

...Union of India & Ors. .... Respondent(s)

Sir,

I am directed to forward herewith a copy of the Judgement/  
Order Dt. 11.5.88 passed by this Tribunal in the above  
noted case for information and necessary action, if any.

Yours faithfully,

Anil Srivastava

(Anil Srivastava)  
Section Officer (Jul-I)

Dt: 16/5/88

*Noted*  
*27/5/88*

(Judgment of the Bench delivered by Hon'ble  
Mr. Justice K.S. Puttaswamy, Vice-Chairman(J))

J U D G M E N T

This is an application made by the applicants under  
Section 19 of the Administrative Tribunals Act, 1985.

2. All the applicants who were working in different  
divisions of the Northern Railway were appointed on different  
dates as Commercial Instructors in the Northern Railway,  
Zonal Training School, Chandusi. <sup>a</sup>versince their appoint-  
ments the applicants are continuing in that capacity in  
that school.

3. From December, 1987 and onwards, the Railway  
administration had taken steps to make selections to the  
posts of Commercial Instructors. Apprehending that they  
would be reverted from the posts of Commercial Instructors  
to their original posts the applicants have approached this  
Tribunal for a direction to the respondents to confirm them  
in the posts they are holding.

4. On 20-4-1988, this Tribunal directed notices of  
admission to the respondents and in response to the same,  
Shri O.N. Moolri, learned counsel had appeared for them and  
opposes the admission.

5. Shri J.K. Bali, learned counsel for the applicants  
contends that every one of the steps initiated by the  
Railway administration to make selections for the posts of  
Commercial Instructors was wholly unauthorised and the  
applicants were entitled for confirmation and continuation  
in the posts they are holding.

6. Shri O.N. Moolri, learned counsel for the respondents  
contends that the posts were tenure posts and the applicants

*Accepted  
Moolri*

applicants who appointed on 'deputation' were not entitled for confirmation.

7. We have earlier noticed that the Railway administration had taken certain steps for making selections to the posts of Commercial Instructor. Before the applicants approached this Tribunal and thereafter also the Railway administration had not passed any adverse order against them. Even to this date, the Railway administration had not passed any order against the applicants.

8. Whether the Railway administration would pass any adverse order against any of the applicants is too early to say. Before the Railway administration examines the cases of the applicants and passes an adverse order, it is premature for us to examine the contentions urged by either side and decide them one way or the other. When an adverse order is made against the applicants, it is undoubtedly open to all or any of them to approach this Tribunal for all such reliefs as are open to them, at which stage the contentions urged by both sides can be properly examined. On this view, we consider it proper not to examine all the questions raised by both the sides and leave them open.

9. In the light of our above discussion, we reject this application. But, in the circumstances of the case, there shall be no order as to costs.

Amr 21/10/80  
16/10/80

(KAUSHAL KUMAR)  
MEMBER (A)

(K.S. PUTTASWAMY)  
VICE-CHAIRMAN.

Noted  
21/10/80

OA. 1122/ 88.

ANNEXURE NO (12) L<sup>27</sup>

10.6.88

Present : Shri J.K. Bhal, for the

applicants. Mr. O.N. Moharj Counsel for respondents takes notice of the application. Application is filed by four employees. It is clear that these very four employees had filed OA NO.

533/88 as they apprehended that certain orders were passed to repatriate

them. The Tribunal on 11.5.88 has

rejected the application on the ground that there was no adverse order passed against the applicants.

Thereafter, an adverse order has

been passed against applicant no. 2

namely Shri B.S. Bains to repatriate

him to the <sup>parent</sup> present division. Application would be admissible so far as his

claims concerned. The application for

remaining applicant, no. 1, 3 and 4

would not be admissible as no

order has been passed against them.

Hence this application is rejected as

so far as applicant no. 1, 3 and 4 are concerned

and application is, therefore, inadmissible,

only for applicant no. 2.

Application is admitted, Respondents to

file counter-affidavit within four weeks

from today. Rejoinder if any to be filed within

two weeks, thereafter, The matter be

listed before the Deputy Registrar on

26.8.88.

p/2

Accepted  
23/9/88

/2/

Applicant no.2 had already  
 been relieved for being repatriated  
 to the parent Division. It will not  
 be possible to entertain the claim  
 of interim relief when applicant  
 is relieved from the post  
 from which he has been repatriated.  
 His prayer for interim relief  
 is, therefore, rejected.

This for the application should  
 be amended by deleting the names of  
 applicant No.1,3 & 4. It was  
 submitted by Mr. Dhall that leave  
 may be granted to applicant no.2.  
 Applicant no.2 may apply for such  
 leave and the application may be  
 considered by the Department.

Sd/

(Barbal Nath)  
 Member 20/3/82.

Sd/-

(D.C. Gadgil)  
 Vice-Chairman.

*Disputed*  
*23/11/80*

CIRCUIT BENCH, LUCKNOW

Civil Misc.Petition NO.                      of 1991

Civil Misc.Petition NO.                      of 1991

In Re. :

Original Application No. 387 of 1990(L)

Between

S.N. Sing-h                      ...                      Applicant

Vs.

Union of India & others ... Respondents .

PRELIMINARY OBJECTION

The counsel for the respondents begs to state as under:-

1. That as per facts and particulars given in the Original Application neither the applicant nor the respondents reside/work with-in the jurisdiction of Lucknow Bench of Central Administrative Tribunal neither the alleged cause of action accrued within the jurisdiction of Lucknow Circuit Bench of Central Administrative Tribunal.
2. That in view of the aforesaid facts, the answering respondents begs to raise the following preliminary

objection which may be decided before taking up the case on merits.

"Whether the present Original Application is maintainable within the jurisdiction of Lucknow Circuit Bench of Central Administrative Tribunal."

Lucknow.

Dated - 22.4.91

*Anil Srivastava*  
(ANIL SRIVASTAVA)

Advocate  
Counsel for Respondents.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

In Re:

Original Application No. 387 of 1990 (L)

Between

S.N. Singh

....

Applicant.

Vs.

Union of India & others

....

Respondents.

COUNTER REPLY ON BEHALF OF ALL THE  
RESPONDENTS.

I, M.M. Singavi working as  
.....Principal.....

Zonal Training School, Northern Railway, Chandausi,

do hereby solemnly affirm and state as under :-

1. That the official above named is working as

Principal

Zonal Training School, Chandausi and having

read the Original Application and understood

its contents, as such fully conversant with the

.....2

Singavi  
15/4/93

facts of the applicant's case and is competent to file this reply on behalf of other respondents.

2. That the contents of paras 1 & 2 ~~of~~ at page 2 of the original application do not call for reply.
3. That the contents of para 2 at page 3 of the original application do not call for reply except that the applicant is not aggrieved by such order.
4. That in reply to the contents of the para 2 of the original application, it is stated that subject matter of the order against which the applicant want redressal is not within the jurisdiction of this Hon'ble Tribunal.

Reply to the contents of para 4 of the original application are as below :-

5. That in reply to the contents of para 4.1 of the original application, it is stated that the applicant was appointed as Asstt. Station Master on Jodhpur Division of Northern Railway

.....3

on 12.1.79 and not on 10.1.79 as alleged.

The applicant was posted as Commercial Instructor on 8.9.80 against ex cadre post . As per Railway Board instructions, the tenure for posting as instructor was 4 years at the relevant time when the applicant was appointed for this post but later on the said instructions were modified and the tenure for posting as instructor was made 5 years (Annexure No.A-10) .

Since the applicant as per his own admission vide para 4.7 of original application has already completed 9 years on the said post i.e. more than the statutory period of 4 or 5 years hence he is not entitled to be retained on the said ex-cadre post for-ever . Accordingly the applicant was directed for repatriation to his parent division (Jodhpur) vide Annexure Nos. 1 & 2 to the original application . However, before the applicant could be spared from Chandausi School, the applicant proceeded on 3 days leave w.e.f. 17.5.90 and thereafter reported sick w.e.f. 21.5.90. On resumption from sick leave, the

.....4

8-12-91  
15/4/91

applicant was spared on repatriation to his parent division i.e. to Jodhpur vide order dated 19.3.91. A copy of order dated 19.3.91 is being filed herewith as Annexure No. C-1 to this reply.

6. That in reply to the contents of the paras 4.2 to 4.5 of the original application, so far it is matter of record is admitted but rest of the contents of the para are ~~denied~~. It is also relevant to mention here that all the said cases were ultimately dismissed/rejected by The Hon'ble Central Administrative Tribunal.
7. That the contents of the para 4.6 of the original application are denied. The posts of Instructors at Zonal Training School, Chandausi are ex-cadre posts for the period of 4 years subject to maximum 5 years and thereafter they are to be repatriated to open line to their parent cadre and division in terms of stipulations laid down by Railway Board as referred to in para 5 hereinabove and in view of this Shri S.N. Singh, the applicant, whose

S.N. Singh  
15/4/91

tenure for stay at Zonal Training School Chandausi already expired,  
/can not be retained indefinitely in the school as Instructor who can never be confirmed against ex-cadre tenure post of training school. More over, the lien of the applicant is in Operating Department of Jodhpur Division as such he can not be confirmed against ex-cadre post of Commercial Department. A copy of relevant rule showing the chart of promotion to the cadre of the applicant is being filed herewith as Annexure C-2 of this reply.

8. That the contents of the para 4.7 of the original application is denied. On previous occassion also the applicant was ordered for repatriation to his parent division on account of his over stay in the Zonal Training School vide order no. 21-Comm1./Vol.IV dated 2.9.87 but the same was set-aside by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in original application no.1486 of 87 on technical gr<sup>o</sup>nd that since the transfer was made at the instance of Central Vigilance Commission's advice hence the same is punitive in nature . The Hon'ble Tribunal in the said

case further observed-

" Anything said herein, however, would not prevent the respondents if the circumstances so warrant, from making an inquiry into the allegations of misconduct or from clearing the applicant of the allegations made in the counter affidavit and if the exigencies of administration require, transfer him thereafter."

Accordingly an inquiry was conducted against the applicant and he was found guilty of charges under DAR action and a penalty of reduction to lower two stages in time scale w.e.f. 13.6.90 was imposed upon him. Since the applicant had already been retained in the ex-cadre post of commercial Instructor even much beyond the statutory period hence in administrative interest keeping in view the direction of the Hon'ble Tribunal, the applicant was spared on repatriation to his parent division vide order dated 19.3.91 as contained in Annexure No. C-1 to this reply.

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Sd/-  
15/4/91

- 9- That in reply to the contents of the para 4.8 of the original application, so far it is matter of record is admitted but rest of the contents of the para are denied. Original Application No. 533 of 1988 was duly rejected without any observation on merits. On administrative grounds the applicant was spared for repatriation to his parent division.
10. That in reply to the contents of the para 4.9 of the original application , so far it is matter of record is admitted ~~but~~ rest of the contents of the para are denied. A perusal of the judgement would itself clarify the position.
11. That the contents of the para 4.10 of the original application is admitted.
12. That the contents of the para 4.11 of the original application are denied. The applicant be put to strict proof of the same.
13. That the contents of the para 4.12 of the original application are denied. As explained in para 5 of this reply, the applicant was not entitled to be considered for absorption and con-

h-m-n.  
15/4/91

firmation in the ex-cadre post of Commercial Instructor in the Zonal Training School Chandausi. Since the applicant has over completed his tenure of 5 years hence as per rules he was repatriated to his parent

division. He has been confirmed in his parent department as A.S.M. A copy of such confirmation order is being filed herewith as Annexure No C-3 to this reply.

14. That the contents of the para 4.13 of the original application are categorically denied. The applicant has already been relieved on repatriation to his parent division vide order dated 19.3.91 as contained in Annexure No. C-1 to this reply .

15. That the contents of the para 4.14 of the original application are denied. The interim relief application of Shri B.S. Bains was rejected by the Hon'ble Tribunal on the ground that he has already been relieved.

16. That the contents of the para 4.15 of the original application are categorically denied. The orders passed are perfectly legal, just and according to rules.

17. That the contents of the paras 5 & 6 of the

G.M.N.  
15/4/91

original application do not call for reply.

18. That in reply to the contents of paras 7 & 8 of the original application it is stated that the applicant is not entitled to any relief as claimed rather on the facts and circumstances stated hereinabove this original application is liable to be dismissed in favour of the answering respondents and against the applicant.

Chandusi

Dated - 15/4/91

Singh  
(M M SINGHVI)

VERIFICATION

I, the official abovenamed, do hereby verify that the contents of para b of this reply is true on the basis of my personal knowledge and those of paras 2 to 18 of this reply are believed by me to be true on the basis of records and legal advice.

Chandusi

Dated : 15/4/91

Singh  
(M M SINGHVI)

Annexure No C-1

उत्तर रेलवे  
NORTHERN RAILWAY

(28)

ZONAL TRG. SCH OL,  
CHANDAUZI.

Dated 19-3-91

No. 21/Coml/91

Sri S.N.SINGH,  
Commercial Instructor,  
Zonal trg. School, Chandausi.

Sub: Repatriation of Sri S.N.Singh, Commercial Instructor  
Zonal trg. School, Chandausi to his parent Division i.e.  
Jodhpur Divn.

In continuation to this office letter No.21/Selection/90  
dated 20.4.90, I am informing you that you are repatriated to your parent Division  
i.e Jodhpur Division, on the 1st of April 1991 without availing  
Joining time.

1st <sup>class</sup> Duty pass No. 812558 dated 19.3.91 fr. CH to JU for  
Your journey is also enclosed herewith. It may be collected from  
Last pay certificate will follow. *offic*

1st duty pass No.  
812558 dated 19.3.91

*Prin. AL*  
PRINCIPAL

ok

Copy forwarded for information and necessary action to:-

1. GM(P)NDLS
2. CSO/NDLS
3. DM/N. Rly /Jodhpur.
4. Sr. Coml. Inst oty/NDLS/CH.

*Singh*  
15/4

*Annexure No C-2*

30

**ESTABLISHMENT RULES**

(xii) The Railway Board has decided to raise the upper age limit for ex-service men for their recruitment in Apprentice categories from 35 years to 40 years.

8856).

[R.B.s. No. E(NG) 11/82/RR/17 dated 18.10.85] (N.R., S.N. 8856).  
(xiii) A relaxation in the upper age limit upto a maximum of 6 years shall be admissible to all persons who have originally resided in the state of Assam during the period from 1st day of January 1980 to 15.8.1985 provided that the relaxation in the upper age limit shall be subject to the maximum number of chances permissible under the rules.

[R.B.s. No. E(NG) 11/86-RR/42 dated 10.9.86] (N.R., S.N. 9059).

**Note :—**A candidate who is within the minimum and maximum age limit on a particular date mentioned in employment notice issued by a Railway Service Commission may be treated as eligible for appointment against a post on the Railway concerned even though the person concerned may have exceeded the maximum age limit on the date of actually joining an appointment. [R.B.s. No. E 55 RC-8-1 of 20.2.56 and E(GR-P) 56 RC-8-1 of 30.10.57].

**Selection of some important categories in Class-III service**

(1) Assistant Station Master—50% of the vacancies are filled through direct selection by Railway Service Commissions. Minimum educational qualifications required for this category is a university degree or its equivalent. Age should be between 18 and 25 years. 25% of the vacancies are filled by promoting the suitable Signallers, and 25% vacancies are filled by promoting the Switchmen provided they are otherwise eligible and are prepared to undergo commercial training, and willing to be posted at other stations. Where there are no switchmen forthcoming the excess may be added to the direct recruitment quota. [R.B.s. No. E (NG) 1-74 PM/151 of 20/1/75] (N.R., S.N. 6263). University degree is not compulsory from promotees to the category of A.S.Ms. [E(NG) 11-81/RSC/25 of 26-11-82] (N.R., S.N. 8196A)

The candidates thus recruited have to undergo a training in the Zonal Training Schools in various subjects like Transportation, Coaching, Telegraph, etc. During the training period the candidates get the stipend and dearness allowance.

After successful completion of the training, they are absorbed against working posts, in scale Rs. 330-560(RS).

The pay scales as per recommendations of the Third Pay Commission were as under :—

Designation	Scales
Assistant Station Master Gr. III	Rs. 330-560
A.S.M. Gr. II	Rs. 425-640
A.S.M. Gr. I/S. M. Gr. II	Rs. 455-700

*Sanjay Singh*

**RECRUITMENT & TRAINING**

31

Station Master Gr. I	Rs. 550-750
Station Superintendent (Non-Gazetted)	Rs. 700-900

Normal channel of promotion of Assistant Station Master is as under :—

Probationary A.S.Ms.

Assistant Station Masters  
/ (Rs. 330-560)

Assistant Station Masters  
/ (Rs. 425-640)

Assistant Station Masters  
Station Masters, Section Controllers  
Grade III and Yard Masters  
(Rs. 455-700 (R.S.)

Station Masters, Section Controllers  
Grade II and Chief Controllers  
Yard Masters and Transportation  
Inspectors.  
(Rs. 455-700) (R.S.)  
(Rs. 550-750) (R.S.)  
(Rs. 700-900) (R.S.)

(For Revised Pay Scales please see Chapter V)

**Note :—**The age limits beyond which Transportation staff are not eligible for qualifying for promotion to certain specialised categories of posts are as under :—

(a) For promotion of A.S.Ms. and A.Y.Ms. to higher grade posts in their respective cadre—No age limit.

(b) For promotion to posts of Section Controllers from any category—48 years.

(c) For promotion of eligible categories of staff to the posts of Transportation Inspectors—50 years.

(2) **Guards :—**15% of the vacancies are filled through direct selection by Railway Service Commission. Minimum educational qualification required is a University degree or its equivalent. Age should be between 18 and 25 years.

The remaining vacancies are filled by selecting suitable railway employees from the categories of Commercial Clerks, Ticket Collectors, Train Clerks, Yard Foremen, Brakesmen, Signalling Jamarars and Switchmen. [R.B.s. No. E (NG) 1-71 PM/195 of 28-7-72] (N.R., S.N.5712).

The candidates have to pass the Guard's course in Zonal Training Schools. They are also eligible for promotion to the higher grade posts of A.S.Ms., A.Y.Ms., and Section Controllers.

उत्तर रेलवे

NORTHERN RAILWAY

Annexure No C-3

मंडल कार्यालय  
जोधपुर

सं० ॥ ३/स० स्टे० मा/स्थाईकरण/ई।एच/८०  
दिनांक - ५ - ५ - ९१

प्रिन्सीपल  
कैजीय प्रशिक्षण स्कूल  
चन्दोसी

विषय - स्थाईकरण।

— ० —

श्री श्री भनाथ सिंह सहायक स्टेशन मास्टर  
जोधपुर मंडल, जो कि वर्तमान में प्रशिक्षक  
कैजीय प्रशिक्षण स्कूल चन्दोसी में कार्यरत  
हैं उन्हें सहायक स्टेशन मास्टर वेतनमान  
१२०० - २०५० (RPS) के पद पर दिनांक  
२७-११-८० से उच्चतम रूप से स्थाई  
किया जा रहा है।  
तदनुसार कर्मचारी को सूचित कर दिया  
जाय।

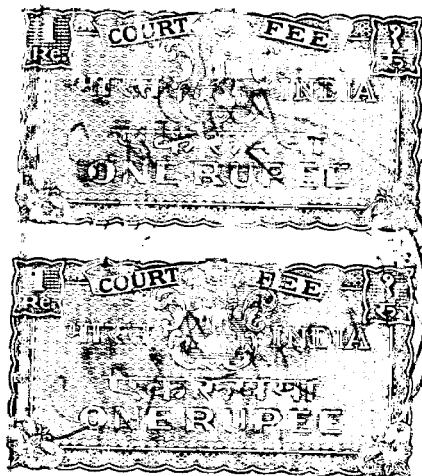
कृते मंडल कार्यालय  
जोधपुर

प्रति - मास्टर फाइल, व० म० पु० अ० १०१/जोधपुर

15/5/91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

O.A. No. 387 of 1990 ( L )



S.N.Singh

Applicant

Versus

Union of India & Others - - - - Opp.Parties/Respondents

REJOINER AFFIDAVIT

On behalf of the petitioner to the Counter  
Affidavit filed on behalf of the Respondents.  
-----

I, S.N.Singh, aged about 41 years, son of  
Shri Ram Naresh Singh, resident of Village: Pindrai,  
Post: Pindra, district Varanasi, do hereby solemnly  
affirm and state on oath as under:

1.a) That the deponent is the petitioner/applicant  
in the abovenoted Original Application and he is  
fully conversant with the facts and circumstances of  
the present case.

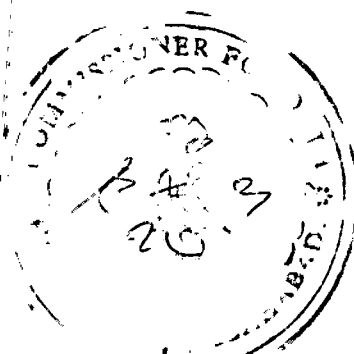
1.b) That the deponent has read and fully understood  
the ~~counter~~ contents of the Counter Affidavit filed  
on behalf of the aforesaid respondents and furnishes  
rejoinder reply thereof as under:- It is further  
added that Shri M.M.Singhavi the deponent of the  
Counter Affidavit is not personally conversant with

the facts and circumstances of the Counter Affidavit as paragraphs 2 to 18 of the Counter affidavit have been sworn by him as true on the basis of records and legal advice; and accordingly such Counter Affidavit is incompetent to rebut or repudiate or ~~he~~ even to dis-prove the contents of the applicant's application.

Paras 1 to 3: That the contents of paragraphs 1, 2 and 3 call for no reply beyond the fact that the applicant is aggrieved from his transfer order as the same is illegal, arbitrary, mala fide and contrary to the conditions of the service.

Para 4: That in reply to the contents of paragraph 4, the deponent is advised to state that no reasons have been given as to why the original application is not within the jurisdiction of this Hon'ble Tribunal.

Para 5: That the contents of paragraph 5 are not admitted in the manner stated. However, the date of joining as Assistant Station Master on 2.1.1979 is not disputed. It is stated that the applicant had not established any lien on the post of Assistant Station Master and he opted for being appointed as Commercial Instructor in Zonal Training School, Chandausi. Since the services of the applicant were immediately required, he was appointed on adhoc basis pending his selection by a duly constituted Selection committee. The order dated 16.8.1980



appointing the petitioner/applicant on adhoc basis on the post of Commercial Instructor clearly states that the said ~~appointment~~ arrangement was on adhoc basis pending selection.

That the process of selection consisting of written test was undergone on 11.7.1982. The applicant and several others competed in the said written test and were declared successful thereat. Thereafter the petitioner and several others were called for viva-voce test on 14.6.1983 which have successfully competed. Thus after undergoing successfully the entire process of selection and test, the applicant was appointed vide order dated 29.7.1983. The appointment of the Petitioner was as a result of direct recruitment on the post of Commercial Instructor in Zonal Training School, Chandosi and it had nothing to do with the applicant earlier appointment as Assistant Station Master. The contention to the contrary in the Counter Affidavit under reply is misconceived and is denied.



That the embargo of 4 years tenure at the Training School does not apply in cases of direct recruits, but applies only for the candidates who belong to a different department of the Indian Railways and are brought on deputation by transfer. The Opposite Parties have tried to assimilate the Petitioner's initial appointment as Assistant Station Master which a direct recruitment as Commercial Instructor, which is factually and legally incorrect.

That the petitioner being a directly recruited Commercial Instructor, belongs to the said cadre and his transfer in the garb of repatriation to any other department of the Railways is impermissible. A true copy of the Board's Circular No.344-E/425/65 (Rectt.) dated 10.3.1971 and No.E/61/TTC/62 dated 2.10.1963 are being attached as ANNEXURES R-1 & R-2 respectively to this affidavit.

That in Zonal Training School, Chandausi, there are 11 permanent posts relating to Commercial ~~Instructor~~ establishment as would be seen from the position of staff strength department-wise as on 1.4.1985 communicated by the Principal through his letter No.97/A/4/85 dated 4.2.1986, a true copy whereof alongwith its enclosures is attached as ANNEXURE R-3 to this affidavit. It is thus crystal clear that the petitioner/applicant is holding a permanent post of Commercial Instructor and having served for more than a decade on that post and he had become confirmed and integral part of Zonal Training School, Chandausi from where he could not be repatriated under law.

That as already stated the candidates who hold their lien in any department of the Railway Administration are transferred to hold the post of Instructors in different Training Schools where their position is that of deputationist, whose tenure is also fixed for 4 years whereafter they have got to be repatriated compulsorily to their parent department. Such examples

of transfers not preceded by any written test or viva-voce on competitive basis may be found in order No.456-E/II/SM-ASM/Vol.II(EIH) dated 22.6.1987, Order No.844-E/183-XV(EIB) dated 16.4.1987 and order No. CYM/91 dated 30.9.1991, true copies whereof are being attached as ANNEXURES R-4, R-5 and R-6 respectively to this affidavit. Contrary to this the petitioner was not holding any lien on any permanent temporary post either substantively or on officiating basis of any kind before being recruited as Commercial Instructor on adhoc basis in the year 1980. The applicant had barely completed his period of probation on the post of Assistant Station Master when he applied for being recruited as Commercial Instructor in Zonal Training School, Chandausi. Likewise several other candidates moved applications for such a recruitment. Out of almost 30 candidates who ~~mp~~ competed in the said competitive selection, test and interview, the petitioner/applicant and 4 others were selected. The selection took place in two parts - first written examination was held and those candidates who were declared successful in the written examination, were called for interview. After having qualified in the written examination as well as interview, the petitioner was appointed formally in the year 1983 as Commercial Instructor in Zonal Training School, Chandausi. There arises absolutely no occasion or even necessity for the petitioner's repatriation.



That it is during pendency of the present application, ~~xxxxxx that the application~~ that in order

to cook up pretext to defeat the application, that an order of petitioner's confirmation as Assistant Station Master was passed. The applicant is advised to state that the said confirmation order has no legal effect and is not binding on the applicant, who had already moved this Hon'ble Tribunal for adjudication of his rights and status as Commercial Instructor in Zonal Training School, Chandosi.

Para 6: That the contents of paragraph 6 in so far as they are in consistant with the pleadings of the petitioner in paragraph 4.2 to 4.5 of the application are denied.

Para 7: That the contents of paragraph 7 are not admitted in the manner they are stated. The applicant having been appointed directly as Commercial Instructor in Zonal Training School, can not be repatriated. The reasons have been given in detail in reply to paragraph 5 herein above.

Para 8: That in reply to the contents of para 8, the filing of the application No.1486 of 1987 before the Principal Bench and the Judgment therein is admitted. It is further stated that the quoted paragraph of the Judgment is not binding on the parties as the question whether the petitioner has got lien in the Zonal Training School, Chandosi was not at all considered in that application, nor was it necessary to probe into the said matter, as

*[Handwritten signature]*

the application was allowed on technical ground. As regards the imposition of penalty of reduction to two lower stages in the same time scale with effect from 13.6.1990, no such order has been served on the applicant. Annexure C-1 to the Counter Affidavit has not been served formally on the applicant and hence there is no question of its compliance.

Paras 9 & 10: That in reply to the contents of paragraphs 9 and 10, it is stated that the contents of the Judgment would appear from a perusal thereof. However, no adverse action of any kind was taken against the applicant at that stage.

Para 11: That the contents of paragraph 11 of the Counter Affidavit call for no reply.

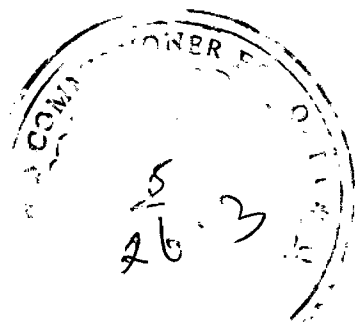
Para 12: That in reply to the contents of para 12, the petitioner has already discharged the burden of proof by annexing letter No.961-B- dated 6.2.1989 as Annexure-9 to the Application.

Paras 13 & 14: That the contents of paragraphs 13 & 14 are denied for the reasons already stated in reply to the contents of paragraph 5 herein above. The alleged confirmation of the Petitioner as Assistant Station Master was obtained by the Opposite Parties during the pendency of the present application and hence the same is inconsequential. The parent department of the applicant/petitioner for all practical

purposes is Zonal Training School, Chandosi. This fact is fortified by the fact that the applicant/petitioner was inflicted a major punishment by the Principal, Zonal Training School, Chandausi, which could be done only when the Petitioner belongs to the cadre of Zonal Training School, Chandosi.

Para 15: That the contents of paragraph 15 of the Counter Affidavit, it may be pointed out that only interim relief application of Shri B.S.Bains was rejected, but the application itself was admitted for disposal on merit after hearing the parties. As the bad luck would have it Shri Bains died during the pendency of the said application rendering it infructuous.

Paras 16, 17 & 18: That the contents of paragraphs 16, 17 and 18 are not admitted. The objections raised on behalf of the opposite parties/respondents as appearing in their counter affidavit are vexatious and untenable, and are liable to be rejected outright; whereas the petitioner's application is based on very sound, legal and factual grounds and the same is liable to be allowed with costs in favour of the ~~applicant~~ applicant and against the Opposite parties.



*[Handwritten signature]*

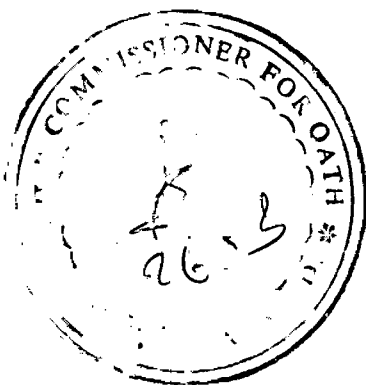
Para 19: That the applicant/deponent has compared the Annexures R-1 to R-6 with their originals and certifies them to be true copies thereof.

Lucknow:

Dated: 26-3-1992.



Deponent



Verification

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 15 of this Rejoinder Affidavit are true to my own knowledge; and those of paragraphs 16, 17, 18 are true to my belief and to be true on the basis of legal advice. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified this the 26<sup>th</sup> day of March, 1992 in the court compound at Lucknow.

Lucknow:

Dated: 26-3-1992.



Deponent

I identify the deponent who has signed before me and personally known to me.

Y.P. Yadav  
Advocate

Solemnly affirmed before me on 26-3-1992

at 11:15 AM/PM by Shri S.N. Singh, the deponent who is identified by Shri Y.P. Yadav, Advocate, Lucknow Bench of Allahabad High Court.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him by me.

Oath Commissioner.

SHIKHA SRIVASTAVA  
OATH COMMISSIONER

14/12/25  
26-3-92

Annexure No - R-I

R-1

5243

Serial No. 5243.—Circular No. 844-E/425/65 (Rectt), dated 10-3-1971.

Sub.—Confirmation of Instructors in Rly. Trg. Schools.

A copy of Railway Board's letter No. E(NG)I-69-PMI 66, dated 14-8-70 is set herewith for information and guidance. A copy of Board's letter dated 2-10-63 referred to therein is also enclosed.

Copy of Railway Board's letter No. E(NG)I-69-PMI 66, dated 14-8-1970

Sub.—As above.

Reference Board's letter No. E/61/TTC 62 dated 2-10-1963 according to which directly recruited Instructors in the Railway Training School/Centres should be provided with suitable avenues of promotion. It has come to the notice of the Board that on some Railways, Instructors are not considered for confirmation on the plea that the posts of Instructors are treated as ex-cadre tenure posts and they can seek promotion in the specified categories. The Board desire to clarify that directly recruited Instructors who were appointed against permanent posts or temporary posts which are subsequently converted into permanent, may be considered for confirmation as Instructors, provided they fulfil the other requisite conditions.

Copy of Board's letter No. E/61/TTC/62, dated 2-10-1963

Annexure No. R-1

Sub.—Recommendation of the Railway Technical Training Schools Committee, 1961—Instructors in Technical Training Schools against permanent posts—avenues of promotion.

In their recommendation No. 76, the Railway Technical Training School Committee, 1961 have recommended that :—

"For Instructors in technical training schools etc. selected against permanent posts, the question of a suitable avenue of promotion must be considered, as, otherwise, the quality of training is likely to suffer".

2. The Board have carefully considered this recommendation and decided that the same should be accepted. They desire that :—

(a) The Instructors in training Schools/Centres who originally belonged to a department of a railway administration, should be considered, for proforma promotion in their parent departments, as if they had not been appointed as Instructors, and

(b) In respect of those recruited direct as Instructors, the avenue of promotion suggested for them in your letter No. 844-E/425/65 (R), dated 21-9-62 in reply to D.O. letter No. E/61/TTC/62 addressed to the Chief Personnel Officer may be tried, for giving promotion to these Instructors on the railway administrations themselves. Even in those cases where no avenue of promotion has been shown by the Railway administrations, they should continue their efforts to find an avenue for Instructors recruited direct.

26-2  
ALLAHABAD

Signature

*Annexure No. R-3*

NORTHERN RAILWAY

Zonal Trg. School  
Chandigarh

Dated: 4/7/1986.

No. 97/A/4/85.

The General Manager,  
N.Rly. HQrs Office,  
B.House, New Delhi.

Sub:- Position of staff strength *Departmentwise on 1/4/85*  
Ref:- Your XHR wire No. 220-E/1516 (Recd)/B dt. 16/1/86.

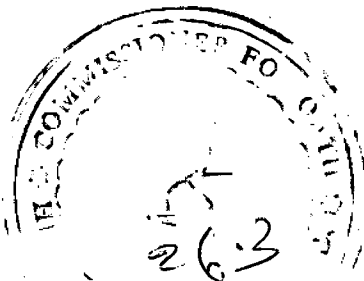
The information asked for by above cited wire is sent herewith on attached proforma for further action at your end.

Note :- There is no extra post sanctioned in respect of Leave Reserve or trainee reserve in this office.

*DD/2*

*4/7/86  
5/9/86*

*L. J. Singh*  
PRINCIPAL



*Ans*

A

34

NORTHERN RAILWAY

Zonal Trg. Secy.  
Chandauli

No. 97/A/4/85.

Dated: 01/7/85.

The Genl. Manager,  
N. Rly. Hqs Office,  
B. House, New Delhi

Subj:- Position of staff strength.

Ref:- Your XMR wire No. 803B/C03/3tore dt. 26/6/85.

The information asked for by above cited wire is sent herewith for further action at your end.

Sl. No.	Dept./ Category	Unmentioned Strength			On roll as on 1/4/85				
		Pat.	Ty.	Total	Pat.	Ty.	Subs.	C. Lab.	Total
1.	Optg.	24	-	24	19	-	-	-	19
2.	Commercial	11	1	12	10	-	-	-	10
3.	Mechanical	06	-	06	06	-	-	-	06
4.	Engg.	04	NIL	04	04	-	-	-	04
5.	Sig. & Tele.	05	-	05	04	1	-	-	05
6.	P. Branch	14	-	14	08	6	-	-	14
7.	Genl. Admin.	85	2	87	72	9	1	2	84
Total		149	3	152	123	16	1	2	142

PRINCIPAL 1/7/85

J. 26.2.85

[Signature]

Sanctioned strength of staff as on 01/04/1935.

S.No.	Deptt.	Category	Grade	Permanent	Temp.	Total
1.	Optg.	(a) Principal	1500-2000	1	-	1
		(b) Asstt. Supdt.	650-1200	1	-	1
		(c) Trans. Instr.	700-900	1	-	1
		" "	550-750	1	-	1
		" "	455-700 )	4	-	4
		" "	470-750 )	3	-	3
		" "	425-640	6	-	6
		Line pay + Spl. pay	12 1/2 %	4	-	4
		(d) Tele. Instr.	425-650	3	-	3
		" "	330-560	2	-	2
		Line pay + Spl. pay	12 1/2 %	1	-	1
2.	Coml.	(a) Coml. Instr.	700-900	1	-	1
		" "	455-700	4	-	4
		" "	425-640	4	-	4
		" "	500-900	1	-	1
		Line pay + Sp. pay	12 1/2 %	2	-	2
3.	Mech.	(a) AME	650-1200	1	-	1
		(b) Mech. Instr.	700-900	2	-	2
		" "	550-750	4	-	4
4.	Civil. Engg.	(a) SEN	1100-1600	-	1	1
		(b) P. Way. Instr.	700-900	1	-	1
		" "	550-750	1	-	1
		" "	425-700	1	-	1
		(c) Works Instr.	700-900	-	1	1
5.	S&T	(a) S.I.	550-750	1	-	1
		(b) FSM	380-560	1	-	1
		" "	330-480	2	-	2
		" "	260-400	1	-	1
6.	General (Admin)	(a) Work Study Instructor	700-900	-	2	2
		(b) Steno (GA)	425 -700	1	-	1
		(c) Sr. Typist	330-560	1	-	1
		(d) Typist	260-400	1	-	1
		(e) Record Lifter	210-270	1	-	1
		(f) Draftary	200-250	1	-	1
		(g) Peon	196-232	6	-	6
		" "	200-240	1	-	1
		(h) Mali	200-250	1	-	1
		" "	196-232	9	-	9
		(i) Khallasi	210-290	3	-	3
		" "	200-240	4	-	4
		" "	196-232	17	-	17
		(j) Bhisty & Safaiwala	210-290	1	-	1
		Bhistry & Safaiwala	200-250	15	-	15
		" "	196-232	15	-	15
		(k) Chowkidar	196-232	8	-	8
		Total		137	5	142

CHANDAU

31/2/26

17/1/26

Sanctioned strength of staff as on 31/2/26		Total	
Dept.	Category		
1. Optg.	(a) Individual	1100-2000	1
	(b) Instr. Suppl.	650-1200	1
	(c) Instr. Instr.	700-900	1
	"	550-750	1
	"	425-700	1
	"	470-750	4
	"	425-640	1
	Line pay + apl. pay	12/2	6
	(d) Tele. Instr.	425-650	4
	"	330-560	3
	Line pay + apl. pay	12/2	2
2. Coml.	(a) Coml. Instr.	700-900	1
	"	425-700	4
	"	425-640	4
	a/c Instr.	500-900	1
	Line pay + apl. pay	12/2	2
3. Mech.	(a) JMC	650-1200	1
	(b) Mech. Instr.	700-900	2
	"	550-750	4
4. Civil Engrg.	(a) JEN	1100-1600	1
	(b) E. Way Instr.	700-900	1
	"	550-750	1
	"	425-700	1
	(c) Works Instr.	700-900	1
5. Hqs	(a) S.I.	550-750	1
	(b) S.I.	380-560	1
	"	330-580	2
	"	260-400	1
6. General (Admin)	(a) Work Study Instructor	700-900	2
	(b) Stone (CA)	425-700	1
	(c) Sr. Typist	330-560	1
	(d) Typist	260-400	1
	(e) Record Lifter	210-270	1
	(f) Dictary	200-250	1
	(g) Peon	196-232	6
	(h) S.I.	200-250	1
	"	196-232	9
	(i) Khallasi	210-250	3
	"	200-240	4
	"	196-232	17
	(j) Bhisty & Saffindla Jamadar	210-290	1
	Bhisty & Saffindla	200-250	15
	(k) Khewindas	196-232	15
	Bhisty & Saffindla	2	
	(k) Coewkidar	196-232	8
		137	142

26-3

32.2.26

dh

Annexure No- R-4

NOTICE.

The following ASMs of this Division have been found fit for the post of Transportation Instructors (Ex.cadre posts) as a result of interview held in Headquarters Office on 1.5.87 and 8.6.87 :

- |                            |                        |         |
|----------------------------|------------------------|---------|
| 1. Sh. B.S.Ratnakar,       | ASM grade<br>1400-2300 | LAU     |
| 2. Sh. Ravi Shankar Sharma | -do-                   | LN/RKB  |
| 3. Sh. Yogesh Kumar        | -do-                   | TLC/BNO |

They may please be relieved immediately and directed to report to Principal Z.T.S. Chaudasi for further posting orders.

(Authority :-GM(P)'s letter No.844E/183-XV(E1B) of 1.5.87 and 16.6.87)

*[Signature]*  
22.6.87  
for Sr.DPO/N.Rly Jodhpur.

No.456E/2/SM-ASM/Vol.II(EI#) Dated : 22.6.87

To,

TIs/DNA MTD & (I)JU, SS/SMs LAU LN RKB TLC BNO

B/-

Sr.DOS/JU, AOS(M)JU, Leave/bill Clerks, ACME,  
Master file,  
Principal, Z.T.S. Chaudasi,  
The General Manager (P), Baroda House, New Delhi.

.....



*[Signature]*

✓ R-5

Anneaux MO-R-5

Northern Railway

Headquarters Office,  
Moradabad, U.P.

Dated 10th April, 1987.

No. 844E/183-XV(Sib)

(2)  
2114(8)

Shri D.P. Pandey,  
Sr. DOS/Moradabad.

Shri H.C. Punia;  
Sr. DOS/Bikaner.

On the basis of the interview held on 1.4.1987, the following staff have been found fit subject to D&A/Vigilance clearance for the post of Transportation Instructor at ZTS/Chandausi. They will carry their grades and will be entitled for special pay. Principal, ZTS/Chandausi will transfer the grades of Instructors to that Division.

- 1: Shri S.K. Saxena RG/SM, Moradabad
- 2: " C.P.S. Solanki ASM/Chandausi (MR Divn.)
3. " Dhanna Ram ASM/Sadulpur (EKN Divn.)

The next date of selection has been fixed on 1st May, 1987 in my room. Please send the names of further optees.

D&AR & vigilance clearance in respect of the above staff should be obtained immediately and the staff should be spared to report to Principal, ZTS/Chandausi.

The following staff alongwith other optees should be asked to attend the interview/selection on 1st May, 1987 in my room:

- 1: Shri R.K. Bhaskar ASM/JDK (FZR Divn.)
- 2: " Pawan Kumar LR/ASM/VKA "
3. " Nand Kishore Yd. Master/JUC (FZR Divn.)

1. श्री. राज. के. अहिर
  2. " पवन कुमार
  3. " नन्द किशोर
- Chief Safety Supdt.

- C/-1: Shri Pradip Bhatnagar, Sr. DOS/Allahabad.
- 2: " R. Tandon, " /Ferozepore
  - 3: " Y. Singh " /Jodhpur
  - 4: " Kamlesh Gupta " /Lucknow
  - 5: " L.R. Thapar " /Delhi
  - 6: SPO(T&C)/B. House, N. Delhi.
  - 7: Principal, ZTS/Chandausi.

8- CA/CSS, Bikaner, NDL

to head  
names with  
head  
relieve staff

DO. at con  
263

28

Armauer No. R-6

R-6

10.1/CYM/91

H. 30.9.91

CYM. NR.

B.veilly.

To/

The Principal  
Z T. S. Chandan

Reg:- Sn. A. J. Siddiqui AYM-BE

Ref:- Verbal orders of Dos/MB on  
Phone.

Sn. A. J. Siddiqui AYM is ordered  
to join for 15 days on temporary basis.  
Please advise movement.

July.

30/9/91 AN.

28

+ F 21-5 92-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCULAR BENCH, DELHI.

M. P.

O.A. No. 387 of 1990 (L)

342/92

Filed for 22.4.1992.

S. No. Singh

- - - - -

Applicant

V e r s u s

Union of India & Others - - - - Opposite Parties.

APPLICATION FOR PERMISSION TO  
REJOINDER  
FILE SUPPLEMENTARY AFFIDAVIT.

The applicant named above most respectfully  
submits:-

1. That at the time of filing of the Rejoinder  
Affidavit, the crucial documents which are exceedingly  
essential for the just decision of the Application,  
could not be procured by the applicant.

2. That the applicant has now been able to  
procure them and is filing them alongwith the  
supplementary Rejoinder Affidavit.

3. That no prejudice would be caused to the

*[Signature]*  
(H. C. Awasthi)  
Advocate

.. / 2

*Filed today*

*CSM*

*22/4/92*

मंडल कार्यालय  
जोधपुर

सं० ॥ ३/सं० स्टे० मा/स्थाईकरण/ई।एच/८०  
दिनांक - ५ - ५ - ९१

प्रिन्सीपल  
द्वैतीय प्रशिक्षण स्कूल  
चन्दौसी

विषय:- स्थाईकरण।

— ० —

श्री श्री भनाथ सिंह सहायक स्टेशन मास्टर  
जोधपुर मंडल, जो कि वर्तमान में प्रशिक्षक  
द्वैतीय प्रशिक्षण स्कूल चन्दौसी में कार्यरत  
हैं उन्हें सहायक स्टेशन मास्टर वेतनमान  
१२०० - २५५० (RPS) के पद पर दिनांक  
२७-११-८० से अमान्तिम रूप से रु.  
किसा जा रहा है।  
तदनुसार कर्मचारी को सूचित कर दिया  
जाय।

प्रमुख कार्यालय  
उत्तर रेलवे  
जोधपुर

प्रति:- मास्टर फाइल, व० म० पु० अ० वी० जोधपुर

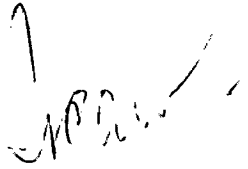
Opposite Parties as they would have plenty of time to file documents in rebuttle.

P\_R\_A\_Y\_E\_R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal be pleased in the interests of justice to permit the Petitioner to file the Supplementary Rejoinder Affidavit and the same be brought on record.

Lucknow:

Dated: 22-4-1992.

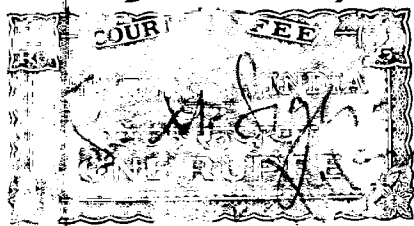
  
(H. C. Awasthi)  
Advocate  
Counsel for the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

O.A. No. 387 of 1990 (L)

Fixed for 22.4.1992.



S. M. Singh - - - - - Applicant

Versus

Union of India & Others - - - - - Opposite Parties.

SUPPLEMENTARY REJOINDER AFFIDAVIT.

On behalf of the Petitioner.

I, S. M. Singh, aged about 41 years, son of Shri Ram Kamesh Singh, resident of Village Pindrai Post: Pindara, District Varanasi, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Petitioner/Applicant in the abovenoted Original Application and he is fully conversant with the facts and circumstances of the present case.

2. That although the Rejoinder Affidavit to the Counter Affidavit has been filed by the applicant, but few crucial documents could not be obtained by him at the time of filing thereof and hence necessitating the present Supplementary Affidavit.

3. That unless the documents mentioned herein are taken on record, the applicant would suffer irreparable loss and injury and the application can not be decided effectively and finally.

4. That after his selection by a duly constituted Selection Committee for direct recruitment of Commercial Instructors in the Zonal Training School, Chandosi, the Petitioner was admitted to the training meant for Commercial Instructors which he underwent successively from 1.7.1985 to 5.8.1985, a true copy whereof is attached as ~~ANNEXURE R-7~~ to this affidavit. He was issued a certificate to that effect ~~and~~ on 5.8.1985.

5. That before entry into service, the Petitioner had passed B.Ed. Examination from Sampurna Hand Sanskrit Vishwa Vidyalaya, Varanasi in the year 1975, a true copy of the marksheet is also being attached as ~~ANNEXURE R-8~~ hereof. It may also be mentioned in this context that the applicant is duly qualified for imparting training/instructions in educational as well as training school and that factor was also duly considered by the Members of the Selection Committee while selecting the Petitioner for the post of Commercial Instructor.

6. That the work, conduct and performance of the Petitioner has also been outstanding and his efforts were always appreciated by superiors in token whereof a certificate of merit dated 15.8.89

was issued by the Principal Shri N. P. Singh in favour of the Petitioner, a true copy whereof is being attached as ANNEXURE R-9 hereof.

7. That in accordance with the report of the Railway Accident Inquiry Committee 1968 (The Kunzru Committee) recommended that the Instructors for the Training School should be selected by a Selection Committee after undergoing a test devised to assess their capacity and aptitude for teaching and thereafter should undergo a Teachers Training Course in an Institute. The recommendations were duly accepted by the Railway Board. A true copy of the relevant extract of the said Committee Report is attached as ANNEXURE R-10 ~~in~~ hereof. It may be mentioned in this context that the Petitioner was subjected to the test prescribed by the report of the Kunzru Committee and he was selected thereat as would be evident from a perusal of ~~his~~ his orders of appointment Annexures 3 and 4 to the Original Application. This leaves no manner of doubt that the applicant was directly recruited as Commercial Instructors after undergoing the formalities of selection and test by a duly constituted Selection Committee for the said purpose and accordingly he could not be ~~in~~ repatriated anywhere. The deponent is advised to state that he is entitled for absorption and confirmation against the permanent post of Commercial Instructor in Zonal Training School, Chandausi and contentions to the contrary are incorrect and liable to be turned down.

22/4/92  
[Signature]

8. That the Railway Board also issued Circular No. 231-3/25/III(E-iv) dated 6.7.1962 directing that no permanent post should be kept unfilled and the permanent post ~~shall~~ occupied by the temporary staff should be quarterly reviewed and a special drive should be launched for confirmation of staff against all available vacancies and certificate furnished. A true copy of the Circular dated 6.7.62 is being annexed as ANNEXURE R-11 herof. The Opposite Parties have been disobeying the instructions contained in this Railway Board's Circular, in so far as 11 permanent post of Commercial Ins ructors comes from Zonal Training School, Chandausi and although occupied by the temporary staff, confirmation have not been resorted. A true copy of the Circular dated 6.7.62 is <sup>already</sup> ~~being~~ attached herewith as ANNEXURE R-11 with this affidavit.

9. That on the basis of the Railway Accident Inquiry Committee, the Railway Board through Circular S.No. 5095, Circular No. 940-F/C/2(F IV) dated 5.9.1970 directed that the persons with outstanding record of work should find their way into the Railway Training School as Instructor. It was also prescribed therein that the post of Commercial Instructor should be filled by selection from amongst the persons either in the same scale or in scales upto two steps lower than the scale allotted to the post of Instructor. A true copy of the said Circular dated 5.9.1970 is being attached as ANNEXURE R-12 herof.

22/4/92

18

10. That as per Circular letter No.E(LG)II-S3/RRI dated 1.8.1983 issued from the Railway Board, it has been laid down that the Zonal Railways and Production Units are also competent to make direct recruitment against Group C posts. The post of Commercial Instructors is included in Group C and hence Zonal Railway was competent to recruit the applicant directly on the said post after selection and test. A true copy of this Circular dated 1.8.83 is being attached as ANNEXURE R-13 to this Writ Petition.

11. That in accordance with the Code for the Accounts Department of the Indian Railways Part I Revised Edition 1984, a Cadre Register is maintained and under Para 1319 the cadre has been defined to mean the strength of service or part of a service sanctioned as a separate Unit. As already stated, 11 posts of Commercial Instructor in Zonal Training School, Chandausi are permanent and ~~ms~~ against these permanent posts none of the Instructors have been confirmed. There is no justification worth the name for not confirming, the incumbents of these permanent posts. Although in accordance with the Standing Orders of the Railway Board, on expiry of the maximum period of probation, an incumbent should be confirmed against the permanent post. A true copy of the Code for Accounts Department of Indian Railways is being attached here as ANNEXURE R-14 hereof.

22/4/82

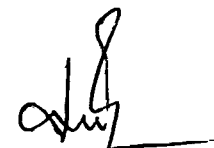
12. That the Opposite Parties have pleaded in paragraph 7 of the Counter Affidavit that the Petitioner has been confirmed as Assistant Station Master which is a post of Operating Branch of the Indian Railways of Jodhpur Division, and the Petitioner having ~~thereby~~ established a lien against the post of Assistant Station Master, can not be absorbed or confirmed as Commercial Instructor in Zonal Training School, Chandausi. The order of the alleged confirmation of the applicant was obtained only for the purpose to defeat the application. It is highly relevant in the present context to mention here that none of the candidates of the Petitioner's batch have been confirmed. It is also submitted that the candidates belonging to the preceding and succeeding batches of the Petitioner have also not been confirmed. The procedure obtaining in the Indian Railways is that yearly list of candidates who are selected and confirmed on permanent posts are regularised containing the names of several candidates in a single order. There is no justification for departure from that established procedure and practice. There is no explanation why the preceding and the succeeding batches were not considered and confirmed while the applicant alone was confirmed as Assistant Station Master. It may also be mentioned that the maximum period of two years, the Petitioner was selected and directly recruited as Commercial Instructor in Zonal Training School, Chandausi, and hence there was no reason or occasion for the Opposite Parties

to have confirmed the Petitioner as Assistant Station Master; whereas the Petitioner was eligible and entitled for confirmation as Commercial Instructor against the permanent post of Commercial Instructor held by him for more than a decade. Thus, the pretext of the Petitioner having been confirmed in an illegal, arbitrary and malafide manner on the post of Assistant Station Master and the said confirmation order having been issued during the pendency of the Original Application No.387 of 1990 is inconsequential and does not at all effect the rights of the Petitioner involved in the application.

13. That the deponent has compared the Annexures R-7 to R-14 with their originals and certifies them to be true copies thereof.

Lucknow:

Dated: 22-4-1992.

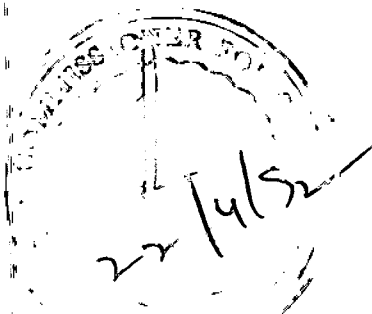


Deponent

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 13 of this Supplementary Rejoinder Affidavit are true to my own knowledge; whereas those of paragraphs 14 to 15 are believed by me to be true on the basis of legal advice. No part of it

.. / 8




is false and nothing material has been concealed.  
So help me God.

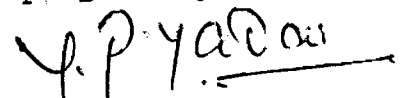
Signed and verified this the 22nd. day  
of April, 1992 in the court compound at  
Lucknow.

Lucknow:


Dated: 22.4.1992.

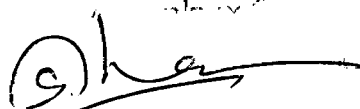
  
Deponent

I identify the deponent who has signed  
before me and personally known to me.

  
Advocate.

22/4/92

  
10.25  
S. M. Singh  
Y. P. Yadav Adv.

  
ALL INDIA  
2074 COMPTON  
High Court, Lucknow  
Lucknow Bench Lucknow  
No. 28/1270  
22/4/92



WESTERN RAILWAY

[illegible]

000137

51-1045



आनो भद्राः कृतवो यन्तु विश्वतः

(Let noble thoughts come to us from all sides)

This is to certify that Shree प्रमाणित किया जाता है कि श्री

This is to certify that Shree

महाराष्ट्र राज्य सरकार

Designation: Commander Headquarters

23/03/2020

Railway..... *Nov 1880* has successfully completed

पाठ्यक्रम सत्र दिनांक

Course session from ..... to ..... are placed in

.....  
श्रीगणेश उतीर्ण ह्य

Grade.

**શ્રેણી** **Grade**

	A	B	C	D	E
आ	80%	70% to 75%	60% to 69%	50% to 59%	Below 50%
क	70%	79%	69%	59%	
ख	60%	69%	59%		
ग	50%				
घ	50%				

Date

100

महानादामे पिता मे

सम्पूर्णानन्द-संस्कृत-विश्वविद्यालयः, वाराणसी  
शिक्षाशास्त्री ( बी० एड्० ) परीक्षालब्धाङ्कपत्रम्

R-8

सन् १९७५

No 361

अनुक्रमाङ्कः.....

प्रवेशसंख्या.....

परीक्षार्थिनाम.....

स्थानसङ्केतः.....

पत्रनाम-विषयनाम	पूर्णाङ्काः	प्राप्ताङ्काः	विवरणम्
सैद्धान्तिकविषयाः			
१. शिक्षाः मनोविज्ञानम्	१००	६०	उत्तीर्णः ✓
२. शिक्षाविज्ञानः	१००	६८	सैद्धान्तिके श्रेणी प्रप्तः
३. शिक्षासिद्धान्ताः, शिक्षाविषयज्ञान	१००	५६	प्रायोगिके श्रेणी प्रप्तः
४. पाठशालाप्रबन्धः, स्वास्थ्य-विज्ञानञ्च	१००	५०	विशेषश्रेणी प्राप्ता
योगः	४००	२४४	उत्तीर्णः
प्रायोगिकम्	२००	१२२	विशेषविषये उत्तीर्णः/अनुत्तीर्णः
सम्पूर्णयोगः	६००	—	
विशेषविषयः	२००	—	

परीक्षाधिकारी  
सम्पूर्णानन्द-संस्कृत-विश्वविद्यालयस्य

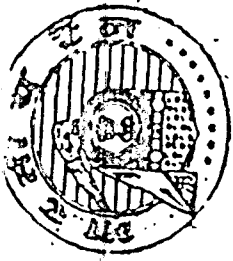
लेखकस्य हस्ताक्षरम्

पर्यवेक्षकस्य हस्ताक्षरम्

( १ ) लब्धाङ्कपत्रस्य प्रतिलिपिप्राप्तये शुल्कं चत्वारि रूप्यकाणि ।

( २ ) यस्मिन् पत्रे, विषये धोमे वा छात्राः अनुत्तीर्णाः तस्य पत्रस्य, विषयस्य, योगस्य वा अङ्काः रेलया मण्डलीकृताः सन्ति ।

22/4/75



प्रधानाचार्य,  
क्षेत्रीय शिक्षण मस्यान,  
रा. रो. चन्दौसी  
PRINCIPAL,  
ZONAL TRAINING SCHOOL,  
N.R., CHANDAUSI.

**NORTHERN RAILWAY**

**ZONAL TRG. SCHOOL,  
CHANDAUSI.**

**No. 21/Award/89**

**dated 15th Aug. 1989**

**CERTIFICATE OF MERIT**

Shri S. N. SINGH ..... Designation ..... Commercial Training Officer

is awarded this appreciation certificate for his Good  
Performance during the year in the Zonal trg. School,  
Chandausi.

In recognition of his performance, he is granted  
a Cash Award of Rs. 100/-

A copy of this certificate is being placed on  
his Service Record.

*and*

( N.P.SINGH )  
PRINCIPAL

*Handwritten signature*  
R-9

REPORT

OF

THE RAILWAY ACCIDENTS  
INQUIRY COMMITTEE 1968

PART I

NOVEMBER, 1968

209. *Instructors:* —The Kunzru Committee recommended that the Instructors for the training schools should be selected by a Selection Committee after undergoing a test devised to assess their capacity and aptitude for teaching and thereafter should undergo a teachers' training course in an Institute. The Kunzru Committee further suggested that the services of experienced Instructors should be utilized beyond 58 years if physically fit. The Railway Board accepted these recommendations.

*[Signature]*

22/4/92

IN THE COURT OF THE DISTRICT JUDGE  
MUMBAI, BENCH OF DISTRICT JUDGE.

O.A. No. 357 of 1992(1)

S. S. Singh ..... Applicant.

versus

Union of India ..... Respondent.

14/7/92

BEFORE THE COURT OF THE DISTRICT JUDGE  
OF MUMBAI, BENCH OF DISTRICT JUDGE.

I, <sup>Anurag</sup> S. S. Singh, at present working

as Principal, Local Training School,

North m Railway, Chandanui, do hereby

solemnly affirm & state as under :-

1. That the official above named is working under the respondents as such fully conversant with the facts and circumstances thereof her in-  
abundantly clear.
2. That the before giving reply to the contents of rejoinder application,

Cont .....

Filed today

crh


25/5/92

20/4/92

:: 2 ::

out that with  
it is brought to the knowledge of this  
original application the applicant filed  
another Original Application No. 2343 of  
1991 before the Principal Bench of  
Central Administrative Tribunal, New  
Delhi and which has been disposed of  
vide judgment dated 13.11.91. A copy  
of judgment is being filed herewith as  
Annexure No. 3C-1 to this reply.

3. That it is also relevant to state here,  
that in the said Original Application  
No. 2343 of 1991, the applicant had  
also prayed amongst other the interim  
relief that respondents be restrained  
from <sup>implementing</sup> ~~implementing~~ the transfer orders  
till the decision of the case or atleast  
till the end of the school session or  
till the expiry of one year. The  
one year period has also passed but  
applicant did not carry out the transfer  
order.

- 
4. That the contents of paras 1(a) & 1(b)  
of the rejoinder application do not call  
for any reply.

5. That the contents of paras 1 to of the rejoinder are denied. The transfer order is perfectly valid and legal and passed by the competent authority and is in <sup>Consonance</sup> ~~consonance~~ with Railway Board's letter No. E-61/TIC/40 dated 8-12-61, a copy of which is being filed herewith as Annexure No. SC-2 to this reply.

6. That the contents of para 4 of the rejoinder do not call for any reply.

7. That the contents of para 5 of the rejoinder are denied and the contents of para 5 of the counter reply is reiterated as correct. It is further submitted that since the applicant was not directly recruited as Commercial Inspector, but as an Assistant Station Master in the Operating Department, as such the Railway Board's circulars

Cont ....4

 29/1/72

:: 4 ::

annexed with the rejoinder to R-1 and R-2 have no application in the present case. The Annexure to R-2 exhibited with rejoinder is a copy of <sup>information</sup> ~~important conveyed~~/ furnished by the Principal to Head Quarters Office on proforma and the word, "sanctioned permanent posts" connotes the meaning sanctioned ex-cadre posts as there is no permanent post of Instructor ever existed in the Zonal Training School, as such there can be no question of the applicant being confirmed against the post of commercial Instructor.

As the applicant was holding his lien on the post of Assistant Station Master (Operating Department) on Jodhpur Division, he has correctly been repatriated to his parent Division on completion of the prescribed period and his averment that he was not holding any lien on any permanent/temporary

Contd....

  
29/1/92

:: 3 ::

post of any kind before <sup>being</sup> reported as  
Commercial Instructor (Ex. Cadre) Post  
in the year 1950, is wholly misconceived  
and wrong.

It is further confirmed by the ex  
panel of Commercial Instructors dated  
29.07.53 exhibited by the applicant as  
Annexure No. 4 that the post of  
ESM empanelment is an ex-cadre post.

As regards confirmation of a -  
licant on his original post of Assistant  
Station Master on the Godapur Division,  
his contention ~~that~~ that the same is  
not legal, is totally incorrect and  
he has not submitted any representation  
through official channel against such  
confirmation order.

3. That the contents of para 6 of the  
rejoinder are denied and the contents  
of para 6 of the counter reply is  
reiterated as correct.

Contd....6

  
29/4/52

9. That the contents of para 7 of the rejoinder are denied. As explained in para 7 of the reply hereto, it is incorrect that the applicant was appointed directly as Commercial Instructor. He has therefore been correctly repatriated to the parent post on which he is holding a lien.
10. That the contents of para 8 of the rejoinder are denied and the contents of para 8 of the counter reply is reiterated as correct. His request for notice of imposition of penalty of reduction by two stages in the same time scale issued to the applicant on 13.6.90. It is stated that the same was sent by Registered A.D./Post to his residence quarter No. 27-B in 2001 Training School premises, but the same was returned with remarks of postal authority that not found on

Contd....7

B  
29/12

15.5.90, 16.5.90, 17.5.90, 18.5.90,  
20.5.90, 21.5.90, 22.5.90 , Hence  
returned . The NIP again sent to his  
native address which was also returned  
by the postal authority as could not  
be delivered . Two ministerial staff  
of the Zonal Training School 3/Shri  
D.V. Gupta, Assistant Superintendent,  
and Ram Singh, Head Clerk, were deputed  
to deliver the said NIP to the applicant  
on 14.6.90 and as the applicant was  
not available , the NIP was pasted  
on the main door of the Railway Quarter  
No. 27/3 at 16/40 hrs.

11. That the contents of paras 9 to 12 of  
the rejoinder do not call for any  
reply.
12. That the contents of paras 13 & 14 of  
the rejoinder are denied and the contents  
of paras 13 and 14 of the counter reply  
is reiterated as correct. As per

:: 5 ::

confirmation , detailed reply has already been furnished. In terms of Railway Board's Letter No 2(MGT/1/88 CM-5/2 dated : 20.01.89 confirmation of an employee is done only once in service period and applicant has been confirmed as Assistant Station Master, Godanpur, a copy of said letter is being filed herewith as Annexure No. SC-3 of to this reply.

Further in terms of schedule of powers on Disciplinary matters, Principal Zonal Training School , Chandausi being the Administrative head and also a Junior Administrative Grade Officer of the operating Department to the which the applicant belongs. The imposition of punishment as a result of DCAI action by the Principal is fully justified.

11. That the contents of para 15 of the rejoinder do not call for any reply.

Contd....9

... 5 ....

14. That the contents of paras 16 to 18 of the rejoinder are denied and to see of paras 16 to 18 of the counter reply is reiterated as correct. The applicant was correctly spared on re-appointment to his parent Division after completion of tenure, and the interim relief was already rejected by this Hon'ble Tribunal. After filing the present application and without waiting for adjudication on the same, the applicant approached Principal Bench Central Administrative Tribunal, New Delhi, for similar relief concerning the fact of having filed the present original application in Lucknow Bench the Hon'ble Principal Bench, New Delhi where upon dismissed his application.

15. That the contents of para 19 of the rejoinder application do not call for any reply.

Lucknow:

Dated : 20/4/92

:: 10 ::


VERIFICATION

I, official above named do hereby verify  
that the contents of para 1 of this reply  
are true to my personal knowledge, and  
those of paras 2 to 15 are believed by me  
to be true on the basis of records  
and legal advice.

~~Signature~~:

Chandani

Dated: 20.4.2012

  
20/4/12  
(ANURAG)  
Principal Zonal Tr,  
School, Chandani

Annexure No. SC-1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\* \* \*

J.A. NO. 2343/1991

DATE OF DECISION 13.11.91

SHRI S.N. SINGH

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI D.K. CHAKRAVORTY, HON'BLE MEMBER (A)

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI G.D. BHANDARI

FOR THE RESPONDENTS

...SHRI B.K. ASSARWAL

1. Whether Reporters of local papers may be allowed to see the Judgement? *de*

2. To be referred to the Reporter or not? *de*

J U D G E M E N T

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J))

The applicant, A.S.M. working as Commercial Instructor, Zonal Training School, Northern Railway, Chandausi at the relevant time, filed the application under Section 19 of the Administrative Tribunals Act, 1935, aggrieved by the order dt. 5.10.1991 (Annexure A-1) which is as follows :-

Northern Railway

Zonal Trg. School,  
Chandausi.

NOTICE

Shri S.N. Singh, Comm. Instructor, Zonal Trg. School, N. Railway, Chandausi is hereby spared on

ATTN: Encl

2 (S.N. SHARMA)  
1 ref. Encl  
2 T.S. CHANDAUSI

- 2 -

05/10/1991 forenoon on repatriation to report to  
Divl. Railway Manager, Northern Railway, Jodhpur  
for further orders.

His pay @ Rs.1560/- (Rate of Pay) upto  
02/10/91 has already been charged by this office and  
onward be charged by DRM/Jodhpur.

He is allowed usual joining time.

This has the approval of General Manager,  
Northern Railway, Hd.Qrs. Office, Baroda House,  
New Delhi.

Sd/-  
(M.M. SINGHVI)  
Principal

Notice No: 21/Cokkl/Part.VII dated : 05/10/1991

Copy forwarded for inf. & N/Action to :-

1. S.P.O.(Union)N.Rly.Hd.Qrs./New Delhi.
2. CSS, SPD(T&C)/Hd.Qrs.Office,/New Delhi.
3. DRM & Sr.DAO/Jodhpur-The earlier spare orders  
dated :13/3/91 of the above named were pending as  
per HQrs.Order. He has now been spared with the  
approval of General Manager, N.Rly., New Delhi.
4. Sr.DAO/Moradabad.
5. Divl.Secretary, Northern Rly.Eun's Union/Moradabad.
6. Chief Comm'l.Instructor, ZIS-CH for needful.
7. Bill Clerk, ZIS-CH.
8. Shri S.N.Singh, Comm'l.Instructor.(IN OFFICE)

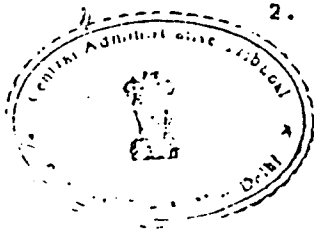
Second Class Pass No:182575 dt :05/10/91 issued in  
favour of Sh.S.N.Singh, Comm'l.Instructor.Ex.CH-JU  
is attached herewith.

DA/JNE Duty Pass No :182575 dt.:05/10/1991 (TRANSFER)

2.

The applicant has claimed the following reliefs :-

To set aside and quash the impugned transfer orders  
dt. 5.10.91 (A-1) being mala fide, arbitrary and  
badly vitiated and direct/command the respondents to  
allow the applicant to continue to discharge the  
duties of a Commercial Instructor in the interest of  
justice.



Attested  
2-1-91

The applicant has also claimed the following

interim relief :-

In view of the facts and circumstances of the case, the enormity of the grievance and the hardships caused to the applicant by repeated transfer orders issued by the two competent authorities and the irreparable loss which will be resulting to the applicant and to his school going children also which is not possible to be compensated in terms of money, it is respectfully prayed that this Hon'ble Tribunal be kindly pleased to restrain the respondents from implementing the transfer orders of the applicant till the decision of this case or at least till the end of the school session or till the expiry of one year as stipulated in Railway Board's orders (A-8) in the interest of justice.

4. In para-7 of the Original Application, the applicant has stated as follows :-

"MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicant further declares 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."

5. The grievance of the applicant is that though he earlier joined in Jodhpur Division as ASM in January, 1979, but on his request, he was transferred by the General Manager from Jodhpur Division to the Zonal Training School, Chandausi as a Commercial Instructor in the existing grade and pay on ad-hoc basis. The applicant has been working since 8.9.1980 in the said institution. According to applicant, the Chief

Attested  
2-2-81



Safety Superintendent on behalf of General Manager (P) is the competent authority to effect transfer/promotion/posting/repatriation. It is also stated by the applicant that he was holding the post of Assistant Secretary, Northern Railway Men's Union (NRMU). The policy regarding the transfer of the staff has been very well laid down in various circulars issued by the Railway Board which makes it clear that mid school session transfers should be kept down to the minimum required in the interest of administration. Regarding transfers of office holders of the recognised unions, the Railway Ministry has also laid down very clearly that when it is proposed to transfer an office bearer of a recognised state union, sufficient notice of proposal for the transfer should be given to the union concerned. It is stated by the applicant that the Principal of the Zonal Training School, Chandausi has been harbouring illwill and animosity due to the trade union activities of the applicant, who has been in the front lines for espousing the grievances and cause of the Railway workers. Earlier also in November, 1987, the applicant was arbitrarily transferred, but the said order of transfer was quashed by the Central Administrative Tribunal. It is further stated that once again vide orders dt. 19.3.1991, the applicant was transferred by misusing the administrative powers, though respondent No.2 is not the competent authority nor the cadre controlling authority of

Atticus



the applicant as he himself is functioning on an ex-cadre post. Against this order of 19.3.1991, the General Secretary, NRMU took up the matter and the matter was kept pending. The respondents contested this application and raised a preliminary objection, wherein it is stated that the applicant has concealed the fact of his filing an earlier application No. 387/90 (L) before the Circuit Bench, Lucknow against the impugned order dt. 20.4.1990 which is also against the order of repatriation of the applicant to Jodhpur Division to which the applicant belongs. Respondents have filed a photostat copy of the Original Application in which respondents Nos. 2 and 3 are the same as in the present application. The impugned order shown in that case is dt. 20.4.1990 and the grievance of the applicant is repatriating the applicant to the parent division from Zonal Training School, Northern Railway, Chandausi. The relief claimed in the application filed before the Circuit Bench, Lucknow is that the order dt. 20.4.1990 be quashed and direct the respondents to confirm the applicant against the post of Commercial Instructor in Zonal Training School, Chandausi and to give him seniority w.e.f. the date of his first joining the said post with all other consequential and incidental benefits as if the applicant belongs to the cadre of Commercial Instructor. In that application filed in Lucknow, Circuit Bench, the applicant has also claimed the interim relief that the respondents may be directed not to revert the applicant to his parent department pending a decision of the application. The

Attested  
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applicant in para-23 of this application has clearly stated that a fresh bid has been made vide order dt. 19.3.1991 (Annexure A-12) to transfer the applicant. This order dt. 19.3.1991 is on the subject of repatriation of Sh. S. N. Singh Commercial Instructor, Zonal Training School, Chandausi to his parent division, i.e., Jodhpur Division. This letter is in continuation of the office letter dt. 20.4.1990 which has been challenged by the applicant in the CA 337/90 before the Circuit Bench, Lucknow. This letter dt. 20.4.1990 has been issued under the authority of the Railway Board's letter dt. 20.3.1989. The letter impugned in this application dt. 3/5.10.1991 is only stating the applicant from the forenoon of 5.10.1991 on repatriation to report to Divisional Railway Manager, Northern Railway, Jodhpur. The copy of this impugned letter dt. 5.10.1991 has been forwarded to DRM and Senior DAO of the Jodhpur in which it is written that "the earlier spared orders dt. 19.3.1991 of the above named were pending as per Head Quarter's orders. He has now been spared with the approval of the General Manager, Northern Railway, New Delhi." The order dt. 19.3.1991 referred to by the applicant in para-23 of the application clearly mentions about the order dt. 20.4.1990. Thus there is a course of action which has arisen from the order dt. 20.4.1990 which has been challenged by the applicant before the Circuit Bench Central Administrative Tribunal, Lucknow. The order

*Attested*  
*+*

dt. 20.4.1990 clearly mentions that under Railway Board's direction, the applicant, Shri Singh and five others are to be repatriated to their parent Division soon. "Those who want to be spared early due to scholastic session or otherwise should apply immediately." This is at p-26 of the paper book. Thus the preliminary objection of the respondents is that the present application is not maintainable as the earlier application filed with No.387/90 before the Circuit Bench, Lucknow in November, 1990 covers the same subject matter of the grievances of the applicant.

6. We have heard the learned counsel at length. Confining to the preliminary objection, it is evident from the record that the applicant has approached the Circuit Bench, Lucknow sometimes in November, 1990 for getting the orders of repatriation dt. 20.4.1990 quashed. This letter dt. 20.4.1990 is regarding repatriation of the applicant to his parent division, i.e., Jodhpur Division where the applicant was appointed in 1979 as ASM. After filing this Original Application before the Circuit Bench, Lucknow, the matter of the applicant was taken up by the General Secretary, MPMU and finally the Railway Board Ours., Bhabha House by the letter dt. 3.10.1991 (Annexure B-4, p-46 of the paper book) upheld the repatriation order. It is in

de



pursuance of this order of the Railway Head Quarters that the impugned order dt. 5.10.1991 was issued. Thus the cause of action that has arisen to the applicant by the order dt. 28.4.1990 and by subsequent orders of 19.3.1991 mentioned in para-23 of the application and by the basically impugned order is the same. Thus the applicant has deliberately concealed the fact from being mentioned in para-7 of the Original Application quoted above. The applicant, therefore, has not come with clean hands. The applicant should have disclosed this fact that his repatriation to the Jodhpur Division has been challenged by way of an application before Circuit Bench, Lucknow and that Original Application has also been admitted as is evident by Annexure-1 to the counter by the order of the Bench dt. 4.3.1991 which reads as follows :-

"Heard the learned counsel for the applicant.

Admit.

Issue notice to respondents to file a counter affidavit within four weeks to which the applicant may file rejoinder within two weeks thereafter. List before D.R.(J). on 22.4.1991 for completion of pleadings and thereafter to fix for final hearing.

As regards interim relief, the same is rejected at this stage."

7. The second point that comes is whether the present application is maintainable in view of the earlier application filed 22.3.87/90 before Circuit Bench, Lucknow. The learned counsel has relied on the authority of AIR 1974 SC 1320 Division

Bench that this present application is not barred by principles of res judicata in as much as the applicant has challenged there the order of deportation dt. 20.4.1930 while in the present application, the applicant has challenged the order of being spared by the impugned order dt. 5.10.1931. The applicant has himself contended in the application as well as the learned counsel for the applicant has filed certain papers to show that the applicant has not been relieved and the impugned order dt. 5.10.1931 has not been carried out while it is evident from the record that order of 5.10.1931 is based on the earlier orders of 20.4.1930 as well as 19.3.1931. Thus two proceedings cannot be drawn by the applicant at two different places and the applicant was within his right to seek amendment of the Original Application filed before the Circuit Bench, Lucknow to bring about the same application in line with the changed circumstances, as the applicant has been spared only in pursuance of the letter dt. 20.4.1930 challenged before the Circuit Bench, Lucknow. The applicant, therefore, cannot draw two parallel proceedings at two different places, one in the Circuit Bench at Lucknow and the other at the Principal Bench, Delhi. The present application, therefore, is not maintainable as already the applicant has filed an application almost for the same relief before the Circuit Bench, Lucknow and the interim relief claimed in this application is almost the same as has been rejected by the Circuit Bench, Lucknow by the order dt. 4.3.1931.

8. The learned counsel for the applicant also vehemently, argued that the counter filed by the respondents cannot be read as such because the verification clause of the said counter is defective. We have considered that aspect also, but that defect is only of formal nature. Shri S.C.Sharma, Vice-Principal, Northern Railway has verified the contents of the reply on the basis of his knowledge and belief and upon legal advice. The knowledge may have been drawn by the verifier, Shri Sharma from the records. That to our mind is not fatal defect. Though learned counsel has referred to a judgement on the Review Application in Union of India Vs. R.K. Kapoor decided on 3.11.1989 by the Principal Bench holding the defective verifications as fatal. However, no copy of that order has been filed. The language of the verification used in the counter is clear and unambiguous and the knowledge which has been referred to by the verifier can very well be attributed to a knowledge drawn from the records. In any case, the verifier has verified the contents of para-1 of the preliminary objection upon information received and believed to be correct. It is only para-1 of the counter regarding the preliminary objection which is being considered regarding maintainability of the present application.

9. Though we have also heard the learned counsel on merit, but we refrain to enter into the merits of the case for the

66

simile reason that the matter is pending before another Bench of the Central Administrative Tribunal at Lucknow and the matter involved in that earlier instituted application No.387/91 is almost the same as in the present application No.2343/91 of the Principal Bench. We cannot usurp the jurisdiction of Circuit Bench, Lucknow and any discussion by us may prejudice the respective stand of the parties in that case. The applicant has concealed all these facts and he has not come with clean hands.

10. In view of the above discussion, we find that the present application is not maintainable and is dismissed not on merits, but on the preliminary objection raised by the learned counsel for the respondents leaving the parties to bear their own costs. A copy of this judgement will be sent by Registry to the Additional Registrar, Circuit Bench, Lucknow alongwith the copy of the present Original Application to place on record on the file of CA 387/90(L)-S.N. Singh Vs. JJI and Another.

(J.P. SHARMA) 13.11.91  
MEMBER (J)

(J.K. CHAKRAVARTY)  
MEMBER (A) 13/11/91

CERTIFIED TRUE COPY

Dated: 13/11/91  
Sd/- (Signature)  
Sd/- (Signature)  
Sd/- (Signature)  
Sd/- (Signature)  
Sd/- (Signature)

Annexure No SC-2

Serial No. 1431.—Circular No. 940-E/O/2(Eiv), dated 11-1-1962.

Sub.—Recommendations of the Railway Technical Training School Committee, 1961.

A copy of Railway Board letter No. E/61/TTC/40, dated 5-12-1961 is forwarded for information and guidance. The Board's letters dated 18-10-1958, 2-1-1959 and 16-11-1959 referred to therein were circulated under this office endorsement Nos. 940-E/O(Eiv), dated 5-1-1959, 30-1-1959 and 940-E/O/2(Eiv), dated 24-2-1960 respectively.

*Copy of Railway Board's letter No. E/61/TTC/40, dated 5-12-61 to the General Managers, all Indian Railways etc.*

Sub.—Recommendations of the Railway Technical Training Schools Committee, 1961.

In their recommendations Nos. 73, 74 & 75, the Railway Technical Training Schools Committee, 1961, have recommended as under —

- (i) The present practice of getting instructors on deputation from the departments for a few years is suitable and calls for no change.
- (ii) The period of deputation of staff as instructors should be at least four years and the full period of deputation must be served. When due promotion in their own departments during their tenure as instructors their interests should be protected under the "next below" rule.
- (iii) Instructors should ordinarily be selected from cadres having a measure of supervisory function and junior men in the cadres given a chance to work as instructors for a period.

2. The Board have carefully examined the above three recommendations and decided that they should be accepted generally. They desire that the railway administrations should take action as follows :—

- (i) The existing practice in filling up the posts of Instructors should continue ;
- (ii) The tenure of the posts of Instructors will normally be for a period of 4 years instead of 3, in supersession of the orders conveyed in their letter No. E(S)I-56CPC-194, dated 2-1-1959. The incumbents of the posts of Instructors will, however, hold the posts so long it is necessary in the interest of administration. The interests of the Instructors who become due promotion in their own department during their tenure in these posts, are already protected under Board's letter No. E(NG)59PA8-8, dated 16-11-1959.
- (iii) The Instructors should ordinarily be selected from the cadres having a measure of supervisory function, wherever feasible. A reference in this connection is also invited to para. 1 (i) of Board's letter No. E(S)56CPC-194, dated 18-10-1958 regarding filling up of the posts of Instructors.

1069

Annexure No SC-3

17-3-89

उत्तर रेलवे

प्रधान कार्यालय

बड़ौदा हाउस, नयी दिल्ली।

दिनांक 3-3-89

संख्या 831ई/25-1V(ई-1V)

समस्त मंडल रेल प्रबन्धक एवं मंडल स्तर अधिकारी उ.रे.

पिता समाचार एवं मुख्य लेखा अधिकारी

सेवा निदेशक, वरिष्ठ कार्मिक अधिकारी(प्रका)

महाप्रबन्धक के सहायक सचिव

बड़ौदा हाउस, नयी दिल्ली।

यु.क.सं. 9820

विषय:—अनुपस्थित कर्मचारियों के लिये स्थायी होने की प्रक्रियाओं पर रेल प्रबन्धक स्तरीकरण को स्थायी पदों की उपलब्धता से पृथक् करना।

रेल मंत्रालय के पत्र सं० ई-एनजी/1/88/सीएन/5/2 दिनांक 20-1-89 की प्रतिलिपि सूचना मार्ग. दर्ज एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है। पत्र का दिवसी अनुवाद भी साथ में भेजा जा रहा है। रेल मंत्रालय का पत्र दि० 21-1-83 जो इं. कार्यालय के पत्र सं० 831ई/203-ई-दि० 29-1-82 के अन्तर्गत भेजा जा चुका है। अपना विशेष ध्यान रेलवे बोर्ड के उपरोक्त पत्र के पैरा 9 की ओर दितया जाता है और अनुमोदित है कि बोर्ड द्वारा मंगी गई सूचना 20-1-89 तब तक कार्यवाही की गये ताकि बड़े की अवगत कराया जा सके। पत्र की प्राप्ति अवगत की।

1-महासचिव, उ.रे. मजदूर युनियन 166/2 रेलवे बंगला पंचकडियां (नयी दिल्ली) 20 प्रति

2-महासचिव वा.रे. जे.यू. 12 चेम्पसर्ड रोड, नयी दिल्ली (20 प्रति)

समस्त प्रचार रेल मंत्रालय रेलवे बोर्ड नयी दिल्ली के पत्र सं० ई(एनजी)/1/88/सीएन/5/2 दिनांक 20-1-89 की प्रतिलिपि सभी महाप्रबन्धकों को प्रेषित।

विषय:— उपरोक्त।

रेल प्रबन्धक यह जानते हैं कि भारतीय रेल स्थापना नियमावली नियंत्रण के अध्याय 25, (घ) में वर्णित वर्तमान नियमों के अनुसार किसी पद के स्थायी होने के लिये पूर्वापेक्षा यह है कि वह उपलब्ध हो और इस पर किसी अन्य रेल कर्मचारी का विरोध न हो। किसी रेल कर्मचारी को स्थायी करने के लिये स्थायी पद का पता लगाने के उद्देश्य से उस विगत तारीख नियमों के पद वाली है के साथ साथ स्थायी रिक्त पदों का पता लगाने के लिये एक अनुपस्थित प्रयोग किया जाता है। इसी स्थायी पद की उपलब्धता स्थायी रेल कर्मचारी को सेवा नियुक्ति/स्थानपत्र उच्च पद में रेल कर्मचारी के स्थायी होने, अर्थात् पदों के स्थायी पदों में बदलने आदि जैसे कारकों पर निर्भर करती है इसके अलावा वर्तमान प्रक्रिया के अनुसार स्थायी होना किसी रेल कर्मचारी के कैरियर में एक बार ही होने वाली घटना नहीं है। उन्ने प्रत्येक पद और ग्रेड में उत्तरोत्तर स्थायी होना होता है। नियमों के अंतर्गत दिया जाता है, कर्तव्य कि प्रत्येक ग्रेड में स्थायी पद उपलब्ध हो।

2- इस प्रकार कर्मचारियों के स्थायी करने के लिये स्थायी पद की पहचान करना एक समय तक जारी और अतिरिक्त प्रक्रिया बत गई है, जिसे किसी रेल कर्मचारी को स्थायी ओहदा प्रदान करने से पूर्व वर्तमान नियमों के अन्तर्गत पूरी करनी पड़ती है। स्थायीकरण की प्रक्रिया सम्बन्धी अपेक्षाओं

... जारी

मान्य करने में विहित विधान और अधिनियमों से कर्मचार ऐसी विधि अवकाश को  
 एक रत कर्मचारी को भी तक अवकाश उपचार प्रणाली में व्यवस्थापन  
 से बना करता रहता है जब कि वह स्थायी केवल उस में होता है जिसमें अपने  
 सेवा आरम्भ की थी और कुछ मामलों में तो वह प्रारम्भिक ग्रेड में भी स्थायी वही होता।  
 कुछ समय पहले सरकार द्वारा आरम्भ किये गये नियमों और प्रक्रियाओं के संशोधन के  
 अनिवार्य है। संदर्भ में स्थायीकरण प्रक्रिया संरक्षित करने के प्रस्ताव विचार किया गया है,  
 और तब यह विनिश्चय किया गया है कि स्थायीकरण को स्थायी पदों की उपलब्धता से अलग  
 किया जाये और स्थायीकरण को रत कर्मचारी के कैरियर में एक बार होते वाली घटना बनाया जाये।  
 2- उपर्युक्त विषय के अनुसार इस विषय पर सभी वर्तमान नियमों और अनुदेशों की एक समीक्षा  
 की गई है और विनिश्चय सामग्री जैसे पदोन्नति स्थायी सेवा, त्रिगुण आदि के सम्बन्ध में अप्रत्याप्य  
 वाले वाली संशोधित प्रक्रिया विनिश्चित है। :-

### 3.1 - स्थायीकरण

(क) सामान्य -

(1) स्थायीकरण रत कर्मचारी की सेवा में केवल एक बार किया जाये जो प्रारम्भिक ग्रेड में होगा।

(2) स्थायीकरण को उस ग्रेड में स्थायी पदों की उपलब्धता से अलग कर दिया जाता दूसरे  
 शब्दों में, एक रत कर्मचारी जिसने परिवीक्षा अवधि सफलता पूर्वक कर ली हो, उसके लिए  
 स्थायीकरण के बारे में विचार किया जा सकता है।

1.1 - सभी गती ग्रेडों में दो वर्षों की परिवीक्षा अवधि आरम्भ की गई है। अपेक्षित रतपथ  
 निरीक्षण, यातायात अपेक्षित आदि के मामले में जहाँ प्रारम्भिक प्रशिक्षण अवधि निर्धारित हो,  
 पूरा होने के बाद आरम्भ होगी।

(घ) जिस ग्रेड में प्रारम्भिक गती हो उस ग्रेड में स्थायीकरण।

1.2, नियुक्ति द्वारा प्रोवेंसल स्वी सफलतापूर्वक पूरा किया जाये।

1.3, किसी रत कर्मचारी के स्थायीकरण के लिए पात्र होने पर विचार करने के लिये वर्तमान  
 प्रक्रिया का अनुपातबान्धनी रखा जाये।

1.4, सभी दृष्टिकोणों से मागता स्पष्ट हो जाये पर स्थायी करने का विशिष्ट आदेश जारी  
 किया जाये।

ग-पदोन्नति पर

1.5, यदि गती नियमों में किसी परिवीक्षा की व्यवस्था न हो तो नियमित आशय पर पदोन्नति  
 रत कर्मचारी को (निर्धारित प्रक्रिया का अनुपातबान्धनी करने के बाद) सभी लाभ दिये जायेंगे जो  
 उस ग्रेड में स्थायी व्यक्ति को दिये जाते हैं।

1.6, जहाँ परिवीक्षा निर्धारित हो नियुक्ति करने वाले प्राधिकारी परिवीक्षा की निर्धारित अवधि  
 पूरी कर लेने के बाद स्वयं रत कर्मचारी के कार्य और आवरण का मूल्यांकन करेगा और उच्चतर  
 ग्रेड धारण करने के लिये योग्य पाये जाने पर वह यह घोषित करते हुए एक आदेश पारित  
 करेगा कि सम्बन्धित व्यक्ति ने परिवीक्षा सफलतापूर्वक पूरा कर ली है। यदि नियुक्ति करने वाले  
 प्राधिकारी यह समझते हैं कि रत सेवा का कार्य संतोषजनक नहीं है और उसकी कुछ और समय  
 के लिये जांच की जाही चाहिये तो उसे उस पद अथवा ग्रेड में प्रत्यावर्तित कर सकता है जिससे  
 वह पदोन्नति किया गया था अथवा जहाँ भी मागता हो परिवीक्षा की जांच बढ़ा सकता है।

1.7, यदि कोई अधिकारी संतोषजनक ढंग से परिवीक्षा पूरी नहीं कर लेता उसे  
 सेवा, उसके विन्यास की उड़ी स्वीडिंग की जाये और यदि  
 तब तक नहीं होता तो व्यक्ति की उस पद अथवा ग्रेड में  
 तब तक वह पदोन्नति हुआ था, प्रत्यावर्तित करने में कोई स्थितिवाहक नहीं होनी चाहिये।

R-11

Railway Board's letter dated 15-7-1959 referred to above was circularized to all concerned vide No. 831E/25-III(E) dated 2-9-1959. See 11.

Copy of the letter of the India, Ministry of Railways, dated 2-9-1959.

Subj. - Confirmation of staff.

Ref. No. 831E/25-III(E) dated 6-7-1962.

Subj. Confirmation of staff.

In connection with the above Subj. Question it has come to the notice of the Board that Class I and Class IV staff with two years service and above are employed as permanent posts on the Railway and they have not so far been confirmed. As there may be various reasons for non-confirmation of staff, it is up to the concerned authority or non-confirmation of staff in the scheduled classes of employees. There is a staff in higher grades, etc., but it can be a large number of posts may be filled up. Confirmation of the staff holding these posts. In this connection, the Board has been advised by the Confidential Informant, issued vide this of a confidential letter No. L-22/0, dated 15-2-1962, and mention of these posts should have no room for any permanent posts remaining unfilled. It is in view of the fact that a large number of permanent posts are held by the staff and said that in addition to the quarterly review which is being done, the confidential letter referred to above, a special duty should be assigned to the staff of all available vacancies and a certificate should be issued to the staff by 31-3-1962 that all permanent posts against which certificates should be made have been filled up actively.

A number of staff serving in the lower grade promoted to higher grades, but have not been confirmed to the higher posts concerned for various reasons. In the other the posts are held by staff who are substantially vacant. In this connection, the Board has been advised by the Confidential Informant, issued vide this of a confidential letter No. L-22/0, dated 15-2-1962, and mention of these posts should have no room for any permanent posts remaining unfilled. It is in view of the fact that a large number of permanent posts are held by the staff and said that in addition to the quarterly review which is being done, the confidential letter referred to above, a special duty should be assigned to the staff of all available vacancies and a certificate should be issued to the staff by 31-3-1962 that all permanent posts against which certificates should be made have been filled up actively.

Pl. to be made receipt

Ref. No. 831E/25-III(E) dated 13-7-1962.

Subj. Credit of Government of India to P.F. without realisation of subscription of the employees.

A copy of Railway Board's letter No. PC-62/RB-7/1, dated 12-5-1962 with the enclosure is forwarded for information and necessary action.

Reference your letter of the above subj. It is noted to decide that the addition, 1959, that the subscription and the equal to the difference on the enhanced scale of with reference to the post. It may be credited in the type of

Copy of C. & P. address to Railway Board

Subj. - Confirmation of staff

A case has arisen in the above subj. It is noted to decide that the addition, 1959, that the subscription and the equal to the difference on the enhanced scale of with reference to the post. It may be credited in the type of

2. When the nature of the work is not the same as the SRPF account of the balance sheet, etc.

3. When the created as 'Debt' effect from 1-4-53 after 1-4-1953

22/4/92 [Signature]

Copy of Railway Board's letter No. E(SCT) 70CM15/6, dated 29-7-1970.

Sub.—As above.

In the opening sentence of para 4 of General Manager, Southern Railway's letter No. P(RT) 171/1/12, dated 15-6-1959, circulated with Board's letter No. E (SCT) 58CM1/45, dated 25-8-1959, it was suggested that.—

"a Scheduled Caste employee may be declared to have passed if he obtains 30 marks out of 60 as against 40 marks out of 60 marks as at present."

This suggestion was accepted by the Board.

In fact the qualifying marks for other community candidates are 36 out of 60 and not 40 out of 60 as stated by the Southern Railway, vide Board's letter No. E58CFP/7, dated 17-12-1958. The Board therefore desire that "40" appearing in the above sentence may be substituted by "36". The revised sentence will now read as under:—

"a Scheduled Caste employee may be declared to have passed if he obtains 30 marks out of 60 as against 36 marks out of 60 marks as at present."

(This disposes of G.M., S.C. Railway's letter No. P (R) 171, dated 22-4-1970.)

Serial No. 5095.— Circular No. 940-F/O/2(FIV), dated 5-9-1970.

Sub.—Selection of Instructors in the Railway Training Schools.

A copy of Railway Board's letter No. F(NG)I69PM1/66, dated 14-8-1970 is forwarded for information and guidance. The Board's letter dated 18-10-1959 referred to therein was circulated under this office letter No. 940-E/O(FIV), dated 5-1-1959 (P.S. No. 388).

Copy of Railway Board's letter referred to above.

Sub.—As above.

It has been recommended by the Railway Accidents Inquiry Committee 1968 that persons with outstanding record of work should find the way into Railway Training Schools as Instructors. In this connection attention is invited to the orders contained in Board's letter No. F(S) I-56(PCT)104, dated 18-10-1959 according to which posts of Instructors should be filled by selection from amongst persons either in the same scale or in scales upto 2 steps lower than the scale allotted to the post of Instructor. The Board desire to reiterate that only persons with outstanding merit who have special aptitude for Instructional job should be selected for the posts of Instructors in Railway Training Schools/Centres. The Board also desire that positive steps should be taken to ensure compliance of these instructions.

( 103 )

Serial No. 5095

Sub.

A copy of Establishment No. F(E) 1165 and guidance office letter

Copy of

Rule 2017 (FR)

In Rule 2 (Fourth Reprint)

"Note.—In resp

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No. 231-R

Authority-

Serial No. 5097.

Sub.—F

n

A copy of F is forwarded here

The Board's referred to therein dated 20-6-1970 (S)

Copy of Railw

Sub.—As

Reference 12-6-1970. Certain are clarified as unde

Points

1. Whether the case reached the ma the normal cour of advance in increments or an outstanding also come with Board's orders conditions for th personal pay.

22/4/92

Signature

366

of Railway Board's letter No. E (NG) II-S3 'RRI' dated 1-8-1983.

Sub : Composition of Committees for interview in connection with recruitment to Group 'C' posts.

The Prime Minister has again expressed her views on the subject of employment of persons of Scheduled Castes, Scheduled Tribes/Minority Communities.

- As the Railways provide a large employment potential, the following instructions may be observed in the matter of Recruitment Committees.
- Direct recruitment to Group 'C' posts in the various cadres generally made by the Railway Service Commission: The Zonal Railways and Production Units also make such recruitment in the case of skilled artisans and teachers.
- In the case of recruitment conducted by the Railway Service Commissions, the Committee which conducts the interview of the candidates consists of the Chairman or member secretary of the Commission and an officer of the concerned Department nominated by the Zonal Railway.

The Ministry of Railways have now decided that all Committees constituted for conducting interviews of candidate for direct recruitment to Group 'C' posts, either on the Zonal Railways or by the Railway Service Commissions, should consist of at least three members one of whom should belong to the SC/ST communities. No member should be directly subordinate to any other member of the and another to the minority Communities. Committee. If such a Committee cannot be constituted from amongst the Chairman, Member Secretary of the Railway Service Commission and out of the officers from the Zonal Railways, any Division of workshop, a person of SC/ST and Minority communities from an adjacent Railway or another Department, and the Central Government or State Governments, or persons from outside the railway, like retired railway and army officers of Principals or national institutions or eminent persons belonging to SC/ST and

Minority communities may be co-opted to serve on the Committee. Nomination of outsiders should be from a panel of names that may be formed by the Government or the Chairman of the concerned Commission/General Manager.

क्रम संख्या 8367

संख्या:- 30ई/ 1/1 (ई-4).

दिनांक. 9-8.83.

वियम-नमिग कर्मचारियों के वर्गों भत्ते की दरों में संशोधन

रेल मंत्रालय के पत्रांक ई (पी.एंड.ए) 11-82/ए एन-1 दिनांक. 26.7.83 की तिलिपि सूचना मार्ग दर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित की जा रही है। उसमें स्लिखित रेलवे बोर्ड के दिनांक. 13.5.75 के पत्रांक पी सी 111/74/ सी सी ए/6 की तिलिपि इस कार्यालय के पत्र संख्या 30ई/ 1/1 (ईIV) दिनांक. 9.6.75 (क्रम संख्या 314ए) के अस्तंगत भेजी जा चुकी है।

सबे बोर्ड के पत्र संख्या-ई(पी एंड ए) 11-82, ए. एन-1 दिनांक. 26.7.1983 की तिलिपि :-

वियम-नमिग कर्मचारियों के वर्गों भत्ते की दरों में संशोधन।

उपयुक्त विषय पर इस मंत्रालय के 13.5.75 के पत्र संख्या पी सी 111/74/ सी.ए./6 के क्रम में, रेलों में नमिग कर्मचारियों को दिये जाने वाले वर्गों भत्ते की रा 426 आई में निर्धारित दरों में पुनः विन्यासित संशोधन करने के सम्बन्ध में सुद्वारा राष्ट्रपति जी की स्वीकृति समुचित की जाती है :-

कोटि.

वर्गों भत्ते की संशोधित वार्षिक दर

प्रभारी मिस्ट्रमें नहित अस्पताल की मेट्रम.

300.00 रुपये.

नमिग मिस्ट्रमें तथा सभी नमों.

300.00 रुपये.

मिडवाइफ तथा हेल्थ विजिटर्स

300.00 रुपये.

संशोधित दरें 8.12.1982 में लागू होंगी है।

इस रेल मंत्रालय के विल निदेशावय की नक़्क़मति में जारी किया जाता है।