

(See rule 114)

~~OA/TA/RA/CP/MA/PT~~ 433/90.....of 20.....

The All India Station Master Association Applicant(S)

Versus

.....the attention of Justice/Reply.....Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE

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- 8 - Power. ~~A253~~ A253

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

CA 433/90

31/05/2000

Hon'ble Mr. D. C. Verma - JM
Hon'ble Mr. A. K. Muralidhar - JM

order pronounced in open court today

LC

AM

JM

OR
copy of order/judgement
prepared on 12/6/2000.
CA along with original judgement
returned to dealers hand

13/8

17/2/2000

Hon. Mr. D.C. Verma, J.M.

Hon. Mr. A.K. Mishra, A.M.

The learned counsel for applicant is on leave. Sh. A.K. Chaturvedi for respondents.

List for hearing on 16/3/2000.

AM

J.M.

16/03/2000

Lawyers obtained from judicial work, case order to 24/04/2000

24.4.2000

Hon. Mr. D.C. Verma, J.M.

Hon. Mr. A.K. Mishra, A.M.

For applicant Sh. S.P. Sinha.

For respondent Sh. A.K. Chaturvedi.

For him granted general adjournment.

but for hearing on 3.5.2000.

AM

J.M.

3.5.2000 Hon. Mr. D.C. Verma, J.M.

Hon. Mr. A.K. Mishra, A.M.

Sh. S.P. Sinha for applicant.
Sh. A.K. Chaturvedi for respondent.
Hearing to be resumed.

DM

J.M.

00A.433/70

28-4-99

No sitting of DB case
adj'd to 28-6-99 for
hearing

28-6-99

How Mr D.C. Nesmy ^{BLC} JM.
How Mr A.R. Muzz ^{AM}

None for applicant.

Shw A. Trivedi B.H. for Shw
A. Trivedi

The case is very old.
However, by way of last
opportunity one more
date is given. In case
more appears on the next
date, the case may be
decided on the next date.
List on 11-8-99

AM

JM

to objection
respondent's
cannot be
filed

28-6-99 11-8-99

No sitting of DB
case adj'd to 07/12/99
for hearing

BLC

01A 433/90

2-12-97

Hon. Mr. Justice B.C. Saxena, V.C.
Hon. Mr. V.K. Sethi, A.M.

Sri S.R. Sinha, learned counsel
for applicant, seeks adjournment.

List on 7-2-98 for hearing.

V.C.
A.M.

for
V.C.

Dec

7-2-98

Hon. Mr. V.K. Sethi, A.M.
Hon. Mr. D.P. Verma J.M.

Sri S.R. Sinha, for applicant
prays for and is allowed
~~3 days~~ 3 weeks for filing
of reply to objections
filed by respondents.

List for orders on 25-3-98.

V.C.
J.M.

V.C.
A.M.

Dec

25-3-98

Hon. Mr. V.K. Sethi, A.M.
Hon. Mr. D.P. Verma, J.M.
For applicant: Sh. S.R. Sinha
For respondents: Sh. A.K. Chaturvedi
List for orders on 1-7-98.

V.C.
J.M.

V.C.
A.M.

01-7-98

No sitting at ...

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

LUCKNOW BENCH, LUCKNOW.

Original Application No. 433/90 of 1998.

T.A.R.A./C.C.P.No. of 1998.

Date of Decision: 31.5.2000

A.C. Indian Station Master Aram Applicant

Shri S. P. Sinha Advocate for applicant

Versus

U.D.I. & Ors. Respondents

A.K. Chatterjee & Ors. Advocate for
Respondents

CORAM

HON'BLE MR. D. C. Verma J.M.

HON'BLE MR. A. K. Mishra A.M.

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

[Signature]
Vice chairman/member

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 31st day of May, 2000.

O.A. No. 433/90

HON. MR. D.C. VERMA, MEMBER (J)

HON. MR. A.K. MISRA, MEMBER (A)

1. The All India Station Master's Association Registered No. 1369 Northern Eastern Railway, Lucknow Division Lucknow through its working President Sri A.P. Srivastava.

2. Ganga Saran Misra, Major son of Sri Ram Ghulam Misra, employed as Station Master, Fatehpur, District Barabanki.

3. V.S. Srivastava son of Sri R.D. Lal Srivastava employed as Station Supdt. Badshah Nagar, Lucknow.

Applicants.

By Advocate Shri S.P. Sinha.

versus

1. The Union of India, Ministry of Railways through the Secretary Railway Board New Delhi.

2. The G.M. N.E. Railway, Gorakhpur.

3. The D.R.M. Lucknow.

4. Sri Ram Shankar S.S. Nakhajangal Gorakhpur.

5. Sri Ram Dhiraj S.S. Bichhia, Bahraich.

6. Sri Hari Ram Prasad S.S. Barhani, Gonda.

7. Sri Bharat Ram S.S. Tiqunia District Lakhimpur.

7. Sri P.L. Shankwar S.S. Rawatpur, Kanpur.

8. Sri Sita Ram S.S. Behraich.

10. Sri B.N. Dass, Dy. S.S. Lucknow Jn.

11. Sri R.B. Prasad, S.S. Brijamanganj, Maharajganj.

12. Sri Brahma Nand S.S. Sahjanwa, Gorakhpur.

13. Sri Parashuram S.S. Munderwa District Basti.

14. Sri Bala Nand Prasad S.S. Pipiganj, Gorakhpur.

15. Sri Yamuna Prasad S.S. Kampiyarganj, Gorakhpur.

16. Sri Chetan S.S. Kampiyarganj, Gorakhpur.

17. Sri H.L. Henbrum Dy. S.S. Lucknow.

18. Sri Pannal Lal S.S. Burhwal, Gonda.

19. Sri Ram Bhawan S.S. Sishauli Sitapur.

20. Sri Ram Niwas S.S. Biswan, Sitapur.

21. Sri Jaleswar prasad S.S. nawagarh, basti.

22. Sri Arun Kumar Kunjroo S.S. Palia Kalan, Lakhimpur.
23. Sri Ram yash S.S. Mihinpurwa, Behraich.
24. Sri B.K. Singh Munda S.S. RTS Lakhimpur.
25. Sri Prem Chand Dy. S.S. Lucknow.
26. Sri Shet Kumar Khaloo S.S. Mehhodabad Avadh, Sitapur.
27. Sri Alar Te. Te. S.S. Bhirakhiri Lakhimpur.
28. Sri Shankar Ram S.S. Balrampur. Gonda.
29. Sri K.N. Ram, S.S. Jarwal Road Behraich.
- ~~29. Sri K.N. Ram, S.S. Jarwal Road Behraich.~~
30. Sri Ram Murti, S.M. Gonda Kachari, Gonda.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R

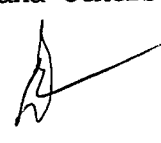
BY D.C.VERMA, MEMBER(J)

The applicants of this O.A. have prayed for quashing of seniority lists Annexures -3^{to} and 5 and for a direction to prepare a correct seniority list after correcting the mistakes done in the promotion of reserved quota candidates.

2. The brief facts of the case are that the applicant No. 1 All India Station Masters Association, Lucknow Division is a recognised Association on All India basis but the present application has been filed by the Lucknow Division Association only. All the Station Masters and Assistant Station Masters, as claimed, are members of the Association applicant No. 1. The pay scale of various posts of Assistant Station Masters (ASMs), Station Masters (SMs) and Station Superintendent (SSs) has been given in para 4 of the O.A. It has been stated that separate seniority lists are maintained in respect of every pay scale. As per recitals made in the O.A., there is no dispute in the seniority of ASMs in the scale of Rs 1200-1800 but there is a dispute in all the remaining pay scales of SMs and SSs. As per recitals made in the O.A., the Department have wrongly interpreted the Government order dated 20.4.70 circulated with the letter dated G.M.(P) of N.E. Railway under letter dated 16.5.70 in respect of quotas of SC/ST. According to the applicants, the promotion has been given on the basis of vacancies and not on the

basis of posts. Consequently, the illegal promotions of quota candidates has been made in excess. Position at the time of filing of the O.A. of S.C./S.T. candidates in the total number of posts has been indicated in the O.A. As per the details given in the O.A., in the scale of Rs 2000-3200 there were 57 posts of which 9 were for S.C. and 4 for S.T. However, 23 SCs and 6 STs were occupying the post i.e. 14 SC and 2 ST candidates were occupying in excess of the prescribed quota. Out of 14 S.C. candidates occupying the post in excess of quota, only 10^{were} entitled for the scale of Rs 1600-2660 and the rest 4 junior most were not so entitled. Similar was the position in respect of two S.T. candidates occupying the post in excess of the quota. According to the applicants, a wrong seniority list was prepared by the Department and that has affected the further promotion of the Members of the applicant No. 1 in the pay scale of Rs 2000-3200, with the result that the illegal promotions have been given treating juniors as seniors. The submission is that S.C/ST candidates promoted by virtue of quota i.e. roster point are not entitled to earn seniority against the general candidates in the light of the decision given in the case of Veer Pal Singh vs. Union of India and others decided by the Allahabad bench of the Central Administrative Tribunal reported in SLJ 1987(2), 534.

3. When this O.A. was filed in the year 1990, the case of Veer Pal Singh (supra) had been decided by the Tribunal. The position at present is that the question of seniority of reserved candidates promoted in excess of quota vis-a-vis general candidates who are promoted subsequently, and the question of occupation of the post by reserved candidates who came to occupy the post in excess of the quota were considered by the apex court in various decisions. The learned counsel for the respondents has submitted that the matter has now come to be finally settled in view of the decision of the apex court in the case of R.K. Sabharwal v. State of Punjab (1995) 2 SCC 745 and in the case of Ajit Singh II and others vs. State of Punjab and others reported in 1999 SCC (L&S). 1239. The submission of the learned counsel for the applicant is that this Tribunal has decided the similar matter in the case of O.K. Banerjee vs. Railway Board and others in O.A. no. 102/92 decided



on 11.12.97. The case of O.K. Banerjee was filed by Head Clerks in the office D.R.M. N.E. Railway and they had challenged the notification dated 13.1.92 which was for selection to six posts of Office Superintendent grade II. The claim of the applicant in the case of O.K. Banerjee was that the private respondents who belong to the S.C. category candidates were given accelerated promotion on the basis of reservation to the post of Senior Clerks and Head Clerks but actually those private respondents were junior to the applicant of O.A. 102/92. The submission of the learned counsel is that in the light of the decision of the apex court in the case of R.K. Sabharwal, the Railway Board had issued a letter on 28.2.97 wherein after referring to the Supreme Court decision in the case of Union of India vs. Veer Pal Singh Chauhan reported in J.T. 1995 (7) SC, 231 the principle for determining the seniority of staff belonging to S.C. and ST promoted earlier vis-a-vis general / O.B.C. staff promoted ^{subsequently} ~~earlier~~ were laid down and correction slip No. 25 seeking to para 319-A in Chapter III of the Indian Railway Establishment Manual, Volume I was introduced and added. It was clearly provided that it will have effect from 10.2.95 i.e. the date on which the decision in the case of R.K. Sabharwal was ~~delivered~~ ^{stayed} by the apex court. The submission of the learned counsel for the respondents is that after considering all the aspects and the correction issued by the Department, the Tribunal held that as the private respondents of the cited case were promoted as Head Clerks on 1.11.85, 9.12.86 and 29.10.87, i.e. prior to 10.2.95, their seniority could not be disturbed and the O.A. was dismissed.

4. We have heard the learned counsel for the parties at great length and we find that after the ^{present} O.A. was filed in the year 1990 various decisions have come to settle the law on the point of seniority between reserved category candidates promoted earlier and the General candidates promoted subsequently and also in respect of occupancy of a higher post by reserved candidates in excess of prescribed quota. The decisions on the point are laid down in the case of Union of India vs. Veer Pal Singh Chauhan (supra), (2) R.K. Sabharwal (supra) and (3) Ajit Singh II (supra).

For deciding the matter in the present case, we may refer to the observations of the apex court in the case of Ajit Singh II:

"Before Sabharwal was decided on 10.2.1995, it appears that in several services, the roster was initially put in operation and promotions at all the roster points were filled up. But the roster was once again operated on future vacancies, even though all the required reserved candidates were in position, at the promotional level. It was not realised that once the roster points were all filled, the roster had served its purpose and fresh members of the reserved classes could claim promotional posts only if any promotional posts already filled by reserved candidates fell vacant. The misapplication of the roster came to be removed for the first time on 10.2.1995 when Sabharwal was decided. Obviously, by that time several reserved candidates had got promotion in excess of their quota because of wrong "re-operation" of the roster points. If the law declared in Sabharwal were to be treated as retro-active as is the normal position whenever the law is declared by this Court, it would have resulted in reversions of several officers of the reserved classes as their promotions before 10.2.1995 by the fresh operation of the roster as aforesaid was wholly unjustified. This court in Sabharwal therefore, tried to prevent such reversions and declared (p. 753 of SCC para 11) as follows at the end of the judgment:

"We, however, direct that the interpretation given by us to the working of the roster and our findings on this point shall be operative prospectively."

5. In the case of Ajit Singh II a question arose whether the reserved candidates who got promotions in excess of reservation quota who in addition got the benefit of seniority in the promotional post even if such promotion was made before 10.2.95. The apex court recorded its conclusion as below:



"It is axiomatic in service jurisprudence that any promotions made wrongly in excess of any quota are to be treated as adhoc. This applies to reservation quota as much as it applies to direct recruits and promotee cases. If a Court decides that in order only to remove hardship such roster point promotees are not to face reversions, then it would in our opinion be necessary to hold consistent without interpretation of Articles 14 and 16(i) that such promotees cannot plead for grant of any additional benefit of seniority flowing from a wrong application of the roster. In our view, while Courts can relieve immediate hardship arising out of a past illegality. Court cannot grant additional benefits like seniority which have no element of immediate hardship. Thus, while promotions in excess of roster made before 10.2.1995 are protected, such promotees cannot claim seniority. Seniority in the promotional cadre of such excess roster point promotions shall have to be reviewed after 10.2.1995 and will count only from the date on which they would have otherwise got normal promotion in any future vacancy arising in a post previously occupied by a reserved candidate. That disposes of the 'prospectivity' point in relation to Sabharwal."

6. In the case before this Bench, the seniority list of the year 1987 has been challenged but we are not aware of the various dates on which the reserved candidates and the general candidates were promoted to the various posts. The details are also not on record about the various dates on which the reserved candidates promoted in excess of reservation quota superseded their senior general candidates in the previous course, were promoted in the higher grade.

7. After considering the rival contentions, we find that all the promotions made were prior to 10.2.95 as the seniority list was prepared in the year 1987 and the O.A. was filed in the year 1990. Such promotions, cannot, in the light of the decision of R.K. Sabharwal be disturbed. However, the seniority will have to be reviewed after 10.2.95, in case promotion to various levels is effected in view of the decision of the apex court in the case of Ajit Singh II (supra). Thus, we are not disturbing the seniority

list challenged by the applicant in the present case and leave the same open to the respondents to examine the same in the light of the decision given in the case of Ajit Singh II (supra) and pass necessary orders if the seniority gets affected by the said judgment.

8. The O.A. is decided accordingly. Costs easy.

MEMBER (A)

MEMBER (J)

Lucknow; Dated: 31.5.2000

Shakeel/

-6-

promoted as Head Clerks on 1.8.85, 9.12.86 and 29.6.89
respectively. Their seniority as fixed prior to 10.2.75 cannot
be altered. *for*

9. In view of the above, there is no merit in the
O.A. It is accordingly dismissed. parties shall bear
their own costs.

sd
MEMBER(A)

sd
VICE CHAIRMAN

Lucknow; Dated: 11/12/97



Certified Cop

sd
11/12/97
C.A.

sd
16/11/97

17/2/2000

Hon. Mr. J. C. Verma J.M.
Hon. Mr. A. K. Misra A.M.

The learned counsel for applicant
in leave St. A. Chaudhary for
respondents

List for hearing on 16/3/2000.

A.M.

J.M.

24/4/2000

Hon. Mr. J. C. Verma J.M.
Hon. Mr. A. K. Misra J.M.

In Application of S. P. Sinha.
For Respondent St. A. Chaudhary.
has been granted general adjournment
till for hearing on 3/6/2000

J.M.

J.M.

7/3

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

All India Station Master Association Registered
No. 1359. Northern Eastern Railway, Lucknow Di
Division, Lucknow through its working
president Sri A. P. Srivastava.

.... Applicant.

Versus

1. The Union of India through its Minister
of Railways through the Secretary Railway
Board New Delhi.
2. The General Manager N. E. Railway
Gorakhpur.
3. The Divisional Rail Manager, Lucknow
Division, Lucknow.
4. Sri Ram Shanker SS/ ~~DAWA~~ NAKIPAJANGAL
GORAKHPUR.
5. Sri Ram Dhiraj SS/ BICHHIA - BAHRAICH
6. Sri Hari Ram Prasad SS/ BARHNI - JHARSUGUDA
7. Sri Bharat Ram SS/ TIQUANIA - DISH LAKHMANPUR
- ST. 8. Sri P. L. Shankhwar SS/ RAUTHPUR. KANPUR
9. Sri Jita Ram SS/ BAHRAICH
10. Sri S. N. Dass. DY SS/ Lucknow
11. Sri. R. B. Prasad. SS/ BRIJMANGANJ - MAHARAJGANJ
12. Sri Brahma Nand. SS/ ~~SASAR BAZAR~~ SAHJANWA
GORAKHPUR.
13. Sri Parshuram SS/ MUNDERWA / BBSTI
14. Sri Bala Nand Prasad. SS/ PIPILGANJ / GORAKHPUR

15. Sri Yamyna Prasad, S.S. Pachpurwa, Gonda
16. Sri Chetan S.S. K^Mapiyar Ganj, Gorakhpur
- ST 17. Sr H.L. Hembram Dy/ S.S. Lucknow.
18. Sri Panna Lal S.S. / Burhawa^{*}-Gonda
19. Sri Ram Bhawan S. S. Sidnauli, Sitapur
20. Sri Ram Niwas S.S. Biswan, Sitapur
21. Sri Jal-sawar Prasad S.S. Navgarh, Basti
22. Sri Arun Kumar Kunjroo S.S. Palla^{KALAN}, Lakhimpur
23. Sri Ram Yash S.S. Mahinpurwa, Bahraich
24. Sri B.K. Singh Munda S.S. RTB-Lakhimpur
25. Sri Prem Chand Dy S.S. Lucknow.
- ST 26. Sri Anant Kumar Khal^{Co} S.S. Mahboodabad
Avadh, Sitapur
27. Sri Alar Te- Te S.S. Bhirakheri- Lakhimpur
- ST 28. Sri Shankar Ram S.S. Balrampur-Gonda
29. Sri K.N. Ram S.S. Jarwal Road, Bahraich.
30. Sri Ram Murti, S.M. Gondakachari-Gonda.

... Respondent.

Application under section 19 of the Central
Administrative Act. :

The Applicant respectfully begs to submit
as under:-

Details of Application:

1. Particulars of the Applicant.

(i) Name of the Applicant.	All India Students Master Association
(ii) Name of the Institution of the Applicant.	Registered M.T. Rly
(iii) Designation and office in which employed.	Lucknow Division, Lucknow, through its working president Sri A.P. Srivastava.
(iv) Nature of service of all notices.	

2. Jurisdiction of the Tribunal

The applicant declares the subject matters 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 the limitation and as prescribed in Section 21 of the Administrative Tribunal Act 1985.

4. Facts of the case.

(1) That the petitioner is a recognised association on All India Basis. The present application is being filed by the Lucknow Division Association. The aim and object of the applicant association is to look after the welfare and interest of the employees. All the Station Master and Asstt. Station Masters are the members of the applicant. Working in the Lucknow Division. Sri P. Srivastava is at present its working president and he has been authorised to file this application by the Association.

(2) That the pay scales of Station Master, Asstt. Station Master, Station Masters, and Station Superintendents in the Department are given as under:-

Pay Scale 1200-1800

Asstt. Station Master

Pay Scale 1400-2300

Station Master/Asstt. Station Masters.

4.

Pay Scale 1600-2660	Station Master
Pay Scale 2000-3200	Station Superintendent
Pay Scale 2375-3500	Station Supdt.

(3) That the separate seniority lists are being maintained in every pay scale. The post of Asstt. Station Master in scale of Rs. 1200-1800 is liable to be filled up by direct recruitment after taking into consideration all the reserve quota of S.C. and S.T. candidates. The posts of Asstt. Station Master, Station Masters and the Station Superintendents are liable to be filled up by promotion amongst the below grades incumbents present in.

(4) That the criteria for promotion on the post of Station Master is seniority subject to rejection or unfit and the criteria for the post of Station Superintendent is selection on turn and merit.

(5) That there is no dispute in the seniority of the Asstt. Station Master in scale Rs. 1200-1800 but there is dispute in all the remaining pay scales.

(6) That according to the orders of the Government of India, under letter dated 20.4.70 and further circulated by the GM/NERLY under his letter dated 16.5.1970 the quota of SC/ST to the maximum limit of 15% & 7-1/2% respectively was given on the post and services in each grade. The relevant orders are filed herewith as Annexure No.1 to this Application.

(7) That the orders of the Government have

been wrongly interpreted in the department. The promotions have been given on the basis of the vacancies and not on the basis of the posts, consequently illegal promotions of reserve quota candidates have been made in excess. The position at present is being given below.

Scale Rs. 2000- 3200/-

Total no. of posts - 57

No. of posts as per quota	SC 9	Plus +	ST 4	= TOTAL 13
Actual nos. available at present	23	+	6	= 29
Percentage	40.4%		10.5%	51%
Excess	14		2	16

Scale Rs. 1600- 2660/-

Total no. of posts 64

No. of posts as per quota	SC 10	Plus	ST 5	= TOTAL 15
Actual nos. available at present	10		Non	

8. That the above said figures reveals that out of 14 excess SC in scale Rs.2000/- 3200/- only 10 are entitled for the scale Rs.1600/- 2660/- . Rest 4 junior most and the 10 SCs available at present in scale of Rs.1600/-2660/- all are entitled for the scale of Rs.1400/-2300/-. Like wise 2 excess STs in scale Rs.2000/-3200/- are entitled for the scale Rs.1600/-2660/-

9. That the C.P.No.2 has issued a letter dated 2.3.85 in connection with SC/ST quota

6.

clarifying each and every situation by giving illustrations. Promotions made in excess of quota were to be regularised against future vacancies as per illustration no.1. In spite of such clear directions O.P.No.3 has not obeyed the orders. Instead of regularising already 7 excess promotions in scale Rs.2000/- 3200/- further illegal promotions were given to SC/ST candidates worsening the future scope of promotion to the general candidates. The letter dated 2.3.85 referred above is annexed as Annexure no.2 to this Application.

10. That the provisional seniority list of Asstt. Station Master's scale Rs. 455-700 R/s.1400-2300/- dated 29.10.87 station Masters's scale Rs.455-700 R/s. 1400- 2300 dated 13.10.86 and Station Master's scale Rs. 550-750 R/s.1600-2660 dated 23.10.87 have been issued. The copies of the seniority lists are filed herewith as Annexures no.3,4 & 5 to this application.

11. That in all the provisional seniority lists as per annexure no.3,4 & 5 the SC/ST candidates have been given seniority from the date of entry into grade among the general incumbents. General incumbents entering the grade later on are not being given their due seniority being ~~their due seniority being~~ seniors in the previous grade.

12. That the members of the petitioner individually made the objections on the provisional seniority lists contained in Annexure no.3 ,4&5 & 5.

The objections of the appointants members are still pending and have not been decided.

13. That the matter of seniority of SC/ST was also objected/ by the applicants Association in his representation but not replied by the O.P.No.3 till the date of filing this application. The representation is filed herewith as Annexure-6 to this Application.

14. That the wrong seniority list had effected the further promotions of the members of the petitioner in the pay scale of ^{Rs 1400 - 2300} Rs.1600-2660/- and in the pay scale of Rs.2000-3200/-. The illegal promotions have been made treating the juniors as seniors. The seniors have not been considered on the posts in which the criterion is selection. The comparative chart of incumbents in scale of Rs. 2000- 3200/- is being filed herewith as Annexure-7 to this Application.

18. That the Cpp.parties nos. 4 to 30 have been illegally promoted on the basis of the wrong seniority. The quota of reserve candidates have not been considered on the number of posts. It has been considered on the vacancies occurred in the particular years.

16. That SC/ST candidates promoted by virtue of quota i.e. roster point vacant are not entitled to earn seniority amongst the general incumbent, as the promotion by jumping queue ignores their turn and time is to be taken as ^{fortuitous} ~~fortuitous~~ promotion as held by Hon'ble JAT Allahabad in a reported

8.

case in SLJ 1987 (2) 534 Veer Lal Singh M/S
Union of India which reads as under:—

" The promotion on the basis of roster can only be termed as fortuitous and not in the normal course and a person who was ^{junior} ~~given~~ and got promoted to the next grade on the basis of queue breaking by virtue of the special provisions made in this regard can not claim protection of seniority against his earswhile ~~senior~~ senior who was waiting for his chance but could not be promoted because of reservation. He should get back his seniority and be fixed in the proper place in the grade to which both of them now belong."

17. That the Hon'ble Supreme Court has decided several cases in which the principle was decided to give the seniority on the basis of the seniority of the lower scale after the promotion in the next higher pay scale.

18. That the Divisional Rail Manager (P) has issued a notification on 14.9.89 in which the names of persons were published who were proposed to be considered for the preparation of the panel for promotion. In this notification the wrong seniority list which was provisional has been taken into consideration. The promotions are due amongst the candidates working in the pay scale of Rs.1600- 2660/- to the pay scale of Rs.2000-3200/- . The Notification is filed herewith as annexure no.8 to this application.

19. That the objections were raised on issuance of Notification dated 14.9.89 by the members of the applicant. The matter was heard in person by the O.P.No.3. With certain modification a fresh Notification was issued. Few ^{SC/ST} ~~senior~~ candidates were dropped and few General candidates were included but complete remedy was not given. The provisional Seniority under objection was not corrected. Fresh Notification dated 27.11.89/^{is} filed as Annexure - 9 to this application.

20. That members of the applicant again objected and prepared ^{fe} appeal ^{edu} individually. The applicant Association has also represented to O.P.No.3 in detail and requested for redressal of the objections (as Annexure no.6). But neither any reply from the O.P.No.2 was communicated till the date of filing of this application before the Hon'ble Court, nor any objection removed. Few individual appeals are filed herewith as Annexure nos. 10 & 11 to this Application.

21. That O.P.No.3 sent a Common reply on individual appeals stating "that orders of correction of seniority that were necessary to be passed by head quarter. Other relevant rules and orders are being followed as enforced at present." The objections raised were not removed before conducting selection for the formation of ^{Panel} ~~formation~~ of C.S. Grade of Rs.2000/- 3200/- The reply of O.P. No.3 is filed herewith

as Annexure no.12 to this Application.

22. That the Opp.party no.3 prepared the penal and had not considered the appeal properly submitted by the applicant. In this penal the illegal gain have been given to the juniors. The copy of the penals is filed herewith, as Annexure no.13 to this Application.

23. That the penal was given the effect by giving the promotions to 11 persons including the Opp.parties nos. 28 and 29. The copy of the promotion orders are filed herewith as Annexure no.14 to the application.

24. That the wrong procedures have been adopted in making the promotions in the order annexure no.11. The juniors have been given the promotion treating the seniors as juniors.

25. That the Divisional Rail Manager (P) has again issued another notification in which the names of the persons have been given to prepare the penal for the promotion in the pay scale of Rs. 2000-3200/- on 5.10.90. The copy of the notification is filed herewith as Annexure no.15 to this Petition

26. That the written test has already been held on the basis of Annexure no.15 but the penal has not been declared till today. In fact it can be published on any date.

27. That the mistake committed in the last selection has again been committed in this

selection

~~year~~ also. The Opp. parties no. 2 and 3 are not ready to correct the Provisional seniority list as per existing rules and relevant court judgements on the subject matter of seniority.

28. That the post of Station Superintendent *grade* is liable to be filled up by promotion amongst the persons working in the pay scale of Rs. 2000-3200/- The criteria for promotion is selection. The three times persons have to be called for the selection of the total number of vacancies. But the Senior most person of the Non SC & ST candidates are deprived due to wrong seniority and have not been called for consideration to the promotion of Rs. 2375-3500/-

29. That the Opp. parties have failed to publish any seniority list of the incumbents working in the pay scale of Rs. 2000/- 3200/-. The actual position of the seniority could not be known to the members of the applicant. The seniority list will be published by the Opp. party no. 3 in its Division and on the basis of which interse seniority was to be published by the Opp. party no. 2 by *compiling* the seniority list of all the Divisions. It has not been done but the notification for promotion for the post of SS to next higher scale of Rs. 2375-3500/- *have been issued*. The copy of the notification dated 12.9.90 has been circulated by the Divisional Rail Manager (P) Lucknow is filed herewith as Annexure -16 to this petition.

30. That if the penal for promotion will be prepared without publishing the

prepared without publishing the seniority list, it will be a great loss to the members of the applicant Association.

31. That the matter of seniority and promotion was also raised by the union known as N.F. Railway Mazdoor Union before the Opp. party no. 3 but the matter could not be decided at the Divisional level. The copy of the representations are filed herewith as Annexure 17 & 18 to this ~~petition~~ *application*.

32. That the Opp. parties nos. 2 and 3 are not ready to follow the Judicial decisions and the directions mentioned in the circular Annexure no. 2 to this application.

33. That the members of the petitioner who are non S.C./ST. candidates will suffer a great loss if the selection will be made on the basis of the illegal provisional seniority list.

34. That the notifications mentioned in the annexure no. ~~4,9~~ reply of appeals annexure No. 12, penal annexure no. 13, promotion order annexure no. 14, notification annexure no. 15 Notification annexure no. 16 *and also penal if prepared this upon* are liable to be quashed.

35. That the further promotions are liable to be stayed till the seniority lists are not being corrected and prepared as per rules in every pay scale. The promotions already made on the basis of the wrong seniority list are

liable to be reviewed.

36. ~~36.~~ That the directions are liable to be issued to prepare the 40 points Roster since 1970 and the promotions already made on the basis of wrong seniority may be reviewed.

37. That the applicant and its members have now left with no other alternative except to file this Petition before this Hon'ble Tribunal.

5. GROUND FOR RELIEFS WITH LOCAL PROVISION

(a) That the provisions contained in Annexure-1 to the application have been wrongly interpreted in the Department. The promotions ^{to SC/ST as to quota} have been given on the basis of the vacancies occurred during the year and not on the basis of the posts.

(b) That due to the wrong interpretation of the Annexure-1, illegal promotions of the reserve quota candidates have been made which are excess.

(c) That due to the wrong interpretation of Annexure-1 the excess promotions ^{against} of Reserve Quota has been done in every ^{grade} cadre. The mistake committed by the Departmental authorities is liable to be corrected by reverting the excess promoted ^{SC/ST} candidates.

(d) That the Annexure -2 is not being complied with by the authorities. The directions have been issued in this Annexure to regularise the illegal excess promotions in the reserve quota..

(e) That in the seniority list Annexure-3, 4 & 5 the seniority has been given to the S.C. / S.T. candidates from the date of entry into ~~two~~ grades

amongst the general candidates. The general candidates entering in the Grade later on are not being given their due seniority, being senior in the previous Grade. *Such seniority is to be recorded on each entry of seniors from the previous grade.*

(f) That the illegal promotions have been made treating the juniors as senior and the actual senior persons have been deprived from the promotions due to the fault of the officials and authorities of the Opp. parties.

(g) That the O.P.No. 4 to 30 have been illegally promoted on the basis of the wrong seniority.

(h) That the Reserve Quota candidates by virtue of roster point could not be promoted after taking into consideration the number of vacancies. It will be applicable on the number of posts in the cadre.

(i) That a notification was issued on 14.5.89 in which the names of the persons were published who were proposed for consideration in the penal for promotion. The wrong seniority has been taken into consideration.

(j) That the Opp. parties have accepted that the seniority lists are wrong in indirect way. They want that the order may be issued by the Head quarter.

(k) That the penal for promotion has been prepared without considering the point raised in the objections and appeals submitted by the Members of the Petitioner, and by the Petitioner itself.

(l) That the promotions are liable to be made

after preparation of the correct seniority list, but the Opp. parties are going to pass the orders of promotion in an arbitrary manner without determining the seniority. It will create the problems for the members who are actually entitled to get the promotions.

(m) That the members of the Petitioner who are general candidates will suffer a great loss, if the penal will be prepared for promotion on the basis of the provisional seniority list.

(n) That the further promotions in every ^{grade} ~~cadre~~ are liable to be stayed, ^{Till} without determining the proper seniority, of the members of the petitioner in the ~~cadre~~ ^{grade} in which they are at present working.

(o) That the illegals promotions already made ^{as well as} ~~on~~ in the quota reserved for S.C. / S.T. candidates are liable to be revealed.

(p) That the Opp. parties are bound to prepare the 40 point Roster since 1970, and the mistakes committed against the Roster are liable to be corrected.

(q) That the Opp. parties are not taking into consideration the judgements of the Hon'ble Supreme Court and the Hon'ble Tribunal in determining the seniority and in making the promotion.

(r) That the members of the applicant who are general candidates have already suffered a great loss, but they ^{are not made to} ~~may not~~ suffer further.

6. DETAILS OF THE REMEDIES EXHAUSTED

(x) The applicant declares that the Departmental remedies which were available have already been exhausted. The details are given in para 4 above.

7. WHETHER THE MATTER IS PENDING WITH ANY OTHER COURT

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority of any other Bench of the Tribunal.

8. RELIEFS SOUGHT

The applicant most respectfully prays for the following reliefs:-

(i) That the notifications mentioned in Annexure no. 4 alongwith the seniority list Annexure-3 to 5 may be quashed and the directions may be issued to prepare the correct seniority list after correcting the mistakes done in the promotions of the Reserved Quota candidates in every cadre, grade.

(ii) That the notification contained in Annexure no. 8 & 9 may be quashed and the seniority list may be directed to be finalised after taking into consideration the quota of reserved candidates on the number of posts and not on the vacancies.

(iii) That the penal of promotion which is Annexure-13, the promotion orders contained in Annexure-14, notification Annexure-15 and 16 alongwith the penal, if any prepared may be quashed and the directions may be issued to prepare the fresh penals for promotion in every cadre according to the rules.

(iv) That the directions may be issued to the opp. parties to review the position of the seniority and promotion after following the 40 point roster since 1970, so that the mistake committed by the authorities may be corrected.

(v) That the cost of the application may be awarded to the applicant.

(vi) That any other relief which this Hon'ble Tribunal deems fit and proper in the circumstances of the case may be allowed in favour of the Petitioner.

2v INTERIM RELIEF IF ANY

The further promotions in every cadre may kindly be stayed during the pendency of the application.

10. PARTICULARS OF BANK DRAFT / POSTAL ORDER IN RESPECT OF THE APPLICANT FEE

(a) Number of Indian Postal order:

(b) Name of the issuing Post Office

8c Date of issue of Postal order.

4.d Post office at which payable.

In Verification:

I, A.P. Srivastava & Working president of All India Station Master's Association N.E.Rly Lucknow Division, Lucknow.. do hereby verify that the contents of paras 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Dated: 11.1990

Applicant.

in the Central Administrative Tribunal
Additional Bench Allahabad
Circuit Bench Lucknow. P/c
7

C.A. No. 436 of 1990(L)

All India Station Masters
Association Applicant.

vs.

The Union of India & others... Opp. parties.

Application for amendment of the application

The Applicant respectfully begs to
submit as under:-

1. That the above noted petition has been
filed for correct fixation of the seniority
in all the three ^{grades} of the Station Masters
of the N.E. Railway, Lucknow Division, Lucknow.
The members of the Applicant are affected.

2. That the petition has been filed by the
Association and there is no one as applicant
in person. The Hon'ble Tribunal at the time
of argument had raised an objection to this
effect. The present applicant wants to
include the following 2 persons as Applicant
no. 2 & 3 in the main application.

1. Ganga Saran Mishra, Major A/O
Prigun Chulani Mishra, employed as
Station Master, Patanchur District
Barabanki.

2. V.S. Srivastava,

S/O Sri H.D. Lal Srivastava

employed as station supt.

Badshah Nagar, Lucknow.

3. That due to the adding of the Applicant no.2 & 3 the main application requires the following amendments.

(a) That the name of the afor said 2 persons may be allowed to be added as Applicant no.2 & 3 and the present applicant may be numbered as applicant no.1.

(b) That the following paras may be allowed to be added as para no.38 to para 4 of the main application.

38 That the Applicant no.2 had appealed against the notification Annexure-9, but the O.P.No.3 conducted the selection without taking prior decision on the appeal. A vague reply was given through the order Annexure-12 without any decision on seniority and excessive promotions due to wrong seniority list.

39. That the incumbents of the Annexure-B (seniority list / of the pay scale of Rs.1400- 2300/-) upto sl.No.71 had already been promoted to the scale of Rs.1600-2660/- as such the applicant and others being at sl.No.76 in the said seniority list now stands at sl.No.5.

40. That the applicant no.2 is sen. or

in incumbents in the que^{ue} of seniority whereas the S.C./S.T. incumbents after getting the accelerated promotion by jumping the que^{ue} were made ~~in the~~ senior to the applicant no.2 and some members of the applicant no.1. Resulting the applicant left behind for consideration in the scale of Rs.1600/-2660/-, with the effect that the applicant no.2 and his colleagues were not called for the consideration and promotion for the post of station superintendent scale, Rs.2000/-3200/-.

41. That the applicant no.2 and his colleagues are too seniors to the senior most S.C./S.T. incumbents called for consideration vide annexure-9. The comparative chart which is filed herewith as Annexure-19 to the Application, will reveal the whole picture.

42. That it is very astonishing that the excessive promoted S.C./S.T. incumbents available in scale of Rs.2000/- 3200/ are also too juniors to the applicant no. 2 and his colleagues.

43. That at the stage of issuing the notification under ^{Annexure} ext.9 there was short fall in the cadre of senior station Masters in the scale of Rs.1600/- 2660 with the result against 19 vacancies only 53

candidates were invited for consideration, whereas this figure may be 57.

44. That under the circumstances the total strength of senior station masters cadre scale 1600- 2660/- numbering -64 would have been filled in by promoting senior most incumbents, from scale of Rs.1400/- 2300/- and then the notification would have been issued, inviting the 57 senior most incumbents against 29 vacancies as required under the rules. This undoubtedly would have been disqualified all the 7 S.C /S.T. candidates, being junior most in the cadre.

45. That the post of senior station master's scale of Rs.1600/-2660 is purely a seniority post subject to fitness as such the 11 posts falling vacant in scale of 1600- 2660/- would have been filled in from the date of vacancy in the said circumstances, with the incumbents of scale of Rs.1400/-2300/-.

46. That it is the bad luck of the applicant no.2 and that his colleagues who were promoted from the scale of Rs.1400/-2300/- to the scale of 1600/-2660/- vide order dated 5.9.90, but after the notification Annexure-9 which the C.P.S. would have come before the notification and as such the applicant no.2 and his colleagues have been deprived of the right of the consideration for

promotion.

47. That in spite of the facts narrated in above paragraphs, the O.P.S. Parties were bound by the rules to invite the applicants for the consideration for the post of Station Supt. in the scale of Rs. 2000/- 3200/- as in Applicant no. 2 & his colleagues were the senior most in the scale of Rs. 1400/- 2300/-

48. That a notification (Annexure-16) for selection for the post of Station Supt. in the scale of Rs. 2375/- 3500/- was issued by the O.P.S. on 12.6.59. The Applicant no. 3 and his colleagues were not called for consideration due to non consideration of seniority of the General candidates as narrated in para 11, 16, 17 22, and 23 of the original application.

49. That the Applicant no. 3 and his colleagues are too senior ^{to} /S.A./ S.I. candidates, called for selection. The Applicant no. 3 and his colleagues are senior in the seniority list in the comparison to the S.A. /S.I. candidates, as mentioned in Annexure-7 to the petition.

50. That the illegal gain has been given to the S.A. /S.I. candidates ignoring the rightful claim of the Applicants 2, & 3 and the seniority of the Applicant no. 1.

4. That the proposed amendments will not change the nature of the application.

6.
P R A Y E R

wherefore it is respectfully prayed that the applicant may be allowed to amend the Application as proposed in this Application.

It is further prayed that the applicant no. 2 and 3 may be allowed to be added as mentioned in para 2 of this Application.

Dated: 6.1991

COUNSEL FOR THE
APPLICANTS

Circular Pond, Lucknow.

Respondant:

ANNEUXE: No. 19

S. No.
as per
Annexure
9

Names

STATION

Date of
Birth

Date of Appointment

Promoted to Scale 2000/- 3200/-
Promoted to Scale 1600/- 2600/-

Promote activity in Scale 1600-2660-

Handed & working in scale Rs 200/- Proof-

Promoted & working in scale 1601-2669-

remained working in sales in 2006. 3501-

removed & existing is scale for local. 3500-

room checked & everything in order for 2000 - 3500 -

Frontal Lumping in sale Rs 1600/- 240/-
Revised to Rs 1200/- 180/- in 1900
again called for a front end to Rs 1500/- 225/-

General candidates Not considered.

G. S. Misra

TST 2.9.37

2.12.59

R. B. Srinivasa

4.5.26
DXT

29.4.60

Shreebati Singh

CFA 17.12.36

17. 3.60

K. L. Singh

1026
K.

ॐ नमो भगवते वासुदेवाय

G.C. Cypachyan

2000

100

V.N. Sharma

14.000

7. 4. 0

Nigam Advanad

AND 2 - 4 100

12.5

S. A. Siddiqui

1.10.5

SC 15

K. L. Srivastava

77 N. C. 210

24.556

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

2/2

1. All India Station Master's Association Registered No. 1369 Northern Eastern Railway, Lucknow Division, Lucknow through its working President Sri A.P. Srivastava.
- 2- Ganga Saran Misra, Major S/o Sri Ram Ghulam Misra, employed as Station Master, Fatehpur, Distt. Barabanki.
- 3- V.S. Srivastava, S/o Sri R.D. Lal Srivastava employed as Station Supdt. Badshah Nagar, Lucknow.

---Applicants.

Vs.

- 1- The Union of Indian Ministry of Railways through the Secretary Railway Board New Delhi.
- 2- The General Manager N.E. Railway, Gorakhpur.
- 3- The Divisional Rail Manager, Lucknow.
- 4- Sri Ram Shanker S.S. Nakhajangal Gorakhpur.
- 5- Sri Ram Dhiraj S.S. Bichhia, Bahraich.
6. Sri Hari Ram Prasad S.S. Barhani, Conda.
7. Sri Bharat Ram S.S. Tiqunia Distt. Lakhimpur.
8. Sri P.L. Shankhwar S.S. Rewatpur, Kanpur.

9. Sri Sita Ram S.S. Bahraich.
10. Sri B.N. Dass. Dy. S.S. Lucknow Jn.
11. Sri R.B. Prasad, S.S. Brijamanganj, Maharajganj.
12. Sri Bramha Nand S.S. Sahjanwa, Gorakhpur.
13. Sri Prashuram S.S. Munderwa/Distt. Basti.
14. Sri Bala Nand Prasad, S.S./Pipiganj, Gorakhpur.
15. Sri Yamuna Prasad, S.S. Pachperwa, Gonda.
16. Sri Chetan S.S. Kemptiyarganj, Gorakhpur.
17. Sri H.L. Henbrum Dy. S.S. Lucknow.
18. Sri Panna Lal S.S. Burhwal, Gonda.
19. Sri Ram Bhawan S.S. Sidhauri, Sitapur.
20. Sri Ram Niwas S.S. Biswan, Sitapur.
21. Sri Jaleshwar Prasad S.S. Nawagarh, Basti.
22. Sri Arun Kumar Kunjroo S.S. Palia Kalan, Lakhimpur.
23. Sri Ram Yash S.S. Mihinpurwa, Bahraich.
24. Sri.B.K. Singh Munda S.S. RTS- Lakhimpur.
25. Sri Prem Chand Dy. S.S. Lucknow.
26. Sri Shet Kumar Khalcoo S.S. Mehhoodabad Ayadh,
Sitapur.
27. Sri Alar Te.Te. S.S. Bhirakhiri- Lakhimpur.
28. Sri Shankar Ram S.S. Balrampur. Gonda.
29. Sri K.N. Ram. S.S. Jarwal Road, Bahraich.
30. Sri Ram Murti, S.M. Gonda Kachari, Gonda.

... Respondents.

Application under section 19 of the Central
Administrative Act.

The Applicant respectfully begs to submit as under:-

Details of application.

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

The application is made against the notification contained in Annexure-9 and the seniority list contained in Annexure-3, 4 & 5. The seniority lists have not been prepared according to the rules. The seniority of the lower stage has not been maintained in the upper scale. The candidates of reserve quota have wrongly been shown.

2. Jurisdiction of the Tribunal

The Applicant declares the subject matters 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 the limitation and as prescribed in section 21 of the Administrative Tribunal Act. 1985.

4- Facts of the case.

That the petitioner is a recognised association on All India Basis. The present application is being filed by the Lucknow Division Association. The aim and object of the applicant association is to look after the welfare and interest of its members. All the Station Masters and Asstt. Station Masters are the members of the applicant, Working in the Lucknow Division, Sri A.P. Srivastava is at present its working president and he has been authorised to file this application by the Association.

(4)

2. That the pay scales of the post of Asstt. Station Masters, Station Masters, and Station Superintendents in the department are given as under:-

Pay Scale 1200 - 1800- Asstt. Station Master. A/10

Pay Scale 1400 - 2300- Station Master/ Asstt.

Station Master.

Pay Scale 1600 - 2660 - Station Master

Pay Scale 2000- 3200 - Station Supdt.

Pay Scale 2375 - 3500- Station Supdt.

(3) That the separate seniority lists are ~~being~~ being maintained in every payscale. The post of Asstt. Station Master in Scale of Rs. 1200-1800 is liable to be filled up by direct recruitment after taking into consideration all the reserve quota of S.C. and S.T. candidates. The posts of Asstt. Station Master, Station Master and the Station Superintendents are liable to be filled up by promotion amongst the below grades incumbants present in.

(4) That the critaria for promotion on the post of Station Master in seniority subject to rejection or unfit and the critaria for the post of station superintendent is selection on turn and merit.

(5) That there is no dispute in the seniority of the Asstt. Station Masters in scale Rs. 1200-1800, but there is dispute in all the remaining pay scales.

(6) That according to the orders of the Government of India, under letter dated 20.4.70.

(5)

and further circulated by the GM(P) N.E. Railway under his letter dated 16.5.70 the quota of SC/ST to the maximum limit of 15% & 7 1/2% respectively was given on the post and services in each grade. The relevant orders are filed herewith as Annexure No.1 to this application.

(7) That the orders of the Government have been wrongly interpreted in the department. The promotions have been given on the basis of the vacancies and not on the basis of the posts, consequently illegal promotions of reserve quota candidates have been made in excess. The position at present is being given below.

Scale Rs. 2000/- 3200/-

Total No. of posts	-57			
No. of Posts as per Quota.	SC	+	ST	TOTAL
	9	+	4	= 13
Actual nos. available at present	23	+	6	= 29
Percentage	40.4%		10.5%	51%.
Excess	14		2	16

Scale Rs. 1600-2660/-

Total No. of Posts	64			
No. of Posts as per quota	SC	+	ST	TOTAL
	10	+	5	= 15
Actual nos. available at present	10		Non	

8) That the above said figures reveals that out of 14 excess SC in Scale Rs 2000/- 3200/- only 10 are entitled for the Scale Rs. 1600/- 2660/-, Rest 4 junior most and the 10 Scs. available at present in scale of Rs. 1600/- 2660/-.

all are entitled for the scale of Rs.1400/-2300/- Like wise 2 excess STs in scale Rs. 2000/-3200/- are entitled for the scale Rs.1600/-2660/-.

9. That the O.P.No. 2 has issued a letter dated 2.3.85 in connection with SC/ST quota clarifying each and every situation by giving illustrations. Promotions made in excess of quota were to be regularised against future vacancies as per illustration No.1. In spite of such clear direction O.P. No. 3 has not obeyed the orders. Instead of regularising already 7 excess promotions in scale Rs. 2000/-3200/- further illegal promotions were given to SC/ST candidates worsening the future scope of promotion to the general candidates. The letter dated 2.3.85 referred above is annexed as Annexure No.2 to this Application.

10- That the provisional seniority list of Asstt. Station Master's scale Rs. 455-700 Rs.1400-2300/- dated 29.10.87 Station Masters's Scale Rs. 455-700 Rs. 1400-2300 dated 13.10.86 and Station Master's Scale Rs. 550-750 Rs. 1600-2660 dated 23.10.87 have been issued. The copies of the seniority lists are filed herewith as Annexures No. 3,4,&5 to this application.

11- That in all the provisional seniority lists as per annexure No.3,4,& 5 the SC/ST candidates have been given seniority from the date of entry into grade among the general incumbents. General incumbents entering the grade latter on are not being given their due seniority being seniors in the previous grade.

12. That the members of the petitioner individually made the objections on the provisional seniority lists contained in Annexure No. 3, 4 & 5. The objections of the applicants members are still pending and have not been decided.

13. That the matter of seniority of SC/ST was also objected by the applicants Association in his representation but not replied by the O.P.No.3 till the date of filing this application. The representation is filed herewith as Annexure-6 to this Application.

14. That the wrong seniority list had effected the further promotions of the members of the Petitioner in the pay scale of Rs.1400-2300, Rs.1600-2660/- and in the payscale of Rs. 2000-3200/- The illegal promotions have been made treating the juniors as seniors. The seniors have not been considered on the posts in which the criteria is selection. The comparative chart of incumbents in scale of Rs. 2000/-3200/- is being filed herewith as Annexure-7 to this Application.

15. That the Opp. parties nos. 4 to 30 have been illegally promoted on the basis of the wrong seniority the quota of reserve candidates have not been considered on the number of posts. It has been considered on the vacancies occurred in the particular years.

16. That SC/ST candidates promoted by virtue of quota i.e. roster point vacant are not entitled to earn seniority amongst the general,

incumbent, as the promotion by jumping queue ignoring their turn and merit is to be treated as fortuitous promotion as held by Hon'ble CAT Allahabad in a reported case in SLJ 1987 (2) 534 Veer Pal Singh V/S Union of India which reads as under:-

" The promotion on the basis of roster can only be termed as fortuitous and not in the normal course and a person who was junior and got promoted to the next grade on the basis of queue breaking by virtue of the special provisions made in this regard can not claim protection of seniority against his earswhile senior who was waiting for his chance but could not be promoted because of reservation. . He should get back his seniority and be fixed in the proper place in the grade to which both of them now belong."

17) That the Hon'ble Supreme Court has decided several cases in which the principle was decided to give the seniority on the basis of the seniority of the lower scale after the promotion in the next higher pay scale.

18. That the Divisional Rail Manager (P) has issued a notification on 14.9.89 in which the names of persons were published who were proposed to be considered for the preparation of the panel for promotion. In this notification the wrong seniority list which was provisional has been taken into consideration. The promotions are due amongst the candidates working in the pay scale of Rs.1600-2560/- to the pay scale of,

*Ans D
Made representative
They senior
partially senior
and minor
Ans - 9.*

Rs.2000-3200/- . The Notification is filed herewith as Annexure No. 8 to this application.

19- That the objections were raised on issuance of Notification dated 14.9.89 by the members of the applicant. The matter was heard in person by the O.P.No. 3 with certain modification a fresh Notification was issued. Few SC/ST candidates were dropped and few General Candidates were included but complete remedy was not given. The provisional Seniority under objection was not corrected. Fresh Notification dated 27.11.89 is filed as Annexure-9 to this application.

Representative
20- That members of the applicant again objected and preferred appeal individually. The applicant Association has also represented to O.P. No. 3 in detail and requested for redressal of the objections (as Annexure No.6). But neither any reply from the O.P. No.2 was communicated till the date of filling of this application before the Hon'ble Court, nor any objection removed. Few individual appeals are filed herewith as Annexure nos. 10 & 11 to this Application.

Annex 12
21. That O.P. No. 3 sent a Common reply on individual appeals stating "That orders of correction of seniority list were necessary to be passed by head quarter. Other relevant rules and orders are being followed as enforced at present." The objections raised were not removed before conducting selection for the formation of Penal of S.S. Grade Rs. 2000/- 3200/- The reply of O.P.No. 3 is filed herewith,

as Annexure No. 12 to this Application.

22. That the Opp. party No.3 prepared the penal and had not considered the appeal properly submitted by the applicant. In this penal the illegal gain have been given to the juniors. The copy of the penals is filed herewith, as Annexure No.13. to this Application. X/10

23. That the penal was given the effect by giving the promotions to 11 persons including the Opp. parties nos. 28 and 29. The copy of the promotion orders are filed herewith as Annexure No. 14 to the application.

24. That the wrong proceedings have been adopted in making the promotions in the order Annexure No. 11. The juniors have been given the promotions-~~st~~treating the seniors as juniors.

25. That the Divisional Rail Manager (P) had again issued another notification in which the names of the persons have been given to prepare the penal for the promotion in the pay scale of Rs. 2000-3200/- on 5.10.90. The copy of the notification is filed herewith as Annexure No. 15 to this Petition.

26. That the written test has already been held on the basis of Annexure No.15 but the penal has not been declared till today. Infact it can be published on any date.

27. That the mistake committed in the last selection has again been committed in this selection also. The Opp. parties No. 2 and 3 are,

not ready to correct the Provisional seniority list as per existing rules and relevant court ^{A/}judgements on the subject matter of seniority. _{W/}

29. That the post of Station Superintendent grade Rs. 2375/- 3500/- is liable to be filled up by promotion amongst the persons working in the pay scale of Rs. 2000-3200/- The criteria for promotion is selection. The three times persons have to be called for the selection of the total number of vacancies. But the Senior most person of the Non SC & ST candidates are deprived due to wrong seniority and have not been called for consideration to the promotion of Rs. 2375-3500/-.

29. That the Opp. parties have failed to publish any seniority list of the incumbents working in the pay scale of Rs. 2000/- 3200/-. The actual position of the seniority could not be known to the members of the applicant. The seniority list will be published by the Opp. party no.3 in its Division and on the basis of which interse seniority was to be published by the Opp. party no.2 by Compiling the seniority list of the Divisions. It has not been done but the notification for promotion for the post of SS to next higher Scale of Rs. 2375-3500/- have been issued copy of the notification dated 12.9.90 has been circulated by the Divisional Rail Manager (P) Lucknow is filed herewith as Annexure-16 to this petition.

30. That if the penal for promotion will be

prepared without publishing the seniority list, it will be a great loss to the members of the applicant Association. !

31. That the matter of seniority and promotion was also raised by the union known as N.E. Railway Mazdoor Union before the Opp. party no.3 but the matter could not be decided at the Divisional level. The copy of the representations are filed herewith as Annexure 17 & 18 to this application.

32. That the Opp. parties nos. 2 3 are not ready to follow the Judicial decisions and the directions mentioned in the circular Annexure No.2 to this application.

33. That the members of the petitioner who are non S.C/ST. candidates will suffer a great loss if the selection will be made on the basis of the illegitimate provisional seniority list.

34. That the notifications mentioned in the Annexure No 9 reply of appeals Annexure No 12, panel Annexure no. 13, promotion under annexure no. 14, notification annexure no. 15 Notification Annexure No.16 and any panel if prepared these upon are liable to be quashed.

35. That the further promotions are liable to be stayed till the seniority lists are not being corrected and prepared as per rules in every payscale. The promotions already made on the basis of the wrong seniority list are liable to be reviewed.

36. That the directions are liable to be issued to prepare to 40 points Roster there after since 1970 and the promotions already made on the basis of wrong seniority may be reviewed.

37. That the applicant and its members have now left with no other alternative except to file this petition before this Hon'ble Tribunal.

38. That the applicant no.2 had appealed against the notification. Annexure-9 but the O.P.No.3 conducted the selection without taking proper decision on the appeal. A vague reply was given through the order Annexure-12 without any decision on seniority and excessive promotions due to wrong seniority list.

39. That the incumbents of the Annexure.5 (Seniority list of the pay scale of Rs. 1400-2300/-) upto Sl.No.71 had already been promoted to the scale of Rs. 1600-2660/- as such the applicant and other being at Sl.No.76 in the said seniority list. Now stands at Sl.No. 5.

40. That the applicant no. 2 is senior in incumbants in the queue of seniority whereas the SC/ST. incumbants after getting the exclerated permotion by jumping the queue were made senior to the applicant No-2 and some members of the applicant no.1 resulting the applicant left behind for consideration in the scale of Rs. 1600-2660/- with the effect that the applicant no.2 and his coliegues were not called for the consideration and promotion for the post of station superintendent.

Scale, Rs. 2000/- 3200/-.

41. That the applicant no.2 and his colleagues are too seniors to the senior most S.C./S.T. incumbante called for consideration vide Annexure-9. The comparative chart which is filed herewith as Annexure-19 to this application, will reveal the whole picture.

42. That it is very astonishing that the excessive promoted S.C./S.T. incumbants available inscale of Rs.2000/-3200/- are also too juniors to the applicant no.2 and his colleagues.

43. That the the stage of issuing the notification under Annexure No.9 there was short fell in the cadre of Senior Station Masters in the scale of Rs.1600/-2660/- with the result against 19 vacancies only 52 candidates were invited for consideration whereas this figure may be 57.

44. That under the circumstances the total strength of senior Station Masters cadres scale 1600/-2660/- numbering-64 would have been filled in by promoting senior most incumbents, from scale of Rs. 1400/- 2300/- and then to notification would have been issued, inviting the 57 senior most incumbants against 19 vacancies, as required under the rules. This undoubtedly would have been disqualified all the 7 S.C/S.T. candidates, being junior most in the cadre.

45- That the post of senior Station Master's scale Rs. 1600/-2660/- is purely a seniority post subject to fitness as the 11 posts lying vacant in scale of 1600/-2660/- would have been filled in from the date of vacancy in the said circumstances, with the incumbents of scale of Rs. 1400-2300/-

46- That it is the bad luck of the applicant no-2 and his colleagues who were promoted from the scale of Rs. 1400-to 2300/- to the scale of 1600/-2660/- vide order dated 5.9.90, but after the notification Annexure-9 which the C.Ps. would have done before the notification and as such the applicant no.2 and his colleagues have been deprived of the right of consideration for promotion.

47- That in spite of the facts narrated in above paragraphs, the Opp. parties were bound by the rules to invite the applications for the consideration for the post of Station Supdt. in the scale of Rs. 2000/-3200/- as the applicant no.2 & his colleagues were the senior most in the scale of Rs. 1400-2300/-

48- That a notification (Annexure-16) for selection for the post of Station Supdt. in the scale of Rs. 2375/-3500/- was issued by the O.P.No.3 on 12.6.90. The applicant no.3 and his colleagues were not called for consideration due to non consideration of seniority of the General candidates as narrated in para 11, 16, 28, and 29 of the original application.

49- That the applicant no.3. and his-

colleagues are too senior to S.C./ST. candidates, called for selection. The applicant no.3 and his colleagues are senior in the seniority list in comparison to the S.G./S.T. candidates, as mentioned in Annexures-7th the Petition.

50- That the illegal gain has been given to the S.C/S.T. candidates ignoring the rightful claim of the applicants. 2 & 3 and the members of the applicant no.1.

5- Ground for Relief with legal provisions.

(a) That the provision contained in Annexure-1 to the ~~Department~~ application have been wrongly interpreted^{ed} in the Department. The promotions to SC/ST asto quota have been given on the basis of the vacancies occurred during the year and not on the basis of the posts.

(b) That due to the wrong interpretation of the Annexure-1, illegal promotions of the reserve quota candidates have been made which are excess.

(c) That the due to the wrong interpretation of Annexure-1 the excess promotion against Reserve quota has been done in every grade. The mistake committed by Departmental authorities is liable to be corrected by reverting the excess promoted SC/ST candidates.

(d) That the annexure-2 is not being complied with by the authorities. The directions have been issued in this Annexure to regularied the illegal excess promotions in the reserve quota.

& 5 the seniority has been given to the S.C/S.T candidates from the date of entry into grades amongst the general candidates. The general candidates entering in the grade later on are not being given their due seniority, being senior in the previous grade. Such seniority is to be recosted on each entry of seniors from the previous grade.

(f) That the illegal promotions have been made treating the juniors as Senior and the actual senior persons have been deprived from the promotions due to the fault of the officials and authorities of the Opp. parties.

(g) That the O.P.No.4 to 30 have been illegally promoted on the basis of the wrong seniority.

(h) That the Reserve Quota candidates by virtue of roster point could not be promoted after taking into consideration the number of vacancies It will be applicable on the number of posts in the cadre.

(i) That a notification was issued on 14.5.89 in which the names of the persons were published who were proposed for consideration in the penal for promotion. The wrong seniority has been taken into consideration.

(j) That the Opp. parties have accepted that the seniority lists are wrong in indirect way. They want that the order may be issued by the Head Quarter.

(k) That the penal for promotion has been prepared without considering the point raised-

in the objections and appeals submitted by the members of the Petitioner, and by the Petitioner itself. 1/5/11

(1) That the promotions are liable to be made after preparation of the correct seniority list, but the Opp. parties are going to pass the orders of promotion in an arbitrary manner without determining the seniority. It will create the problems for the members who are actually entitled to get the promotions.

(m) That the members of the Petitioner who are general candidates will suffer a great loss, if the penal will be prepared for promotion on the basis of the provisional seniority list.

(n) That the further promotions in every grade are liable to be stayed, till determining the proper seniority, of the members of the petitioner in the grade in which they are at present working.

(o) That the illegals promotions already made on wrong seniority as well as in the quota reserved for S.C/S.T. candidates are liable to be reviewed.

(p) That the Opp. parties are bound to prepare the 40 point Roster since 1970, and the mistakes committed against the Roster are liable to be corrected.

(Q) That the Opp. parties are not taking into consideration the judgements of the Hon'ble Supreme Court and the Hon'ble Tribunal in determining the seniority and in making the promotion.

(R) That the members of the applicant who are general candidates have already suffered a great loss, but they are not made to suffer further.

(6) DETAILS OF THE REMEDIES EXHAUSTED

The applicant declares that the Departmental remedies which were available have already been exhausted. The details are given in para 4 above.

7. WHETHER THE MATTER IS PENDING WITH ANY
OTHER COURT,

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority of any other Bench of the Tribunal.

8. RELIEFS SOUGHT

The applicant most respectfully prays for the following reliefs:-

(i) That the notifications mentioned in Annexure No.9 along with the seniority list Annexure-3 to 5 may be quashed and the directions may be issued to prepare the correct seniority list after correcting the mistakes done in the promotions of the Reserved Quota candidates in every grade.

(ii) That the notification contained in Annexure no.8 & 9 may be quashed and the seniority list may be directed to be finalised after taking into consideration the quota of reserved candidates on the number of posts and not on the vacancies.

(iii) That the penal of promotion which is Annexure-13 the promotion orders contained in Annexure-14, notification Annexure-15 and 16 alongwith the penal, if any prepared may be quashed and the directions may be issued to prepare the fresh penals for promotion in every cadre according to the rules.

(iv) That the directions may be issued to the Cpp. parties to review the position of the seniority and promotion after following the 40 point roster since 1970, so that the mistake committed by the authorities may be corrected.

(v) That any other relief which this Hon'ble Tribunal deems fit and proper in the circumstances of the case may be allowed in favour of the Petitioner.

(9) INTERIM RELIEF IF ANY

The further promotions in ever cadre may kindly be stayed during the pendency of the application.

10) PARTICULARS OF BANK DRAFT/ POSTAL ORDER IN RESPECT OF THE APPLICANT FEE

- a) Number of Indian Postal order:
- b) Name of the issuing Post office
- c) Date of issue of Postal order.
- d) Post Office at which payable.

In Varification:

I, A. P. Privastava Working president of All India Station Master's Association N.E. & Lucknow Division, Lucknow..do hereby verify that the contents of pages 1 to 10 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Dated:-11.1990.

Applicant.

(1)

In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..applicant.
Versus
The Union of India & others ... Respondents.
Annexure No. 1

Copy of Railway Board's letter No. B(SCT) 70 CML/5/10 dated
23.4.1970 circulated vide G.M.(P) GKP's letter No. 3/50/2(V)
(S.No.1745) dated 16.5.1970 to all concerned.

Subject: -Reservation for Scheduled Castes and Scheduled
Tribes-Revision of percentages & period of
carrying forward of such reservations-
Utilisation of vacancies reserved for Scheduled
Castes in favour of Scheduled Tribes and
Vice-versa.

The policy of the Government of India in regard to
reservation for Scheduled Castes and Scheduled Tribes in posts
and services under the Government of India was laid down in the
Ministry of Home Affairs Resolution No. 42/21/49-15A dt. 13.9.1950/
circulated with Railway Board's letter No. B/CML/42/3 dt.
23.12.50. The question of revising the percentages of
reservation for Scheduled Castes and Scheduled Tribes in posts
and services under the Govt. of India in the light of the
population of these communities as shown in the 1961 Census has
been under consideration of the Govt. for some time. It has
now been decided in modification of the decisions contained in
paras 2 and 4(i) of the Ministry of Home Affairs' Resolution
of 13th September, 1950 that the following reservations will
hereafter be made for Scheduled Castes and Scheduled Tribes in
posts and services which are filled by direct recruitment.

A. RECRUITMENT ON ALL INDIA BASIS.

(i) Scheduled Castes: Instead of the existing reservation of
12% there will be a reservation of 15% of the vacancies in
favour of Scheduled Castes.

(ii) Scheduled Tribes: The Reservation for scheduled Tribes will
be 7% as against the existing reservation of 5%.

B. RECRUITMENT ON LOCAL /REGIONAL BASIS. In posts and services
recruitment to which is made on a local or regional basis
i.e. the posts the scales of which do not go beyond Rs. 375/-
per month, the percentage of reservation for Scheduled
Castes and Scheduled Tribes shall be revised wherever
necessary after taking into account the percentage of
population of Scheduled Casts and Scheduled Tribes in the
various States and Union Territories according to 1961
Census. Till then the existing percentages, prescribed for
different Railways in this regard, may continue to be
applied for Scheduled Castes and Scheduled Tribes.

2. It has also been decided that in vacancies in posts filled
by promotion in which reservations have been provided vide Rly.
Board's letter No. 2(SCT) 68 CML/5/10 dt. 27.8.68, the percentages
of reservation for Scheduled Castes and Scheduled Tribes in such
posts shall also be raised from 12% to 15% in favour of
Scheduled castes and from 5% to 7% in favour of scheduled Tribes.

Contd. ... 2

3. In terms of the instructions contained in this office letter No.E(SCT)63CM5/16 dated 6.10.84, vacancies reserved for Scheduled castes and Scheduled Tribes which are not filled by candidates of the appropriate communities due to non-availability of candidates of these communities are required to be carried forward to subsequent two recruitment years. It has now been decided that the period for carrying forward of the reserved vacancies should be increased from two to three subsequent recruitment years. The years in which no recruitment takes place is not to be taken into account for the purpose of calculating three years' limit of carry forward. Reserved vacancies which have already been carried forward for one year will now be carried forward to two more recruitment years and similarly reserved vacancies which have been carried forward for two years will be carried forward to the third recruitment years as well.

4. The question of utilisation of vacancies reserved for Scheduled Castes by appointing Scheduled Tribes and vice-versa has also been considered and it has been decided, in modification of the orders contained in Board's letter No.E(SCT)62M19/2 dated 2.8.1962 that while vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Caste candidates where such a vacancy could not be filled by a Scheduled Caste candidates even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy ~~is carried forward to the third year~~ which has been carried to the third year, it should therefore, be made clear in the advertisement/requisition that while the vacancy is reserved for Scheduled Caste, Scheduled Tribe candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Castes, Scheduled Tribes candidates ~~may also be eligible for consideration in the event of non-availability of suitable Scheduled Castes~~. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes. Accordingly in the third year of carry forward, candidates both from Scheduled and Scheduled Tribes will be considered ~~against~~ against the reserved vacancies.

5. The above instructions will take effect from 25th March 1975.

No. E/50/1/Pt. IV(IV)

Office of the
General Manager(P)
Gorakhpur.
Dated: March 2, 1985.

All Heads of Departments,
All Divl., Railway Managers,
All Extra Divisional Officers,
All Personnel Officers,
N.E. Railway.

Annexure in A-2

**Sub:-Reservations for Scheduled Castes and
Scheduled Tribes.**

....

Your attention is invited to Railway Board's letter No. R(SCT)70 CM 15/10 dated 20th. April 1970, which was circulated vide this office letter of even number dated 16.5.70. (A copy of Board's aforesaid letter is enclosed for ready reference.)

2. With reference to the instructions contained in Board's letter dated 20.4.70, "Akhil Bhartiya Sampredaikata Virodhi Railway Karmachari Sangh, N.E. Zone" have filed a writ petition in Allahabad High Court on 21.2.85 wherein they have prayed for same relief as was granted by Allahabad High Court in the case of Shri J.C. Malik vs. Union of India. With reference to the same, the Hon'ble High Court of Allahabad have passed the following orders on 21.2.85:-

"Meanwhile, the respondents are directed to confirm strictly to the Railway Board's circular letter dated 20th. April 1970 as interpreted by this court in the case of J.C. Malik and others vs. UOI and others reported in 1978 Allahabad Weekly cases, 338."

3. In the case of J.C. Malik vs. UOI, the Hon'ble High Court of Allahabad had given the interpretation that, in terms of Railway Board's letter dated 20.4.70, the reservations for SC/ST candidates are for appointments to the posts and not to the vacancies which may occur in the posts. Against this decision of the High Court, an appeal was filed in the Supreme Court by Northern Railway with the prayer for grant of Stay of Allahabad High Court's judgement. As per orders passed by the Supreme Court on 24.2.84 and 29.2.84, the promotions made after 24.2.84 in the case in question are to be strictly in accordance with the said judgement of Allahabad High Court and such promotions will be subject to the result of the appeal.

4. Keeping the above in view, G.M. has decided that Allahabad High Court's orders dated 21.2.85 should be implemented on this Railway prospectively in respect of all promotional grades. As such, the following procedure may henceforth be followed which will be in force till the vacation/modification of Allahabad High Court's Stay Order dated 21.2.85 or the disposal of the said writ dated 21.2.85 in favour of the Railway:-

contd.....2

(1) The reservations of 15% for Scheduled Castes and 7½% for Scheduled Tribes will be applied on the total number of posts against departmental promotion quota in each grade in all promotional posts in Group 'C' and Group 'D' (If in a particular grade the direct recruitment quota exceeds 66-2/3%, then there will not be any reservation for SC/ST candidates against departmental promotion quota.)

(2) The short-falls, if any, in SC/ST categories on the basis of posts (and not vacancies) should be filled up in accordance with roster points. The existing rules for carryforward of SC/ST points will also remain in force.

(3) There is no legal bar in promoting a reserved community candidate in excess of the quota, provided he becomes due for promotion in the normal seniority alongwith unreserved candidates.

(4) Henceforth, all promotions will be provisional and subject to the result of the writ petition dated 21.2.85 filed by "Akhil Bhartiya Sampradiketa Virodhi Railway Karmachari Sangh, N.E. Zone" in Allahabad High Court. This may be specifically mentioned in the respective office orders.

5. Please ensure that the above instructions are brought into effect immediately. For proper appreciation of the modified procedure outlined above, a few illustrative examples are given in the enclosed Annexure.

6. Please acknowledge receipt.

DA/2.

Sd/-
for General Manager (P)

ILLUSTRATIVE EXAMPLES1) CASE-I(a) Data

(i) Total No. of Sanctioned Posts ... 100

(ii) Departmental Promotion quota ... Full

(iii) Men on Roll ... 90

(iv) No. of SC candidates required
against 15% quota = 15% of (i) ... 15(v) No. of SC candidates available in the grade against
S. No. (iii) ~~100-90~~ ... 10 (Say)(vi) Total No. of vacancies to be
filled = (i) - (iii) 100-90 ... 10

(vii) Excess of S.C. Candidates = (v) - (iv) = 3

(b) Procedure to be followed:

Reservation rules are not to be applied. All the 10 vacancies will be filled up according to seniority and suitability of the eligible candidates.

2) CASE-II(a) Data

(i) Total No. of sanctioned posts ... 100

(ii) Departmental promotion quota ... Full.

(iii) Men on roll ... 90

(iv) No. of SC candidates required
against 15% quota = 15% of (i) ... 15(v) No. of SC Candidates available in
the grade against (iii) ... 11 (Say)(vi) Total no. of vacancies to be filled = (i)
- (iii) = (100 - 90) ... = 10(vii) Shortfall of SC Candidates =
(iv) - (v) = 15-11 ... 4(b) Procedure to be followed:

Extant reservation rules will be applied in filling up of the vacancies till the total number of SC candidates in the grade comes to the Figure against S. No. (iv) above i.e. 15. Any shortfall in fulfilling the quota of 15 Posts for Scheduled castes will be carried forward for adjustment against future vacancies in departmental promotion quota. In case of

.....Cont d.

non-availability of the required number of reserved candidates normal de-reservation rules will be followed before filling up of these vacancies by general candidates.

3) Case - III

(a) Data

- (i) Total number of sanctioned Posts --- 100
- (ii) Departmental promotion quota ... 50%
- (iii) No. of Posts against departmental promotion quota = 50% of (i) 50
- (iv) No. of S.C. candidates required (departmental promotees) against 15% quota = 15% of (iii) 7.5 say 8
- (v) Total No. of departmental promotees available in the grade against (i) = 44 (Say).
- (vi) No. of S.C. candidates against (v) 5 (Say.)
- (vii) Vacancies to be filled against departmental promotion quota (iii) - (v) = 6
- (viii) Shortfall of S.C. candidates (iv) - (vi) = 3.

(b) Procedure to be followed

Extant reservation rules will be applied in filling up of the vacancies till the total number of S.C. candidates in the grade comes to the figure against (iv) above i.e. 8. Any shortfall in fulfilling the quota of 8 posts for scheduled castes will be carried forward for adjustment against future vacancies in departmental promotion quota. In case of non-availability of the required number of reserved candidates, normal de-reservation rules will be followed before filling up of these vacancies by general candidates.

.....

Annexure IV 3

(330-150)/1000 2660) की

दिनांक 18.5.87 की अनंतिम करीयता सूची

रखीवत सं०

स्थाई

अस्थाई

64

=64

क्रम सं. नाम स्टेशन जन्म तिथि नियुक्ति तिथि पदोन्नति तिथि रथाई वि. तिथि कृपा वरणा

1 2 3 4 5 6 7 8

1 आर०वी पाथुर ऐशबाग 16.7.29 4.8.49 30.10.76 30.12.77 स्थानापन्न सं० 23.12.63

2 ए० पी पाण्डे कानपुर अ० 28.2.38 26.8.67 20.9.76 14.7.81

3 एम०डी सिंह मैलानी 18.10.42 23.4.68 21.11.77 29.1.78

4 टी०पी० पाण्डे गोडा 23.1.43 13.8.68 28.1.77 29.1.78

5 राजेन्द्र पाण्डे गोरखपुर 3.9.32 15.5.56 2.8.78 14.7.81

6 चन्द्रिका प्रसाद तुलसीपुर 27.1.33 21.10.63 4.2.80 14.7.81

7 दाता राम श्रीवास्तव पनौतीपुर 1.6.30 27.4.49 25.10.80 25.10.81

8 आर०ए० गाय अलीबाद 3.7.32 23.6.52 25.10.80 15.6.82

वी० एन० वेहल पालियवला 6.3.30 20.7.49 11.3.81

9 जगन् राम (अ०जा) लखनऊ ज० 26.1.33 4.12.59 3.7.82

10 राम शंकर (') गोरखपुर जे० 30.10.35 25.6.60 8.3.83

2000-2200

क्रमशः

1	2	3	4	5	6	7	8
12	राम जीरज (अजा)	विदिशा	37.40	19.12.63	1.8.82	रामाना पन्न स्टेशन	700-900
13	हरी राम प्रसाद	बदनी	26.1.42	1.2.64	1.8.82		700-900
14	भारत राम (अजा)	तिरुनिया	28.1.41	3.10.63	1.8.82		
15	सुभाष चाल	रवितपुर	19.39	14.12.63	1.8.82		
16	श्रीती राम (अजा)	नेपुल्लख रोड	30.1.43	16.10.63	1.8.82		
17	उत्तम चन्द्र मिश्रा	गोरखपुर	16.9.50	5.10.77	1.8.82		
18	कातिकप राम	आनन्दनगर	15.2.52	9.11.79	1.8.82		
19	दास (अजा)	लखानऊ ज०	11.4.37	24.10.63	1.8.82		
20	आर०बी प्रसाद	नकहा जेत	24.7.38	14.12.59	1.8.82		
21	ब्रह्मा नन्द (अजा)	मगहर	30.9.42	26.6.63	1.8.82		
22	परशु राम	मुन डेरवा	22.1.47	7.1.77	1.8.82		
23	बाला जेन्द्र प्रसाद	महजनवा	13.1.52	30.11.77	1.8.82		
24	यमुना प्रसाद (अजा)	हर गाँव	8.1.42	20.12.63	1.8.82		
25	प्रबलाद नारायण	गुप्त लखानऊ ज०	25.2.36	28.5.56	1.8.82		
26	ए० ए० तिरहन	बहराइच	6.11.29	15.6.50	1.8.82		
27	पि० ए० केना	लखीमपुर	2.11.31	29.11.51	1.8.82		
28	वेतन (अजा)	कम्पीयरगज	1.7.42	1.1.66	1.8.82		
29	एव. एत. हेमप्रम	लखानऊ ज०	7.1.57	8.5.77	1.8.82		
	अनुजन० जाति						

क्रमशः

1	2	3	4	5	6	7	8
30	देवकी शर्मा	उलौगाज	5.3.32	13.5.51	1.8.82	स्थानापन्न	308-900 2000-3200
31	पन्ना लाल(अ0जा)	बुढ़वल	3.2.39	1.6.65	1.8.82	स्थानापन्न	
32	राम भावन('')	मिथौली	2.7.52	3.2.75	1.8.82		
					1.12.84		
33	मोहम्मद राशिम	रिगिया	23.7.30	24.9.49	1.8.82		
34	राम निवाण(अ0जा)	महनुदाबाद	12.1.43	10.2.63	1.8.82		
35	जलेश्वर प्रसाद('')	विश्वं नौगढ़	12.7.42	15.5.69	1.8.82		
36	अरुण कुमार कुजुर	दुदुआ	26.11.54	24.4.77	1.8.82		
	अनुज0जाति						
37	राम यश(अ0जा)	मिहिनपुरवा	11.3.41	11.3.67	1.8.82		
38	कमला प्रसाद पान्डे	कैरा बाघ तिव					
		पोरुवापुर	12.6.30	22.9.49	7.6.85	स्थानापन्न	
39	मूल राज निगम	जरद्वारीड	15.8.29	26.9.49	7.6.85		
40	हरी शंकर दयाल	पोपीगंज	25.1.31	25.3.55	7.6.85		
41	राध उजौगर	द्विवेदी चौडा कच	27.7.30	4.4.51	7.6.85		
42	रम0रन0 तिवारी	करनैलाज	15.2.31	26.6.51	7.6.85		
43	रम0रन राय	मन्कनवा	1.1.33	26.6.51	7.6.85		
44	अक्षीवर उमाध्याय	बस्ती	1.1.32	23.8.51	7.6.85		

क्रमशः

2 3 4 5 6 7 8

सर्वप्रती

49. वार0रन0 चौबे विहांगीत 4.4.30 29.4.53 7.6.85 रथानापन्न

50. प्रगद श्रीवास्तव शीहरणाद 3.2.33 9.12.52 7.6.85

51. गुरज नाथ उन्हाबा जा 9.30 9.12.52 7.6.85

52. वी0र0 श्रीवास्तव बाटुशानामार 1.7.34 19.7.54 7.6.85

53. काशीराम नानपारा 1.8.36 9.1.56 7.6.85

54. अम्पायरन श्रीवास्तव वृजमगाज 14.5.30 24.7.54 7.6.85

55. पी0 एन0 शर्मा मटेरा 1.1.30 26.5.50 7.6.85

56. दिनकाई सिंह पयागपुर 1.7.34 29.2.56 7.6.85

57. मोहम्मद ईद जामे पदपडवा 5.1.32 28.4.53 7.6.85

58. वार0रन0 चौबे 7.30 9.12.52 7.6.85

59. श्री श्रीवास्तव शटीजा 0.7.33 15.7.53 7.6.85

60. एम0 आर र हमान राजनरायणपर 2.12.29 24.9.49 7.6.85

61. उमाशंकर मिश्र गैजडवा 1.6.31 30.4.53 7.6.85

62. चन्दा मा सिंह बरआजक 8.12.33 25.7.55 7.6.85

क्रमशः

1 2 3 4 5 6 7

नवम्बरी

59 रघुवीर लाल श्रीवास्तव बीएलओरी 1.1.31 13.7.54 7.6.85 स्थानापुर

60 बी०के० सिंह रेहटा गाँव 27.7.53 24.11.77 7.6.85
मुन्डा
अनन्यता

कृते मंडल रेल प्रबन्धक (का०)
लखनऊ

न०ई/11/255/4/स्टेमा

दिनांक 13/10/87

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1 - महाप्रबन्धक (का)/ गीरखपुर
- 2 - स्टेशन अधी/ स्टेमा/ऐशाबाग, कानपुर अन०, मैलानी, गोंडा, गीरखपुर, सीतापुर, मनकापुर, खालीलाबाद, पलियक्ता, गीरखपुर, विहिया, बड़नी, तिकुनिया, रावतपुर, नेपालगंज रोड, आनंदनगर, लखनऊ क०, नक्कागंज, मगहर, मुन्डेरवा, महजनवा, हर गाँव, बहराइच, लखीमपुर, कम्पीयगंज, डाल गंज, बुढ़वल, रिगिया, मधुदाबाद, अवध, किन्वां, नौगढ़, दुहुवा, तिहिनुरवा, जरततरोड, पीपीगंज, गोंडा कचहरी, करनैलगंज, मक्कनवा, बस्ती, शोहरतगढ़, उमकाबाजार, बादशाहमगार, नानपारा, वृजमनगंज, प्रयागपुर, न०ए, पंचपेड़वा, मरजू, ईटौजा, राधारायनपुर, गैजहवा, बरभाचक, भीर लखोरि, रेहटा गाँवडिंग ।

3 - सम्बन्धित कर्मचारी, द्वारा स्टेशन/ स्टेमा यदि वह अपनी वीरयता के सम्बन्ध में अभिवेदन देना चाहते हैं तो इसके जारी होने के 60 दिन के अन्दर अभिवेदन भेजें। उसके बाद प्राप्त आवेदन पर विचार नहीं किया जायेगा।

4 - मंडल मंत्री / नर्म / पी०बारा०के०ए / लखनऊ

कृते मंडल रेल प्रबन्धक (का०)

लखनऊ

11/3/1987

(50)

सिद्धांत मंडल के सहायक देन मास्टर (955-100) / अनिमित्त परीपुता फ्री / 1980-2000 की सीमांत सहायक

1980-640/1400-2300, 15-87, 367, 400 = 371

प्रसंग नाम देन जस तिथि निपुणित तिथि पदोन्नति तिथि साप्ताहिक विवरण

1	2	3	4	5	6	7	8

सर्वप्रथम

1- राधा प्रसन्न (अनंत) लखनऊ 23-1-33 4-12-59 31-8-78 31-8-78 स्थानपन्न से अग्रे 700-900

2000-3200

2- बन्नी नगर देवल पणियाकला 6-3-30 20-7-49 9-10-76 9-10-77

3- राम गणेश (अनंत) गोरखपुर कैंट 30-10-35 25-6-60 9-10-76 9-10-77

4- राम धीरज (अनंत) बलरिया 3-7-48 19-12-63 9-10-76 9-10-77

5- देवी राम प्रसाद बन्नी 26-1-42 1-2-84 9-10-76 9-10-77

6- स्वामी कर्तिकेय राम आनंद नगर 1-2-52 9-11-79 9-11-89 स्थानपन्न

7- प्रभुना प्रसाद (अनंत) हरनौत 8-11-42 20-12-63 23-3-81 23-3-82

8- प्रहलाद नारायण गुप्त लखनऊ 25-2-36 28-5-56 2-2-77 5-9-82

9- कोकोराजीनर असीगन 5-3-32 3-5-51 3-10-82 स्थानपन्न

10- पन्ना लाल (अनंत) बुंदेलखंड 3-2-39 1-8-66 1-8-80/31-8-82 स्थानपन्न

11- राधा प्रसाद देवल लखनऊ 7-1-57 8-5-77 1-8-80/31-8-82 स्थानपन्न

12- राम अवन (अनंत) सीतापुर 2-7-52 3-2-75 31-8-82 स्थानपन्न

1	2	3	4	5	6	7	8
सर्वश्री							
13- ईश्वर जारन श्रीवात	अनिष्ठाना	3-3-31	5-8-51	1-8-82	स्थानपन्न		
14- आरु को त्रिपारी	निष्ठानाका	5-7-30	2-11-51	1-8-82/1-1-86	स्थानपन्न		
15- कोरस श्रीवास्तव	रेवावा	18-7-30	28-7-51	1-8-82/1-1-86			
16- जीपपी मिश्रा	देवकली	1-1-32	25-7-51	1-8-82/1-1-86			
17- टीपपी चौबे	कानपुर	1-9-30	11-8-51	1-8-82/1-1-86			
	अनवरगढ़						
18- रसोरम जोहरी	लहमंड	23-10-31	27-3-51	1-8-82/1-1-86			
	सिटी						
19- रसोरम खान	रेवावा	3-11-30	2-11-51	1-8-82/1-1-86			
20- रसोरम खंड	बैलानी	25-12-28	9-3-54	1-8-82/1-1-86			
21- वीरसम श्रीवास्तव	खैराबाद	2-1-34	9-3-54	1-8-82/1-1-86			
			4-8-52				
22- रसोरम खान	गोरखपुर	3-8-30	9-3-54	1-8-82/1-1-86			
23- रसोरम खान	लखनऊ-31	1-2-32	10-3-54	1-8-82/1-1-86			
24- रसोरम खान	बैलानी	23-12-31	11-12-52	1-8-82/1-1-86			
25- वीरसम खंड	गोरखपुर	9-1-30	9-3-54	1-8-82/1-1-86			
26- अक्षयजी खान	गोरखपुर	1-7-35	17-5-55	1-8-82/1-1-86			
27- रसोरम खान	बैलानी	25-10-34	9-11-51	1-8-82/1-1-86			
28- रसोरम खान	लखनऊ	31-7-56	23-11-55	1-8-82/1-1-86			

सर्वश्री

	2	3	4	5	6	7	8
29-	पीकेदास गुला	दीवपुर	5-3-35	7-9-54	1-8-82/1-1-86	स्थानापन	
30-	एसपी लाल	नौतनवा	1-11-32	12-7-54	1-8-82/1-1-86	,,	
31-	आरु और भट्ट	लालबेला	1-10-32	19-8-54	1-8-82/1-1-86	,,	
32-	हरचरन सिंह	कनपुरअनठ	16-7-37	16-8-57	1-8-82/1-1-86	,,	
33-	आरुपीश्री	ऐशबाल	4-4-32	11-9-57	1-8-82/1-1-86	,,	
34-	पीएस गुला	डोमिनगट	1-1-33	11-9-57	1-8-82/1-1-86	,,	
35-	बन्नी प्रसाद	बभनान	25-7-36	11-9-57	1-8-82/1-1-86	,,	
36-	शिवराम सिंह	गरवा	13-9-35	7-2-56	1-8-82/1-1-86	,,	
37-	नवनीलदास अरु	गोरखपुर	1-7-37	31-9-57	1-8-82/1-1-86	,,	
37-	अमरयोग शर्मा	ललीमपुर	14-12-29	11-3-49	1-8-82/1-1-86	,,	
39-	अबुल मन्नाज	लखनऊ	5-9-29	1-6-53	1-8-82/1-1-86	,,	
40-	इकबाल कट्टारखरे	मैलानी	25-3-36	24-11-54	1-8-82/1-1-86	,,	
41-	सुबोध मिश्रा	गोलागोकुल	13-1-36	28-11-54	1-8-82/1-1-86	,,	
		नाथ		12-7-56			
42-	शिरौली लाल यादव	करनैलगां	27-7-32	29-11-54	1-8-82/1-1-86	,,	
43-	आरुपीश्री	मनगापुर	24-2-31	27-3-51	1-8-82/1-1-86	,,	
44-	इइतानउल्लाह खाँ	मानीराम	30-12-30	2-11-51	1-8-82/1-1-86	,,	
45-	एसएस लाल	गोरखपुर	4-7-32	7-3-53	1-8-82/1-1-86	,,	

ਸਰਸੀ

46:-	ਸਲਾ ਪੀਠ ਤਪਾਥਾਥਾ	ਅੰ. 7-7-30	1-7-54	1-0-82/1-1-86	ਸਾਨਾਪਨ
47:-	ਨਰ ਸਿੰਘ ਨਾਰਾਧਨ	ਸੁਧਿਯਾਸਤਾ 1-7-31	13-7-54	1-0-02/1-1-86	,,
48:-	ਗੁਰਾ	ਮੀ. 1-7-30	9-12-52	1-0-02/1-1-86	,,
49:-	ਅਰਠ ਸਨਠ ਨਿਧਾਰੀ	ਗੋਰਖਪੁਰ 1-12-30	12-7-54	1-0-02/1-1-86	,,
50:-	ਥਾਠ ਕੋਥੀਵਾਠ	ਗੋਰਖਪੁਰ 1-1-32	30-4-53	1-0-02/1-1-86	,,
51:-	ਅਰਠ ਸਨਠ ਤਪਾਥਾਥਾ	ਭਲੀਗਾਥਾ 1-7-32	9-7-54	1-0-02/1-1-86	,,
52:-	ਗਾਠੀ ਸਨਠ ਸਰੀ	ਕਲੀ 13-10-30	11-7-54	1-0-02/1-1-06	,,
53:-	ਥੇਠ ਕੋਥੀਵਾ	ਗੋਰਖਪੁਰ 15-4-31	12-12-52	1-0-02/1-1-06	,,
54:-	ਥਾਠ ਅਰਠ ਨਿਧਾਰੀ	ਮੀ. 25-1-32	27-4-53	1-0-02/1-1-06	,,
55:-	ਗੋਰਾ ਲਾਲ	ਗੋਰਖਪੁਰ 1-7-30	17-10-2-53	1-0-02/1-1-06	,,
56:-	ਥਾਠ ਅਰਠ ਸਿਨਧੀਵੀ	ਫਲਾਸਪੁਰ 1-1-35	9-0-54	1-0-02/1-1-06	,,
57:-	ਅੰ. ਅਰਠ ਸਿਨਧੀਵੀ	ਫਲਾਸਪੁਰ 1-1-32	18-1-54	1-0-02/1-1-06	,,
58:-	ਅਰਠ ਫੀਠ ਰਾਧ	ਭੁਭੇਰਵਾ 1-1-31	15-7-54	1-0-02/1-1-06	,,
59:-	ਕੋਥੀਵਾ	ਗੋਰਖਪੁਰ 9-7-34	30-0-54	1-0-02/1-1-06	,,
60:-	ਗੋਰਿਨ੍ਦ ਲਾਲ	ਮੀ. 12-9-33	9-5-50	1-0-02/1-1-06	,,
61:-	ਰਾਮਲਾਲ ਫਲਾਸਪੁਰ	ਫਲਾਸਪੁਰ 1-0-30	29-0-54	1-0-02/1-1-06	,,
62:-	ਮੀਠ ਤਸਮਾਨ ਵਾਰਸੀ	ਫਲਾਸਪੁਰ 5-1-35	16-6-55	1-0-02/1-1-06	,,

ਅੰ. ਅਰਠ ਸਿਨਧੀਵੀ/ਫਲਾਸਪੁਰ

1 2 3 4 5 6 7 8

सर्वश्री

63:- कोपी मिश्रा

सहजवा

1-7-35

21-3-55

1-8-82/1-1-86 स्थानापन

64:- सन0 रन0 त्रिपाठी

गौसरी

1-3-36

21-12-55

1-8-82/1-1-86

65:- इंदय नारायन दूबे

गोरखपुर कैंट

26-7-36

11-8-58

1-8-82/1-1-86

66:- अर0 रन0 शुक्ला

उसकाबाजार

16-8-38

28-8-58

1-8-82/1-1-86

67:- नारायन सिंह

कानपुर सेंट्रल

17-7-34

23-8-58

1-8-82/1-1-86

68:- पन्ना लाल गुला(अजय)

गोरखपुर

16-8-33

6-3-63

1-8-82/1-1-86

69:- शैल कुमार ठाकुर

रजपहा

12-7-53

25-4-77

1-8-82/1-1-86

69- अलरटेक(अजय)

मैलानी

16-6-56

24-10-77

1-10-82/1-1-86

70:- राजेश कुमार भट्टा

डालीगंज

7-7-37

10-9-59

1-6-82/1-1-86

71:- अमलेश्वर प्रसाद

जयवत रोड

1-9-36

29-9-59

1-8-82/1-1-86

72:- रामबाबू श्रीवास्तव

अटारिया

5-4-36

23-4-60

1-8-82/1-1-86

73:- रामानन्द मिश्रा

नौगाढ़

2-1-39

25-4-60

1-8-82/1-1-86

74:- रामानन्द मिश्रा

गौडा

1-10-36

1-1-66

1-8-82/1-1-86

75:- राम नगीना राम

बुढ़वल

1-7-30

2-12-59

1-8-82/1-1-86

76:- जगन्नाथ राम मिश्रा

रजनील फरी-
इपुर

2-9-37

2-12-59

1-8-82/1-1-86

77:- काशीराम लाल सिंह

गोला गोकर्ननाथ 10x36

9-8-60

1-8-82/1-1-86

78:- श्रीपाल सिंह

कापुर सेन्ट्रल 17-12-36

18-8-60

1-8-82/1-1-86

79:- राम लाल मिश्रा

गोष्ठा

10-4-36

31-8-58

1-8-82/1-1-86

1	2	3	4	5	6	7	8
सर्वश्री							
80:- एसवी लाल	गोहरगढ़	30-7-38	19-8-58	1-8-82/1-1-86	स्थानापन्न		
81:- राम लाल (अजग)	अटरिया	2-12-39	11-3-87	1-8-82/1-1-86			
82:- राम कृष्ण (अजग)	गोरखपुर/आनठ	1-7-47	9-x-71	1-8-82/1-1-86			
83:- एसएसओ अहमद	कानपुर अहमद	10-5-38	4-12-59	1-8-82/1-1-86			
84:- सीताराम सिंह, कुवाहाट मैलानी		17-3-37	3-12-59	1-8-82/1-1-86			
85:- बेचन मणि पं अग्रारी	तुलसीपुर	15-12-32	19-9-56	1-8-82/1-1-86			
86:- महुइन ठगन	रिसिया	7-4-33	18-10-56	1-12-82/1-1-86			
87:- ओंकार नाथ मिश्रा	गोहटा	10-7-33	3-2-56	1-8-82/1-1-86			
88:- जोखन सिंह	मण्डर	1-1-34	1-5-56	1-8-82/1-1-86			
89:- संकटा प्रसाद	बस्ती	1-7-35	5-12-56	1-8-82/1-1-86			
90:- राम अजौर सिंह	गोविंदनगर	1-7-34	20-12-55	1-8-82/1-1-86			
91:- गैड विल मेस	लखनऊ सिटी	15-7-33	17-11-56	1-8-82/1-1-86			
92:- एस वन्दर सहायश्री	गोहटा	5-7-37	23-3-57	1-8-82/1-1-86			
93:- कृष्ण गोपाल मिश्रा	बस्ती	3-6-37	23-3-57	1-8-82/1-1-86			
94:- राम नयन त्रिपाठी	कम्पीपरगंज	18-1-35	1-12-56	1-8-82/1-1-86			
95:- रामजन लाल	मण्डर	1-7-35	18-x-54	1-8-82/1-1-86			
96:- राम बहादुरश्रीवा	गोहटा	3-1-35	14-11-56	1-8-82/1-1-86			
97:- इनुमान दास गुला	लखीमपुर	10-7-87	4-x-56	1-8-82/1-1-86			
98:- महुइस दुबे	गोहटा	7-1-35	6-12-56	1-8-82/1-1-86			

1	2	3	4	5	6	7	8
सर्दी							
99:-	ललन प्रसाद दुबे	उसला बलार	21-1-42	16-3-63	1-8-82/1-1-86	स्थानमान	
100:-	रामचन्द्र लाल श्रीवास्तव	बदनी	2-2-37	1-x-56	1-8-82/1-1-86	,,	
101:-	गुणेश कुमार निगम	डालीगंज	1-4-37	9-x-56	1-8-82/1-1-86	,,	
102:-	जहीर अहमद	मुन्हेरवा	7-7-35	12-9-58	1-8-82/1-1-86	,,	
103:-	राम गोविन्द प्रसाद मुखा	गोरखापुर	28-9-37	1-12-56	1-8-82/1-1-86	,,	
104:-	राम विलास दुबे	नानपारा	1-7-36	20-8-50	1-8-82/1-1-86	,,	
105:-	टीठपीठ मुखा	वसुनान	1-7-41	10-10-62	1-9-82/1-1-86	,,	
106:-	इन्द्रेन्द्र प्रसाद श्रीवास्तव	बदनी	1-8-41	0-2-63	1-8-82/1-1-86	,,	
107:-	जाम लाल (अलार)	बालेश्वर	3-7-50	13-1-77	1-8-82/1-1-86	,,	
108:-	वैष्णव अली अहमद रिजवी	बदनी	14-7-42	5-7-63	1-8-82/1-1-86	,,	
109:-	राम चरण पण्डेय	कानपुर अमर	14-11-42	14-8-63	1-8-82/1-1-86	,,	
110:-	राम सुमिरन	सिधौली	5-8-44	7-7-63	1-8-82/1-1-86	,,	
111:-	मुखा किशोर	बुलवल	1-4-38	22-7-50	1-8-82/1-1-86	,,	
112:-	मोहम्मद यमीन	लखनऊ सिटी	23-9-43	20-7-63	1-8-82/1-1-86	,,	
113:-	आरजु बेरिगंज	मोनामोकरनवाय	3-7-44	3-9-63	1-8-82/1-1-86	,,	
114:-	पिन पूजन	बदनी	24-11-43	5-10-63	1-8-82/1-1-86	,,	
115:-	हेमचन्द्र मुखा	बदनी	4-5-47	9-10-63	1-8-82/1-1-86	,,	

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सर्वश्री

1	2	3	4	5	6	7	8
116:-	शुभ नाथ पाडेय	प्र.प्र. 16-6-42	8-10-63	1-8-82/1-1-06	स्थानात्म		
117:-	दिनेश चन्द्र मिश्रा	लखनऊ 10-5-44	8-10-63	1-0-02/1-1-06			
118:-	राम लाल प्रसाद	लखनऊ 12-7-44	20-7-63	1-0-02/1-1-06			
119:-	श्री २०० सिद्धीवि	लखनऊ 1-7-32	20-9-56	1-0-02/1-1-06			
120:-	श्री २०० सिद्धीवि	गोरखपुर 15-7-35	5-12-56	1-0-02/1-1-06			
121:-	खुब लाल गुप्ता	करनैलगंज 17-9-41	26-9-63	1-0-02/1-1-06			
122:-	ज्ञान प्रकाश (अजय)	गोविन्दनगर 20-4-53	26-3-77	1-0-02/1-1-06			
122:-	शंकर राम (अजय)	लखीमपुर उरी 12-7-41	30-4-66	1-0-02/1-1-06			
123:-	एसके श्रवास्व	लखनऊ 1-10-39	23-7-63	1-0-02/1-1-06			
124:-	कैलाश नाथ श्रीवास्तव	लखनऊ 1-11-43	26-4-64	1-0-02/1-1-06			
125:-	रघुवीर गुप्ता	मुर्शिदाबाद 1-1-33	17-12-65	1-0-02/1-1-06			
126:-	कुबेर दत्त	गोहाटा 1-12-36	20-9-66	1-0-02/1-1-06			
127:-	श्री २०० सिद्धीवि	लखनऊ 1-0-42	14-12-63	1-0-02/1-1-06			
128:-	श्री २०० सिद्धीवि	गोहाटा 9-7-34	17-7-65	1-0-02/1-1-06			
129:-	गौरी दत्त	पीपलगांव 1-4-42	19-12-65	1-0-02/1-1-06			
130:-	सतीश चन्द्र श्रीवास्तव	कशीगराज 15-0-41	31-1-63	1-0-02/1-1-06			
131:-	जालिंद मुखर्जी	गोहाटा 1-2-42	10-3-63	1-0-02/1-1-06			
132:-	श्री २०० सिद्धीवि	उसना लखनऊ 1-11-44	10-2-55	1-0-02/1-1-06			
133:-	रजत हुसेन शर्मा	भारतपुर 22-0-34	30-5-64	1-0-02/1-1-06			
	सहजानवा						

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सद्वी

134:-	भगवती प्रसाद	करनलगा	21-0-42	9-10-63	1-0-02/1-1-06	समाप्त
135:-	राम नरे	सुदल	31-7-42	1-0-63	1-0-02/1-1-06	,,
136:-	वीरमठ विजारी	गोरखपुरकैट	2-1-38	23-4-62	1-0-02/1-1-06	,,
137:-	गोपल गाड	नकटगा	10-7-40	2-10-64	1-0-02/1-1-06	,,
138:-	आर० आर० श्रीवा	पसकनवा	25-7-42	1-0-63	1-0-02/1-1-06	,,
139:-	डर नाथ प्रसाद गुला गोरखपुर		4-8-44	7-1-65	1-0-02/1-1-06	,,
140:-	मुनी लाल (अजगठ)	तहसीलभेपुर	1-10-34	10-12-56	1-0-02/1-1-06	,,
141:-	कल नाथ राम	सरलू	7-1-45	22-4-65	1-0-02/1-1-06	,,
142:-	झर प्रसाद	बदनी	20-7-46	3-10-75	1-0-02/1-1-06	,,
143:-	तुलसी राम (अजगठ)	बुढवल	11-4-30	10-9-65	1-0-02/1-1-06	,,
144:-	बौललेन्द्र कुमार ()	नौगा	1-1-55	14-10-77	1-0-02/1-1-06	,,
145:-	मवई प्रसाद (अजगठ)	मैलानी	1-4-50	13-6-68	1-0-02/1-1-06	,,
146:-	कर तुले	वधमान	14-9-36	5-12-56	1-0-12/1-1-06	,,
147:-	कृष्ण लाल लिका	नैनपारा	7-10-14	7-1-65	1-0-02/1-1-06	,,
148:-	राम प्रसाद	विजिनपुर	1-1-1	26-10-64	1-0-02/1-1-06	,,
149:-	देवर दाध सिंह	देवर	1-8-1	1-8-60	1-0-02/1-1-06	,,

रामलाल गाड

श्री मारवा डे 30

कल

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3-11-62

1-6-38

1-6-75

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सदस्य						

151:-	मानकी भारणी श्रीवरा	बलनी	15-7-35	9-9-55	1-0-02/1-1-06	स्वाभामना
152:-	श्री मनो मिश्रा	गोरखपुर कैट	10-7-42	4-3-65	1-0-02/1-1-06	
153:-	गुलाब चन्द्र श्रीवा	वृत्तमनग	1-1-43	19-5-65	1-0-02/1-1-06	
154:-	पुष्प कुमार श्रीवरा	पटियालगा	17-3-44	15-10-65	1-0-02/1-1-06	
155:-	राम लाल मिश्रा	विहमिया	1-7-45	17-10-65	1-0-02/1-1-06	
156:-	राम धरारे गुला	गोहा	20-7-42	9-10-65	1-0-02/1-1-06	
157:-	लाला गोर श्रीवरा	रेखारा	0-6-45	19-1-65	1-0-02/1-1-06	
158:-	श्री श्रीवरा	आनन्दनगर	17-1-42	17-7-63	1-0-02/1-1-06	
159:-	शिव नारायण	गुलाबेला	14-2-30	30-10-65	1-0-02/1-1-06	
160:-	श्री श्रीवरा	लसीमपुर	0-7-44	23-5-65	1-0-02/1-1-06	
161:-	गुलाब रामश्रीवरा	रिहिया	3-9-39	9-9-59	1-0-02/1-1-06	
162:-	श्री श्रीवरा	मण्डर	16-2-30	14-1-50	1-0-02/1-1-06	
163:-	राजवन्धन सिंह	लखनऊ	1-1-45	4-2-65	1-0-02/1-1-06	
164:-	बेनी भाव पादव	पंचपेड़ा	1-1-43	4-2-65	1-0-02/1-1-06	
165:-	राधे राम	गोहा-बेहरी	12-3-44	16-9-63	1-0-02/1-1-06	
166:-	गीता प्रसाद मिश्रा	वृत्तमनग	1-0-42	20-10-63	1-0-02/1-1-06	
167:-	श्री श्री दिवली	गैलानी	1-1-7-44	20-1-2-65	1-0-02/1-1-06	
168:-	कुन्द लाल	बिलवरिया	1-3-40	29-3-55	1-0-02/1-1-06	

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169:-	केसरल नाराय	अदरिया	24-9-44	20-12-65	1-0-02/1-1-06	स्थानापन्न
170:-	नन्द लाल सिंह	बन्सी का लाला	1-0-36	12-12-56	1-0-02/1-1-06	,,
171:-	आरुसीअवाल	पीपीगंज	16-1-45	19-1-65	1-0-02/1-1-06	,,
172:-	रामदेव प्रताप सिंह	कामपुर अनवर	24-2-41	10-12-56	1-0-02/1-1-06	,,
173:-	डीआर लालसवाल	उसलावाला	1-1-39	10-9-59	1-0-02/1-1-06	,,
176:-	आनन्द स्वयं	गनगापुर	18-3-42	15-7-63	1-0-02/1-1-06	,,
175:-	केसरल दूबे	पीपीगंज	15-7-39	3-12-59	1-0-02/1-1-06	,,
176:-	सुधाकेसरल	हरगाँव	0-4-36	20-10-59	1-0-02/1-1-06	,,
177:-	केसरल	लाला लाल	6-10-45	21-10-65	1-0-02/1-1-06	,,
177:-	केसरल	रेवाला	16-6-37	7-12-58	1-0-02/1-1-06	,,
179:-	केसरल	अलीगढ़	3-1-44	26-11-55	1-0-02/1-1-06	,,
180:-	केसरल	बलगाँव	0-2-41	21-12-55	1-0-02/1-1-06	,,
181:-	केसरल	बैलगाँव	22-7-34	0-5-56	1-0-02/1-1-06	,,
182:-	आरुसनीवाल	बलगाँव	9-4-41	24-12-55	1-0-02/1-1-06	,,
183:-	सुधाकेसरल	बलगाँव	12-7-40	24-12-55	1-0-02/1-1-06	,,
184:-	रंग बहादुर सिंह	बन्सी का लाला	3-4-42	24-12-55	1-0-02/1-1-06	,,
185:-	श्रीपति सहाय श्री	बलगाँव	2-2-36	13-1-63	1-0-02/1-1-06	,,
186:-	सोहन लाल	अनवर	15-6-45	10-1-55	1-0-02/1-1-06	,,

1	2	3	4	5	6	7	8
	सदस्यी						
187:-	शिव कुमार (अजोध)	कानपुर सेन्ट्रल	8-1-57	9-10-81	1-8-82/1-1-88	स्थानागन्त	
188:-	हरिहर प्रसाद मिश्र	हरियाणा	5-7-45	16-1-65	1-8-82/1-1-88		
189:-	विजय सिंह (अजोध)	गंगा नौकागण		19-10-81	1-9-82/1-1-88		
190:-	श्रीराम कुमार	कानपुर अनवरगढ़	30-8-58	19-10-81	1-9-82/1-1-88		
191:-	राम सुर्वी अजोध	गोंडा		19-10-81	1-9-82/1-1-88		
192:-	राम नरेश (अजोध)	तुलना		19-10-81	1-9-82/1-1-88		
193:-	आरु सीध विवेदी	नौकाघाट	1-7-41	20-4-63	1-9-82/1-1-88		
194:-	राम लोटे (अजोध)	डोंगिनगढ़	1-10-58	19-10-81	1-9-82/1-1-88		
195:-	आरु रमेश सिंह	सहजगवा	14-8-38	13-2-81	1-9-82/1-1-88		
196:-	वृद्ध विहारि सिंह (अजोध)	भीरखेरी		19-10-81	1-9-82/1-1-88		
197:-	राजेश (अजोध)	तुलना		9-10-81	1-9-82/1-1-88		
198:-	परमेश्वर प्रसाद	गोविन्दनगर		1-9-82/1-1-88			
200:-	आशोक कुमार (अजोध)	गोर बपुर कैट		19-10-81	1-9-82/1-1-88		
201:-	कमला कान्त (अजोध)	भीरखेरी (अजोध)		19-10-81	1-9-82/1-1-88		
202:-	दिनेश कुमार	गोरबपुर कैट	1-5-57	12-1-79	1-9-82/1-1-88		
203:-	राजेश कुमार (अजोध)	आनन्दनगर	5-12-50	9-81	1-9-82/1-1-88		

सन्तानगार पञ्चल से
विहाज चौड से पार-
परिकल्पना पर अये ।

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1	2	3	4	5	6	7	8
204:-	परम हंस (अजोध)	गोंडा	85-11-02	4-10-02/1-1-06	स्थानगन्त		
205:-	बलराम (अजोध)	सीतापुर	0-11-02	9-10-02/1-1-06	,,		
206:-	लालीवन शास्त्र (अजोध)	डेखावत	0-11-02	9-10-05/1-1-06	,,		
207:-	मन्त्री शास्त्र	देखावत हटौला	0-11-02	20-09-00	29-08-63/1-1-06	,,	
208:-	आर सी मरान्दी (अजोध)	लुहवा	15-1-57	25-4-77	8-3-79/1-1-06	,,	
209:-	डरी शास्त्र लाल	बकनी	23-06-43	11-7-63	11-10-70/1-1-06	,,	
210:-	जनकी शरण शिवरा	गोंडा	5-7-43	16-1-65	1-0-02/1-1-06	,,	
211:-	गिरजा शंकर शिवरा	मैनापुर	16-6-41	16-3-63	1-0-02/1-1-06	,,	
212:-	कुलकर्णी मंड	कुलकर्णी	1-7-42	16-10-66	1-0-02/1-1-06	,,	
213:-	कोडीच मन्दी	देखावत	20-12-40	19-10-66	1-0-02/1-1-06	,,	
214:-	आरवणीय पादव	गोरखपुर देवली	31-1-45	27-10-66	1-0-02/1-1-06	,,	
215:-	एमओ आर लेण	जैसरी	4-9-44	5-4-65	1-0-02/1-1-06	,,	
216:-	मोहम्मद सिद्दीकी	धायराघाट	23-7-36	9-3-57	1-0-02/1-1-06	,,	
217:-	आरवणीय ओरा	भीरावेरी	1-4-46	16-10-66	1-0-02/1-1-06	,,	
218:-	बीठडी सिद्ध	विशेषावरजं	10-1-39	11-1-60	1-0-02/1-1-06	,,	
219:-	सुखडीय शास्त्र करन	गोंडा	15-8-42	17-4-67	1-0-02/1-1-06	,,	
220:-	आरवणीय राय	रिहिया	17-11-41	13-4-67	1-0-02/1-1-06	,,	

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सर्दी

221:- ओम राम श्रीवत्सव

लखनऊ सिटी

1-7-42

22-4-69

1-9-02/1-1-06

स्थानपत्र

222:- किशन दयाल दादव

लखनबेला

1-1-43

11-12-80

1-1-82/1-1-86

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223:- विसमलाल

दिनिय

15-11-45

11-12-69

1-0-02/1-1-86

,,

224:- हरि शंकर लाल

देवकली

1-1-47

11-12-69

1-9-02/1-1-86

,,

225:- शशीकुल रजमान

मिमानगडा

25-12-46

11-12-69

1-8-02/1-1-86

,,

226:- सीतपीपडि

बनगड

15-1-44

11-12-69

1-9-02/1-1-86

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227:- हरिचन्द्र लाल

प्रबंकेव

31-7-42

10-12-69

1-0-02/1-1-86

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228:- विजय नारायण लाल श्री डीमिनगड

17-7-42

10-12-69

1-0-02/1-1-86

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229:- रामवीरवर्मा

सीतापुर

1-4-44

17-10-65

1-0-02/1-1-86

,,

230:- आरुसिंह लाल

गोतीगल

2-7-45

9-6-66

1-0-02/1-1-86

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231:- विनय चन्द्र

कुशीपुरगुल

1-1-43

14-5-63

1-0-02/1-1-86

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232:- जेठवीर लाल श्रीवत्सव

हौराबल

1-1-46

3-2-66

1-0-02/1-1-86

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233:- लीलाचर त्रिपाठी

श्रीलालपुर

4-1-40

27-12-65

1-0-02/1-1-86

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234:- राम चन्द्र लाल

नोन द

15-7-30

14-7-60

1-0-02/1-1-86

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235:- रामवीर सिंह

गोहरलाल

19-1-35

14-3-50

1-0-02/1-1-86

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236:- श्री राम शिखा

भदोरा

15-1-52

12-7-71

1-0-02/1-1-86

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237:- राम राम पाठक

मनिराम

13-1-47

0-0-71

1-0-02/1-1-86

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सद्वी

1	2	3	4	5	6	7	8
230:-	वीर के श्रीवास्तव	गोरखपुर	1-7-52	9-9-71	1-9-92/1-1-96	स्थानात्मक	
239:-	मोहन यादव	गोहरतण्ड	3-1-36	14-3-63	1-9-92/1-1-96		
240:-	सैयद स गनी	बिन्दौरा		27-9-71	1-9-92/1-1-96		
241:-	डीएस सिंह	लक्ष्मीपुर	1-6-43	12-10-65	1-9-92/1-1-96		
242:-	वीरपीठ सिंह		6-7-44	12-6-65	1-9-92/1-1-96		
243:-	सी एस पंडे	परसा	15-7-32	1-10-51	1-9-92/1-1-96		
244:-	डे सी श्रीवास्तव	वरुआक	20-10-53	4-12-72	1-9-92/1-1-96		
245:-	वीरडीठ शुक्ला	गोलापोकान नाथ	23-7-35	23-9-56	1-9-92/1-1-96		
246:-	एस पी सिंह	नौर	30-5-34	20-9-56	1-9-92/1-1-96		
247:-	अमर नाथ गुप्ता	गोहरापुर	5-11-42	22-7-63	1-9-92/1-1-96		
248:-	एस सठवेग	हीरीटउन	4-12-36	15-5-56	1-9-92/1-1-96		
249:-	डे एस सिंह	धनजनवा	4-7-37	27-1-68	1-9-92/1-1-96		
250:-	नेत्रू लाल गुप्ता	गोडा	15-7-42	26-9-65	1-9-92/1-1-96		
251:-	विपिन बिहारी श्रीवास्तव	पीपीया	1-1-51	17-6-74	1-9-92/1-1-96		
252:-	वाडी पीठ एस मोहन	मनकापुर	1-7-37	17-10-56	1-9-92/1-1-96		
253:-	यशोदा नंद	नदीवाला	16-1-40	27-9-74	1-9-92/1-1-96		
254:-	डी एस अग्रवाल	प्रसन्नवा	10-7-34	27-3-56	1-9-92/1-1-96		
255:-	एस सी श्रीवास्तव	कौआपुर	10-1-30	15-1-63	1-9-92/1-1-96		

स्थानात्मक केवल ही
है। यहाँ से उद्धृत किया गया है।

यहाँ से उद्धृत किया गया है।

सर्वश्री

1	2	3	4	5	6	7	8
256:-	आर० एस० विस्वकर्मा	रावतपुर	16-7-51	26-1-75	1-7-72/1-1-76	स्थानान्न	
257:-	महेस्वरी प्रसाद मिश्र	सहजानवा	1-1-52	1-5-73	1-7-72/1-1-76	,,	
257:-	श्री श्याम सिंह	गोहरतगाढ़	4-12-41	20-2-70	1-7-72/1-1-76	,,	
258:-	एस० एन० यादव	नरवलरोड	15-7-44	17-5-65	1-7-72/1-1-76	,,	
259:-	गै० एल० श्रीवास्तव	जगतबेला	1-7-42	15-3-70	1-7-72/1-1-76	,,	
260:-	धर्मराज यादव	गडगिराबादरान	12-3-45	25-1-64	1-7-72/1-1-76	,,	
261:-	एस० एन० बालादेवी	रावतपुर	1-7-39	23-5-61	1-7-72/1-1-76	,,	
262:-	आर० एस० राजपुत	अटरिया	15-8-35	24-4-56	1-7-72/1-1-76	,,	
263:-	रिपब्लिकन अस्मारी	गडगिराबादरान	1-1-41	1-1-76	1-7-72/1-1-76	,,	
265:-	सिराणुल डक	बलरामपुर	1-1-42	13-3-64	1-7-72/1-1-76	,,	
266:-	सतीश चण्डासवाल	हंटीवा	23-4-30	0-1-54	1-1-72/1-1-76	,,	
267:-	अनवारल डक	मसकनवा	1-4-41	7-3-66	1-7-72/1-1-76	,,	
268:-	अशोक कुमार मिश्र	लख जं०	8-7-50	29-4-73	1-7-72/1-1-76	,,	
269:-	मोहम्मदसलीम सिद्दीकी	पिंडी बुलापुर	23-4-55	24-10-75	1-7-72/1-1-76	,,	
270:-	प्रभात कुमार	नरवलरोड	1-1-45	11-2-75	1-7-72/1-1-76	,,	
271:-	मोहम्मद अनवर खं	लख जं०	15-8-46	3-2-75	1-7-72/1-1-76	,,	
272:-	महिला कृषि अजी	लख जं०	2-8-45	8-2-75	1-7-72/1-1-76	,,	

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सर्वश्री

273:- अत कुमार मिश्र वैजानगर रोड 26-9-43 9-2-75 1-0-02/1-1-06 स्थानागमन

274:- हरी कान्त सिंह रिसिपा 22-7-44 20-2-75 1-0-02/1-1-06 ,,

275:- सुमोष्यो श्री गोरखपुर 1-7-45 19-10-69 1-0-02/1-1-06 ,,

276:- कपल प्रसाद लक्ष्मण 10-1-44 2-4-75 1-0-02/1-1-06 ,,

277:- रमेश सिंह लक्ष्मण 4-11-40 20-9-75 1-0-02/1-1-06 ,,

278:- प्रमोद कुमार गोपाल गोरखपुर 15-5-54 21-10-75 1-0-02/1-1-06 ,,

279:- रामेश्वर श्रीवास्तव गोरखपुर 12-7-52 23-11-75 1-0-02/1-1-06 ,,

280:- सुरेन्द्र नाथ दूबे अमनदुर्गा 1-1-52 10-12-75 1-0-02/1-1-06 ,,

281:- मोहन लाल दामाई 13-5-51 15-1-76 1-0-02/1-1-06 ,,

282:- अमृत लाल बिस्मौरा 0-1-37 9-10-56 1-0-02/1-1-06 ,,

283:- राम शंकर शर्मा गौर 1-10-40 13-12-66 1-0-02/1-1-06 ,,

284:- तीरेन्द्र पाल सिंघ गुरेखा 1-7-44 3-12-65 1-0-02/1-1-06 ,,

285:- राम शंकर मिश्र डोमिमण्ड 15-12-51 3-11-76 1-0-02/1-1-06 ,,

286:- लक्ष्मी अहिरा दत्ता 13-1-57 20-11-76 1-0-02/1-1-06 ,,

287:- मोहन अहिरा नरहामण 1-12-53 27-11-76 1-0-02/1-1-06 ,,

288:- श्री प्रकाश श्रीवास्तव नैलागि 1-4-56 22-12-76 1-0-02/1-1-06 ,,

289:- लखन अकबर अली गोरखपुर 9-7-53 22-12-76 1-0-02/1-1-06 ,,

290:- लखन देव शिवा नैलागि 20-12-76 1-0-02/1-1-06 ,,

291:- लखन देव शिवा गोरखपुर 20-11-53 12-1-77 1-0-02/1-1-06 ,,

292:- लखन देव शिवा गोरखपुर 20-11-53 12-1-77 1-0-02/1-1-06 ,,

28-11-76

1	2	3	4	5	6	7	0

सदस्यी

292:-	अशोक कुमार सक्सेना	गोरखपुर	12-8-57	19-1-77	1-0-02/1-1-06	स्थानापन्न	२०/११/२०११
293:-	विजय कुमार मिश्र	लखीमपुर	20-11-55	25-1-77	1-0-02/1-1-06	,,	
294:-	दिनेश कुमार मिश्र	प्रधानपुर	1-1-51	24-2-77	1-0-02/1-1-06	,,	
295:-	विद्यासागर तिवारी	चौकाघाट	29-11-53	11-3-77	1-0-02/1-1-06	,,	
296:-	सुनेहर प्रसाद मिश्र	गनकापुर	1-1-51	26-3-77	1-0-02/1-1-06	,,	
297:-	उदय कुमार	तहसील फरीदपुर	7-6-51	10-3-74	1-0-02/1-1-06	,,	
298:-	अबुल मकीद शेख	आनन्दनगर	31-7-53	14-7-64	1-0-02/1-1-06	,,	
299:-	सरपदेव उपाध्याय	दिनेच	1-7-53	7-7-77	1-0-02	,,	
300:-	आरठ एसो गुला	खीरीटाउन	10-11-54	23-10-77	1-0-02	,,	
301:-	अमीत कुमार श्रीवा	गोरखपुर	20-5-54	30-11-77	1-0-02	,,	
302:-	राजेश्वर डोगीगो	गोडिबुल्लापुर	25-2-54	30-11-77	1-0-02	,,	
303:-	मानकेश नाथ गुप्ता	गौडा कलेहरी	21-10-36	22-4-65	1-0-02	,,	
304:-	चन्द्र भाग सिंह	नेवकली	1-3-52	30-11-77	1-0-02	,,	
305:-	राजेश कुमार प्रधान	कानपुर अठ	1-2-56	12-3-77	1-0-02	,,	
306:-	देवेश कुमार श्रीवा	रैवाला	22-9-55	2-5-70	1-0-02	,,	
307:-	अरुण कुमार सिंह	सिधौली	1-7-54	4-0-70	1-0-02	,,	
308:-	इमि तयाल हुसेन	रैवाला	13-7-30	4-2-50	1-0-02	,,	

,, आलापना अखिल

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सदस्य

309:- मोहम्मद आफक खां सुदिही 1-10-50 20-6-75 1-0-02/1186 स्थानापन्न

13-12-70

310:- अब्दुल रशीद तुलसीपुर 2-1-52 13-12-70 1-0-02 ,,

311:- मोहम्मद नजीर देहराघा 1-7-54 13-12-70 1-0-02 ,,

312:- कृपा शंकर पयलपुर 5-1-56 13-12-70 1-0-02 ,,

313:- प्रणव कुमार घोष गोरखपुर 2-4-50 23-1-79 1-0-02 ,,

314:- सुभाष चन्द्र श्रीवास्तव बस्ती 15-10-53 23-1-79 1-0-02 ,,

315:- चन्द्र निगेर श्रीवास्तव मोहरतगढ़ 1-1-54 23-1-79 1-0-02 ,,

316:- परशुराम पीपीगंज 14-1-54 23-1-79 1-0-02 ,,

317:- विनोद नरायन गह्वे दानपुर अना 15-8-53 5-4-79 1-0-02 ,,

318:- मुरमुल हसन मोरमुरकैट 1-4-54 5-4-79 1-0-02 ,,

319:- नौरमल झा मिडिनपुरवा 3-1-52 17-0-76 1-0-02 ,,

320:- संतोष कुमार मिश्र छैराबाद 1-12-43 13-5-68 1-0-02 ,,

321:- मोहन चारिस झाँ कौआपुर 0-6-45 27-7-77 1-0-02 ,,

322:- राधेस्यम जयसवाल दमरु 12-8-53 22-5-57 1-0-02 ,,

323:- हसन जवेद झोपल 21-11-42 17-7-71 1-0-02 ,,

324:- बीरबनो सिन्हा मसकनवा 30-6-53 9-10 77 1-0-02 ,,

325:- राम सूरत जलेश 2-1-52 4-5-71 1-0-02 ,,

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सर्वी

1	2	3	4	5	6	7
उ३६:-	सुर्यदेव मिश्रा	तहसील फतेहपुर	१-१-३६	१३-१०-५६	१-२-०२/१९६६	स्थानापन्न
उ३७:-	प्रदीपकुमार त्रिपाठी	तुलसीपुर	१-५-५०	०-०-६०	१-०-०२	"
उ३८:-	घासी राम वर्मा	कानपुर अन०	२५-०-४९	३१-१-७४	१-०-०२	"
उ३९:-	डरी मोहनप्रसाद हारे	वरईकालापुर	१५-०-४४	२२-४-७५	१-०-०२	"
उ४०:-	प्रदीप कुमार सिंह	लखनऊ सिटी	१०-९-५२	३०-१२-७७	१-०-०२	"
उ४१:-	अहमद इसन	मोतीबाग	३१-१२-५४	२०-६-००	१-०-०२	"
उ४२:-	श्री कैश लाल	भवानीकला	१-१०-५४	११-६-००	१-०-०२	"
उ४३:-	मनजीत सिंह	मोडिबुलापुर	२१-१२-५२	२३-७-००	१-०-०२	"
उ४४:-	रणभुल हुसेन	वरुआ नन्द	१-७-३४	९-१२-५७	१-०-०२	"
उ४५:-	कालिका प्रसाद	मुर्शिदा	१-७-३०	१५-०-६२	१-०-०२	"
उ४६:-	पुरुषोत्तम	रणगण	१५-७-४०	०२३-५-६३	१-०-०२	"
उ४७:-	नरेश जगद्वि त्रिपाठी	पंचपेढवा	१७-१०-५१	२२-१०-७०	१-०-०२	"
उ४८:-	वंशीधर द्विवेदी	पंडरपुर	१-७-३४	२३-७-६२	१-०-०२	"
उ४९:-	अबुल्लाह	दिमिया	२५-७-४४	१३-५-६५	१-०-०२	"
उ५०:-	रणेश कुमार शर्मा	कानपुर अन०	१२-९-५५	१५-११-०३	१-०-०२	"
उ५१:-	विनोद कुमार पंडे	बादागाहनगर	३०-६-५२	२३-५-७६	१-०-०२	"
उ५२:-	अशोक कुमार शुक्ला	परसा	६-६-५३	१४-११-००	१-०-०२	"
उ५३:-	रामकुमार	भगानी पुराना	०-६-३६	०-३-७०	१-०-०२	"

२१/११/७०

२१/११/७०

२१/११/७०

कुल संलग्न रेल प्रबन्धक (कम)

பெரிய

650-29.10-077

महाप्रबन्धक (श्री) गीरधरपुर

३३ प्राच्यत(वर्णित) गोरक्षपुर ।

தமிழ் இலக்கிய/மொழி, 2007

८८३३ अक्षिपत/सट्टागार/गोरपुर अनवरगंजः राजतपुर, लखनऊ जं रेसदाग, लखनऊ सिटी, डालीगंज, तादराइनगर,
 कुलवाल, रिन्चौरा, लहरीरावादा गंज, प्रीकावा, पाथरावाट, करतलरेडि, सरागु, कर नैल गंज, मीनापुर, गोडा, कवहरी, गोडा
 गोरीगंज, करआवक, मनकापुर, धलनवा, वभनान, गौर, रिदिग, गोविन्दनगर, वरती, मुडेरवा, खलीलावाड, पाण्डर, सडननवा,
 जगतवेला, डोगीगंज, गोरपुर, गोरधुरकैट, भवानीपुरकला, सुभापुर, अन्धमिथल, वडेरगपुर, नैलवाग, कौवापुर,
 तुलसीपुर, नैसरी, प्रवपेड वा, बलनी, परसा, सोहरतण्ड, दिडिग, गोण्ड, उमडावागार, हुनानगंज, अन्धनगर,
 लक्ष्मीपुर, नैजनवा, कभीरनगंज, पीपीगंज, मनीरग, नन्धनगंज, वनगाई, डिसेसरगंज, भयागपुर, लिलवरिग, वडराइन,
 रिसिगा, बडेरा, नननगर, नैजलगंज रेडि, फडिनपुरवा, मुलीडर, निगानगंज, रिगिग, किङ्गुवा, देलगा, कुडा,
 पणिमल्ल, करपेरी, मोडिबुलपुर, वडमी, वातगाव, इटा, भट्टरग, रेडि, गोपुर, नन्धनगर, नैजलवा,
 गोरखपुर, सीतापुर, डरगाव, ओगल, गीरीगंज, गीगपुर, नैजलवी, काला, रागंज, गोला, देलगा, गोपुर,
 नैलनी, सिता, राईगा, ग, आध, बडलील, कौपुर ।

સામાજિક સેવા મંડળ (433-200)/(1100-2300)/... 1-5-8...

સીકસ મેટા
સાર્વજનિક
1-20

ક્રમ નં	નામ	રહેવાનું	જન્મ તારીખ	શિક્ષણ તારીખ	સરનામો તારીખ	સરનામો તારીખ	સરનામો તારીખ	સરનામો તારીખ
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

સર્વેક્ષી

1-	શાલુ તામ (અંજા)	ધોળિયા	28-1-41	8-10-63	12-9-78	12-9-78	12-9-78	સામાજિક સેવા મંડળ / 700-900/2000-3200
2-	બાપી લાલ શંભુભાઈ (અંજા)	પાલપાતા	1-1-39	14-12-63	12-9-78	12-9-78	12-9-78	વહી
3-	સીતારામ (અંજા)	નાનપાતા	30-7-43	10-10-63	12-9-78	12-9-78	12-9-78	વહી
4-	હસમ ચંદ મિશ્ર	ગોલપુર	---	---	4-10-77	---	---	વહી
5-	કેળીભોજિ	કટાર	1-8-29	24-9-49	17-4-80	17-4-81	17-4-81	વહી
6-	લીડનનંદાસ (અંજા)	લખનનંદાસ	12-4-37	24-10-63	17-4-80	17-4-81	17-4-81	વહી
7-	આંબીનંદાસ (અંજા)	નવલખાસ	24-7-38	14-12-49	17-4-80	17-4-81	17-4-81	વહી
8-	બ્રહ્મા નંદ (અંજા)	મગર	30-9-42	26-6-63	17-4-80	17-4-81	17-4-81	વહી
9-	ધારુ તામ (અંજા)	મુન્ડેલા	22-1-47	7-1-77	17-4-80	17-4-81	17-4-81	વહી
10-	લાલ નંદ પ્રસાદ (અંજા)	સહનલા	13-1-52	30-11-77	17-4-80	17-4-81	17-4-81	વહી
11-	સીતારામ (અંજા)	નાનપાતા	5-1-25	15-6-50	21-11-61	21-11-62	21-11-62	વહી

સંખ્યા

(1) (2) (3) (4) (5)

12- પી0રન0 સરેના

10/10/1971

13- વૈતન (અંજા)

નોંદ

1-7-42

1-1-66

21-11-81

21-11-82

2000-3200

14- મોરમદ જાસિમ

ગેસરી

23-7-30

24-9-49

1-8-82

1-8-82

વહી

15- તામ નિવાસ (અંજા)

મુર્તિદા

12-1-43

10-12-63

1-8-82

1-8-82

વહી

16- જલેશ્વર પ્રસાદ (અંજા)

વૃજમનજી

12-7-42

15-5-69

19-8-83

19-8-83

વહી

17- મંજા પ્રસાદ શ્રોવાસ્તવ

વિશેષારાજ

8-7-29

3-7-50

1-8-82

1-8-82

સ્થાનાયના સ્થિતી

550-750

18- કે0પી0પાદ્ય

સુદિયામક

12-6-30

22-9-49

22-9-49

22-9-49

વહી

19- મુલ તાજ નિગમ

તજાજી

15-8-29

26-9-49

26-9-49

26-9-49

વહી

20- દરિ શંકર દયાસ

હોમિનગ

25-1-31

25-1-31

25-1-31

25-1-31

વહી

21- તામ ઝાગા દિવેદી

ગોહા કવહરી

2-7-7-30

4-4-51

1-8-82

1-8-82

વહી

22- સસોસનોનિવારી

કારકેસન

15-2-31

26-6-51

26-6-51

26-6-51

વહી

23- દરિ શંકર દયાસ

દરિ શંકર દયાસ

1-1-33

21-4-53

21-4-53

21-4-53

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सदस्य
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24- सफरनाम

विवरण

स्थानापन्न

स्थानापन्न
550-750/

1600-2660/

25-	अमरवार उपस्थित	बस्ती	1-1-32	(24)	23-8-51	..	वही
(26)	आठकेसिह	नकहानगर	4-4-30	..	29-4-53	..	वही
27-	मन प्रसाद श्रीवास्तव	शौरादा	3-2-33	(3)	9-12-52	..	वही
(28)	पुत्र नारायण	गणायाम	1-9-30	..	9-12-52	..	वही
29-	गोपबन्धुनीलाल	महाराजपुरा	1-7-34	(31)	19-7-54	..	वही
30-	शशि राम	नानापुरा	1-8-36	(32)	9-1-56	..	वही
(31)	अमा जल नारायण	हर्षनगर	14-5-30	..	2-1-54	..	वही
(32)	वसुदेव सिंह	भोपुर	3-8-31	(33)	9-12-52	..	वही
233-	गोपबन्धुनी	बस्ती	1-1-30	..	1-5-50	..	वही
234-	रतन कुमार	प्राधान	20-5-30	..	9-3-54	..	वही
4-	शिवप्रसाद सिंह	पानापुरा	1-7-34	..	29-2-56	..	वही
5-	श्री बन्धु राम	पानापुरा	5-1-32	(34)	26-4-53	..	वही
6-	गोपबन्धुनी	बस्ती	4-4-30	..	9-1-52	..	वही
7-	सुभाषी	बस्ती	1-1-33	(35)	15-7-53	1-8-87	वही

कुल:

1/2

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सर्वज्ञ

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52- दीना नाथ पाठे 10-6-34 7-7-55 1-8-83 / 1-1-86 खानापन खानापन रोम/

550-750

1600-2660

53- राम शंकर दाम्ब 12-9-34 10-8-54 1-8-83 ..

54- केदारनाथ श्रीवत्सल 12-7-35 18-5-55 ..

55- सधनसिंहदेव 18-1-35 2-3-56 ..

56- केदारनाथ देव 15-1-36 18-10-56 ..

57- राम उग्र शंकर श्रीवत्सल/देव 1-9-36 25-6-58 ..

58- राम शंकर शंकर मोदीनाथ 1-2-37 27-2-58 ..

59- प्रेम नारायण शंकर शिववर्मा 7-1-37 13-6-58 ..

60- श्री शंकराचार्य 5-7-33 17-9-59 ..

61- दाज जी प्रसाद/श्रीवत्सल/शंकराचार्य 20-7-37 22-6-59 ..

62- विश्वनाथ दयाल पाठे 25-6-37 28-8-58 ..

63- विश्व नाथ प्रसाद 1-1-38 30-9-59 ..

64- श्रीकेशदेव मुन्डा 27-7-53 24-11-77 ..

65- सतनाथ प्रसाद गुप्ता 28-1-35 18-9-59 ..

कुल: 6/-

वही 10/11/1982

(1) (2) (3) (4) (5) (6) (7) (8)

सर्वो
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66-	जगत नामधन सिंह	महाराष्ट्र	10-1-38	3-12-59	1-8-82/1186	स्थानावध	स्थानावध/550/750/1600/2550
67-	गान धरि राम	जिलदारिया	1-1-36	29-4-60	" "	" "	वही
68-	ग्रीन बन्धु जगन्नाथ	कानैलगांव	15-1-38	19-9-60	" "	" "	वही
69-	विश्व नाथ रमा	मनकापुर	14-10-37	29-4-60	" "	" "	वही
70-	निम्मा अरमद	गौर	1-4-38	3-12-59	" "	" "	वही
71-	शम्भू अरमद सिद्धीकी	श्रीहरातगाव	1-10-37	20-9-55	1-8-82/1186	" "	वही
72-	देवी लता श्रीकांत	समवेला (पुणे)	1-6-37	24-9-56	" "	" "	वही
73-	मणीरानी दामडे	सुभापुर	3-1-35	1-12-56	" "	" "	वही
74-	मिर्जा प्रसाद मोर	शलीलीबाद	25-1-37	2-1-10-56	" "	" "	वही
75-	राम नयन अग्रहारी	नैपालगज रोड	18-7-35	5-12-56	" "	" "	वही

कृति मंडल रेल प्रबन्धक (कार्मिक)

लखनऊ ।

संसा.ई/11/255/स्टेम/87

लखनऊ दिनांक 3-11-98

प्रतिनिधि सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषित :-

- (1) महाप्रबन्धक (का0)/ पूर्वोत्तर रेलवे, गोरखपुर।
- (2) स्टेशन अधीक्षक/स्टेशन मास्टर/उसका बाला, तिक्रोनिया, परमुदाबाद अवध, भागीरथी, तावतपुर, कैलाश, नकराजगल, कानैलगंज, चौकावाट, तुलसीपुर, सिधौली, पणपिन, बिबिया, कटन, पथपेड़वा, कैलाशगंज, लखनऊ नं०, मगहर, मुंडेरवा, सहजनवा, परधान, जंजाका, मसकानवा, कौवापुर, नारायण, ठौरगाँव, नौगाढ़, मनोराम, गेसरी, डालोगंज, मुर्तिहा, बृजमनगंज, मीतीगंज, भीमपुर, शीहरगाढ़, कपतन, हटिनाथगंज, बाकोगंज, विंशपरागंज, रघुनाथपुर, राजगंज, बिलहिया, डोमनगाढ़, गौडा, कवहरौली, जहगीरमगंज राज, बार्ह जलालपुर, वस्त्रावक, बुरेवा, गौरी, मैलापुर, गंगवत, मोहिलुलापुर, लक्ष्मीपुर, मंदौर, नवाबगंज, सुभागापुर, सराजू, हटौली, राजनारायणपुर, गैजबवा, बुढ़वा, मुंडेरवा, कपतनपुर, देवकरी, बरगारम, बकानीपुर, कटन, परसेली, आनंदनगर, सुबिधानगंज, कौली, धांधायाट, नौतनक, बर्हिगंज, शीहरगाढ़, कटन, बिलहिया, जगतदेवा, ककरहा रीस्ट हाउस, पापल, रीहटा साहडिंग, लक्ष्मीपुर, सोनारीपुर, बिन्दौरा, क्रोडापुर, दुंदुआ, नैपालगंज रीस्ट।
- (3) सर्वोच्च कर्मचारी द्वारा स्थापित स्टेशन अधीक्षक/स्टेशन मास्टर। यह वह अपनी कार्यवाही के सबब से अभिभूत न कराना चाहते हैं तो कठोरता सूची को प्राप्त के 60 दिनों के अन्दर उसे इस कायलिय में जवाब दें।
- (4) मंडल मंत्री, पूर्वोत्तर रेलवे कर्मचारी संघ सर्व मजदूर यूनियन/ लखनऊ।

वर्मा/28604

कृते मंडल रेल प्रबन्धक (कार्मिक)

लखनऊ।

सबसे अधिक कर्मचारी गण द्वारा स्थान अधीन / स्थान मात्र यदि अपनी वरीयता के लिये कोई अधिवेदन कर ना चाहते हैं। तो इसकी प्रार्थना के 60 दिनों के अन्दर अधिवेदन भेजें अन्यथा उसके बाद प्राप्त अधिवेदनों पर विचार नहीं किया जायेगा।

8- महल मंत्री/पूर्वोत्तर रेलवेकर्मचारी संघ/ मजदूर यूनियन/लघुमजदूर।

कुने महल रेल प्रमुख(कम)

लेखन।

11/1/87

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ALL INDIA STATION MASTERS' ASSOCIATION

(Regd. No. 1359)

(A CONSTITUENT UNIT OF ALL INDIA RAILWAY EMPLOYEES CONFEDERATION)

NORTH EASTERN RAILWAY, LUCKNOW DIVISION

cf. No. ASMA/S/89

Date 20/12/39

The Divisional Railway Manager,
N.E. Railway
Lucknow.

Dear Sir,

Having gone through the Notification No.E/11/254/4/SS/89 dated 27-11-89, it has become compelling necessity to put forward the enclosed representation deposing the facts in the eyes of law for the welfare of the cadre of SM/ASM in particular and labour class in general.

This Association hopes that your good office will look into the matter and take judicial step to meet with this representation. If any doubt on the subject matter stands in the way, this association will appreciate if you give any date for negotiation.

Thanks,

Yours sincerely

Encl:- 4 (four)

A.P. Srivastava

(A.P. SRIVASTAVA)
Working President
AISMA/NER/LUCKNOW

Sub: Representation on the Notification
No. E/11/254/4/89 dated 27-11-89

Ref: G.M.'s letter No.E/50/1/Pt.1v(iv)
dated 2-3-85

1. NON Observance of reservation percentage for
SC & ST Candidates

It is well settled that the reservation of SC and ST candidates based on cadre strength should be 15% and 7½% respectively and it is also undisputed that any excess in the said reservation is not maintainable in any law. The GM's letter referred above very clearly speaks that at this stage any excess of percentage of SC and ST candidates will be adjusted against the future vacancies; and there will be no reservation when the percentage for the SC & ST candidates is full or already in excess. In this connection I want to bring to your kind notice that till 2-3-85 in the cadre of SS grade 2000-3200/- all the reserve points (posts) No.8, 14, 22, 28, 36, 1, 8, 14, 22 (numbering nine) were occupied by the then incumbents of Scheduled Caste. It is of great surprise that inspite of No reserve point (post) vacant at that stage six Scheduled Caste candidates were further promoted in excess of the prescribed percentage of 15% against the spirit of the Rly Board order No.E(SCT) 70 CM 15/10 dated 20/4/70.

Further after issuance of GM's letter referred above there would have been no promotion on the basis of reservation for SC & ST candidates in SS cadre scale 2000-3200/- being six SC candidates already in excess of prescribed percentage of 15% prior to 2-3-85. The Divisional Office has not obeyed the instructions contained in the said letter of GM/NER and further promoted the following SC candidates in excess of the reservation and any reserve point (Post) vacant.

S/Shri Panna Lal SM/CPA
Ram Bhawan SM/DDW
Ram Niwas SM/MMB

Jaleshwar Pd. SM/Brijmanganj were promoted vide letter No.E/11/210/4/SM/86 dated 20-8-86. Apart from these SC candidates one ST candidate was also promoted in excess of the prescribed percentage of 7½% and No reserve point (Post) vacant in 40 Point roster.

Sri Alar Tete SM/MLN vide letter No.E/11/210/4/SM/88 dated 11-8-86.

Above narrated facts reveals that irregular and wrong promotion had deprived the right of promotion of general candidates (numbering five) which is unjustified and violative of Article 14, 16 of constitution of India.

In view of justice and fair play the above named SC and ST candidates excessively promoted after 2-3-85 should be reverted to their appropriate grade and general candidates who were so superseded and deprived of their rightful promotion should be given promotion from the respective dates.

40 Point Roster

The Notification No.E/11/254/4/SS/89 dated 27-11-89 reveals that your office has Not well understood the implication of 40 Point Roster and pointed out Roster point No.1, 8, 14 for SC and point No.4 & 17 for ST candidates. As

contd.:2

Agg

stated in my para above No reserve point is vacant and all are occupied by SC & ST junior incumbents. Further the same Notification reads that the reserve points (posts) are occupied by 9 incumbent of the SC and four incumbent of ST. As such in presence of 20 Scheduled Caste and 5 S.T. incumbent in scale 2000-3200 resulting 11 SC and 1 ST candidate in excess of 15% & 7½% respectively without any reserve point (post) vacant on the roster. As such the question of De-reservation does not arise. The process of dereservation is applicable at only one stage when a Reserve post (point) are requested to be filled by the general candidate under any ~~xxxxxx~~ circumstances. In the present case all the reserve points (posts) in the roster are occupied by SC & ST candidates at very earlier stage.

Required

The 40 point roster is a mechanism for effective implementation of prescribed percentage and does not allow to exceed the prescribed percentage in any way because the reserve points of the cadre strength are being indicated in the cycle of 40 post (point) calculated on the basis of 15% and 7½%. As such the vacant point (post) in favour of SC & ST are being ascertained by the said roster point (post) vacant. It has two purposes.

1. To accelerate the promotion of SC & ST when the quota is shortfall.
2. To ascertain the Zone of consideration for promotion by counting the vacant point post ahead of the point (post) already occupied.

The Notification dated 27-11-89 reveals a different intention. All time the reserve points are being calculated from point No.1 on the roster irrespective of its occupation and that too against the vacancy. Such calculation is against the spirit of 40 point roster. If the vacant points on the roster are counted on vacancy each time then the roster and percentage will become meaning less which will cause excessive promotion to reach at any percentage as in the present case. Due to such misinterpretation of the implication of 40 point roster 11 SC and one ST candidate have already been exceeded in grade 2000-3200/-.

SENIORITY:

The SC & ST candidates are being given the benefit of accelerated promotion by virtue of reservation quota superceding the senior suitable candidates under authority of Article 16(4) of Constitution of India which permits the maximum limit of 15% & 7½% respectively. To accelerate the occupation of said percentage the 40 Point Roster is provided, and this 40 Point Roster too becomes ineffective as soon as the prescribed percentage is met out.

It is found, while making out the seniority of SC/ST candidates who were basically juniors and got promoted to the next higher grade on the basis of queue breaking by virtue of special provision made in this regard, are made seniors to the basically senior suitable candidates joining the same grade latter on their turn. Such fixation of seniority hits the provisions of Article 16(1) of Constitution of India, which is a constitutional guarantee of equal opportunity among the same class and similarly situated in the matter of employment and appointment and also Rule 320 of IREM restrict such discrimination.

ABG:aslar

The normal Rules for seniority under Rule 320(a) of IREM DEALS with the seniority on promotion within the normal channel of promotion by virtue of merit and turn (seniority-cum-suitability) and specifies that a Railway servant once promoted on merit and turn will get seniority over these Railway servants who are promoted subsequently. Whereas in the case of SC/ST candidates they have got accelerated promotions by virtue of Reservation Quota and application of mechanism of 40-Point Roster. As they are being promoted not on their merit and turn in the queue their promotions cannot be said a non-fortuitous promotion.

on The rule 320(a) of IREM very clearly deals with the criterion to be applied in the case of seniority/promotion which requires a railway servant should be senior suitable and their service records also be upto mark. Such a promotion is non-fortuitous promotion against a non-fortuitous vacancy. As the promotion of SC/ST is not on merit and turn (seniority-cum-suitability) only can be termed as fortuitous promotions. Rule 320(a) restricts to earn seniority on such promotions.

Even the exception to this Rule have certain limitations which too restricts the right to earn any seniority from the date of entry in the grade. The middle lines of the Rules 320(a) reads as under :-

"The only exception to this Rule would be increased^{case} where for administrative inconvenience which should be recorded in writing, the competent authority considers it necessary to appoint railway servant other than senior most suitable railway servant to officiate in a short term vacancy not exceeding two months as a rule and four months in any case. This will however, not give the railway servant any advantage not otherwise due to him."

Meaning thereby similar fortuitous promotions of SC/ST candidates ignoring senior suitable candidates will also not get the benefit of seniority from the date of entry in the grade.

Therefore, SC/ST candidates who have come or promoted due to the Reservation Quota, having already jumped the queue cannot be permitted to compete with General Candidates for further promotion. They are a special class by themselves and they have only to go to the Reservation quota for further promotion.

Thus, the Rule 320 of IREM is guarantee and promotion of right to earn seniority from the date of entry in the grade for the Railway servant who are promoted in normal course of merit and turn on one hand and restricts the right to earn seniority to these railway servants who are promoted by superceeding senior suitable Railway servant in any way on the other hand.

Having the fact deposed above and keeping in view of Industrial Harmony and Labour unrest it will be in the interest of the Administration to bring down those Junior SC/ST incumbents who were promoted after 2-3-85 vide Rly Bd letter No.E(NG)167PML/47 dt. 5-2-69 giving its chain effect to the lower grades and also award the benefit of promotion to those who were due among the general candidates from the respective dates. The seniority of the SC & ST candidates who had got the accelerated promotion by jumping the queue are special class by themselves and their seniority should

Similar

पूर्वोत्तर रेलवे

अधिसूचना

परिपालन विभाग में स्टेशन अधीक्षक 2000-3200 के प्रवर्णन में अग्रयोजन किया जा रहा है। 14 पद सामान्य, 3 पद अनु-जाति एवं 2 पद अनु-जाति के लिए आरक्षित है।

प्रवर्णन की लिखित एवं मौखिक परीक्षा निर्धारित तिथियों में पंकज रेल प्रबंधक कार्यालय लखनऊ में होगी।

लिखित परीक्षा 7-10-89

अनु. लिखित परीक्षा 15-10-89

मौखिक परीक्षा 23-10-89

अनु. मौखिक परीक्षा 30-10-89

सम्बन्धित स्टेशन अधीक्षकों/ स्टेशन मास्टर्स, यातायात निरीक्षकों को निर्देश दिया जाता है कि वे सम्बन्धित कर्मचारियों, जिनकी सूची संलग्न है, निर्धारित समय पर प्रवर्णन में सम्मिलित होने के लिये कार्यमुक्त करें।

सम्बन्धित कर्मचारियों को सूचित करें कि अनुपस्थित परीक्षा में केवल वे ही कर्मचारी सम्मिलित किये जायेंगे, जिनकी सामर्थ्य से बाहर के अनुपस्थित होने के कारणों पर सक्षम अधिकारी संतुष्ट होगा। कर्मचारी निर्धारित तिथि से पूर्व प्रार्थना पत्र देकर नियंत्रक अधिकारी से प्रमाण पत्र लेकर अनुपस्थित परीक्षा में सम्मिलित होंगे, इसके पश्चात कोई अनुपस्थित परीक्षा नहीं होगी।

कर्मचारियों से परीक्षा में सम्मिलित/तत्पति श्री वी. लंगनेस/जलमति/अनी वी. लंगनेस 25-9-89 तक प्रत्येक भेज दें।

अपकोश, कैबिनेट कार्यालय डिप्टी सचिव, संस्था निरीक्षक आदि में गये कर्मचारियों को उनके वर्तमान पते पर सूचित कर दें।

लिखित परीक्षा में सफल घोषित अभ्यर्थियों की सूची जारी होने के बाद मौखिक परीक्षा निर्धारित तिथियों पर होगी।

A/105

- 2 -

सं. अ. अ. अ. अ.

सम्बन्धित यातायात निरीक्षक/उनके अधीनस्थ कार्यरत अनु. जाति व अनु. जन जाति
अभ्यर्थियों को 20 कार्य दिवस का प्रीसेलेक्शन कोर्सिंग ॥

देवें ताकि वह परीक्षा में सफल होने हेतु अच्छे साबित हो सकें। आदेश पालन को
निर्दिष्ट करें।

उपरोक्त निर्देश का कड़ाई से पालन किया जाय ।

संलग्नक/यधोपरी

सूची-1॥

कृते मण्डल रेल प्रबन्धक काठ
लखनऊ

सं. अ. अ. अ. अ.

दिनांक 14-9-1989

प्रतिलिपि सूचार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- 1- स्टेशन अधीक्षक/स्टेमा/बस्वाचक, जगतवेला, कानपुर अनवरगंज, गोरखपुर कैंट, बभनान, गोरखपुर, गोला गोकर्ननाथ, मैलानी, करतैलगंज, गोरखपुर, अटीरिया ओयल, गोण्डा, हरगाँव, गोण्डा क्येहरी, चौकाघाट, गोविन्दनगर, चिलवीरिया, गैजहवा, वेलरायाँ, तहसील फतेहपुर, जखतरौड, बनगाई, सीतापुर सरसू, कमलापुर, झालीगंज, लखनऊ जं०, बरई जलालपुर, रजागंज, कौआपुर गैसरी, मगहर, जगतवेला, चिलहवा, इटिया थोक, पयागपुर, खीरी टाउन टिनिच, घुरेब, तुलसीपुर
- 2- यातायात निरीक्षक/मनकापुर, गोरखपुर, लखनऊ जं०, मैलानी, बादशाहनगर, लखीमपुर, सीतापुर, गोण्डा, बहराईच, आनन्दनगर।
- 3- क्षेत्रीय अधीक्षक/गोरखपुर ।
- 4- मंडल मंत्री/नर्म एवं पीआरकेएस/लखनऊ ।
- 5- क्षेत्रीय प्रबंधक/गोण्डा ।
- 6- सम्बन्धित कर्मचारी ।
- 7- सीनियर डी.ओ.एस/ सीनियर डी.ओ.एस/लखनऊ

कृते मण्डल रेल प्रबन्धक काठ

लखनऊ

उपचोित 1489

(अ) सामान्य अभ्यर्थियों की सूची

क्रमांक	नाम	पद, स्थान एवं वेतनमान
1	सर्वश्री	
1-	चन्द्रमा सिंह	स्टेशन मास्टर बालाचक (1600-2660)
2-	भार.आर. भट्ट	जगतबिला
3-	हरचरण सिंह	कानपुर अनवरगंज
4-	जी.एस. गुप्ता	गोरखपुर कैंट.
5-	बट्टी प्रसाद	बभनान
6-	नदनीतदास अग्रवाल	गोरखपुर
7-	इकबाल बहादुर शर्मा	गोला गोकर्णनाथ
8-	ए.के. मिश्रा	मैलानी
9-	सी.एल. यादव	कानैलगंज
10-	एम.एम. लारी	गोरखपुर
11-	रामलाल (अनु. जा.)	अटरिया
12-	राम कृष्ण (अनु. जा.)	गोरखपुर/गोण्डा
13-	श्यामलाल (अनु. जा.)	स्वर
14-	जान प्रकाश (अनु. जा.)	औरल
15-	राममूर्ति (अ. ज. जा.)	गोण्डा कचहरी
16-	सरजू सिंह	चौकाघाट
17-	आर.एम. उपाध्याय	गोकिन्दनगर
18-	यु.आर. मिश्रा	चिलवरीया
19-	ए.आर. सिद्दीकी	गैजहवा
20-	शंकर राम (अ.जा.)	दीरक्सरम
21-	मुना लाल (अ. जा.)	तहसीलफतौहपुर
22-	वसुन्धरा राम (अ. जा.)	जरावलरोड
23-	रुद्र प्रसाद (अ. जा.)	बनगाई
24-	रामदास (अ.जा.)	आरजी/सीतापुर
25-	मो. युसुफ	सरयू
26-	अन. प्रकाश श्रीवास्तव	कमलापुर

In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..applicant.
Versus
The Union of India & others Respondants.
Annexure No. 11

सं ई/१/२५७/५/२२५

कार्यालय सं ई.प (का)
लखनऊ
दिनांक: १५.६.९०

प्रसक्त: सं ई.प (का)
लखनऊ

दिनांक: २२७१ नमर २२
मोहिनुल्लाही

तल्लिमा - आदि-सूचना सं. ई/१/२५७/५
इच्छा/८९ दिनांक २७-११-८९ के
निकट अर्पित

संदर्भ:- आपका पत्र दिनांक: २८-१२-८९
तथा इसके साथ संलग्न २७२२२२
मास्टरों के प्रत्यावेदन।

उपरोक्त प्रत्यावेदन के
संदर्भ में आ जायते के सक्षम अधिकारियों
द्वारा देखा गया है और इसके आधार पर
आपको यह सूचित किया जा रहा है कि आरक्षण
के आधार-तुल्य अंजा/अंजना तर्ज के वर्गीकरण
वर्गित हो जाये हैं, इनके वर्गीकरण मुक्त निष्पत्ति
निर्णय के अनुसार संशोधन करने के लिए
प्रशासनिक का निर्देश आवश्यक है। जहाँ
तक आरक्षण का संबंध है, यह इंगित किया
जाता है कि जो भी वर्गीकरण निर्देश है
उनका अनुपालन अधिसूचना सं ई/१/२५७/५/२२५
८९ दिनांक २७-११-८९ द्वारा किया गया है
अधीनस्थ के चयन के किया गया है।
तदनुसार सभी प्रत्यावेदन नकल
के सूचित कर दें।

१५.६.९०
का सं ई.प (का)
लखनऊ



अधिसूचना

स्टेमा प्रेड-1 (स्टेशन अधिका) 2000-3200 के चयन हेतु आरक्षित
कार्यालय के सम सम्बन्ध अधिसूचना दिनांक 14-9-89 को निरस्त करते हुए चिन्ता
लिखित संशोधित अधिसूचना जारी किया जाता है।

परिचालन विभाग में स्टेमा प्रेड-1 (स्टेशन अधिका) 2000-3200
के भरपूर का आयोजन किया जा रहा है।

40 प्वाइन्ट रोलर के अनुसार इन पदों का जातीय अंतरांग वि
प्रकार है।

सामान्य जाति	14
अनुसूचित जाति	3 (हिन्दु 1, 8, 14)
अनुसूचित जन जाति	2 (हिन्दु 4, 17)

स्टेमा प्रेड-1 (स्टेशन अधिका) 2000-3200 के कुल स्वीकृत पदों पर 154 अनुसूचित
जाति व 7 1/2 % अनुसूचित जन जाति की आवश्यकता निम्न प्रकार है।

अनुसूचित जाति	9
अनुसूचित जन जाति	4

लेकिन 20 अनुसूचित जाति व 5 अनुसूचित जन जाति के वर्गीकरण उक्त के तहत
में उपलब्ध है। अतः 19 पद सामान्य जाति अधिकाओं में भरे जाने हैं परन्तु 5 पद

(रोलर-हिन्दु 1, 8, 14 अनुसूचित जाति 4, 17 अनुसूचित जन जाति) में सम्मिलित जा

अधिकाओं का फलतः सहाय अधिकाओं का रिजर्वेशन का अनुमोदन प्राप्त कर
पश्चात प्रकाशित किया जायेगा।

चयन की तिथियाँ निम्न प्रकार निर्धारित हैं:-

लिखित परीक्षा	- 23. 12. 89
अनुसूचित जाति	- 30. 12. 89
मौखिक परीक्षा	- 8. 1. 90
अनुसूचित जन जाति	- 15. 1. 90

प्रमुख अधिकारी
11/2/90 10/1/90

अतः सम्बन्धित स्टेशन अधिका/ स्टेमा/वातावात निरीक्षण

दिया जाता है कि वे सम्बन्धित अधिकारियों जिनकी सूची संलग्न है, को

कार्य मुक्त करें ताकि निर्धारित समय पर परीक्षा में सम्मिलित हो

कोई अकारण अथवा पुनर्चर्चा में प्रयास हो तो उसे समय से सूचित कर

सम्बन्धित अधिकारी की यह व्यक्तिगत जिम्मेदारी होगी।

प्रमुख

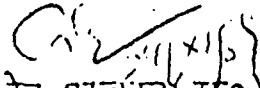
सम्बन्धित कर्मचारियों को सूचित किया जाय कि अनुपस्थिति परीक्षा में केवल वे ही कर्मचारी सम्मिलित होंगे जिनकी अनुपस्थिति के कारणों से पदों पर अधिकारी स्तुष्ट होंगे। कर्मचारी जो उचित समय से प्रार्थना पत्र देकर निपत्रणा अधिकारी से अनुमति लेकर अनुपस्थिति परीक्षा में सम्मिलित हो सकेंगे। इससे बाद कोई अनुपस्थिति परीक्षा नहीं होगी।

कर्मचारियों से परीक्षा में सम्मिलित होने की सहमति (विलिंगनेस)/ असहमति (अनविलिंगनेस)-2-12-89- तक अवश्य भेजें।

यदि कोई कर्मचारी जिसने समिति के सम्मुख उपस्थिति होने में असमर्थता के सम्बन्ध में अपने निपत्रक अधिकारी की चयन की तिथि से पहले ही सूचना नहीं भेज देता तो अनुपस्थिति होने का दृष्टि से समझा जायेगा और उसे फिर सम्मिलित होने का अवसर नहीं दिया जायेगा। सामान्यतः अनुपस्थिति परीक्षा तभी होगी जब कर्मचारी का अनुपस्थिति का कारण उसकी क्षमता से बाहर होगा।

लिखित परीक्षा में सूक्त घोषित अभ्यासियों की सूची जारी होने के बाद मौखिक परीक्षा निर्धारित तिथियों में होगी।

उपरोक्त निर्देशों का कड़ाई से पालन किया जाये।


वृत्त मण्डल रेल प्रबन्धक (का०)

तखानऊ।

सं० ३०/११/२५४/४/स्टेडि/११

दिनांक २७-११-८९.

प्रतिलिपि सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषिता -

- १- स्टेडि/स्टेमा/वरखा-चक, जगत बेला, कानपुर अनवर गंज, गोरखापुर कैट, जमानान, गोरखापुर, गोला गोकर्न नाथ, मैतानी, करमेल गंज, अटरिया, ओपल, गोण्डा, हरगाँव, गोण्डा कचहरी, चौकाघाट, गोविन्द नगर, चित्तवरिया, गेजहवा, जेताराया, तहसील फतेहपुर, जखत रोड, बनगाई, सीतापुर, परजू, कमलापुर, डालीगंज, तखानऊ ज०, बरई जलालपुर, रजागंज, कौआपुर, गेसरी, मगहर, जगतबेला, चित्तवरिया, उटियाधोका, पठागपुर, कपिलीटाउन, टिनिव, तुरेव, कानपुर सेंट्रल, मोहिबुल्लापुर, भोलापुर।

क्रमशः

(3)

- 2- पातायात निरीक्षक/ मनकापुर, गोरखापुर, लखानऊ ज०, मैतानी, बादशाहनगर, लखिमपुर, सीतापुर, गोण्डा, बहराइन, आनन्दनगर ।
- 3- क्षेत्रीय अधीक्षक/गोरखापुर ।
- 4- क्षेत्रीय प्रबन्धक/ गोण्डा ।
- 5- मण्डल मंत्री, नर्म, पी०आर०के०एस०/लखानऊ ।
- 6- प्रवर मण्डल सरगा अधिकारी, प्रवर मण्डल परिचालन अधीक्षक/ लखानऊ ।
- 7- सम्बन्धित कर्मचारी ।

कृते मण्डल रेल प्रबन्धक (का०)
लखानऊ ।

29/11
29/11
29/11

क्रम	नाम	पद, स्टेशन एवं वेतनमान
	सर्वश्री	
1-	चन्द्रमा सिंह	स्टेशन मास्टर, बस्साचक (1600-2600)
2-	आर. आर. भट्ट	" जगतबेला
3-	हरचरन सिंह	" कानपुर अनवरगंज
4-	जी. एस. गुप्ता	" गोरखापुर बेट
5-	वर्दी प्रसाद	" बभनान
✓6-	नवनीतास भगवान	" गोरखापुर
✓7-	इकताल बहादुर शर्मा	" गोला गोकर्ननाथा
✓8-	ए. के. मिश्रा	" मैलानी
✓9-	सी. ए. यादव	" करनैलगंज
10-	एम. एम. लारी	" गोरखापुर
11-	राम लाल (अनु. जा.)	" अटरिया
12-	राम कृष्ण (अनु. जा.)	" गोरखपुर गोंडा
13-	श्यामलाल (अनु. जा.)	" एच. ए
14-	ज्ञान प्रकाश (अनु. जा.)	" अनेख
✓15-	राममूर्ति (अ. ज. जा.)	" गोंडा कचहरी
16-	सरजू सिंह	" चौकाधाट
✓17-	आर. एन. उपाध्याय	" गोबिन्दनगर
18-	यू. आर. मिश्रा	" चितवरिया
19-	ए. आर. सिद्धीकी	" गैजवा
✓20-	शंकर राम (अ. जा.)	" बी. एस. एम
21-	मुन्नी लाल (अ. जा.)	" तहसील फतेहपुर
✓22-	कल्पनाथा राम (अ. जा.)	" जरवलरोड
23-	इन्द्र प्रसाद (अ. जा.)	" खनगाई
24-	राजेश (अ. जा.)	" आरजी / सीतापुर
✓25-	मो. युसुफ	" सरयू
✓26-	आन प्रकाश भीमराम	" कम्तापुर
✓27-	के. पी. दुवे	" गोरखापुर
28-	गोविन्द लाल	" ठालीगंज आर. जी.

क्रमशः

112

29 - एम. यू. वारणी	स्टेशन मास्टर	लखनऊ ज०
	(1600-2660)	
30. अहमद अली	"	वरई जमालपुर
31. कै. पी. मिश्रा	"	गोरखापुर
32. अब्दुल गफ्फार	"	रजागंज
33. आर. एस. सिंह	"	कोठापुर
34. एन. एन. त्रिपाठी	"	गैसरी वि. दा.
35. सीताराम शर्मा	"	मगहर
✓ 36. दीनानाथ पांडे	"	जगतबेला वि. दा.
37. रमा शंकर यादव	"	चिन्तिया
38. के. एन. श्रीवास्तव	"	इटियाथोक
39. प्रभापति दिव्येदी	"	पयागपुर
40. के. ए. दीक्षित	"	खीरी टाउन
41. रामउग्र लाल श्रीवास्तव	"	टिनिच
42. बी. पी. सिंह	"	चुरेव
43. दाऊजी प्रसाद	"	ककरहा रेल हाउस
44. एच. एन. दुते	"	~~मिनापुर रेल हाउस~~
✓ 45. बी. डी. पांडे	"	दुदुआ
✓ 46. आर. एस. शर्मा	"	तिमूनिया (वि. दा.)
47. किवनाथ प्रसाद	"	ककरहा रेल हाउस (वि. दा.)
48. नरयन सिंह	"	कानपुर रोन्डल
49. राधेश कुमार भल्ला	"	मोदिवुल्हापुर
✓ 50. लालता प्रसाद गुप्ता	"	डालीगंज
51. मंगलेश्वरी प्रसाद श्रीवास्तव	"	(5215) गोरखापुर कैंट.
✓ 52. जे. एन. सिंह	"	भीमगपुर
53. राम पती राम	"	पयागपुर (वि. दा.)

ALL INDIA STATION MASTER ASSOCIATION..applicant.
Versus
The Union of India & others

To,

The Divisional Railway Manager
North Eastern Railway,
Lucknow.

Annexure No. 46/11

Respondent

113

Sub: Appeal against the Notification
No. E/11/254/4/SS/89 Dt. 27/11/89

Ref: GM's letter No. E/50/1/PT/IV (IV)
dated 2.3.85.

Sir,

Having aggrieved with the above notification,

I hereby submit my appeal as under with the hope of justice from your end.

That after the issuance of GM's letter referred above there would have been no promotion in the grades where the reservation is in favour of SC & ST candidates were in excess of percentage prescribed or the reservation quota was full and having no point (post) in 40 point roster vacant.

In spite of very clear and doubtless instructions contained in the said GM's letter for adjusting the already excess reservation of SC & ST candidates and stopping the operation of reservation where the quota was full or excess, your office had effected the promotion of 4 SC and 1 ST candidates thereafter, who were most junior to me. Such promotion is illegal hence having no locus standi before law.

That the SC & ST candidate invited to attend selection at serial No. 11 to 15 and 20 to 24 of notification dated 27.11.89, are promoted in scale Rs. 1600/- - 2660/- after 2.3.85. ^{Against the spirit of} ~~As per~~ GM's letter ^{been} referred above, they should not have been promoted in scale 1600-2660 as their percentage was already in excess and there was no reserve point (post) vacant in 40 point roster. Moreover, if the seniority of these SC & ST candidate would have been assigned in the light of the para 320 of IRE Manual, they could not have come in the zone of consideration for the selection of 2000/- - 3200/-. Thus I being senior to all those SC & ST candidates have been assigned lower seniority position which will adversely effect while considering the promotion/selection in scale 2000/- - 3200/-.

Therefore, I submit my request that excessively promoted SC & ST candidates after 2.3.85 should be reverted and there after correct seniority should be assigned in the light of para 320 of IRE Manual and till such time above are rectified, no promotion/selection should be invited.

With prayer of justice.

Yours faithfully,

Armed Ali
Armed Ali SM/BTL

To,

The Divisional Railway Manager
North Eastern Railway,
Lucknow.

114

Sub: Appeal against the Notification
No. E/11/264/4/SS/89 Dt. 27/11/89

Ref: GM's letter No. E/50/1/PT/IV (IV)
dated 2.3.89.

Sir,

Having aggrieved with the above notification,

I hereby submit my appeal as under with the hope of justice from your end.

That after the issuance of GM's letter referred above there would have been no promotion in the grades where the reservation in favour of SC & ST candidates were in excess of percentage prescribed or the reservation quotas full and having no point (post) in 40 point roster vacant.

In spite of very clear and doubtless instructions contained in the said GM's letter for adjusting the already excess reservation of SC & ST candidates and stopping the operation of reservation where the quotas full or excess, your office had effected the promotion of 4 SC and 1 ST candidates thereafter, who were most junior to me. Such promotion is illegal hence having no locus standi before law.

That the SC & ST candidate invited to attend selection at serial No. 11 to 15 and 20 to 24 of notification dated 27.11.89, are promoted in scale Rs. 1600/- - 2660/- after 2.3.89. ^{As per GM's letter} ~~4.2.3.89~~ ^{referred above}, they should not have ^{been} promoted in scale 1600-2660 as their percentage was already in excess and there was no reserve point (post) vacant in 40 point roster. Moreover if the seniority of these SC & ST candidate would have been assigned in the light of the para 320 of IRE Manual, they could not have come in the zone of consideration for the selection of 2000/- - 3200/-. Thus I being senior to all those SC & ST candidates have been assigned lower seniority position which will adversely effect while considering the promotion/selection in scale 2000/- - 3200/-.

Therefore, I submit my request that excessively promoted SC & ST candidates after 2.3.89 should be reverted and there after correct seniority should be assigned in the light of para 320 of IRE Manual and till when time above are rectified, no promotion/selection should be invited.

With prayer of justice.

Yours faithfully,

[Signature]

HAR CHARAN SINGH

To,

The Divisional Railway Manager
North Eastern Railway,
Lucknow.

Sub: Appeal against the Notification
No. E/11/254/4/SS/89 Dt. 27/11/89

Ref: GM's letter No. E/50/1/PT/IV (IV)
dated 2.3.85.

Sir,

Having aggrieved with the above notification,

I hereby submit my appeal as under with the hope of justice from your end.

That after the issuance of GM's letter referred above there would have been no promotion in the grades where the reservation in favour of SC & ST candidates were in excess of percentage prescribed or the reservation quota was full and having no point (post) in 40 point roster vacant.

In spite of very clear and doubtless instructions contained in the said GM's letter for adjusting the already excess reservation of SC & ST candidates and stopping the operation of reservation where the quota was full or excess, your office had effected the promotion of 4 SC and 1 ST candidates thereafter, who were most junior to me. Such promotion is illegal hence having no locus standi before law.

That the SC & ST candidate invited to attend selection at serial No. 11 to 15 and 20 to 24 of notification dated 27.11.89, are promoted in scale Rs. 1600/- - 2660/- after 2.3.85. ^{Against the spirit of} ~~As per~~ GM's letter ^{been} ~~At 2.3.85~~ referred above, they should not have been promoted in scale 1600-2660 as their percentage was already in excess and there was no reserve point (post) vacant in 40 point roster. Moreover if the seniority of these SC & ST candidate would have been assigned in the light of the para 320 of IRE Manual, they could not have come in the zone of consideration for the selection of 2000/- 3200/-. Thus I being senior to all these SC & ST candidates have been assigned lower seniority position which will adversely effect while considering the promotion/selection in scale 2000/- - 3200/-.

Therefore, I submit my request that excessively promoted SC & ST candidates after 2.3.85 should be reverted and there after correct seniority should be assigned in the light of para 320 of IRE Manual and till such time above are rectified, no promotion/selection should be invited.

With prayer of justice.

Yours faithfully,

K. P. Pandey

K. P. PANDHEY

SM/GKP Dt. 23.12.89

To,

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The Divisional Railway Manager
North Eastern Railway,
Lucknow.

Sub: Appeal against the Notification
No. E/11/254/4/SS/89 Dt. 27/11/89

Ref: GM's letter No. E/50/1/PT/IV (IV)
dated 2.3.85.

Sir,

Having aggrieved with the above notification,

I hereby submit my appeal as under with the hope of justice from your end.

That after the issuance of GM's letter referred above there would have been No promotion in the grades where the reservation in favour of SC & ST candidates were in excess of percentage prescribed or the reservation quota was full and having No point (post) in 40 point roster vacant.

In spite of very clear and doubtless instructions contained in the said GM's letter for adjusting the already excess reservation of SC & ST candidates and stopping the operation of reservation where the quota was full or excess, your office had effected the promotion of 4 SC and 1 ST candidates thereafter, who were most junior to me. Such promotion is illegal hence having no locus standi before law.

That the SC & ST candidate invited to attend selection at serial No. 11 to 15 and 20 to 24 of notification dated 27.11.89, are promoted in scale Rs. 1600/- - 2660/- after 2.3.85 ^{Against the spirit of} as per GM's letter ^{dated} 2.3.85 referred above, they should not have promoted in scale 1600-2660 as their percentage was already in excess and there was no reserve point (post) vacant in 40 point roster. Moreover if the seniority of these SC & ST candidate would have been assigned in the light of the para 320 of IRE Manual, they could not have come in the zone of consideration for the selection of 2000/- - 3200/-. Thus I being senior to all those SC & ST candidates have been assigned lower seniority position which will adversely effect while considering the promotion/selection in scale 2000/- - 3200/-.

Therefore, I submit my request that excessively promoted SC & ST candidates after 2.3.85 should be reverted and there after correct seniority should be assigned in the light of para 320 of IRE Manual and till such time above are rectified, no promotion/selection should be invited.

With prayer of justice.

Yours faithfully,

N. D. A. J. R. D. L.
M. S. G. A. K. H. P. O.

M. S. G. A. K. H. P. O.

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To,
The Divisional Railway Manager
North Eastern Railway,
Lucknow.

Sub: Appeal against the Notification
No. E/11/264/4/SS/89 Dt. 27/11/89

Ref: GM's letter No. E/50/1/PT/IV (IV)
dated 2.3.85.

Sir,

Having aggrieved with the above notification,

I hereby submit my appeal as under with the hope of justice from your end.

That after the issuance of GM's letter referred above there would have been no promotion in the grades where the reservation in favour of SC & ST candidates were in excess of percentage prescribed or the reservation quota was full and having no point (post) in 40 point roster vacant.

In spite of very clear and doubtless instructions contained in the said GM's letter for adjusting the already excess reservation of SC & ST candidates and stopping the operation of reservation where the quota was full or excess, your office had effected the promotion of 4 SC and 1 ST candidates thereafter, who were most junior to me. Such promotion is illegal hence having no locus standi before law.

That the SC & ST candidate invited to attend selection at serial No. 11 to 15 and 20 to 24 of notification dated 27.11.89, are promoted in scale Rs. 1600/- - 2660/- after 2.3.85. ^{Against the spirit of} As per GM's letter ^{been} dt. 2.3.85 referred above, they should not have promoted in scale 1600-2660 as their percentage was already in excess and there was no reserve point (post) vacant in 40 point roster. Moreover if the seniority of these SC & ST candidate would have been assigned in the light of the para 320 of IRE Manual, they could not have come in the zone of consideration for the selection of 2000/- - 3200/-. Thus I being senior to all these SC & ST candidates have been assigned lower seniority position which will adversely affect while considering the promotion/selection in scale 2600/- - 3200/-.

Therefore, I submit my request that excessively promoted SC & ST candidates after 2.3.85 should be reverted and there after correct seniority should be assigned in the light of para 320 of IRE Manual and till the time above are rectified, no promotion/selection should be invited.

With prayer of justice.

Yours faithfully,

[Signature]
The Divisional Railway Manager
North Eastern Railway
Lucknow

In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..applicant.
Versus
The Union of India & others respondents.
Annexure No. 11

सं ई/११/२५७/५/रखे

कार्यालय मं. र. प. (का)
लखनऊ
दिनांक: 14.6.90

प्रसक्त मं. र. प. (का)
लखनऊ

सं ई/११/२५७/५/रखे
रखे नामावर
मोहिनुल्लाह

तस्मिन् अधिसूचना सं. ई/११/२५७/५
रखे/४९ दिनांक २७-११-८९ के
विरुद्ध अपील

संदर्भ:- आपका पत्र दिनांक २८-१२-८९
तथा इसके साथ संलग्न २७ रेखे
मास्टरों के प्रत्यावेदन।

उपरोक्त प्रत्यावेदन के
संदर्भ में आपका पत्र दिनांक २८-१२-८९
द्वारा दर्ज किया गया है और इसके आधार पर
आपका पत्र सूचित किया जाता है कि आरक्षण
के आधार-तुल्य अंका/अंकाओं के लक्ष्यकारी
वर्गित हो जाये हैं, इनके विरोध में युक्त निम्न
विधि के अनुसार संशोधन करने के लिए
मुख्यालय का निर्देश आगम्य है, जहाँ
तब आरक्षण का संबंध है, यह इंगित किया
जाता है कि जो भी वर्गित निम्न निर्देश है
उनका अनुपालन अधिसूचना सं. ई/११/२५७/५/रखे
४९ दिनांक २७-११-८९ द्वारा किया गये रेखे
अधीन के चयन में किया गया है।
तदनुसार सभी प्रत्यावेदन करनेवा
के सूचित करे।

14.6.90
मं. र. प. (का)
लखनऊ

पूर्वांचर रेलवे
कार्यालय आदेश

परिचालन विभाग में स्टेशन अधीक्षक वेतनमान (२०००-३२००) के पद हेतु आयोजित लिखित/अनु० लिखित परीक्षा दिनांक २३-१२-८६ एवम् ३०-१२-८६ तथा मौखिक परीक्षा दिनांक ८-१-८७ में निम्नलिखित स्टेमा सफल पाये गये :

इन्हे स्टेशन अधीक्षक (२०००-३२००) का अनंतिम नामिका पर रखा जाता है । यह अनंतिम नामिका अमरेपुर द्वारा दिनांक २४-१-८७ द्वारा अनुमोदित है ।

सर्वश्री

१- हरचरन सिंह	स्टेमा । कानपुर अनवरगंज
२- नवनोत दास अग्रवाल	,, गोरखपुर
३- इकबाल बहादुर खरे	,, गोला गोकर्न नाथ
४- ए०के० मिश्रा	,, मैलानी
५- सो०एल० यादव	,, करनलंगंज
६- राम मूर्ति	,, गोण्डा कवेहरा
७- आर०एन० उपाध्याय	,, गोविन्द नगर
८- संकर राम	,, बेलराया
९- कल्पनाथ राम	,, जरवल रोड
१०-मो० युसुफ	,, सरयू
११-ज्ञान प्रकाश श्रीवास्तव	,, कमलापुर
१२-के०पी० दूवे	,, गोरखपुर
१३-डो०एन० पाण्डे	,, जगतवेला
१४- बी०डी० पाण्डे	,, दुदुवा
१५- आर० एन० शुक्ला	,, तिकुनिया
१६- एल० पी० गुप्ता	,, डालीगंज
१७- जे०एन० सिंह	,, भोखमपुर

केवल सतरह नाम

ह०

कृते मण्डल रेल प्रबन्धक (का०)

लखनऊ ।

सं० डी११।२५४।चारा।६०।स्टे था दिनांक ८-२-८७

प्रतिलिपि चुनार्थ एवम् आवश्यक कार्रवाई हेतु प्रेषित-

- १- महाप्रबन्धक(का) एवम् वाणिज्य अगले गजट में प्रकाशन हेतु ।
- २- स्टेशन अधीक्षक।गोरखपुर, गोला, मैलानी, करनलंगंज, स्टेमा।गोण्डा कवेहरा, गोविन्दनगर, बेलराया, जरवलरोड, सरयू, कमलापुर, जगतवेला दुदुवा, तिकुनिया, डालीगंज, भोखमपुर।
- ३- सम्बन्धित कर्मचारों ।
- ४- मण्डल मंत्री।नमी।पा०आर०के०एल।लखनऊ ।

ह०

कृते मण्डल रेल प्रबन्धक (का०)

कार्यालय आदेश

14
120

निम्नलिखित स्टेशन मास्टर जो इस कार्यालय के आदेश सं० डी १११२५४।
१।६०।स्टेडो दिनांक ८-२-६० एवं डी-११-२५४-४-एस एस।८८ दिनांक २८-७-८८
जारा स्टेमा ग्रेड । स्टेडो (२०००-३२००) पद हेतु प्रवर्तित हैं को स्थानापन्न
पदोन्नति स्टेडो ग्रेड-। स्टेडो २०००-३२०० में करके उनके सम्मुख अंकित स्टेशनों पर
पद स्थापित किया जाता है । पदोन्नति पर वेतन निर्धारण उनके सम्मुख अंकित
किया जाता है जो पद भार ग्रहण तिथि से देय है ।

क्र० सं०	नाम	पदा/स्टेशन	पदोन्नति पद/स्टेशन	पदोन्नति पर वेतन निर्धारण
१-	स्वामी हर चरन सिंह	स्टेमा।कानपुर	स्टेमा ग्रेड-। स्टेडो, ६० २५२५।- अनवरगंज (२०००-३२००)हरगांव	
२-	,, नवनोत दास अग्रवाल	,, गोरखपुर	,, खलौलाबाद	६० २६७५।-
३-	,, अग्रवाल बहादुर खरे	,, गोलागोकर्न नाथ	,, गोलागोकर्न नाथ	६० २६७५।-
४-	,, सी०एल० यादव	,, करनेलगंज	,, करनेलगंज	६० २४५०।-
५-	,, बार रन उपाध्याय	,, गोबिन्दनगर,	,, मनकापुर	६० २४५०।-
६-	,, शंकर राम	,, बेलरायाँ	,, बलरामपुर	६० २१२०।-
७-	,, कल्याण राम	,, जखल रोड	,, जखल रोड	६० २१८०।-
८-	,, मोहम्मद खूफ	,, सरजू	,, गोंडा कचेहरी	६० २४५०।-
९-	,, शान प्रकाश आवास्तव	,, कमलापुर	,, लखीमपुर	६० २५२५।-
१०-	,, के०पी० देव	,, गोरखपुर	,, गोरखपुर केंद्र	६० २३७५।-
११-	,, हरमेन्दर सिंह	,, जहांगीराबाद	बमनान	६० २३७५।-

यह प्रसंगिक के आदेश से जारी किया जाता है जो तत्काल प्रभाव होगा ।
तथा को नियमानुसार स्थानान्तरण भत्ता देय है । केंद्र समायोजन बाद में होगा ।

ह०
कृते मंडल रेल प्रबन्धक (का०)
लखनऊ

- सं० डी ११-२१०-४-स्टेमा दिनांक २८-२-६०
प्रतिलिपि सूचनार्थ व आवश्यक कार्यवाही हेतु प्रेषित -
- स्टेडो।स्टेमा।कानपुर अनवरगंज, हरगांव, गोरखपुर, खलौलाबाद, गोला गोकर्न
नाथ, करनेलगंज, गोबिन्दनगर, मनकापुर, बेलरायाँ, बलरामपुर, जखल रोड,
सरजू, गोंडा कचेहरी, कमलापुर, लखीमपुर, गोरखपुर केंद्र, जहांगीराबाद राज,
बमनान ।
 - यातायात निरीक्षक, गोरखपुर, मनकापुर, लखीमपुर, लखनऊ ज०
 - कार्यालय।कल, पास, फोर्लर, रिकार्ड
 - मंडल मंत्रालय।मु।पा। बार के एस, लखनऊ ।
 - सम्बन्धित कर्मचारी ।

ह०
कृते मंडल रेल प्रबन्धक (का०)
लखनऊ ।

(15)

In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..Applicant.
The Union of India & others Respondent.
Annexure No. 43/11

परिचालन विभाग में स्टेशन मास्टर ग्रेड-1 (स्टेशन अधीक्षक)

2000-3 200 के 11 (ग्यारह) पदों के चयन हेतु प्रवर्णन का आयोजन किया जा रहा है।

अतः सम्बन्धित स्टेशन अधीक्षक/स्टेशन मास्टर/या तायात निरीक्षकों को निर्देश दिया जाता है कि वे सम्बन्धित कर्मचारियों जिनकी सूची संलग्न है, को समय से कार्यभारत करें ताकि समय चयन में सम्मिलित हो सकेंगे। यदि कोई अवकाश जटाया पुनश्चर्चा में गया हो तो उसे समय से सूचित कर दिया जाये सम्बन्धित पर्यवेक्षक की यह व्यववितगत जिम्मेदारी होगी।

सम्बन्धित कर्मचारियों को सूचित किया जाये कि अनु० परीक्षा में केवल वे ही कर्मचारी सम्मिलित होंगे जिनकी अनु० के कारणों से सजाय अधिकारी से तृप्त होगी। अन्य कर्मचारी को उचित समय से प्रार्थना पर देकर नियमना अधिकारी से अनुपूर्विक अनु० परीक्षा में सम्मिलित हो सकेंगे अन्यथा कोई अनु० परीक्षा नहीं होगी।

कर्मचारियों को परीक्षा में सम्मिलित होने की सहमति/असहमति दिनांक 15.10.90 तक अवश्य भेज दें।

चयन परीक्षा में दे० प्र० (का०) कार्यालय में प्रातः 10 बजे से होगी। चयन की तिथियाँ निम्नवत् हैं :-

1.	प्रारम्भिक परीक्षा	20.10.90
2.	अनु० परीक्षा	28.10.90
3.	मौ० परीक्षा	01.11.90
4.	अनु० मा० परीक्षा	07.11.90

उपरोक्त निर्देश का कड़ाई से पालन किया जाये।

कृते अधीक्षक रेल प्रवर्णन विभाग

तहाना 10/10/90
5/10
कमरा:

सं० ई/ 11/ 254/4/स्टेडी/90

दि० 5.10.90

प्रतिनिधि सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- स्टेटा/स्टेडी गोष्ठा, चौका घाट, गोरखपुर, गौरी नगर, गोरखापुर (केश), कभलापुर, शाहिरतगढ़, हरगोव, ओयल, गैजवा, महमूदाबाद, बनगाइन, सीतापुर, ऐशवाग, लखनऊ ज० गोरखापुर, राजगज, लखनऊ ज०, गौरी, भगहर, बुजानगज, गोष्ठा, गौरी टाउन, टिनच, गौरी, निशानगाढ़ा, गौरीनगढ़, मोहिबुल्लापुर, गोरखापुर, कौमपरगज ।
- 2- टी०आ ई०/लखनऊ, लखीमपुर, मैतानी, बहराइच, सीतापुर, बनकापुर, बादशाहनगर, गोष्ठा (तुप) गोष्ठा, गोरखापुर, आनंद नगर/तहसील पतहेहपुर
- 3- क्षेत्रीय प्रकाशक गोष्ठा, क्षेत्रीय अधीक्षक/गोरखापुर ।
- 4- प्रमपापी/लखनऊ ।
- 5- प्र० त मंत्री / नरु/पीआरकेएस/ लखनऊ ।
- 6- सम्पर्कित कर्मचारी ।

कृते प्र० त रत प्रकाशक कार्यालय
लखनऊ ।

सम्पर्कियों के नाम

5.10.90

सं०	सम्पर्कियों के नाम	स्टेटा 0 (1600-2660) गोष्ठा
1.	सिद्धि	वही
2.	...	चौका घाट
3.	...	- वही - गोरखपुर
4.	...	- वही - गौरी नगर
5.	...	- वही - (केश) गोरखापुर
6.	रामलाल (अ० जा०)	- वही - कभलापुर
✓ 7.	राम कृष्ण (अ० जा०)	- वही - शाहिरतगढ़
8.	श्याम लाल (अ० जा०)	- वही - हरगोव
✓ 9.	ज्ञान प्रकाश (अ० जा०)	- वही - ओयल
10.	ए०आर० सिद्धीकी	- वही - गैजवा
11.	मुनी लाल (अ० जा०)	- वही - महमूदाबाद जयस
✓ 12.	इंद्र प्रसाद (अ० जा०)	- वही - बनगाइन

प्रकाश :

संघी

	संघी	स्टेडा (1 6 00-2 66 0) सी ता पुर / वेतरा यों
13.	रागदास (अ 0 जा 0)	
14.	गोविंद लाल	- वही - एंश वाग
15.	एम 0 यू 0 वा रसी	- वही - रेह लडा नउ जं 0
16.	अहमद अली	- वही -
17.	के 0 पी 0 मिश्रा	- वही - प्रनका पुर
18.	अबदुल गफ्फार	- वही - रंजा गज
19.	आर 0 ए 0 सिंह	- वही - लडा नउ जं 0
20.	एन 0 एन 0 त्रिपाठी	- वही - गैसरी
21.	सीता राम राय	- वही - प्रगहर
22.	राम शांकर यादव	- वही - वृजमनगज
23.	फे एन श्री वासिवा	- वही - गा 0 डा
24.	फे एन ए 0 दोषि त	- वही - छा 0 री टा उ न
25.	फे एन ए 0 प्रसाद श्री वासिवा	- वही - टि 0 निच/गैसरी
26.	फे एन ए 0 सिंह	- वही - चुरेव/किं लया
27.	फे एन ए 0 सिंह	- वही - निशा 0 नगा 0
28.	फे एन ए 0 सिंह	- वही - ड 0 निमनगद
29.	फे एन ए 0 सिंह	- वही - गा 0 निहवुल ता पुर
30.	फे एन ए 0 सिंह	- वही - गां रडा पुर
31.	फे एन ए 0 सिंह	- वही - गां रडा पुर
32.	फे एन ए 0 सिंह (अ 0 जा 0)	- वही - लडा नउ जं 0
33.	फे एन ए 0 सिंह (अ 0 जा 0)	- वही - को 0 पयरगज

कु 33 नगा

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In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..applicant.
Versus
The Union of India & others
Annexure No. 16 Respondents.

पूर्वोक्ता रेलवे

कार्यालय

रेल प्रबन्धक (क०)

लखनऊ,

दिनांक 12-6-90

ई/11/254/स्टेथ/ वयन

उपरोक्त/लखनऊ.

लखनऊ/तुलसीपुर, लखनऊ, सिटी, नकाहजंगल, बिबिया, तिकुनिया,
बदनी, रावतपुर, राजमार्ग, पार्थक, पणपेड़वा ।
ज० आई०/लखनऊ, गौडा, गोरखपुर, बहराव, मकापुर, आ नन्दनगर,
मोहम्मद मस्तर/नकाहजंगल, गौडा ।

विषय: - परिवहन विभाग के अंतर्गत स्टेशन अधीक्षक
(2375-3500) के पद के लिये वयन ।

फ्रा प्रबन्धक (कार्मिक)/परिवहन के पत्र सं० ई/254/4/जी-1/एस/ब: दिनांक
12-6-90 के अनुसार परिवहन विभाग के अंतर्गत स्टेशनों (2375-3500) के 10 सामान्य
पदों के लिये वयन होना निश्चित हुआ है जो मुख्य परिवहन अधीक्षक कार्यालय अधीक्षक
गोरखपुर में प्रातः 10 बजे दिन में होना ।

परीक्षा की तिथि निम्नवत् है :-

- 1 - लिखित परीक्षा - 24-6-90
- 2 - अनु० लिखित परीक्षा - 1-7-90
- 3 - मौखिक परीक्षा - 9-7-90
- 4 - अनु० मौखिक परीक्षा - 13-7-90

वयन में सम्मिलित होने के लिये प्रत्येक अर्जियों की हस्ता/अन्वित पत्र इस
कार्यालय में वयन के लिए निम्नलिखित अर्जियों को समय से कार्य मुक्त करने की व्यवस्था करे ।

1 - सर्व श्री वन्दिका प्रसाद (अ०ज०) स्टेथ	तुलसीपुर
2 - जुगनू राम (अ०ज०)	लखनऊ, सिटी
3 - राम शंकर (अ०ज०)	नकाहजंगल
4 - राम धीरज (अ०ज०)	बिबिया
5 - हरिराम प्रसाद (अ०ज०)	बदनी
6 - भारत राम (अ०ज०)	तिकुनिया

- क्रमा -

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In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association..Applicant,
Versus
The Union of India & others Respondent(s)
Annexure No. 17



एन० ई० रेलवे मजदूर यूनियन (NERMU)

(द्वितीय यूनियन ऐक्ट के अन्तर्गत पंजीकृत, आल इण्डिया रेलवेमेन्स फेडरेशन एवं हिन्दू मजदूर समाज से सम्बद्ध तथा एन० ई० रेलवे प्रशासन द्वारा मान्यता प्राप्त)

अध्यक्ष-उमाशंकर सिंह

महामंत्री-कन्हैया लाल गुप्त

का० 288 रेलवे
नि० 298 CB

मण्डल अध्यक्ष-जे० एन० राम

मण्डल मंत्री-वफा हुसैन

मण्डल शाखा कार्यालय
टी/16 सी
एन० ई० रेलवे लोको कालोनी
मवेइया, लखनऊ

Optg/89.

दिनांक... 31.10.19 89.

पत्र सं० NERMU/.....

The Divisional Railway Manager,
N.E. Railway,
Lucknow.

For kind attention of Shri K.P. SINGH.

Dear Sir,

Sub: Observance of Reservation percentage for
Scheduled Castes and Schedule Tribes.
Application of 40 Point Roster.
Revision of Seniority list.

Ref: Discussion held on 6.10.1989 between ADRM
and NERMU on memorandum submitted on
25.9.1989 by Divisional Operating Council
under the banner of NERMU/Lucknow.

During the discussion held on 6.10.1989, as desired by
you, relating to item No.6 of the memorandum referred above,
the material for consideration of the subject is being given
below to facilitate for taking decision and finalisation of
the selection of SS grade 2000/--3200/-- and Promotion of SMs
grade 1600-2660/--.

The Railway Board circular No.3 (SCT)70 CM 15/10 dated.
20.4.1970 and GM/NER circular No.4/50/I/Pt.10 (IV) dated,
2.3.1985, which are being disregarded uptill now, hoped to
be followed in true spirit without any further delay.

Before issuing fresh Notification for the selection of
SS grade Rs.2000-3200 and before confirming the promotion of
SMs grade 1600/- - 2660/- promoted by your office order No.
E/II/210/4/SM dated, 25.8.1989, please ensure that fresh
seniority list is prepared on the basis of basic grade
seniority i.e. grade Rs.330-560 (RS) Rs.1200-2040. Copy of
the relevant court judgements of CAT/Allahabad are enclosed
herewith as annexure No.3 and 4 for guidance.

Contd. 2/--

For your ready reference calculate figures are being produced as per annexure No.5 which reveals that twelve (12) SC candidates in grade B.2000-3200 and Five (5) SC candidates in grade B.1600-2660 are in excess of the SC quota, i.e. 15% (Revised) making total excess of Seventeen (17) SC candidates disregarding the provisions and spirit contained in the Rly. Board circular & GM/NER circular referred above (Annexure 1 and 2). It is requested that SC candidates promoted in excess of the quota due to wrong application of 40 point Roster may please be rectified and general candidates be promoted against the vacancies with proforma fixation from due dates rectifying the blunder on the part of Railway Administration.

40 POINT ROSTER:

The 40 Point Roster is applicable to ~~xxxx~~ acceleration the promotion of SC/ST candidates only when their quota is shortfall which effects in two ways:-

- (a) To calculate "The Zone of consideration" for SC/ST candidates by counting their Roster Point vacant, for whole of the cadre as one and not for each scale separately.
- (b) To place SC/ST candidates against the Roster Point vacant, irrespective of their position in the panel without effecting their original seniority.

A copy of the 40 Point Roster is being attached herewith as annexure No.3ix(6) which gives a complete picture and the points of placement of SC/ST candidates for the purpose of reservation.

The ill effect of such excessive promotion of SC candidate due to non-observance of orders, wrong application 40 points roster and wrong maintenance of seniority are very grave and punishing in nature. Consequently twelve (12) General candidates of SM grade B.1600-2660 are being deprived of promotion to the post of BS grade B.2000-3200, likewise seventeen (17) general candidates of SM/ASM grade B.1400-2300 are being deprived of promotion to the post of SM grade B.1600-2660. This way total twenty nine (29) illated general candidates are being deprived of their legitimate right. Most of them are bound to be retired from services in lower scale of pay at lower pension rate, snatching not only their legitimate right of earned wage but also the loss of status and livelihood of their wards.

The following documents which relates the subject matter are enclosed for ready reference:-

- Annexure No.1. Rly. Board circular No.5(SCT) 70 GM/15/10 dated 20.4.1970.
- 2. GM/NER circular No.3/80/I/Ft.F'9T" dated, 2.3.1985.

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3. Relevant part of judgement Case No.647 of 1986 CAT/Allahabad decided on 21.1.1987 (Virpal Singh Chauhan v/s UOI).
4. Copy of the judgement Case No.1189 of 1987 CAT/Allahabad decided on 16.8.1989 (K.C.Ial v/s UOI).
5. Copy of the illustration on the basis of GM/NER circular.
6. Copy of 40 Point Roster.
7. Copy of the AVC for calculating departmental Promotion quota for Promotion of SM grade B.1600-2660.

It is, therefore, requested that the selection, promotion and seniority may kindly be finalised on the basis of the above clarification without further delay under advise to the undersigned.

Thanks.

DA/As above.

Yours faithfully,

(WAFI HUSAIN)
Divisional Secretary,
NERMU/LUCKNOW.

Copy to the Divisional Secretary Optg.Council,NERMU/LJN for necessary information.

(WAFI HUSAIN)
Divisional Secretary,
NERMU/Lucknow.

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In the Central Administrative Tribunal,
Additional Bench, Allahabad
Circuit Bench, Lucknow.
All India Station Master Association.. Applicant.
Versus
The Union of India & others Respondents.
Annexure No. 19



एन० ई० रेलवे मजदूर यूनियन (NEMU)

(देख युनियन ऐक्ट के अन्तर्गत पंजीकृत, आल इण्डिया रेलवेमेन्स फेडरेशन एवं हिन्द मजदूर समा से सम्बद्ध तथा एन० ई० रेलवे प्रशासन द्वारा मान्यता प्राप्त)

का० 288 रेलवे
नि० 298 CB

अध्यक्ष-उमाशंकर सिंह

महामंत्री-कन्हैया लाल गुप्त

मण्डल शाखा कार्यालय

मण्डल अध्यक्ष-जे० एन० राम

मण्डल मंत्री-वफा हुसैन

री/16 सी
एन० ई० रेलवे लोको कालोनी
मवेइया, लखनऊ

पत्र सं० NEMU/Optg/89/2

दिनांक... 16.11.1989

The Divl. Railway Manager,
N. E. Railway,
Lucknow.

For kind attention of Shri K.P. SINGH

Dear Sir,

Rules

Sub: Implementation of seniority ~~list~~ for SC/ST Candidates.

Ref: Discussion held on 6.10.89 between ADM & NEMU on Memorandum submitted on 25.9.89 by Divl.Optg. Counsel under the banner of NEMU/LJN. and Representation No.OPTG/89/1 dt. 31.10.89.

The representation referred above seems to be not appreciated specially within the scope of normal seniority rules 320 of IREM. The narration of the subject matter is being given below to expedite the matter under consideration.

✓ The SC & ST candidates are being given the benefit of accelerated promotion by virtue of reservation quota superseding the senior suitable candidates under authority of Article 16(4) of Constitution of India which permits the maximum limit of 15% & 7% respectively. To accelerate the occupation of said percentage the 40 Point Roster is provided and this 40 Point Roster too becomes ineffective as soon as the prescribed percentage is met out.

✓ It is found, while making out the seniority of SC/ST candidates who were basically juniors and got promoted to the next higher grade on the basis of queue breaking by virtue of special provision made in this regard, are made seniors to the basically senior suitable candidates joining the same grade latter on their turn. Such fixation of seniority hits the provisions of Article 16(1) of Constitution of India, which is a constitutional guarantee of equal opportunity among the same class and similarly situated in the matter of employment and appointment and also Rule 320 of IREM restrict such discrimination.

✓ The normal Rules for seniority under Rule 320(a) of IREM deals with the seniority on promotion within the normal channel of promotion by virtue of merit and turn (~~with~~ seniority-cum-suitability) and specifies that a Railway Servant once ~~promotion~~ promoted

on merit and turn will get seniority over those railway servants who are promoted subsequently. Whereas in the case of SC/ST candidates they have got accelerated promotions by virtue of Reservation Quota and application of mechanism of 40-point system. As they are being promoted not on their merit and turn in the queue their promotions cannot be said a non-fortuitous promotion.

✓ The rule 320(a) of IREM very clearly deals with the criterion to be applied in the case of seniority and promotion which requires a railway servant should be senior suitable and their service records also be upto mark. Such a promotion is non-fortuitous promotion against a non-fortuitous vacancy. As the promotion of SC/ST is not on ~~merit~~ merit and turn (seniority-senior-suitability) only can be termed as fortuitous promotions. Rule 320(a) restricts to earn seniority on such promotions.

✓ Even the exception to this Rule have certain limitations which restricts the right to earn any seniority from the date of entry in the grade. The middle lines of the Rule 320(a) reads as under:-

✓ "The only exception to this Rule would be increased where for administrative inconvenience which should be recorded in writings, the competent authority considers it necessary to appoint railway servant other than seniority most suitable railway servant to officiate in a short term vacancy not exceeding two months as a rule and four months in any case. This will however, not give the railway servant, any advantage not otherwise due to him."

✓ Meaning thereby similar fortuitous promotions of SC/ST candidates ignoring senior suitable candidates will also not get the benefit of seniority from the date of entry in the grade.

✓ Therefore, SC/ST candidates who have come or promoted due to the Reservation Quota, having already jumped the queue, cannot be permitted to ~~compete~~ compete with General Candidates for further promotions. They are a special class by themselves and they have only to go to the Reservation quota for further promotion. If the Reserved quota is already full in the next grade, the SC/ST candidates just below that ~~grade~~ grade in the Reserved quota will have to wait till vacancy occurs in the higher grade in the Reserved Quota. ~~However~~ However, we want to make it clear that this will not apply to such SC/ST candidates who on their own in competition with the General candidates have attained their present position and not due to the Reservation, they are entitled to compete further with the General Candidates and they will not be affected for promotion in the General quota even if Reserved quota is full in the next higher grade.

(-3-)

Thus, the Rule 320 of IRPM is the guarantee and protection of right to earn seniority from the date of entry in the grade for the railway servant who are promoted in normal course of merit and turn on one hand and restricts the right to earn seniority to those railway servants who are promoted by superseding senior suitable Railway servant in any way on the other hand.

Before issuing fresh Notification for the selection of R. grade A-2000-2200 and before confirming the promotion of R. grade A-1000-2600 after ~~in accordance~~ of Gt's letter No. 1750/1/Pt.IV(II) dated 2.3.1965. Please ensure that fresh seniority list is prepared on the basis of basic grade seniority, i.e. grade A-350-560(R)/A-1200-2040.

It is therefore, requested that the selection, promotion and seniority may kindly be finalised on the basis of the above clarifications without further delay under advice to the undersigned.

Yours sincerely,

(WAFIA HUSAIN)

Divl. Secretary H.R.M.O.
LUCKNOW.

Copy to Divl. Secretary Opta. Counsel, H.R.M.O./L.N. for necessary information.

(WAFIA HUSAIN)

Divl. Secretary H.R.M.O.
LUCKNOW.

Noted at the time of dictation given in open court.

This is an application for interim relief in which the L.C. For the applicant prays that the respondents are directed not to hold any selection for the post of SM Gr.I (SS) in pay scale Rs 2000-3200/- on the basis of the notification Anx - 'A'. As far as the holding of selection is concerned the same is not stayed. The selection process may go on but the same shall be deemed to be only provisional and subject to the final order passed in this case. Admit. Issue Notice to the respondent to file CA within 4 week and rejoinder if any may be file within 2 week.

Thereafter list this case for orders on 7-12-1992.

in the Central Administrative Tribunal
Addl. Bench Allahabad; Circuit Bench
Lucknow.

O.A.No. 433 of 1990
Fixed for 16.9.1992.

All India Station Masters Assn. and
others.

...Applicants.

Versus.

The Union of India and ors. Opp Parties.

Application for Interim Relief.

The applicants respectfully seek to
submit as under:-

1. That the aforesaid application has
been filed for quashing of the wrong
seniority lists contained in Annexure 3 to
5 to the application. and to prepare the
correct list after correcting the mistake
done by the department.
2. That the interim relief was also
prayed for not making the further
promotions. The Hon'ble Tribunal has
issued the notices to the opp. parties but
no interim order was passed.
3. That now Divisional Railway Manager
(Karnal) Lucknow has issued a notice on

25.8.1992 in which the directions have been given to relieve the person notified in the list attached with the notice for selection of the post of Station Master Grade I (Station Superintendent). In the pay scale of Rs. 2000-3200/- . This selection will be made for fourteen general posts. The copy of the notification alongwith the list of person is filed herewith as Annexure "A" to this application.

4. That the applicants wants to point out that the quota of S.C. candidates is already complete. In fact at present the S.C. candidates have been illegally working about 60% of the posts due to illegal selection amongst the S.C. candidates by giving them the illegal seniority.

5. That the applicants have already mentioned in their application that the illegal promotions are being made to the S.C. candidates/ST. candidates.

6. That the app. parties nos 1 to 3 are going to repeat the same mistake which have already been done in the aforesaid selection. Further the rightful candidates are being ignored. The list shows that the S.C./ST candidates have been called for selection by giving them the illegal seniority.

7. That the applicant have already

Five select on
of S.M. grade I
2000/- 3200/-

60% S.C. are
already working
illegally

illegal promotion
being made to S.C.

going to repeat
same mistake

discussed the criteria of seniority in his original application. The wrong fixation of seniority is giving the illegal benefit to the SC/ST candidates. The illegal gain is being provided to these candidates without any justification.

wrong fixation

Amended by me
Stayed by the court
in connection

8. That the process of selection will start from 13.9.1992 and the interview will be taken on 23.9.1992. The process of selection on the basis of the Annexure A is liable to be stayed till the seniority list is not corrected according to law.

9. That this Hon'ble Tribunal have decided several petitions in which the criteria of giving the seniority to the SC/ST candidates have been prescribed. One of the case is reported in the S.L.J. 1987(2) page 534.

10. That the applicants are entitled to get the same benefits in the seniority matter which has been allowed in the case referred above.

11. That if the process of selection will not be stayed, the members of the petition no. 1 will suffer a great irreparable loss and the complications will be arisen in decision of the petition. and the members will be bound to file several applications for their grievances.

12- That the directions are liable to be issued to the O.P.no. 1 to 3 not to hold any selection on the basis of the notice Annexure "A".

WHEREFORE It is respectfully prayed that the O.P.no. 1 to 3 may kindly be directed not hold any selection for the post of station master grade I (station superintendent) in the pay scale of Rs.2000-3200/- on the basis of the notice annexure "A".

DATED: -9-1992.

(P.N.Bajpai).

Counsel for the applicant

अधिसूचना

परिचालन विभाग में स्टेशन मास्टर ग्रेड-1 (स्टेशन अधिकारी) 2000-3200 के 14 (चौदह) सामान्य पदों के चयन हेतु प्रचारण का आयोजन किया जा रहा है।

अतः सम्बन्धित स्टेशन अधीक्षक/स्टेशन मास्टर/यजमान निरीक्षक को निर्देश दिया जाता है कि वे सम्बन्धित कर्मचारियों की सूची सफल है जो समय से कार्य मुक्त करें ताकि समय चयन में सम्मिलित हो सकेंगे। यदि कोई अवकाश अथवा पुनर्स्थापना हो तो उसे भी सूचित कर दिया जाये सम्बन्धित पर्यवेक्षक की यह व्यक्तिगत जिम्मेदारी होगी।

सम्बन्धित कर्मचारियों को सूचित किया जाये कि अनुपरीक्षा में केवल वे ही कर्मचारी सम्मिलित होंगे जिनकी अनुपरीक्षा के कारणों से स्थान अधिकारी स्तुष्ट होंगे। कर्मचारी को उचित समय से प्रार्थना पत्र देकर नियन्त्रक अधिकारी से अनुमति लेकर अनुपरीक्षा में सम्मिलित हो सकेंगे उसके बाद कोई अनुपरीक्षा नहीं होगी।

कर्मचारियों से परीक्षा में सम्मिलित होने की सहमति/असहमति दिनांक 4-9-92 तक भेजने की व्यवस्था करें।

चयन परीक्षा 4090प्र0(का0) में प्रातः 11-00 बजे से निम्न वत होगी।

- 1- लिखित परीक्षा - 13-9-92
- 2- अनुपरीक्षा लिखित परीक्षा - 19-9-92
- 3- मौखिक परीक्षा - 20-9-92
- 4- अनुपरीक्षा मौखिक परीक्षा - -

लिखित परीक्षा में उत्तीर्ण कर्मचारी ही मौखिक परीक्षा में सम्मिलित हो सकेंगे। उपरोक्त निर्देशों का जल्द से पालन करें।

भूत मंडल रेल प्रवक्ता(का0)

लखनऊ

दिनांक 25-8-92.

सं ई/11/254/4/स्टेशन/भाग-11

प्रतिलिपि सूचार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- स्टेशन/स्टेशन - गोरखपुर, चौआघाट, गेसरी, गोष्ठा, लखनऊ जं०, कम्पीयागंज, मनकपुर, अनन्दनगर, नौद, नरैतनवा, उमरगावजार, बखी, मुहरेवा, बखी का तालाव, कृष्णगंज, तहसील पतेहपुर, मैलनी, सीपीर, मगहर, जगतवेला, पयागपुर, जोलापुर, जगवा, निशानगढ़ा, डोमिनगंज, ठालीगंज, ऐशवाग।
- 2- टा० आई०/लखनऊ, सीपीर, ऐशवाग, वादशाहनगर, गोष्ठा, दहराडू, मैलनी, सीतापुर, मनकपुर, गोरखपुर, अनन्दनगर।
- 3- क्षेत्रीय प्रवक्ता/गोष्ठा, क्षेत्रीय/गोरखपुर।
- 4- म० मंत्री/बै पंजाब/लखनऊ।
- 5- सम्बन्धित कर्मचारी गण।
- 6- नोटिस बोर्ड।

भूत मंडल रेल प्रवक्ता(का0)

लखनऊ।

25/8/92

सर्विधियों के नाम

स्टेमा (1600-2660)

क्रम सं०:	सर्विधियों के नाम	स्टेशन
1	2	3
	सर्व श्री	
1-	राम कृष्ण (१०००) स्टेमा	गोरखपुर
2-	लालू सिंह	चौआधाट
3-	देवीजी	गोरखपुर
4-	सुन्दरजी	गैजरी
5-	सुन्दरजी	गोष्ठा
6-	रामायणी राम	गोरखपुर
7-	सुलसी राम (१०००)	लखनऊ ज०
8-	जैलाल सुन्दर	जमीनगंज/मालीरा
9-	जोशी उषा	गोरखपुर
10-	सुन्दरजी	मकपुर
11-	मिसर अरुण	आनन्दनगर
12-	सुन्दरजी	नौगढ़
13-	जैलाल सुन्दर	नौतनवा
14-	भगवत पाल	उसका बाजार
15-	जैलाल सुन्दर	मकपुर
16-	जैलाल सुन्दर	गुहौरवा
17-	जैलाल सुन्दर	कशी का तलाव
18-	जैलाल सुन्दर	वृजन्मगंज
19-	तहलल सुन्दर	गोष्ठा
20-	जैलाल सुन्दर	तहलल सुन्दर
21-	जैलाल सुन्दर	मैलानी
22-	जैलाल सुन्दर	जैलाल सुन्दर
23-	जैलाल सुन्दर	मैलानी
24-	जैलाल सुन्दर	लखनऊ ज०
25-	जैलाल सुन्दर	जैलाल सुन्दर
26-	जैलाल सुन्दर	मैलानी
27-	जैलाल सुन्दर	गोष्ठा
28-	जैलाल सुन्दर	नगर
29-	जैलाल सुन्दर	जगतदला
30-	जैलाल सुन्दर	पकपुर

(2)

1	2	3
	सर्व श्री	
31-	भक्त ई प्रसाद (सं. 7)	स्टेना
32-	एल०पी० दुये	गैसि
33-	आर०सी० लाल	जैवापुर
34-	जी० दे० निगम	जरवा
35-	जहीर अहमद	तफनऊ जं०
36-	आर०जी० प्रसाद दुस्ता	निशानगढ़ा
37-	आर०वी० दुये	गोरखपुर
38-	टी०पी० शुक्ला	डोमिन गढ़
39-	हरेन्द्र प्रसाद	हालीगंज
40-	एस० एस० रिजवी	गोरखपुर
41-	एस० डी० गुप्ता	ऐशवाग
42-	आर०वी० श्रीवास्तव	गोरखपुर
		गोष्ठा

मजलिस नाम केवल

सेवा में,

मोरोप्रो (जाल)

पूर्वोत्तर रेलवे

तफनऊ

विषय - (2000-3200) स्टेडी का प्रचारण ।

संदर्भ - आपकी अधि सूचना संख्या ई/11/254/4/
स्टेडी/भाग-11 दिनांक 25-8-92.

मैं श्री - - - - - आपके उपरोक्त अधिसूचना की पावती
स्वीकार करता हूँ ।

- 1- मैं प्रचारण में सम्मिलित होऊंगा ।
- 2- मैं निम्नत्रण के बाहर निम्नलिखित परिस्थितियों के कारण प्रचारण में सम्मिलित होने में असमर्थ हूँ ।

भवदीय,

अग्रसारित

अभ्यर्थी के हस्ताक्षर

प्रत्यक्ष के हस्ताक्षर

पदनाम

स्थान

IN the Central Administrative Tribunal.

Addition Bench - Allahabad

Circuit Bench - Lucknow.

C.A. No. 433 of 1990 (L)

All India Station Masters' Association & Others ... Applicants.

vs.

The Union of India & Others ... Opp. Parties.

Application for Interim Relief.

The Applicants respectfully urge to submit as under:-

For the facts, reasons, & circumstances mentioned in the affidavit filed herewith, it is most respectfully prayed that the implementation of the Railway Board order no. P.C./III/93/01/51/15/02 dated 27.1.93 may kindly be stayed during the pendency of the writ petition, to the extent it relates to the C.P. no. 4 to 30. Writ

Dated: 05.03.1993

Comptroller for the
Applicant to.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL MEMBER - ALL INDIA
COUNCIL GENERAL MANAGER.

G.O. NO. 455 OF 1980 (11)

All India Station Masters
Association & Others

... Applicant B.

vs.

The Union of India & Others

... Opposite B.

AFFIDAVIT

I, M.R. KRISHNAIAH, aged about 65 years,
s/o. Late Sri M.R. Krishnaiah, now working
President of All India Station Masters
Association, N.E. Railway, Madras as before
solemnly affirm and say:-

1. That the above stated application has been
filed for getting the proper and correct senior-
iority in the promotion list / seniority list.
2. That the object of the petition is
to determine the seniority from the date of
appointment to the original post and not from
the date of promotion.
3. That during the pendency of the applica-
-tion the Govt. has issued the re-structuring
of certain groups C & D. The copy of the
circular is filed herewith as annexure 'A' to
this affidavit.
4. That the benefit of re-structuring will be
given on the basis of the seniority, consequent

2.

consequently the C.P. parties nos. 4 to 30 will be benefited, if the old seniority will be considered. It will be a great irreparable loss to the petitioner and the members of the Petitioner as .1.

5. That the implementation of the Board's order dated 27.1.93 is liable to be stayed during the pendency of the application.

6. That there will be loss to the C.P. Nos 4 to 30 if the circular will not be implemented during the pendency of the application.

7. That the complications will arise in the Department, if the Annexure-'A' will be complied with without determining the seniority as prayed in the petition.

Dated: 4.03.1993

Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my knowledge and the contents of paras 4 to 7 are true to my belief. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the 5th March, 1993, at the Hon'ble High Court Compound at Lucknow.

Deponent.

I identify the deponent who has signed before me.

(S.N. Singh)
Advocate.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(GENERAL BOARD)

W.S.F. NO. 10/93
S.D. NO. 2/93.

Machine No.

PC111/93/01/51/15/1.

NO. PC111/91/CRC/1

Letter No. 10111 dated 27.1.1993

The General Managers,
All Indian Railways,
Production Units (As per Shilling ...)

Sub :- Restructuring of certain Group C&D and
.....

The Ministry of Railways have had under review Cadres, certain groups of C&D staff in consultation with the staff side in the Committee of the Departmental Council for JCM(R) for some time. The Ministry of Railways with the approval of the President have decided that the Group C&D categories of staff as indicated in the Annexure (Department wise) to this letter be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to :

Date of effect 1. This restructuring of cadres will be with reference to the sanctioned cadre strength on 1.3.93. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grade w.e.f. 1.3.93.

Applicability to various cadres. 2. These orders will be applicable on the regular cadres of the Open Line establishments including Workshops and Production Units and will include Rest giver & Leave Reserve Posts.

2.1. These orders will not be applicable to ex-cadre and work-charged posts which will continue to be based on worth of charge.

2.2. These instructions will also not be applicable to construction Units and Projects. However, for creation of posts in these Units the percentage distribution may be generally kept in view, taking into account the availability of funds.

Pay Fixation (PR 22-C) 3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 1316(1) of the R.R. Rules w.e.f. 1.3.93 with necessary option for pay fixation as per extant instructions.

AS Smt. ...

Existing
Classification
and filling up
of the vacancies.

4. The existing classification of the posts covered by these restructuring orders as selection and non-selection as the case may be, will remain unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to a post classified as a selection post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records and confidential reports without holding any written and/or viva voce test. Similarly for posts classified as non-selection at the time of this restructuring the same procedure as above will be followed. Naturally under this procedure the categorisation as 'Outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of expediting the implementation of these orders.

The numbers involved
with objective of

4.1. Vacancies existing on 1.3.93 except higher recruitment quota and those arising on the date from this order restructuring their chain/assistant vacancies should be filled in the following sequence:

(i) from panels approved on or before 1.3.93 and current on that date; (ii) from panels in the manner indicated in para 4 above.

4.2. Such selections which have not been finalised by 1.3.93 should be cancelled/abandoned.

4.3. All vacancies arising from 2.3.93 will be filled by normal selection procedure.

4.4. Extant instructions for pay/Vigilance clearance will be applicable for effecting promotions under these orders with the critical date being 1.3.93.

Minimum years
of service in
each grade.

5. While implementing the restructuring orders, instructions regarding minimum period of service for promotion with Gr. 'C' issued under Board's let of NO.E(NG)/85/PM-1/12(RRC) dated 19.2.87 and Board's letter NO.E(NG)/1/PM-1/14 dated 26.5.84 will stand modified to the extent that the minimum eligibility period for the first promotion for filling up vacancies covered in para 4.1 would be reduced to one year as a one time exception. Thereafter the normal minimum eligibility condition of 2 years will apply.

Contd...

APL
Signature

Basic functions, duties and responsibilities.

6. In all categories covered by the list, even though more posts in higher scales of pay have been introduced as a result of restructuring the basic functions, duties and responsibilities attached to their posts at present will continue, to which may be added such other duties and responsibilities, as considered appropriate.

Excess No. of posts.

7. If prior to issue of this letter the number of posts existing in any grade in any particular cadre exceeds the number permissible on the revised percentages, this excess may be allowed to continue to be phased out progressively with the vacation of the posts by the existing incumbent.

Specific instructions given in the foot-note of Annexure

8. While implementing these orders specific instructions given in the foot-note if any, under each category in the enclosed annexure should be strictly and carefully adhered to.

Annual review.

9. Annual reviews should be suspended till further instructions from this office.

Reservation of posts.

10. The existing instructions with regard to reservation of SC/ST will continue to apply while filling additional vacancies in the higher grades arising as a result of restructuring.

Retired Employees.

11. Employees who retire/resign in between the period from 1.3.93 i.e. the date of effect of this restructuring to the date of implementation of these orders, will be entitled for the fixation benefits under these orders i.e. 1.3.93.

Direct recruitment percentages.

12. Direct recruitment percentages will not be applicable to the additional vacancies arising out of these restructuring orders as on 1.3.93. The percentages will apply to normal vacancies arising on or after 2.3.93. Also the direct recruitment quota as on 28.2.93 will be maintained.

Pin pointing of posts.

13. Excepting the highest grade posts in each category, the promotion should be effected on as is where is basis, as a result of this restructuring. However the administration may later on pin-point the posts for administrative requirement, as and when the present incumbent vacates the post on retirement/promotion transfer etc.

AP Sivakumar

(166)
(6)
- (4) -

Provisions of
Rest Givers.

14. As a measure of rationalisation the railways should provide rest givers staff in the appropriate grade most convenient to the administration. Any particular location need not necessarily be in the same grade.

Refusal of
Promotion.

15. Such of the staff as had refused promotion before issue of these orders and stand barred for promotion may be considered for promotion, in relaxation of the extant orders as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on 1.3.93 and arising due to restructuring. This relaxation will not be applicable to vacancies arising after 1.3.93.

16. Instructions for improvement of productivity, rationalisation and economy are being issued separately.

Provision of
funds in the
Budget.

17. The railways will carefully assess requirement of funds on account of restructuring for the year 1993-94 and include the same in the Revised Estimate for 1993-94. Payment due to staff on account of the restructuring should be made and booked in the Financial year 1993-94. The Board desire that the restructuring and posting of staff after due process of selection should be completed expeditiously.

Kindly acknowledge receipt.

Final version will follow.

DA/ Annexures -A to J with Key
(16 Sheets.)

Sd/-

(S.K.Sharma)
Executive Director Pay Commis-
sion (Railway Board).

Signature

KEY FOR ANNEXURES.

1. Annexure 'A' (i) Transportation Traffic Department.
(ii)
(iii)
2. Annexure 'B' Transportation Power Department.
3. Annexure 'C' (i) Traffic Commercial Department.
(ii)
(iii)
4. Annexure 'D' Medical Department.
5. Annexure 'E' Staff common to all Engineering Departments + Workshops.
Technical Supervisor + Artisans etc.
6. Annexure 'F' (i) Accounts + Cash & Pay Department.
7. Annexure 'G' Signal & Telecommunication Department
8. Annexure 'H' Civil Engineering Department (Gangman)
Mechanical Engineering Department (CMT)
9. Annexure 'I' Categories common to more than one Departments.
10. Annexure 'J' Personnel & Statistical Department.
+ Ward Keeping staff.

APC Signature

REVISED CADRE RESTRUCTURING

Category	Strength	Scale of Pay	Existing %age	Revised %age	Remarks
2	3	4	5	6	7
1. Station Master	50000	1200-2040	10	10	
		1400-2300	70	47	
		1600-2660	10	25	
		2000-3200	9	15	
		2375-3500	1	3	
2. Yard Master	2900	1400-2300	40	40	
		1600-2660	40	40	
		2000-3200	18	17	
		2375-3500	2	3	
3. Train Clerks	8700	950-1500	30	25	
		1200-2040	27	25	
		1400-2300	22	30	
		1600-2660	20	20	
4. Traffic Inspector	8700	1400-2300	24	16	
		1600-2660	23	16	
		2000-3200	47.7	30	
		2375-3500	5.3	30	
5. Traffic Control Staff	2300	1400-2600	15	15	
		2000-3200	58	55	
		2375-3500	27	30	
6. Shunting Master/Jamadar	4500	1200-1800	40	30	
		1200-2040	40	45	
		1400-2300	20	25	
7. Traffic Signallers	5200	975-1540	35	30	
		1200-2040	40	40	
		1400-2300	21.5	25	
		1600-2660	2.3	3	
		2000-3200	1.2	2	
8. Locomotive Fitters	46000	800-1150	35	25	
		950-1500	65	75	
9. Group 'D' Traffic	46300	750-940	50	35	
		775-1025	50	65	
10. -do- Commercial	38946	750-940	50	35	
		775-1025	50	65	
11. Cabinmen	10000	950-1500	100	75	
		1200-2040	-	25	
12. Comm. Clerks	35500	975-1540	30	20	
		1200-2040	27	35	
		1400-2300	29	25	
		1600-2660	9	12	
		2000-3200	5	2	

Contd...2/-

S.No.	Category	Strength	Scale of Pay	Existing %age	Revised %age	Remarks

13. Ticket Checking Staff.

1500

1500-1500
1700-2040
1400-2300
1600-2660
1800-3200

20
37
29
9
5

20
35
15
12
8

149

14. E.C.R.C.

2500

1700-2040
1400-2300
1600-2660
1800-3200

40
45
10
5

40
40
12
8

15. Comm. Inspector

1100

1400-1300
1600-2660
2000-3200
2375-3500

35
20
40.5
4.5

25
15
30
30

16. Catering Inspector

1000

875-1540
1200-2040
1400-2300
1600-2660
1800-3200

30
20
20
20
20

20
20
25
20
15

17. Bill Issuer

1000

825-1200
975-1540

66.67
23.33

55
45

18. Commercial Cook

731

800-1150
950-1500
1200-1800
1400-2040

45
25
20
10

30
30
25
15

19. Waiter/Waitress

1000

800-1150
925-1200
975-1540
1000-1500

60
40
20
20

50
50
15
25

20. Cook Assistant

731

800-1150
1000-2040
1400-2300
1600-2660
1800-3200

30
35
30
25
10

25
30
30
15
15

21. Health Inspector

1000

1200-1800
1400-2040
1600-2660
1800-3200

40
40
20
20

30
30
40
40

22. Pharmacist

1000

1200-1800
1400-2040
1600-2660
1800-3200

40
40
20
20

30
30
40
40

23. Medical Assistant

1000

800-1150
825-1200
950-1500

50
47.5
2.5

55
5
30

24. Lab. Staff

1000

1320-2040
1400-2300
1640-2900

30
30
40

30
30
50

25. Nurses

1000

1400-2040
1640-2300
2000-3200

40
30
30

30
35
35

Contd...3

Before the Central Administration Tribunal

Lucknow Bench, Lucknow.

W.P. application No. /1993

in

CA/No 433/1993.

All India Station Master's Association & others.....

applicant

v/s

Union of Indis & others Respondent

Application for the early disposal of the Stay application

The humble applicants most respectfully submit

as under:-

- 1- That the applicant aggrieved with the orders of promotion of the reserve community, filed an application before this Hon'ble Tribunal which has been registered as CA/433/1993.
- 2- That the opposite parties No.1, 2 & 3 had not filed their counter as yet. -thus practically it is not possible to dispose of the case finally.
- 3- That it was then came to the knowledge of applicant that the Rly. Board has been pleased, to accord the sanction for the restructuring of the cadre. The applicant then filed an application before this Hon'ble Tribunal with the request to stay the implementation of the orders of Restructuring of cadre issued by the Rly. Board vide letter No. PC III/93/CRC/1

(159)

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dated 27.1.1993 photo state copy is enclosed as annexure No. H.P.1.

4. That the applicant had submitted an application for to the Divisional Rly Manager Lucknow Division for publication of the revised seniority list in terms of the judgement of Honourable Central Administration Tribunal Allahabad in case No. 647/1986 Veer Pal Singh Chaudhan & others V/s U.C.I. & others decided on 31.1.87. But the DAM had not published the revised seniority list. Thus the promotion against the Restructuring of the Cadre will not be made correctly.

5- That Shri M.C. Lal & others (Guard H.S.Rly Lucknow Division) had filed an application against the promotion of Reserved community candidates which has also been decided vide judgement dated 06.08.89 by CAT, Allahabad and that has been implemented copy of the judgement is enclosed as annexure No NP-2

6- That now the LRM/Lucknow/NR under instruction of the Rly Board going to implement Restructuring scheme very expeditiously and that may come out any day.

7- That implementation of restructuring scheme without correction of seniority list will cause great loss to the applicants and its members, and will create very complexity while removing the cause of injustice in future.

A/153

8. That the respondent (Dy. Lucknow) be directed to publish the seniority list in accordance with the judgement dated 21.1.87 and till that time the orders for the implementation of the Restructuring of the cadre be stayed/suspended.
9. Therefore the applicant prayed for the following relief:-
- a) The stay application dated may kindly be heard and decided early.
 - b) The Dy. Lucknow/NE may kindly be directed to publish a fresh seniority list in accordance with the judgement dt. 25.1.87 to dispose of the petitioner representation.
 - c) The orders for Restructuring of the cadre may not be given effect till the publication of the revised seniority list.

Applicants

The above named applicant do hereby verify the contents of para 1 to 7 of this application are true to my personal knowledge and para No. 8 & 9 believes to be true by legal advise signed and verified at this.....day of april 1993 at Lucknow.

Applicants

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(GENERAL BOARD)

S.B.E. NO. 10/93
S.L.NO.2/93.

Machine No.

PC111/93/01/51/15/2.

NO.PC111/93/MC/1

at Delhi dated 27.1.1993

The General Managers,
All Indian Railways,
Production Units (As per Mailings) etc.

Sub :- Restructuring of certain Group C&D cadres

The Ministry of Railways have had under review Cadres of certain groups of C&D staff in consultation with the staff side in the Committee of the Departmental Council (CDC) for some time. The Ministry of Railways with the approval of the President have decided that the Group C&D categories of staff as indicated in the Annexure (Department wise) to this letter be restructured in accordance with the revised percentages indicated therein. While implementing these orders the following detailed instructions should be strictly and carefully adhered to :

Date of effect

1. This restructuring of cadres will be with reference to the sanctioned cadre strength on 1.3.93. The staff who will be placed in higher grades as a result of implementation of these orders will draw pay in higher grade w.e.f. 1.3.93.

Applicability to various cadres.

2. These orders will be applicable on the regular cadres of the Open Line establishments including Workshops and Production Units and will include Rest giver & Leave Reserve Posts.
 - 2.1. These orders will not be applicable to ex-cadre and work-charged posts which will continue to be based on worth of charge.
 - 2.2. These instructions will also not be applicable to construction Units and Projects. However, for creation of posts in these Units the percentage distribution may be generally kept in view, taking into account the availability of funds.

Pay Fixation (FR 22-c)

3. Staff selected and posted against the additional higher grade posts as a result of restructuring have their pay fixed under Rule 1316 (FR 22-c) w.e.f. 1.3.93 with necessary option for pay fixation as per extant instructions.

AS Inverted

Existing
Classification
and filling up
of the vacant
class.

4. The existing classification of the posts covered by these restructuring orders as selection and non-selection as the case may be, will remain unchanged. However, for the purpose of implementation of these orders, if an individual Railway servant becomes eligible for promotion to a post classified as a selection post, the existing selection procedure will stand modified in such a manner as to the extent that the selection will be held only on scrutiny of service records and confidential reports without holding any written or oral viva voce test. Similarly for posts classified as non-selection at the time of this restructuring the same procedure as above will be followed. Naturally under this procedure the categorisation as 'Outstanding' will not figure in the panels. This modified selection procedure has been decided upon by the Ministry of Railways as a one time exception by special dispensation, in view of expediting the implementation of these orders.

the numbers involved
with objective of

4.1. Vacancies existing on 1.3.93 except direct recruitment quota and those arising on the date from this cadre : restructuring factor chain/resultant vacancies should be filled in the following sequence :

(i) from panels approved on or before 1.3.93 and current on that date ; (ii) as per the manner indicated in para 4 above.

4.2. Such selections which have not been finalised by 1.3.93 should be cancelled/abandoned.

4.3. All vacancies arising from 2.3.93 will be filled by normal selection procedure.

4.4. Extant instructions for pay/Vigilance clearance will be applicable for effecting promotions under the above orders with the critical date being 1.3.93.

Minimum years
of service in
each grade.

5. While implementing the restructuring orders, instructions regarding minimum period of service for promotion with Gr. 'C' issued under Board's letter NO.E(NG)/1/85/PM-1/12(5RC) dated 19.2.87 and Board's letter NO.E(NG)/1/PM-1/14 dated 26.5.84 will stand modified to the extent that the minimum eligibility period for the first promotion for filling up vacancies covered in para 1.1 would be reduced to one year as from the time excepted. Thereafter the usual minimum eligibility condition of 2 years will apply.

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Basic functions
duties and
responsibilities.

7. In all categories covered by this letter, even though more posts at higher scales of pay have been introduced as a result of restructuring the basic functions, duties and responsibilities attached to their posts at present will continue to which may be added such other duties and responsibilities, as considered appropriate.

Excess No. of
posts.

7. If prior to issue of this letter the number of posts existing in any grade in any particular cadre exceeds the number permissible on the revised percentages, the excess may be allowed to continue to be phased out progressively with the vacation of the posts by the existing incumbent.

Specific instructions
given in
the foot-note of
Annexure

8. While implementing these orders specific instructions given in the foot-note if any, under each category in the enclosed annexure should be strictly and carefully adhered to.

Annual review.

9. Annual reviews should be suspended till further instructions from this office.

Revision of
reservation.

10. The existing instructions with regard to reservation of SC/ST will continue to apply while filling additional vacancies in the higher grades arising as a result of restructuring.

Retired
Employee.

11. Employees who retire/resign in between the period from 1.3.93 i.e. the date of effect of restructuring to the date of implementation of these orders, will be entitled for the fixation benefits and will be under these orders from 1.3.93.

Direct recruit-
ment percentages.

12. Direct recruitment percentages will not be applicable to the additional vacancies arising out of these restructuring orders as on 1.3.93. The percentages will apply to normal vacancies arising on or after 2.3.93. Also the direct recruitment quota as on 28.2.93 will be maintained.

Pin pointing of
posts.

13. Excepting the highest grade posts in each category, the promotion should be effected on as is where is basis, as a result of this restructuring. However, the administration may later on pin-point specific posts for administrative requirement, as and when the present incumbent vacates the post on retirement/promotion transfer etc.

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Provisions of
Rest givers.

14. As a measure of rationalisation the railways should provide rest givers staff in the appropriate grade most convenient to the administration. Any particular location need not necessarily be in the same grade.

Refusal of
Promotion.

15. Such of the staff as had refused promotion before issue of these orders and stand barred for promotion may be considered for promotion, in relaxation of the extant orders as a one time exception, if they indicate in writing that they are willing to be considered for such promotion against the vacancies existing on 1.3.92 and arising due to restructuring. This relaxation will not be applicable to vacancies arising after 1.3.93.

16. Instructions for improvement of productivity, rationalisation and economy are being issued separately.

Provision of
funds in the
Budget.

17. The railways will carefully assess requirement of funds on account of restructuring for the year 1993-94 and include the same in the Revised Estimate for 1993-94. Payment due to staff on account of the restructuring should be made and booked in the Financial year 1993-94. The Board desire that the restructuring and posting of staff after due process of selection should be completed expeditiously.

Kindly acknowledge receipt.

Final version will follow.

D/ Annexures A to J with Key
(16 Sheets.)

Sd/-
(S.K.Sharma)
Executive Director Pay Commi-
ssion (Railway Board).

Signature

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6

KEY FOR ANNEXURES.

1. Annexure 'A' (i) Transportation Traffic Department.
(ii)
(iii)
2. Annexure 'B' Transportation Power Department.
3. Annexure 'C' (i) Traffic Commercial Department.
(ii)
(iii)
4. Annexure 'D' Medical Department.
5. Annexure 'E' Staff common to All Engineering
Departments + Workshops.
Technical Supervisor + Artisans etc.
6. Annexure 'F' (i) Accounts + Cash & Pay Department.
7. Annexure 'G' Signal & Telecommunication Department.
8. Annexure 'H' Civil Engineering Department (Gangman)
Mechanical Engineering Department (CMT)
9. Annexure 'I' Categories common to more than one
Departments.
10. Annexure 'J' Personnel & Statistical Department
+ Ward Keeping staff.

AP Signature

REVISED CADRE RESTRUCTURING

Category	Strength	Scale of Pay	Existing %age	Revised %age	Remarks
2	3	4	5	6	7
1. Station Master	20000	1200-2040 1400-2300 1600-2660 2000-3200 2375-3500	10 70 10 9 1	10 47 25 15 3	(159)
2. Yard Master	2800	1400-2300 1600-2660 2000-3200 2375-3500	40 40 18 2	40 40 17 3	
3. Train Clerks	8700	950-1500 1200-2040 1400-2300 1600-2660	30 27 23 20	25 25 30 20	
4. Traffic Inspector	870	1400-2300 1600-2660 2000-3200 2375-3500	24 23 47.7 5.3	16 16 30 30	
5. Traffic Control Staff	2300	1400-2600 2000-3200 2375-3500	15 58 27	15 55 30	
6. Shunting Master/Jamadar	4500	1200-1800 1200-2040 1400-2300	40 40 20	30 45 25	
7. Traffic Signallers	5200	975-1540 1200-2040 1400-2300 1600-2660 2000-3200	35 40 21.5 2.3 1.2	30 40 25 3 2	
8. Pointsmen/Levellers	46000	800-1150 1200-1500	35 65	25 75	
9. Signaller/Practical	16500	700-940 775-1025	50 50	35 65	
10. -do- Commercial	38946	750-940 775-1025	50 50	35 65	
11. Cabinmen	10000	950-1500 1200-2040	100 -	75 25	
12. Comm. Clerks	35500	975-1540 1200-2040 1400-2300 1600-2660 2000-3200	30 27 29 9 5	20 35 25 12 6	

Contd...2/-

S. No.	Category	Strength	Scale of Pay	Existing %age	Revised %age	Remarks
13.	Ticket Checking Staff.	2500	950-1500 1200-2040 1400-2300 1600-2660 2000-3200	20 37 29 9 5	20 35 5 12 8	(180)
14.	E.C.R.C.	3600	1200-2040 1400-2300 1600-2660 2000-3200	40 45 10 5	40 40 12 8	
15.	Comml. Inspector	11	1400-2300 1600-2660 2000-3200 2375-3500	35 20 40.5 4.5	25 15 30 30	
16.	Catering Inspector	1000	975-1540 1200-2040 1400-2300 1600-2660 2000-3200	30 20 20 20 10	20 20 25 20 15	
17.	Bill Issuer	100	825-1200 975-1540	66.67 33.33	55 45	
18.	Commercial Cook	73	800-1150 950-1500 1200-1800 1320-2040	45 35 20 10	30 30 35 15	
19.	Waiter/Barman	100	800-1150 925-1200	40 40	50 50	
20.	Cash Assistant	71	775-1025 900-1450	20 30	15 35	
21.	Health Inspector	10	1200-2040 1400-2300 1600-2660 2000-3200	35 30 25 10	25 30 30 15	
22.	Sanitary Inspector	11	1200-2040 1400-2300 1640-2900	40 40 20	30 30 40	
23.	Drainage Inspector	10	800-1150 825-1200 950-1500	50 47.5 2.5	40 55 5	
24.	Lab. Staff	140	1320-2040 1400-2300 1640-2900	30 30 40	20 30 50	
25.	Wardens	10	1400-2300 1640-2900 2000-3200	40 30 30	30 35 35	

Grand Total

In the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

M. P. Appln. No.

of 1993.

In re:

O.A.No.433 of 1990 (L).

(161)

All India Railway Station
Masters Association
and others.

-----Applicants

Versus

Union of India and others.

-----Respondents

Fixed for: .9.1993

Application for ex-parte hearing
and disposal of the application

The applicants most respectfully submit
as under :-

1. That the above mentioned case was filed on .11.1990 before the Hon'ble Central Administrative Tribunal, Lucknow Bench, Lucknow. The said application was heard and show-cause notice was issued. The said case was heard again and was admitted.
2. That the respondents No.1 to 3 have not filed the counter reply inspite of the several opportunities. The respondents No.1 to 3 do not

care to follow the procedure as laid down in Rule 12 of the Central Administrative Tribunal (Procedure) Rules, 1987, in regard to file the counter. It appears that the respondents No.1 to 3 do not desire to contest the case. (162)

3. That the non-filing of the counter affidavit by the respondents No.1 to 3, the above noted case could not be finalise and the members of the applicants are being retired from service in one grade below which affected their retirement benefits viz. pension, DCRG. It is irreparable loss which cannot be compensated by any other way.

Wherefore, it is prayed that the Hon'ble Tribunal be pleased to pass the order for exparte hearing to avoid hardship to the applicants as the restructuring in the cadre of Station Suptds. scale R-2375-3500 is held up.

Lucknow, dated,
24.9.1993

(S.P. Sinha)
Advocate.
Counsel for the Applicants.

Noted at the time of dictation given in open court.

We have heard the counsel for the applicants in respect of M.P. No. 488/93 and keeping in view the interim order already passed in this case No. ^{further}~~for the~~ interim order is warranted in this case. List ~~of~~ this case on 28/7/93

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

Application No. _____ of 1993.

&

M.F. application No. 488 of 1993

in

OA No. 433 of 1990.

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All India Station Master's Association & Others...

Applicants

Versus

Union of India & Others

..... Respondents

Application for early disposal of
M.F. Application

The applicant most respectfully submits as under :-

That the applicant have filed an application with the prayer that the seniority lists as annexure No. 3, 4 & 5 may be quashed and the directives be issued to prepare the correct seniority list after correcting the mistake.

That the above noted case has been registered as OA 433 of 1990 and the notices have been issued to the opposite parties. The respondent No. 1 to 3 have not been filed the counter reply.

That the applicants have come to know that Railway Board has issued directives for Re-structuring of the cadre from 1.3.1993, and the work is in progress. In case the order for re-structuring of the cadre will be issued the applicants will be in irreparable loss

Wherefore it is requested that the M.P. application No. 488/93 may kindly be disposed of and the directives may kindly be issued to the respondents that they should prepare the seniority lists according to the judgment in Vicer Pal Singh Chauhan's case, Thereafter the order for re-structuring of the cadre may kindly be implemented. The date for disposal of M.F. application is fixed for 31.5.93 but no bench will be available on that date, hence early date may kindly be fixed.

A.P. Sinha
Working President
All India Station Master's
Association, Lucknow Division
NER.

Before the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

M.P. Application No. of 1993.

In re:

O.A.No.433 of 1990.

--

All India Station Masters'
Association and others. -----Applicants

Versus

Union of India and others. -----Respondent

--

APPLICATION FOR INTERIM RELIEF.

The humble applicants most respectfully
submit as under :-

1. That the applicants preferred several applications to the respondent No.3 for the preparation of the seniority list in accordance with the directions and instructions laid down in case of Veer Bal Singh Chauhan and others Vs Union of India and others, as per judgment of Hon'ble Central Administrative Tribunal, Allahabad. But the respondent No.3 did not care to publish fresh seniority list as per judgment of Hon'ble Court.

2. That the respondent No.3 issued a notice

for conducting the selection for the post of Station Superintendent in scale Rs.2000/- - 3200/- with the ^{applicant} request that first of all the seniority list of scale Rs.1600/- - Rs.2660/- may kindly be published and thereafter the selection could be conducted but the respondent No.3 did not care of it.

3. That the applicants filed an application before this Hon'ble Tribunal to issue the directions to the respondent No.3 to publish the fresh seniority list. The Hon'ble Tribunal issued the directions as under :-

"As far as the holding of selection is concerned the same is not stayed. The selection process may go on, but the same shall be deemed to be only provisional and subject to the final order passed in this case.

Admit issue notice to the respondents to file counter affidavit within 4 weeks and rejoinder, if any, may be filed within 2 weeks, thereafter list this case for orders on 7.12.1992."

But the respondents have not filed the counter so far.

4. That in absence of the counter from

respondents No.1 to 3, it appears that the respondents do not desire to contest the case in terms of Rule 12 of the Central Administrative Tribunal Procedure Rules, 1987.

5. That the selection for the post of Station Superintendent has been conducted three times and in each selection several reserved community candidates have been brought on the panel though they were not in the purview of seniority.

6. That the orders for re-structuring of the cadre have been received from the Railway Board and the total strength of Station Supdts. scale Rs.2375-3500 is eighteen and out of which seven (7) persons are working in the cadre. Out of seven incumbants, four belongs to reserve community, as such, only three (3) incumbants belong to general community. Now seven posts, which have to be filled in on account of restructuring of the cadre. These eleven posts will be filled in by the incumbants working in the scale of Rs.2000-3200.

7. That the respondent No.3 has not published the seniority list of scale Rs.2000/- - 3200/- and scale Rs.1600-2660 as per judgment of

Veer Pal Singh Chauhan. Thus, the most of the incumbants belong to reserve community and their strength have been increased from the percentage fixed ^{by the Key Board} for the promotion of reserved community. The statement ~~by the Railway Board,~~ showing the position of Station Supdt., in scale Rs.2000-3200 and Rs.2375-3500 just before the restructuring, is being filed herewith as Annexure MPA-1.

5. That the incumbants working in scale Rs.2000-3200, if promoted without publishing the seniority list in accordance with the judgment in the case of Veer Pal Singh Chauhan, the general candidate will suffer irreparable loss and they will never be promoted in the scale of Rs.2375/- - 3500/-, which will amount loss in retiring benefit also. This is against the social security act.

In view of the facts stated above, the applicants request for the following relief :-

- (a) The directions may kindly be issued to the respondent No.3 to prepare the seniority list of SAs/Station Supdt. in the scale Rs.1400-2300, Rs.1600-2660 and Rs.2000-3200 in accordance with the judgment of Veer Pal Singh Chauhan and others.

- (b) The Hon'ble Tribunal may be pleased to issue directions to respondent No.2 to publish the combined seniority list of the Station Superintendent in scale Rs.2000-3200 for further promotion to scale Rs.2375-3500 and till such time promotion orders under restructuring of the cadre may not be issued.

Lucknow, dated.
15.9.1993


(S.P. Sinha)
Advocate.
Counsel for the Applicants.

Refer to Shri B. K. Bhatnagar, District Officer, District of ...
 As per Station Master's Association ...
 MP-1

169
 No. of ...
 1438 of ... 1990.

STATION Superintendent
 Grade Rs. 2375/- 3500/-
 Position as on 1.4.93.

S. No	Names	Date of Birth	Date of Appointment	Date of Promotion	Station
1	Shri Ganga Ram	10-7-36	1-9-65	10-9-87	MSH
2	" R. C. Pandey	1-1-44	15-9-67	11-2-91	JE
3	" Sant Ram	15-7-46	7-7-66	11-2-91	GD
4	" Sita Ram	30-7-43		11-2-91	MLN
5	" U. C. Misra	16-9-50	5-10-77	11-2-91	GKP
6	" Rola Nand Pr.	13-1-52	30-11-77	11-2-91	POST
7	" P. N. Gupta	25-8-36	28-5-56	22-1-92	LN

Sanction strength = 6
 Available = 6+1
 Quota permissible = SC/ST 1+1 = 2
 Available = 4
 Permissible percentage = $15\% + \frac{1}{2}\% = 22.5\%$
 Percentage (available) = 66.67%
 Rests occupied
 Empowered Station After 2% uprating sanction strength = 18
 Will be available Governor - 3 SC/ST = 15 (15 years)
 Empowered. Directorate
 V.P. Ry. Board order dt. 27.1.93
 85%
 85%
 85%

In the Central Administrative Tribunal Lucknow.

O.A. No. 183 of 1990(T)

All India Station Masters Association. .. Applicant

versus

Union of India and 29 others.

.. Respondents

Fixed for 7-12-1992.

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Tucknott

dated: 7-12-1992

Sh. S. S. S. S. S.

Respondent No.

For all copy

Al. S. S.

respondent no

m. S. S. S.

Ad

Station: Sepintakul

GRADE No. 2000/ 3200/

(170)

Position: 20 on 1.4.93.

S.No	Names	Date of Birth	Date of Appointment	Date of Promotion	Station
1	Rama Shankar	30.10.35	20.6.60	1.8.82	PJ
2	Ram Shing	3.2.40	19.12.63	"	NMP
3	Har Ram Pd.	16.1.42	1.2.64	"	ANDN
4	Bharat Ram	28.1.41	6.10.63	"	RS
5	P.L. Shankar	1.1.39	14.12.63	"	EPA
6	J.N. Dass	11.4.37	24.10.63	"	YN
7	R.B. Prasad.	24.7.38	14.12.59	"	BMJ
8	Pranka Nand	30.9.42	26.6.63	"	SWA
9	Parasu Ram	22.1.47	7.1.77	"	GV
10	Pranaband	8.11.42	20.12.63	"	BN2
11	Yamuna Prasad	8.12.63	8.1.72	"	HA
12	Chetan	1.7.42	1.1.66	"	NCH
13	H.L. Hembram	7.1.57	8.5.77	2.9.86.	Lc
14	Rama Lal	8.2.39	1.6.66	"	CLJ
15	Ram Bhakar	2.7.52	3.2.75	"	MSW
16	Ram Nivas	12.1.43	10.12.62	"	JLD
17	Jalabhar Prasad	12.7.42	15.5.69	"	BNJ
18	Kam prab	11.3.42	11.3.69	"	BVN

Continued
S. K. S. S.
ADW

Sl. No.		Names	Age	Date of Birth	Date of Appointment	Date of Promotion	Station
19	55	Anand Kumar Kungroo	ST	26.11.54	24.4.77	2.9.86	PLK
20	"	V. K. Singh Munda	ST	27.7.53	24.11.77	11.8.88	Trichhaya
21	"	A. H. Ansari		1.7.85	17.5.55	20.2.89	GKP
22	"	B. P. Srivastava		31.7.36	21.11.55	20.2.89	BAL
23	"	S. R. Singh		30.9.35	7.2.56	20.2.89	BLP
24	"	Shankar Kumar Khalko	ST	12.7.53	25.4.77	11.8.88	MMB
25	"	Alar Pate	ST	26.6.56	24.10.77	11.8.88	BAL
26	"	Harcharan Singh		16.7.37	16.9.57	20.2.90	RPO
27	"	N. D. Agarwal	ST	1.8.37	31.8.57	20.2.90	GKP
28	"	Ram Marti	ST	1.1.58	1.4.81 19.10.81	"	GD
29	"	Shankar Ram	SC	12.7.41	30.4.65	"	BXM
30	"	K. N. Ram	SC	7.1.45	22.4.65	"	BUW
31	"	B. D. Pandey		25.6.37	20.8.58	"	PPW
32	"	R. N. Shukla		26.8.38	20.8.58	"	JB
33	"	L. P. Gupta		28.11.35	18.9.59	"	DAL
34	"	J. N. Singh		10.1.38	3.12.59	"	KMP
35	"	Badr Prasad		5.7.36	16.9.57	12.12.95	GAUR
36	"	Ram Lal	SC	2.12.39	11.3.67	"	AA
37	"	Ram Das	SC	1.7.37	9.10.63	19.12.90	J
38	"	S. Ram Lal		13.1.77	3.7.50	"	BAL
39	"	R. K. Lal Srivastava		1.9.36	25.6.58	"	TAN
40	"	J. N. Dubey		26.7.36	11.8.59	"	JEA
41	"	Indar Prasad	SC	20.7.46	3.10.75	23.10.91	MIN
42	"	Sita Ram Rai		20.11.36	22.11.56	"	KLB

Continued -
 20/10/92 Rdu

S. No.	Names	172	Date of Birth	Date of Appointment	Date of Promotion	Station
43	Sn K.N. Srinivasa		12. 7. 35	18. 5. 55	22. 10. 91	
44	" Dau Jee Prasad		20. 7. 37	20. 9. 59	23. 10. 91	
45	" R. K. Mallu		7. 7. 37	8. 3. 59	23. 10. 91	
46	" " Prakash	SC	20. 4. 58	24. 8. 77	15. 1. 93	
47	" Kamla Prasad		1. 7. 35	21. 11. 55	8. 11. 92	
48	" Mangalakurani Pt.		1. 9. 36	2. 9. 59	8. 11. 92	
49	" T. K. Ram	SC	11. 4. 39	18. 6. 65	8. 11. 92	
50	" Kausikalantha	SC	1. 1. 55	14. 10. 77	8. 11. 92	
51	" P. N. M. Siva		2. 1. 36	29. 4. 60	3. 11. 92	
52	" S. S. M. Siva		2. 9. 37	2. 12. 59	3. 11. 92	
53	" S. C. Upadhyay		19. 1. 38	19. 9. 60	15. 1. 93	
54	" B. N. Sharmistha		14. 10. 37	29. 4. 60	15. 1. 93	
55	" S. B. Lal		30. 7. 38	19. 9. 59	1. 2. 93	
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Sanction Strength = 57
 Available = 55
 Quota Promotable as per percentage $7\frac{1}{2}$ = $9 + 4 = 13$
 SC ST
 Available = 26 SC + 6 ST = 32
 Percentage Available = 58.2%

for
 per

In the Central Administrative Tribunal Lucknow.

Misc. Application No. of 1992

IN

O.A. No. 188 of 1990 (T)

All India Station Masters Association. -- Applicant

versus

Union of India and 29 others. -- Respondents

Fixed for 7-12-1992

Misc. Application on behalf of Respondent No. 17
for completing the original Application.

The Respondent No. 17. beg to submit as under :-

1. ~~That page 5 containing the contents of sub para 7~~
~~of para 1 of the original Application No. 188 of 1990 (T)~~
illegible and blurred
~~is not available in the Paper Book supplied to the~~
Respondent No. 17

2. That the Tribunal allowed amendments on 18.3.1991 with direction to the Applicant that the Applicant shall supply amended copy on the Respondents within one week. But the amended copy of the Application has not been supplied to the Respondent No. 17

3. That in absence of papers aforesaid in para 2 and 3, preparation of reply to the original Application by Respondent No. 17 suffered.

4. That it is just and expedient for the cause of justice that the Applicant should supply the papers aforesaid para 2 & 3 to the Respondent No. 17

Attested & signed

Contd. . . . (2)

P R A Y E R

Wherefore it is most respectfully prayed that the Honorable Tribunal may be pleased to direct the Applicant to supply the papers mentioned in aforesaid para 2 & 3 on the Respondent No. 17 to enable him to prepare reply and to extend time for filing the reply.

Truckee

Dated: 7-12-1992

H. L. Hembrom

Respondent No. 17

Verification

I, *H. L. Hembrom* working as *Stationary Engineer at Lucknow City* do hereby verify that the contents of para 1 to 4 are true and legal and that I have not suppressed any material fact.

Not a Clerk
H. L. Hembrom
Respondent No. 17

Dated: 7-12-1992

H. L. Hembrom

Respondent No. 17

Misc. Application No. of 1992

17

O. I. No. 133 of 90 (T)

11 India Station Masters Association .. Applicant

VERSUS

Union of India and 29 others.

.. Respondents

Filed for 7-12-1992

Misc. Application for production of documents
by the Applicant.

The Respondent No. 17 most humbly beg to
submit as under :-

1. That the Respondent No. 17 is filing
Miscellaneous Application for summary dismissal of
original Application No. 133 of 1990 (T).
2. That it is just and expedient for proper
adjudication of Miscellaneous Application to produce
the necessary document on the records of proceedings
of the Tribunal.
3. That the documents are in the power and
possession of the Applicant and not in the power and
possession of Respondent No. 17

P R A Y E R

4. Wherefore it is respectfully prayed that the
Honble Tribunal may be pleased to direct the Applicant
to produce the following documents w/ the record of
proceedings of the Tribunal for proper adjudication of
the case.

Notice of Application

Contd. . . . (2)

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List of documents to be produced.

- (a) Copy of certificate of registration No. 1259 issued by Registrar Trade Union for registration of the All India Station Masters Association.
- (b) List of latest office bearers of All India Station Masters Association registered with Registrar Trade Union.
- (c) Copy of Resolution adopted by All India Station Masters Association authorising Sri A.P. Srivastava to file O.A. No. 123 of 80(7) before the Tribunal.

Dated: 7-12-1992

Attestation
Respondent No. 17
Attestation
Attestation

Verification

I, *A. P. Srivastava* Respondent No. 17
working as *Station Superintendent* do hereby verify
that contents of paras 1 to 4 are true on legal advice
and that I have not suppressed any material facts.

Tucknaw

Dated: 7-12-1992

Attestation
Respondent No. 17

In the Central Administrative Tribunal Lucknow.

Misc. Application No. of 1992

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IN

O.A. No. 128 of 1990 (T)

All India Station Masters Association. -- Applicant

versus

Union of India and 29 others.

-- Respondents

Fixed for 7-12-1992

Miscellaneous Application on behalf of Respondent
No. 17 for Summary dismissal of Original Application
No. 128/90 (T).

The Respondent No. 17 most respectfully beg
to submit as under:-

1. That the original Application No. 128 of 90(T) has been filed by All India Station Masters Association through its working President Sri A.C. Srinathrao.
2. That the original Application No. 128 of 90(T) is not maintainable on account of fact as stated hereunder.
3. That the registered postal address of the All India Station Masters Association (in short Association) has not been given in the Original Application showing description of the Applicant.
4. That a copy of certificate of registration No. 1359 from the Registrar Trade Unions for the registration of the Association has not been annexed with the Original Application.

Attested by the undersigned

Umtg. . . . (2)

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5. That a copy of resolution adopted by the Association authorising Sri I.P. Srivastava to file Original Application No. 488 of 90(1) before Tribunal has been annexed

6. That none of affected persons has joined the Original Application. It is violative of Section 4(5(b) of the Central Administrative Tribunal(Procedure) Rules 1987.

7. That the Original Application is based on several causes of action for seeking plural remedy in a single application. It is violative of Section 10 of the Central Administrative Tribunal(Procedure) Rules 1987 i.e.

- (1) Letter dated 27-11-89. (Annexure 9 to O.A.)
- (2) Letter dated 29-10-87 (Annexure 3 to O.A.)
- (3) Letter dated 13-10-1987 (Annexure 4 to O.A.)
- (4) Letter dated 13-10-1987 (Annexure 5 to O.A.)

8. That the letter dated 27-11-89(Annexure 9 to O.A.) has been challenged in the Original Application. In this letter the interest of 51 number of persons are involved. But most of these persons have not been impleaded as necessary party. In such the Original Application is bad for non-joinder of necessary parties. Similar is the case of Annexures 3, 4 and 5 of the Original Application.

9. That Annexure 3 and 5 to Original Application relate to the category of Assistant Station Masters i.e. (A.S.M. Gr. III, A.S.M. Gr. II and A.S.M. Gr. I) which differs from the category of Station Masters i.e. (S.M. Gr. III, S.M. Gr. II and S.M. Gr. I). Therefore the Applicant has no representative character of Assistant Station Masters i.e. (A.S.M. Gr. III, A.S.M. Gr. II and A.S.M. Gr. I).

10. That the Station Masters are divided in the membership of several Unions/Associations. All the Unions/Associations have not been impleaded as necessary parties in the Original Application i.e. --

1. F.F. Railway Messager Union (Recognised)
2. F.F. Railway Employees Union (P.R.E.S.) (Recognised)
3. Rail Messager Union (Un-recognised).
4. Parvabar Railway Shramik Sangh (Un-Recognised).
5. All-India-Scheduled Caste and Scheduled Tribes Association (Semi-Recognised).

Contd. . . . (3)

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11. That the Recognised Unions are the members of 3-Tiers "Permanent Negotiating Machinery (in short P.N.M.)" to settle the labour disputes at Divisional, Zonal and National level with Respondents Nos. 3, 2 and 1 respectively.

A remedy was available to the Association to get the disputes settled at the level of Respondent Nos. 2 & 1. The applicant has not availed the aforesaid remedy before filing the Original Application before the Tribunal. Therefore the Original Application is barred u/s 20 of the Administrative Tribunal Act 1985.

12. That in Relief para 8(III) of the Original Application, the applicant has prayed for quashing of an approved Panel of 17 persons contained in Annexure 13 and promotion of 10 persons contained in Annexure 14 of the Original Application. But the affected persons of the Panel and promotion order have not been impleaded as necessary parties in the Original Application No. 123 of 90(1). The O.A. is bad for non-joinder of necessary parties.

13. That Sri A.P. Srivastava is a removed Railway servant under disciplinary action. A removed person shall not be a member and office bearer of the Association at Divisional level. He is a self styled working President of the Association at Divisional level.

14. That Sri A.P. Srivastava is a luxurious litigant. He is instrumental to mischief mongers to put hurdle in the routine and lawful working of Respondents Nos. 1 to 3 and to disturb the peace of mind of Respondent Nos. 4 to 30, the members of Scheduled Caste and Scheduled Tribe in abuse of the process of the Tribunal.

15. That it is just and expedient for the cause of justice that the Original Application No. 123 of 90(1) may be dismissed summarily.

It is ordered that... (1)

- 1 -

(18)

EXHIBIT

16. Wherefore it is most respectfully prayed that the Honorable Tribunal May be pleased to dismiss the original Application No. 133 of 80(1) summarily for the cause of justice and to avoid abuse of the process of Tribunal.

Date: 7-12-1992

Sh. K. K. K. K. K.
Respondent No. 17

Verification

I, *Sh. K. K. K. K. K.* the Respondent No. 17
working as *Sh. K. K. K. K. K.* do hereby
verify that the contents of paras 1 to 16 are true
on legal advice and that I have not suppressed any
material fact.

I acknowledge

Date: 7-12-1992

Sh. K. K. K. K. K.
Respondent No. 17

In the matter of :-

All India Station Masters Association. -- Applicant

Versus

Union of India and 29 others. -- Respondents

Reply to Original Application on behalf of Respondent Nos. 1 to 20, most respectfully sheweth :-

1. I, H. J. Thambam, Respondent No. 17, working as Station Superintendent on N.E. Railway at Lucknow City Station, have been authorised by Respondent Nos. 1 to 20, having common interest in the matter, to file reply to the Application as stated hereunder :-

2. Regarding description of the Applicant, it is submitted that the application has been filed by All India Station Masters Association (in short Association), Lucknow Division Lucknow through its Working President Sri A.P. Srivastava. The description of Applicant is vague and the Application is not maintainable as stated below :-

(i) No affected person has joined this Application along with the Applicant to meet the requirements under Section 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules 1987.

(ii) The Registered Postal address of the Association has not been given in the description of the Association.

Contd. . . . (2)

H. J. Thambam

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- (iii) A resolution adopted by the Association authorising Sri A.P. Srivastava to file the Application before the Tribunal has not been annexed with the Application.
- (iv) Sri A.P. Srivastava is a Retired Railway servant in a disciplinary Action for his misconduct. Such persons may not be member and Office Bearers of the Association.
- (v) Sri A.P. Srivastava is a self styled working President of the Association. He is an accused of an offence under Section 205 of Indian Penal Code for the false personation as a working President of the Association.

3. Regarding Impleadment of the Respondents, it is submitted that the Application is bad for non-joinder of affected persons as respondents in the Application i.e. :-

- (i) Annexure 1 to the Application is a Notification calling upon 53 Nos. of persons to appear in a Selection Proceeding for promotion to the next higher grade. 17 Nos of Selected persons have been empanelled vide Annexure 13 of the Application and 10 Nos. of them have been promoted to the next higher grade vide Annexure 14 of the Application. These selected and promoted persons have not been impleaded as necessary respondents in the Application.
- (ii) Divisional Railway Manager (P) N.W. Railway Jaikrow, the issuing authority of the impugned

Attested & Signed

Contd. (3)

Seniority List vide Annexures 3, 4 and 5 to the Application, has not been impleaded as Respondent in the Application.

4. Regarding Para 1, it is submitted that Plural remedies have been sought for in a Single Application in violation of Section 10 of the Central Administrative Tribunal (Procedure) Rules 1987 i.e. :-

(i) For cancellation of Notification dated 27-11-1989 calling upon 53 Nos. of persons to appear in a Selection Proceeding for promotion to next higher grade vide Annexure 9 to the Application.

(ii) For cancellation of three Seniority Lists of Assistant Station Masters in the grade of B. 425-640/455-700 (B. 1400-2200) and Station Masters in the grade of B. 455-700 (B. 1400-2200) and B. 550-750 (B. 1600-2600) as on 1-5-1987 issued during the month of October 1987 vide Annexures 3, 4 and 5 respectively.

Regarding Para 2, need no comment.

5. Regarding Para 3 Limitation, it is submitted that the Application is made on 16-12-1990 for quashing the three seniority Lists as on 1-5-1987 issued during October 1987 vide Annexures 3, 4 and 5 after a lapse of more than 8 years without a prayer for condonation of delay in filing the Application. Section 21 of the ~~Administrative Tribunal Act 1985~~ Administrative Tribunal Act 1985 read with Section 5 of Limitation Act 1963. Thus the Application is barred by Limitation of Time.

Contd. . . . (1)

Noted as per New Delhi

17

- 1 -

7. Regarding Para 1(1) - The contents are denied. It is submitted that the Association is not recognised. The Aims and object of the Association is not to excite hatred and cast conflict between Station Masters belonging to Reserved and un-Reserved Community. Sri A.P. Srivastava is a former Railway servant under Disciplinary Rules for his mis-conduct. Such persons cannot become members and office bearers of the Association. He is a self styled Working President of the Association. He has made the application, without annexing resolution adopted by the Association, authorising Sri A.P. Srivastava for making the application on behalf of the Association and for exciting hatred and caste conflicts between Reserved and un-Reserved community Station Masters in particular and other Railwaymen in general in violation of aim and objects of the Association and without joining of any individual Station Masters in the application under Section 1(5)(b) of the Control Administrative Tribunal (Procedure) Rules 1987. The Majority of the Station Masters are the members of two Recognised Industrial Unions i.e. -

(i) R.F. Railway Master's Union affiliated to the All India Railwaymen's Federation, and

(ii) R.F. Railway Employers Union (RFEU) affiliated with National Federation of Indian Railwaymen.

8. Regarding Para 2(2), the contents are denied as stated. It is submitted that the Pay Scales are as under.

Contd. (5)

W. J. A. C. H. H. H. H.

<u>Category</u>	<u>Existing</u>	<u>Revised</u>	
A.S.M. Gr. III	Rs. 320-580	Rs. 1200-2000	(Recruitment)
A.S.M. Gr. II	Rs. 25-60	Rs. 1000-2200	(Non-Selection)
A.S.M. Gr. I	Rs. 55-700	Rs. 1000-2200	(Non-Selection)
S.M. Gr. III	Rs. 55-700	Rs. 1000-2200	(Non-Selection)
S.M. Gr. II	Rs. 550-750	Rs. 1600-2660	(Non-Selection)
S.M. Gr. I	Rs. 700-900	Rs. 2000-3200	(Selection)
Station Supt.	Rs. 800-1000	Rs. 2275-35000	(Selection)

9. Regarding Para 4(2):- The contents are denied as stated. It is submitted that Reservation for reserved Community exists in all the grades i.e. recruitment and promotion grades. The Seniority is determined in each grade from the date of entry into each grade. The promotions are made on the basis of Seniority next below the promotion grade. The promotion to Non-Selection posts are made on Seniority subject to free from punishment. The promotion/Selection Post are made on merit of Selection from among seniors on 8X Formula.

10. Regarding Para 4(4):- Had no comments.

11. Regarding Para 4(5):- The contents are denied as stated. It is submitted that there is no dispute in Seniority in any Pay Scale according to seniority rules.

12. Regarding Para 4(6):- Had no comment.

13. Regarding Para 4(7):- The contents are denied. It is submitted that the reservation rules have been interpreted correctly. The figures given by the applicants are hypothetical. However pursuant to para 3 of alleged rules dated 2-3-1985 relied upon by the applicant in Annexure 2 of the application, there is no legal bar on promoting a Reserved Community candidate in excess of

Deputy Director

Contd. . . . (6)

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quota provided for being due for promotion in the normal seniority along with un-reserved candidates. Therefore the allegations of the applicant are illegal.

14. Regarding Para 4(8) :- The contents are denied. It is submitted that promotions of Reserved Community have been made in accordance with Para 3 of the rules dated 2-2-1985 relied upon by the applicant in Annexure 2 of the application.

15. Regarding Para 4(9) :- The contents are denied. It is submitted that rules relied upon by the Applicant in Annexure 2 of the application has been properly interpreted by the Respondent No. 3. The Para 3 of the alleged Annexure 2 of the application clearly states that "there is no legal bar on promoting a Reserved Community candidate in excess of quota provided, he being due for promotion in the normal seniority along with un-reserved Community. Therefore the allegations of the applicant are whimsical and against the rules.

16. Regarding Para 4(10) :- Read no comment.

17. Regarding Para 4(11) :- The contents are denied. It is submitted that the seniority of the reserved and un-reserved Community in the promotion grade have been fixed from the date of entry into the promotion grade as per seniority rules. The allegations of the applicant are wholly illegal.

18. Regarding Para 4(12) :- The contents are denied. It is submitted that the allegations of the applicant are vague. In absence of names of affected persons proper comment may not be offered.

Contd. . . . (7)

15

2

19. Regarding Para 1(13) :- The contents are denied. It is submitted that the Association being un-recognised, is not entitled for reply of his letters. None of the affected person has joined the application of Association. As such the application is not maintainable under Section 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules 1987.

20. Regarding Para 1(14) :- The contents are denied. It is submitted that the Seniority lists are as per seniority rules and promotions have been made as per promotion rules. The allegations of the applicant are illegal.

21. Regarding Para 1(15) :- The contents are denied. It is submitted that the promotions of Independent Nos. 4 to 20 are as per rules. The allegations of the applicant are illegal.

22. Regarding Para 1(16) :- The contents are denied. It is submitted that the referred case law of U.A.T. is not applicable in the present. The seniority rules have been framed by the General Manager under power delegated to him ^{u/s} 158 of the Indian Railway Establishment Code Volume I (Revised Edition 1959) framed by President in exercise of Powers conferred on him under Provision to Article 209 of Constitution of India. Under these rules, Seniority of Reserved and un-Reserved Community have been prepared on the basis of date of entry into each grade.

23. Regarding Para 1(17) :- The contents are denied. It is submitted that in absence of specific case law of Supreme Court of India, proper comment may not be offered.

(189)

24. Regarding Para 4(18) :- The contents are denied. It is submitted that the Notification dated 11-9-89 contained in Annexure 8 of the application was modified vide Notification dated 27-11-1989 contained in Annexure 9 to the application removing the objections.

25. Regarding Para 4(19) :- The contents are denied as stated. It is submitted that the modified Notification dated 27-11-1989 contained in Annexure 9 of the application was issued removing the objections raised by the recognised Union i.e. K.F. Railway Mazdoor Union and no further objection was raised by the said recognised Union. The allegations of the applicant are illegal.

26. Regarding Para 4(20) :- The contents are denied. It is submitted that the Association, being un-recognised is entitled to no reply of his letters. The bonafide objection of the applicant and his members were removed in the Notification dated 27-11-1989 contained in Annexure 9 to the application. There is no legal scope for further objection by the applicant. The application is made in abuse of the process of Tribunal for promoting hatred and caste conflicts between Reserved and un-Reserved Community by Sri A.P. Srivastava and against law.

27. Regarding Para 4(21) :- The contents are denied. It is submitted that on receipt of reply contained in Annexure 12 to the application from Respondents No. 3, there was a remedy of further appeal to the Respondent No. 2 and 3, but no appeal

Attested by Handwritten

Contd. . . . (9)

was made by the affected members of the Association.

28. Regarding Para 4(22) :- The contents are denied. It is submitted that a panel of 17 members of selected persons was prepared by Selection Committee on merit and approved by competent Authority vide Annexure 13 of the application. These selected persons have not been implicated as respondents in the application. Therefore the said select list may not be legally challenged in the present application.

29. Regarding Para 4(23), need no comment.

30. Regarding Para 4(24) :- The contents are denied as stated. It is submitted that ten numbers of selected persons employed on merit have been promoted. There is no question of seniority and juniority on the result of selection.

31. Regarding Para 4(25) :- Need no comment.

32. Regarding Para 4(26) :- Need no comment.

33. Regarding Para 4(27) :- The contents are denied. It is submitted that the allegation made in the application are illegal and they have no force of law.

34. Regarding Para 4(28) :- The contents are denied. It is submitted that the so called Senior persons of un-regressed community in the scale of Rs. 2000-3200 did not come in the field of eligibility of ST Formula for selection proceeding for Selection Post of Station Supt. in the scale of Rs. 2375-3500.

Contd. . . . (10)

Hopu Lal Hacham

35. Regarding Para 4(29) :- The contents are denied. It is submitted that the post of Station Superintendent in scale of Rs. 2200-2500 is Head Quarter Controlled post to be filled on the basis of departmental Seniority list on W.S. Railway basis prepared by Head Quarter office at Gorakhpur. The Notification dated 12-9-90 was issued on the basis of combined seniority list and there is no illegality in the Seniority list in the scale of Rs. 2000-2200. The Association has not made specific allegation.

36. Regarding Para 4(20) :- The contents are denied. It is submitted that there is no loss to any member of the Association. The affected persons had remedy of representation before the Competent Authority the Chief Operating Supt., W.S. Railway, at Gorakhpur. But no objection has been raised before the Competent Authority. The Association has made allegation without power, Authority and jurisdiction and against Section 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules 1987.

37. Regarding Para 4(31) :- The contents are denied. It is submitted that the objections raised by W.S. Railway Mazdoor Union (Recognized) were removed to the satisfaction of the Union. Further objection was not raised by the said Union at higher level in the terms of Permanent Negotiating Machinery. It shows that all the objections were removed.

38. Regarding Para 4(32) :- The contents are denied. It is submitted that the rules and judicial decisions contained in Annexure 2 to the application have been correctly followed.

Noted & L. H. B. M.

Contd. . . . (11)

39. Regarding Para 1(33) :- Need no comment.
40. Regarding Para 1(33) (Appitation) :- The contents are denied. It is submitted that there is no illegality in the Seniority List and the cause of justice does not suffer in any way in the case of applicant and his members.
41. Regarding Para 1(34) :- The contents are denied. It is submitted that there is no force of law for quashing the alleged Annexures 8, 12, 13, 14 and 15 and 16 etc. to the application. The affected persons in annexures have not been impleaded as respondents.
42. Regarding Para 4(35) :- The contents are denied. It is submitted that stay of further promotions will be abuse of the process of Tribunal.
43. Regarding Para 4(36) :- The contents are denied. It is submitted that the directions sought for are not supported under law. It is barred by law of limitations w/s 21 of A.T. Act 1985.
44. Regarding Para 4(37) :- The contents are denied. It is submitted that the facts of the application have no merit.
45. Regarding Para 4(38) to 5(A) :- The contents are denied. It is submitted that there is no ground with legal provisions as stated in foregoing paras.
46. Regarding Para 6. It is submitted that the applicant has not availed the remedy of departmental appeals and negotiations. The application is barred w/s 20 of the A.T. Act 1985.

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Contd. . . . (12)

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47. Regarding Para 7 :- Need no comment.
48. Regarding Para 8 :- The applicant is entitled to no relief under the law.
49. Regarding Para 9 :- Need no comment.
50. Regarding Para 10 :- Need no comment.
51. The application has no force of law. It is liable to be dismissed with special compensatory costs to the Respondent No. 1 to 20.
52. On the result of the Application, the Hon'ble Tribunal may be pleased to register a criminal case against Sri A.P. Srivastava under Section 205/158-A of Indian Penal Code for false information as a self styled working President of Inconnu Division of the Association and exciting hatred and caste conflict between community of Reserved and un-Reserved S.Ms. respectively.
53. The Respondents No. 1 to 3 are responsible for entrusting the application to defend their action and interests of the Respondent Nos. 1 to 20. The Respondent Nos. 1 to 3 have not filed the reply to the application for over 10 years and they have engaged a junior Advocate as Counsel. The interest of Respondents No. 1 to 20 may likely to suffer if they depend upon Respondent Nos. 1 to 3.

Contd. . . . (18)

Noted for action

1994

The Respondent Nos. 1 to 20 have decided to contest the application at their own level. Thus there is a delay in filing the reply. The delay may kindly be condoned for the cause of justice.

Wojciech K. Kozłowski

Dated: 7-12-1993

Respondent No. 17

Robert C. Lyman
AS Solicitor

VERIFICATION

I, J. J. Tembrall, Respondent No. 17 working as a Station Superintendent over N.E. Railway at Jackson City Station do hereby verify that the contents of Para 1 to 534 are true on legal advice and that I have not suppressed any material fact.

Jackson

Dated: 7-12-1992

Wojciech K. Kozłowski

Respondent No. 17

3 ST.
6

100 - $\frac{3 \times 15 \times 100}{2} = 6$
315 x 100
21000
4

AL India Station Masters Association Applicants

Versus

Union of India and 29 others .. . Respondents.

Fixed for 28.4.1993

INDEX

Sl. No. Description of documents relied upon Pages

1. Misc . Application for production 1..2
of documents by applicant.

2. Reply to amended Application on 3-17
behalf of respondent no.4 to 30

3 Objection to application for Interim 18 -
relief.

Vaknathama

19

Acknow :

Dated: 22.3.1993

Heptahel Helium

Respondent No.17

Richard C. Ly
Hi

....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW.

MISC. APPLICATION No. ~~196~~ 1992

IN

O.A.No. 433 of 1990 (L).

All India Station Masters Association

and others

.... ...Applicants

Versus

Union of India and 29 others

... Respondents .

Fixed for 28.4.1993

Misc. Application for production of documents by the
Applicant.

The Respondent No.17 most humbly beg to submit
as under:-

1. That the Respondent No.17 is filing ^{Reply to} ~~Miscellaneous~~ ^{Amended} Application for summary dismissal of original Application No.433 of 1990(L).

2. That it is just and expedient for proper adjudication of ^{original} Miscellaneous Application to produce the necessary document on the records of proceedings of the Tribunal.

3. That the documents are in the power and possession of the Applicant and not in the power and possession of Respondent No.17.

A. J. Lal Khan

P R A Y E R

(197)

wherefore it is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the Applicant to produce the following documents on the record of proceedings of the Tribunal for proper adjudication of the case.

List of document to be produced.

- (a). Copy of certificate of registration No. 1359 issued by Registrar Trade Union for registration of the All India Station Masters Association.
- (b) List of Latest Office Bearers of All India Station Masters Association registered with Registrar Trade Union.
- (c) Copy of Resolution adopted by All India Station Masters Association authorities Sri A.P. Srivastava to file O.A. No. 433 of 1990 before the Tribunal.
- (d). Copy of bye-laws of the Association.

Dated:

22.3.1993

Hopen Lal Hasmam

Respondent No. 17

Verification

Hasmam

I, H.L. Hasmam Respondent No. 17 working as Station Supt. at Lucknow City do hereby verify that contents of paras 1 to 4 are true on legal advice and that I have not suppressed any material facts.

Lucknow: dated:

Hopen Lal Hasmam

Respondent No. 17.

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.....

In the matter of: -

ALL INDIA STATION MASTERS ASSOCIATION.

AND OTHERS.

.....APPLICANTS.

VERSUS

UNION OF INDIA AND 29 OTHERS

.... RESPONDENTS.

Reply to Amended Application on behalf of Respondent
Nos. 4 to 20, most respectfully sheweth:-

1. I, H.L. Hazbraz, Respondent No. 17 working as Station Superintendent on N.E. Railway at Lucknow City Station, have been authorised by Respondent Nos 4 to 20, having common interest in the matter, to file reply to the Amended Application as stated hereunder:-
2. Regarding Description of the Applicant. It is submitted that the application has been filed by All India Station Masters Association (in short Association) Lucknow Division Lucknow through its Working President S. I. A.P. Srivastava. The description of applicant is vague and the Application is not maintainable as stated below:-
 - (1). No affected person has joined this Application along with the Applicant to meet the requirements under section 4(5) (b) of the Central Administrative Tribunal (Procedure) Rules 1987.

-2-

H. L. Hazbraz

- (II). The Registered Postal address of the ^{not} Association has been given in the description of the Association. (199)
- (III). A resolution adopted by the Association authoritising Sri A.P. Srivastava to file the application before the Tribunal has not been annexed with the Application.
- (IV). Sri A.P. Srivastava is a removed Railway servant in a disciplinary action for his misconduct. Such persons may not be members and office bearers of the Association.
- (V). Sri A.P. Srivastava is a self styled working President of the Association. He is an accused of an offence under Section 206 of Indian Penal Code for false personation as a working President of the Association.
- (VI). Two non-affected persons have joined the application by amendments. The application is bad for mis-joinder of unnecessary parties. i.e.
- (7). Ganga Saran Misra Applicant No. 2:-
His name appears at serial number 76 of Annexure 3,, The Seniority of Assistant Station Masters in the grade of Rs. 415-640/1400-2300. He has no cause of action to challenge. The seniority list annexures 3, 4, and 5 and also the Notification dated 27.11.1989 for selection proceeding in the grade of Rs. 2000-3200 vide Annexure 9.

contd... 3. .

Hopu Cal Shukla

(1). V.S. Srivastava Applicant No.3 :- (250)

His seniority has been fixed at sl. No. 48 in Annexure 5 from the date of entry in the grade of Rs .550-750/- 1600-2660 for Station Masters grade II. He was already promoted to the next higher grade SM G.I 2000-3200 before the Notification dated 27.11.89 vide Annexure No.9 . He is now retired on 30.6.1992 .He has no cause of action to join the application.

3. Regarding Impleadment of the Respondents. IT is submitted that the application is bad for non-joinder of affected persons as respondents in the Application i.e.

(1). Annexure 9 to the Application is a Notification calling upon 53 Nos. of persons to appear in a selection proceeding for promotion to the next higher grade 17 Nos. of Selected persons have been expanelled vide Appexure 13 of the Application and 10 Nos. of them have been promoted to the next higher grade vide Annexure 14 of the Application. These selected and promoted persons have not been impleaded as necessary respondents in the Application.

(11). Divisional Railway Manager (P) N.E.Railway Lucknow , the issuing authority of the impugned Seniority list vide Annexures No.3,4 and 4 to the Application , has not been impleaded as Respondent in the Application.

As per Cal Hembram

contd--- A...

4. Regarding Para 1, it is submitted that ⁽⁵²⁾
Plural remedies have been sought for in
a Single Application in violation of Section
10 of the Central Administrative Tribunal
(Procedure) Rules 1987 i.e.:-

(1). For cancellation of Notification dated
27.11.1989 calling upon 53 Nos. of persons
to appear in a Selection Proceeding for
promotion to next higher grade vide Annexure
9 to the Application.

(11). For cancellation of ~~three~~ ^{three} Seniority Lists of Assistant Station
Masters in the grade of B.425-640/-~~455~~ ⁴⁵⁵
455-700 (B. 1400-2300) and Station Masters
in the grade of B. 455-700 (B. 1400-2300)
and B. 550-750 (B.1800-2600) as on 1.5.1987
issued during the month of October 1987 vide
Annexures 3,4, and 5 respectively.

5. Regarding Para 2:- need no comment..

Regarding Para 3:- Limitation, It is submitted

that the application is made on 16.12.1990 for
quashing the three Seniority Lists as on 1.5.1987
vide
issued during ~~month~~ ^{month} of October 1987/Annexures
3,4, and 5 after a lapse of more than 3 years
without a prayer for condonation of delay in
filing application under section 21 of the
Administrative Tribunal Act 1985 read with
Section 5 of Limitation Act 1963. The Application
is barred by Limitation of time ~~xxx~~ Under Section
21 of AT Act 1985.

Refundal Shukla

contd...5..

Handwritten notes:
That the applicant has
submitted the copy of the application
including the copy of the notification
of 27.11.1989 and the copy of the
three seniority lists. The
applicant is aware of the
provision of the Limitation Act
and has not prayed for condonation
of delay. The application is
barred by limitation. The
applicant has not prayed for
condonation of delay. The
application is barred by
limitation. The applicant
has not prayed for condonation
of delay. The application
is barred by limitation.

7. Facts: Regarding Para (1)(1):- The contents are denied. It is submitted that the Association is not Recognised. The Aims and object of the Association is not to excite hatred and caste conflict between Station Masters belonging to Reserved and un-Reserved Community. Sri A.P. Srivastava is a removed Railway servant under Disciplinary Rules for his mis-conduct. Such persons cannot become members and office bearers of the Association. He is a self styled working President of Lucknow Division of the Association. He has made the application, without annexing Resolution adopted by the Association, authorities of Sri A.P. Srivastava for making the application on behalf of the Association and for exciting hatred and caste conflicts between Reserved and un-Reserved community Station Masters in particular and other Railwaymen in general in violation of aim and objects of the Association and without joining of any affected station Masters in the application under Section 4 (5) (b) of the Central Administrative Tribunal (Procedure) Rules 1987. The Majority of the Station Masters are the members of two Recognised Industrial Unions i.e.

(i). N.E. Railway Mazdoor Union affiliated to the All India Railwaymen's Federation, and

(ii) N.E. Railway Employees Union (PRKS) affiliated with National Federation of Indian Railwaymen.

8. Regarding Para 4(2), the contents are denied as stated. It is submitted that the Pay Scales are as under:-

contd...6..

Hopital. Dumburam

*The contents are
vague. One retired or
removed Rly servant can be
a member of Executive as
per Trade Union Act*

<u>CATEGORY</u>	<u>FIXED</u>	<u>REVISED</u>
A.S.M.Gr. III	Rs. 330-560 (Recruitment)	Rs. 1200-2045 (Recruitment)
A.S.M.Gr. II	Rs. 425-640 (Non Selection)	Rs. 1400-2200 (Non-Selection) Non-
A.S.M.Gr. I	Rs. 455-700 (Selection)	Rs. 1400-2300 (Selection)
S.H. Gr. III	Rs. 455-700 (Selection)	Rs. 1400-2300 (Non-Selection)
S.H. Gr. II	Rs. 550-750 (Non Selection)	Rs. 1500-2600 (Non-Selection)
S.H. Gr. I	Rs. 700-900 (Selection)	Rs. 2000-3200 (Selection)
Station updt.	Rs. 840-1040 (Non Selection)	Rs. 2375-3500 (Selection)

9. Regarding Para (4)(3):- The contents are denied as stated. It is submitted that Reservation for Reserved Community exists in all the grades i.e. recruitment and promotion grades. The Seniority is determined in each grade from the date of entry into each grade. The promotions are made on the basis of Seniority next below the promotion grade. The promotion to Non - Selection posts are made on seniority subject to free from punishment. The promotion to selection Post are made on merit of selection from among seniors on 3A Formula.

10. Regarding Para (4) (4):- Need no comments.

11. Regarding Para 4(5):- The contents are denied as stated. It is submitted that there is no dispute in seniority, In any Pay Scale according to Seniority rules.

12. Regarding Para 4(6):- Need no comment.

13. Regarding Para (4) (7):- The contents are denied.

It is submitted that the Reservation Rules have been interpreted correctly. The figures given by the applicant are hypothetical. However pursuant to para 3 of alleged rules dated 2.3.1925 relied upon by the applicant in Annexure 2 of the application, there is no legal bar on

U/s of Calcutta

*Para 6 of
The commt
reply.*

*Need no
Comments*

*Need no
Comments*

*Need no
Comments*

*Supreme Court
case of J.C.
Malik*

---7---

promoting a Reserved Community candidate in excess of quota provided he being due for promotion in the normal seniority alongwith un- reserved candidate. (204)
~~Intarxt~~ therefore the allegations of the applicant are illegal.

14. Regarding Para 4(8) :- The contents are denied. It is submitted that promotions of Reserved Community have been made in accordance with para 3 of the rules dated 2.3.1985 relied upon by the applicant in Annexure 2 of the application.

15. Regarding Para 4(9):- The contents ~~are~~ are denied. It is submitted that rules relied upon by the Applicant in Annexure No.2 of the application has been properly interpreted by the Respondent No.3. The Para 3 of the alleged Annexure No.2 of the application clearly states that "there is no legal bar on promoting a Reserved Community candidate in excess of quota Provided, he being due for promotion in the normal seniority alongwith un- Reserved Community .Therefore the allegations of the applicant are whimsical and against the rules.

16. Regarding Para 4(10):- Need no comment.

17. Regarding Para 4(11):- The contents are denied. It is submitted that the seniority of the Reserved and un- Reserved community in the promotion grades have been fixed from the date of entry into the promotion grade as per seniority rules. The allegation of the applicant are wholly illegal.

18. Regarding Para 4(12):- The contents are denied. It is submitted that the allegations of the applicant

H. J. Lal Nambam

are vague. In absence of names of affected persons proper comment may not be offered.

19. Regarding Para: 4(13) :- The contents are denied.

It is submitted that the Association being un-recognised, is not entitled for reply of his letters. None of the affected person has joined the application of Association. As such the application is not maintainable under Section 4(5)/(b) of the Central Administrative Tribunal (Procedure) Rules 1987.

20. Regarding Para 4(14) :- The contents are denied.

It is submitted that the Seniority lists are as per seniority rules and promotions have been made as per promotion rules. The allegations of the applicant are illegal. The comparative chart of incumbents in scale of B.2000-3200 alleged to be shown in Annexure 3 of amended application, has not been given to the respondent Nos. 4 to 30.

21. Regarding Para 4(15) :- The contents are denied. It is submitted that the promotions of Respondent Nos. 4 to 30 are as per rules. The allegations of the applicant are illegal.

22. Regarding Para 4(15) :- The contents are denied. It is submitted that the referred case Law of C.A.T. is not applicable in the Present case. The Seniority Rules have been framed by the General Manager under Power delegated to him ^{as per} 152 of the Indian Railway Establishment Code Volume I (Revised Edition 1950) framed by President in exercise of powers conferred on him under Proviso to Article 309 of Constitution of India. Under these rules, Seniority of Reserved and

Atul K. Newham

un-reserved Community have been prepared on the basis of date of entry into each grade.

23. Regarding Para 4(17):- The contents are denied.

It is submitted that in absence of specific case law of Supreme Court of India, proper comment may not be offered.

24. Regarding Para 4(18):- The contents are denied. It is submitted that the Notification dated 14.9.89 contained in Annexure 8 of the application was modified vide Notification dated 27.11.1989 contained in Annexure 9 to the application removing the objections..

25. Regarding Para 4(19):- The contents are denied as stated. It is submitted that the modified Notification dated 27. 11.1989 contained in Annexure 9 of the Application was issued removing the objections raised by the recognised Union i.e. N.M.Railway Mazdoor Union and no further objection was raised by the said Recognised Union. The allegations of the applicant are illegal..

26. Regarding Para 4(20):- The contents are denied. It is submitted that the Association, being un-recognised, is entitled to no reply of his letters. The bonafide objection of the applicant and his members were removed in the Notification dated 27.11.1989 contained in Annexure 9 to the application. There is no legal scope for further objection by the applicant. The application is made in abuse of the Process of Tribunal for promoting hatred and caste conflicts between Reserved and un- Reserved Community by Sri A.P.Srivastava and against Law.

Applicant's Submission

contd. 10...

27. Regarding Para 4(21):- The contents are denied. It is submitted that on receipt of reply contained in Annexure 12 to the application from Respondent No.3, there was a remedy of further appeal to the Respondent No.2 and 4, but no appeal was made by the affected members of the Association.

28. Regarding Para 4(22):- The contents are denied. It is submitted that a panel of 17 members of selected persons was prepared by Selection Committee on merit and approval by competent Authority vide Annexure 13 of the application. These selected persons have not been impleaded as Respondent in the application. Therefore the said selected list may not be legally challenged in the present application.

29. Regarding Para 4(23). need no comment.

30. Regarding Para 4(24):- The contents are denied as stated. It is submitted that ten numbers of ~~xxx~~ selected persons on panelled on merit have been promoted. There is no question of seniority and juniority on the result of ~~xxx~~ selection.

31. Regarding Para 4(25):- Need no comment.

32. Regarding Para 4(26):- Need no comment.

33. Regarding Para 4(27):- The contents are denied. It is submitted that the allegation made in the application are illegal and they have no force of law.

34. Regarding Para 4(28):- The contents are denied. It is submitted that the so called senior persons

Hofan Lal Sharma

of un-reserved community in the scale of Rs. 2000-3200 did not come in the field of eligibility of 3X Formula for selection proceeding for Selection Post of Station Supt. in the scale of Rs. 2375-3500.

35. Regarding Para 4(29): - The contents are denied.

It is submitted that the post of Station Superintendent in scale of Rs. 300- 3500 is Head Quarter Controlled Post to be filled on the basis of departmental Seniority list on N.E. Railway basis prepared by Head Quarter office at Gorakhpur. The Notification dated 12.9.90 was issued on the basis of combined Seniority List and there is no illegality in the Seniority List in the scale of Rs. 2000-3500. The Association has not made specific allegation.

36. Regarding Para 4(30): - The contents are denied.

It is submitted that there is no loss to any member of the Association. The afflicted persons had remedy of representation before the Competent authority the Chief operating Supt. N. E. Railway, at Gorakhpur. But no objection has been raised before the Competent Authority. The Association has made allegation without Power, Authority and jurisdiction and against section 4(5) (b) of the Central Administrative Tribunal (Procedure) Rules 1987.

37. Regarding Para 4(31): - The contents are denied.

It is submitted that the objections raised by N.E. Railway Mazdoor Union (Recognised) were removed to the satisfaction of the Union. Further objection was not raised by the said Union at higher level in the terms of Permanent Negotiating Machinery. It shows that all the objections were removed.

Hojan Lal Sharma

38. Regarding Para 4(32):- The contents are denied.

It is submitted that the rules and judicial decisions contained in Annexure 2 to the application have been correctly followed.

39. Regarding Para 4(33):- The contents are denied.

It is submitted that there is no illegality in the seniority list and the cause of justice does not suffer in any way in the case of applicant and his members.

40. Regarding Para 4(34):- The contents are denied.

It is submitted that there is no force of law for quashing the alleged Annexures 9,12,13,14 and 15 and 16 etc. to the application. The affected persons in annexures have not been impleaded as respondents.

41. Regarding Para 4(35):- The contents are denied.

It is submitted that stay of further promotions will be abuse of the Process of Tribunal.

42. Regarding Para 4(36):- The contents are denied.

It is submitted that the directions sought for are not supported under law. It is barred by law of limitation Under Section 21 of A.T. Act 1985.

43. Regarding Para 4(37):- The contents are denied.

It is submitted that the facts of the application have no merit and force of laws.

44. Regarding Para 4(38):- The contents are denied.

It is submitted that the name of applicant No.2 appears at sl.No. 76 in Annexure 3. This seniority list was

Hopen Lal Handan

earlier published in Three year ago in the year 1984. 215
his Seniority is correctly fixed on the basis of date
of entry into the grade and intersee of his earl while
seniors. The seniority list vide Annexure 4 and 5
relate to senior persons in higher grades. The
Notification vide Annexure 9 is for the selection
for the position the grade of Rs. 2000 -3200. He does
not come in the filed of eligibilty for the selection
on 3A Formula .He has no cause of action to join the
original application.

45. Regarding Para 4(39):- The contents are denied
It is submitted that the applicant no.2 has no concern
with Notification vide Annexure 9.

46. Regarding Para(40 (40):- The contents are denied.
It is submitted that the affected persons have not join
the application.

47. Regarding Para 4(41):- The contents are denied. It is
submitted that SC and ST. employees have been promoted
according to rules and regulations.

48. Regarding Para 4(42):- The contents are denied.

49. Regarding Para 4(43):- The contents are denied.
It is submitted that the applicant no.2 has no cause
of action against Notification vide Annexure 9.

50. Regarding Para 4(44):- The contents are denied.

51. (Regarding Para 4(45):- The contents are denied.

As per Col. Desai

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52. Regarding Para 4(46):- The contents are denied.

53. Regarding Para 4(47):- The contents are denied.

54. Regarding Para 4(48):- The contents are denied.

It is submitted that the applicant no.3 does not come in the field of eligibility for selection in the grade of Rs. 2375 -3500 on 3x formula for seniors.

55. Regarding Para 4(49):- The contents are denied.

56. Regarding Para 4(50):- The contents are denied.

57. Regarding Para 4(5a) to 5(b) The contents are denied. It is submitted that there is no ground with legal provisions as stated in ^{above} following paras.

58. Regarding Para 6:- It is submitted that the applicant has not availed the remedy of departmental appeals and negotiations. The application is barred under section 20 of the A.T.Act 1985.

59. Regarding Para 7:- Need no comments.

60. Regarding Para 8:- The applicant is entitled to no relief under the Law.

61. Regarding Para 9:- Need no comment.

62. Regarding Para 10:- Need no comment.

63. ~~Regarding Para~~ The application has no force of law. It is liable to be dismissed with special compensatory costs to be Respondent No.4 to 30.

Major to Newburn

64. On the result of the application, the Hon'ble Tribunal may be pleased to register a criminal case against Sri A.P. Srivastava under Section 205/152-A of Indian Penal Code for false personation as a self styled working President of Lucknow Division of the Association and exciting hatred and caste conflict between community of Reserved and un - Reserved S.M.s. respectively .

65. The Respondents No.1 to 3 are responsible for contesting the application to defend their action and interests of the Respondent Nos. 4 to 30 . The Respondent nos. 1 to 3 have not filed the Reply to the application so far even after lapse of two years and they have engaged a junior Advocate as Counsel. The interest of Respondents No.4 to 30 may likely to suffer if they depend upon Respondent Nos. 1 to 3. The Respondent Nos. 1 to 30 have decided to contest the application at their own level.

Dated:- 22.3.1993

Hopital Hembam
Respondent 17.

Verification

I, H.L.Hembam, Respondent No.17 working as a Station Superintendent over N.E.Railway at Lucknow. City Station do hereby verify that the contents of para 1 to 65 are true on legal advice and that I have not suppress any material fact.

Lucknow: Dated:

22.3.1993.

Hopital Hembam
Respondent No.17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

O.A. NO. 433 of 1990(L)

(213)

....

All India Station Masters Association
and others.

.. Applicants

Versus

Union of India and 29 others Respondents.

Fixed For 23.4.1993

OBJECTION ON BEHALF OF RESPONDENT NOS. 4 to 30

AGAINST APPLICATION FOR INTERIM RELIEF

It is most humbly and respectfully
submitted as under:-

1. On The basis of facts given in the accompanying reply to amended application on behalf of respondent nos. 4 to 30, Original application itself is not maintainable under. The law and ~~xxx~~ The applicants are ^{not} entitled to Interim relief.

P R A Y E R

WHEREFORE it is prayed that the Hon'ble Tribunal may be pleased to reject the application for interim relief.

Lucknow :Dated:

22nd March, 1993

~~Mohd. Ilyas~~ (Mohd. Ilyas),

Advocate,

Counsel for the Respondent

Nos. 4 to 30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI.
LUCKNOW BENCH, LUCKNOW.

O.A. No. 433 of 1980.

(214)

All India Station Masters Association ... Applicants
Versus
Union of India and others ... Respondents

I, S.M.S. Islam, aged about 36 years, son of
Shri S.M. Owais, presently posted as Sr. Divisional
Personnel Officer in the office of Divisional Railway
Manager, North Eastern Railway, Ashok Marg, Lucknow,
most respectfully sheweth as under :-

1. That I have been authorized to file the instant
reply on behalf of the respondents nos. 1 and 2.
I have carefully perused the relevant records
relating to the instant case and as such am fully
conversant with the facts deposed to hereinafter
as below.

Comdr
Lefty signed
General Manager, N.E.R.
Not yet available

No comments

2. That the application under section 19 of the
Administrative Tribunals Act, 1985 (Act No. XIII
of 1985) (hereinafter referred to as the
application) is filed on behalf of the petitioner
on 18.12.80 before this Hon'ble Tribunal.

3. That I have read and understood the contents of
the application alongwith annexures and am in a
position to reply the same.

4. That the contents of paragraphs 2 and 3 of the
application need no comments because it is a
matter of record.

contd...2

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5. That before giving para-wise reply of the application, the respondents crave leave of this Hon'ble Tribunal to place the important facts leading to the present case for proper appreciation of the case as under :-

(i) It is submitted that there is no violation regarding any rules in fixation of seniority. The provisions of seniority rules as incorporated in the Indian Railways Establishment Manual in chapter IIIrd of the M.R. Railways are being strictly followed alongwith directives and orders issued by the Ministry of Railways from time to time and there is no violation in this regard and any allegations to the contrary are denied.

(ii) It is submitted that neither the cause of action and the nature of relief prayed for is same nor there is any common interest in the matter and as such a joint application is not legally maintainable and liable to be rejected and hence the representation as Annexures nos. 3, 4 and 5 is honest.

(iii) In the instant case application is not within the limitation period as prescribed under section 21 of the Act No. 411 of 1985 and the same is liable to be rejected on this score alone.

contd...3

(516)

The contents of the said para are not correct as the incumbents promoted against non-permanent vacancies are not taken into account in determining seniority. On persons promoted against permanent vacancies are not entitled to get the benefit of seniority on the basis of length of service. Chapter II of the rules for determining seniority have not strictly been followed as decided by Hon'ble JST (A) in the case of Mr. Singh Chauhan.

It is submitted that seniority lists referred have been prepared according to the rules laid down in seniority rules i.e. according to criteria length of service in the particular grade. The staff promoted either by selection or seniority-cum-suitability basis are arranged in order of date of promotion in the respective unit of seniority. There is no such instruction from the Railway Board that the seniority position of the lower grade is to be maintained in the higher grade if the date of promotion in the higher grade is not the same (length of service). The seniority of the lower grade is maintained in the higher grade only when the date of promotion in the higher grade is the same. These provisions have been followed correctly and literally in fixing the seniority of the applicant and respondents nos 4 to 30 and there has been no violation of the rules as alleged.

only non-permanent service is taken into account to determine the seniority of the incumbent.

The association of All India Railway Station Master's is a registered union. The Railway Administration has not given recognition to it. Though its efforts are being made to get the association recognised by the Railway Administration.

- 6.1 That the contents of para 4.1 of the application are denied as they relate to the matter of records. In reply thereto it is submitted that the applicant association is not recognised association by the Railways Administration.
- 6.2 That the contents of para 4.2 of the application are matters of record, as such, need no comments.

Page...4

Need no comments.

* High grade posts are being filled in either by virtue of seniority, seniority-cum-suitability or selection.

-4-

(517)

6.3 That the contents of para 4.3 of the application as stated are not accepted. In reply thereto it is submitted that the seniority of each grade is maintained separately. 50% vacancies of Assistant Station Master in grade M.1200-2040 are filled by way of direct recruitment and rest 50% of vacancies are filled by departmental staff from different categories as per scheme of promotion (A.V.C.) by positive act of selection.

6.4 That the contents of para 4.4 of the application are also matters of records and as such need no comments.

6.5 That the contents of para 4.5 of the application are also matters of records and as such need no remarks.

6.6 That the contents of para 4.6 of the application are denied. In reply thereto it is submitted that in the said circular which is Annexure No. 1 of the application, the norms regarding reservation of S.C. and S.T. candidates in the direct recruitment have been maintained mentioned in Annexure No. 2 of the application i.e. in the letter No. S/10/1/Pt(V) dated 2.3.85 issued by S.A. (P)/JMR. It has been laid down in sub-para 1 of Para 4 that there will be reservation of 10% of S.C. and 7% of S.T. on the total number of posts against departmental promotion quota in each grade in all promotional posts in Groups E and D (if in a particular grade the direct recruitment quota exceeds 66.2/3, then there will not be any

30000...5

Need no

Comments

to initially the posts of Assistant Station Master Scale 1200-2040 who are sanctioned and the basic seniority list is maintained in the said grade. The high grade posts initially are being sanctioned by S.A. (P) Need no comments?

Need no comments

reservation for S.C./S.T. candidates against departmental quota. The instructions of this circular are being followed.

6.7 That the contents of paras 4.7 and 4.8 are denied.

6.8 In reply thereto, it is submitted that the orders of Government of India are being followed correctly. The date of promotion as furnished in this para of S.C./S.T. candidates are the dates on which they have been promoted in their general seniority either by selection or by seniority-cum-suitability. It is clarified that S.C. candidates who were senior to the general candidates in their respective seniority they are promoted on their turn after being found eligible for promotion. It is further submitted that the applicants have included those S.C./S.T. candidates in the figures who have been promoted in restructuring by virtue of being senior. It is also added that the figures of S.C./S.T. given in this para do not indicate the particular period during which the concerned S.C./S.T. were promoted.

As per Annexure no. 9 of the application 53 candidates were called in written test vide notification dated 27.11.99. In that notification, it is clarified that 19 general posts will be filled by general candidates. In the selection process, 26 candidates had qualified in written test vide notification N. 8/99-P3/ /Mayavi/ dated 2.1.00, the copy of which is annexed as Annexure no. 4-1 in this reply and after viva-voce, panel

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5.1. (N.2000 - 3200) was (Station Supt.) was published vide dated 8.2.90. In that panel only 17 Station Masters (N.1600-2660) have been selected as Station Supts. (N.2000-3200). The said letter is annexed as Annexure No. A-2 of this reply.

6.9 That the contents of para 4.9 of the application as stated are not accepted. In reply thereto, it is submitted that the instructions laid down therein are being followed strictly. The contention of the applicants that 7 excess promotions of S.S. candidates have been made is not admitted. They have been promoted by virtue of being senior in normal seniority. In accordance with the instruction laid down in para (3) of Annexure No. A-2 of the application, it is denied that illegal promotions were given to S.S./S.M. candidates.

6.10 That the contents of para 4.10 of the application as alleged are not correct. In reply thereto, it is submitted that the grade of A.S.Ms and S.Ms N.425-640 and N.455-700 were merged as a result of the 14th Pay Commission report effective from 1.1.96 and in accordance with the order of both the grades the new scale of N.1400-2300 and accordingly the seniority of S.S. working in the grade N.125-640 and N.455-700 was prepared on the basis of their relevant position in their respective seniority i.e. S.S. in grade N.425-640 stood junior to those of A.S.Ms and S.Ms who were working in grade N.155-700.

The following came in operation from 1.1.1992 and the grade of N.425-640 and N.455-700 were merged to give rise to the new grade of A.S.Ms and S.Ms fixed as N.425-700 (Rs). Since then the grade of A.S.Ms/N.425-700, S.Ms/N.455-700, 700-900 and 900-1000. The Seniority list annexed as Annexure 3, 4 & 5 are self explanatory. That the reservation rules were not applied according to the directions of the Railway Board that all General candidates have deprived of their rights for further promotion.

(920)

Accordingly their inter se seniority has been maintained right from grade A.1400-2300 to the higher grade via-a-via in grade A.550-750/ A.1600-2600, A.700-900/A.2000-3100 provided the concerned staff were promoted in accordance with their eligibility in selection and suitability. It is further submitted that the provisions as mentioned in the Promotion Rules have correctly been followed at the time of fixing seniority of the applicants of the application.

6.11 That the contents of para 4.11 of the application of the application are denied. In reply thereto, it is submitted that as per rule the seniority of a staff is fixed on the basis of length of service in particular grade. With due it is relevant to mention here that provisions of seniority rules as incorporated in the Indian Railways Establishment Manual Chapter IIIrd. The answering respondents have followed the directions and orders issued from time to time and as such, there is no violation in this regard.

6.12 That the contents of para 4.12 of the application are denied as it relates to the matter of records.

6.13 That the contents of para 4.13 of the application are denied. In reply thereto, it is submitted that the applicant's association is not a recognised body and there is no provision to reply the letters submitted by unrecognised union.

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It is further submitted that same Station Masters submitted their representation against the notification No. E/11/244/200-3200/SM dated 27.11.89 and all representations were put up to the competent authority and the decision thereon was communicated in terms L.R.M. (P)/LJN's letter No. E/11/254/4/55 dated 14.6.90, the true copy of which is annexed as Annexure No. R-III of this reply. It is also submitted that the case for the same cause was represented by HMTU (recognised union) and case was considered by the Competent Authority and the Divisional Secretary was replied about the decision of the Competent Authority vide L.R.M. (P) letter No. E/11/254/4/55 dated 12/24.7.91, the true copy of which letter is annexed as Annexure R-IV to this reply.

6.14 That the same contents of para 4.14 of the application are denied. In view of submissions made in the foregoing paras of this reply. It is submitted that the seniority of the applicants has correctly been assigned and no junior to the applicant has been promoted.

6.15 That the contents of para 4.15 of the application are denied. In reply thereto it is submitted that the seniority of the applicant is not a matter fixed according to S.L./J.L. but is a matter of fact under extant rules.

Contd...9

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- 6.16 That the contents of paras 4.16 and 4.17 of the
6.17 application are denied. In reply thereto it is submitted that the matter of seniority of S.C./B.T. candidates assigned as per extant rules. It is pertinent to mention that their seniority assigned strictly and virtually as per rules/directions issued by the Ministry of Railways, Govt. of India to the Railway Board from time to time.
- 6.18 That the contents of para 4.18 of the application
6.18 are denied as stated. In reply thereto it is submitted that the notification dated 14.9.89 was issued in terms of D.R.M. (P) L.R.'s No. E/11/254/4/88 dated 14.9.89. The persons were called according to their seniority which was published by D.R.M. (P), N.E. Railway, Lucknow.
- 6.19 That the contents of para 4.19 of the application are denied as alleged. In reply, it is submitted that the notification dated 14.9.89 was issued.
- 6.20 That the contents of para 4.20 of the application are again not admitted as alleged. In reply thereto, it is submitted that the reply to this para has already been given in para 6.13 of this reply of the answering respondents.
- 6.21 That the contents of para 4.1 of the application are denied. In reply thereto, it is submitted that the factual position has already been explained in the foregoing paras of this reply.

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6.22 That the contents of para 4.22 of this application are denied. In reply thereto, it is submitted that the representations were duly considered and the reply thereof was communicated to Divisional Secretary, M.L. Railway Mazdoor Union, Lucknow and Sri R.K. Shella as well. The panel was prepared in accordance with the rules by the answering respondent and there is no violation of any rules.

6.23 That the contents of para 4.23 of this application are denied. In reply thereto, it is submitted that the 10 employees were permitted in scale of Rs. 2000-3200 as per promotion rules instead of 11 as alleged by the applicant in his application.

6.24 That the contents of para 4.24 of the application are denied. In reply thereto, it is submitted that no junior has been given promotion. The promotions have been made according to the panel position which was prepared as per seniority rules provided in the Railway Establishment Manual.

6.25 That the contents of para 4.25 of the application are matter of record and as such need no comments.

6.26 That the contents of para 4.26 of the application are denied. In reply thereto, it is submitted that the matters written that as per notification was held on 21.10.90 and 12.11.90, viva voce on 6/12.11.90 and 16.11.90. The panel was published vide L.R.M. (P) letter No. 1/11/254/19/90/91 dated...11

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dated 19.12.90 and as per panel position orders of the eligible staff was issued vide H/111/254/IV/90/A/5/55 on 10.12.90. The true copy of the said order dated 19.12.90 is annexed as Annexure No. R-V to this reply.

- 6.27 That the contents of para 6.27 of this application are denied. In reply thereto, it is submitted that no mistake was committed by the answering respondents. The selection was conducted as per rules strictly.
- 6.28 That the contents of para 6.28 of the application are denied. In reply thereto, it is submitted that in the selections as the candidates are called for in order of seniority. Seniority was prepared in accordance with rules. No wrong seniority was issued as alleged by the applicants.
- 6.29 That the contents of para 4.29 and 4.30 of this application are wrong, hence denied. In reply thereto, it is submitted that the seniority lists have been prepared according to the rules laid down in Seniority Rules i.e. according to the criteria for determining seniority of staff as the total length of officiating and/or substantive service rendered by a candidate in the grade in which the seniority is to be fixed. These provisions have been followed correctly and literally in fixing the seniority of the applicants and the respondents and there has been no violation of any rules as alleged.

contd...12

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6.31 That the contents of para 4.31 of the application are denied. In reply thereto, it is submitted that the letters from MEMU/LUN dated 31.10.89 and 16.11.89 were considered by the Competent Authority and decision thereon was communicated to the then Divisional Secretary vide D.R.M. (P) letter No. R/11/254/4/88 dated 3/5.1.90. A copy of the letter dated 3/5.1.90 is annexed as Annexure No. R-VI to this reply.

6.32 That the contents of para 4.32 of this application are wrong, hence denied. In reply thereto, it is submitted that the allegations made by the applicants in their application are totally false and are denied. It is submitted that circular/directions as mentioned have been followed by the answering respondents.

6.33 That the contents of paras 4.33 to 4.37 of the
to
6.37 application are denied. In reply thereto it is submitted that seniority lists have been prepared according to rules.

6.38 That the contents of para 4.38 of the application as stated are not admitted. In reply thereto, it is submitted that the reply was given on decision of Competent Authority in accordance with seniority rules.

6.39 That the contents of para 4.39 of the application as stated are not accepted. In reply thereto it is submitted that it is a matter of records, hence need no reply.

6.40 That the contents of para 4.40 of the application as alleged are not admitted. In reply thereto, it is submitted that the applicant stands junior to S.C./S.T. candidates as they were promoted earlier in the scale of Rs.1600-2660 and, therefore, the staff promoted earlier cannot be junior to persons promoted on the subsequent date as per seniority rules. Therefore, the applicant was not called for promotion in the scale of Rs.2000-3200.

6.41 That the contents of para 4.41 of the application are wrong, hence are denied. In reply thereto, it is submitted that the date of regular promotion on a particular post is taken into account for fixation of seniority as per existing rules.

6.42 That the contents of para 4.42 are not admitted. In reply thereto, it is submitted that the S.C./S.T. candidates have been promoted up to their general seniority in respective grades.

6.43 That the contents of para 4.43 are not admitted. In reply thereto, it is submitted that on 52 eligible candidates were available in lower scale to be called for in the selection and as such 57 candidates could not be called for selection.

Contd...14

- 6.44 That the contents of para 4.44 are not admitted. In reply thereto, it is submitted that the S.C. candidates were not called against the reserved quota but were called in order of their general seniority in the scale of Rs.2000-3200.
- 6.45 That the contents of para 4.45 are admitted to the extent that the post of Station Master in scale of Rs.1600-2660 is seniority post based on C.Rs working report. No vacancy was existing except the vacancy which were reserved for S.C. candidates and S.T. candidates were not available to be promoted.
- 6.46 That the contents of para 4.46 of the application are not admitted. In reply thereto, it is submitted that the applicant's contention is that he should have been promoted against the vacancy of reserved community, but it was not possible under the rules. As and when the vacancy occurred he was promoted vide C.O. dated 5.9.90.
- 6.47 That the contents of paras 4.47 and 4.48 of the
6.48 application are not admitted. In reply thereto, it is submitted that as stated in foregoing para moreover, the post of Station Supdt. Rs.2375-3500 is Headquarter Control post.
- 6.49 That the contents of para 6.49 and 6.50 are not
6.50 admitted. In reply thereto, it is submitted that the facts have already been given in the foregoing paras.

7. That the contents of para 5 (a to r) of this application are emphatically denied. In reply thereto, it is submitted that there is no violation of any rules and the grounds put forth are not only devoid of merits but also not sustainable in law and as such, the same are liable to be rejected.

8. ^{in reply to} That the contents of paras 6 and 7 of this application it is submitted by the answering respondents that applicant is put to strict proof regarding the averments made therein.

10. That the contents of para 8 of this application are emphatically denied. In reply thereto, it is submitted that there has been no violation of any rules or any natural justice and as such, the applicant is not legally entitled for any relief claimed and the instant application is liable to be dismissed with costs.

11. That the contents of para 9 of the application are also emphatically denied. In reply thereto, it is submitted that the persons for the selection are being called in order of seniority and there had been no violation of any rules and as the applicant has not made any interim request they are not entitled legally to any interim relief and the same is liable to be rejected with costs.

Contd...16

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12. That the contents of para 10 of the application
are matter of record and as such need no reply.

Lucknow :

Dated :

RESPONDENT

VERIFICATION

I, the above named respondent, do hereby declare
that the contents of para 1 of the instant reply are
believed by me to be true on personal knowledge and
those on paras 2 to ¹² 12 of the instant reply are believed
to be true on the basis of records and legal advice.
Nothing material has been concealed.

Lucknow :

Dated :

RESPONDENT

Annexure R-1

I

(17) (235)

पूर्वोक्त रेलवे,

संख्या - ६/एसएस-पीएस/एसएस/एम/१०

दिनांक - ३-६-१९९०

विषय:- स्टेज कार्ड, वेतनमान २०००-३२०० के पद पर
प्रोमोशन हेतु पद ।

स्टेज कार्ड, वेतनमान २०००-३२०० पद पर प्रोमोशन हेतु विभाग
१३/१२/१९८९ एवं ३०/१२/१९८९ की वायोजित सिविल परीक्षा के सफल
उत्तीर्ण अभ्यर्थी साक्षात्कार के लिए उपस्थित करने के लिए :-

क्र.सं.	नाम	पदनाम	कार्यस्थान
१	कमलेश्वर राय	स्टेज ०	बहाल जेम्सडी (जयपुरी)
२	विश्वनाथ लाल पाण्डे	स्टेज ०	बुधवा
३	बदर लाल सिंह	स्टेज ०	कानपुर वनदरम
४	शिव कुमार मिश्रा	स्टेज ०	मेलापी
५	बाबू लाल जीवाहल	स्टेज ०	टिनिव
६	डी०एस० पाण्डे	बारजी स्टेज	जमशेला
७	रमेश राय	स्टेज ०	बी०एस०एस० (बेराया)
८	महेश्वर लाल गुप्ता	स्टेज ०	डालीय
९	महेश्वर लाल गुप्ता	स्टेज ०	गोरकापुर
१०	विश्वनाथ गुप्ता	बारजी स्टेज	कलहा रैस्ट हाउस
११	बाबू लाल जीवाहल	स्टेज ०	कलहा रैस्ट हाउस
१२	रामेश्वर	स्टेज ०	गोडा क्यहरी
१३	रामेश्वर उपाध्याय	स्टेज ०	गोविन्दगढ़
१४	श्री० सुंदर	स्टेज ०	सधु
१५	सी०एस०एस०	स्टेज ०	अमरगढ़
१६	देवी० सु	स्टेज ०	गोडापुर
१७	बलराम लाल	स्टेज ०	बरा जालपुर

क्र.सं.	नाम	पदनाम	कार्यस्थान
	सूची		
18	श्री प्रसाद	स्टे०मा०	कानपुर
19	राजेश	स्टे०मा०	सीतापुर
20	रामनाथ	स्टे०मा०	एच०एच० (हरगाँव)
21	राजेश भट्ट	स्टे०मा०	कानपुर
22	अनामिका कानून कारे	स्टे०मा०	गोसा मोहरनाथ
23	वार०एच०एच०	वा.एच. स्टे०	तिरुपति
24	एच०एच०	स्टे०मा०	डोमिम
25	बी०बी०बी०	स्टे०मा०	कानपुर
26	अनन्यारायण सिंह	स्टे०मा०	कानपुर भागीरथपुर

कानपुर जेल

उपरोक्त क्र.सं. 16, 17, 18, 19, 20 एवं 21 पर बी०बी०बी० के कानपुर जेल में सी०एच०एच० के तहत उपरोक्त नामों के तत्सम कार्यवाही हेतु है।

कानपुर

कानपुर

दिनांक 1.2.92

REF ID: A66084

Annexure R-III

III

(20)

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पुनर्निर्माण रेलवे,

सं. १/११/२३४४/स्टे. १

पुनर्निर्माण,

मध्य रेल प्रशासन (कार्मिक)
लखनऊ ।

कार्यालय,

मध्य रेल प्रशासन (कार्मिक)

लखनऊ : दि. १४.६.५०

सेवा में,

स्टेशन मास्टर

मौरिहवाड़ा ।

विषय :- अधिसूचना सं. १/११/२३४४/स्टे. १/०१ दि. २३.११.४९ के विचार में ।

संदर्भ :- बाकल का दि. २३.१२.४९ तथा उसके साथ
संलग्न २१ स्टेशन मास्टरों के प्रत्यावेदन ।

उपरोक्त प्रत्यावेदनों के संदर्भ में इस मामले की साक्षात् अधिकारियों के द्वारा देखा गया है और उन्हें आचार पर बाकल का सुचित किया जाता है कि बाकल के आचार पर जो अध्या. ०/४०४०/४०४० की के कमीशनरी परिणत हो गई है, कमीशनरीयत का निश्चित सिद्धि के अनुसार कार्रवाई करने के लिए प्रत्यावेदन का निवेदन आवश्यक है । जहाँ तक बाकल का सम्बन्ध है यह सुचित किया जाता है कि जो भी अधिकार निम्न निवेदन है उनका अनुपालन अधिसूचना सं. १/११/२३४४/स्टे. १/०१ दि. २३.११.४९ द्वारा दिये गये स्टेशन अधिकार के क्रम में किया गया है ।

अनुसार सभी प्रत्यावेदन कर्मियों को सुचित कर दें ।

कुले मध्य रेल प्रशासन (कार्मिक)

लखनऊ ।

स्थान

कार्यालय गाढ़ा,

(22)

23

परिचालन विभाग से स्टेशन अधीन वेल्डिंग (2000-3200) के
 पद हेतु अयोगित लिखित अनुसूचित जाति परीक्षा दिनांक 20.10.90/
 12.11.90 तथा मरीटा अनुसूचित जाति दिनांक 16.11.90 एवं 12.11.90 में
 निम्नलिखित स्टेशन प्राप्त पाये गये ।

ऊँचे स्टेशन (2000-3200) की अनन्तिम नामिका पर रखा जाता है ।
 यह अनन्तिम नामिका 10.09.90 द्वारा दिनांक 20.11.90 द्वारा अनुमोदित
 है ।

सूचिका

1.	बाली प्रसाद	स्टेशन मास्टर	गोविन्दनगर
2.	राम लाल (अ०जा०)	"	कमलापुर
3.	श्याम लाल (अ०जा०)	"	हरगाँव
4.	ए०आर०सिद्धीकी	"	गैजहवा
5.	मुन्नी लाल (अ०जा०)	"	महमूदाबाद
6.	रामदास (अ०जा०)	"	सीतापुर
7.	गोविन्द लाल (अ०जा०)	"	छाबाग
8.	अहमद अली	"	लखानऊ ज०
9.	आर०ओ० लाल	"	गैशरी
10.	वी०पी० सिंह	"	चिन्नीरिया
11.	एच०एस०दुहे	"	डोमिनगढ़

केस आधार नाम

कृते मण्डल रेल प्रबन्धक(का०)

लखानऊ 1/11/92

स०- 2/11/254/वार/90/स्टेशन दिनांक 15.12.90

प्रतिरूप सूचनाओं एवं आन्तरिक कार्यवाही हेतु प्रस्तुत :-

1. महाप्रबन्धक(कार्मिक) ए० ताणिज्य अगले गजट में प्रकाशन हेतु ।
2. स्टेशन/गोविन्दनगर, कमलापुर, हरगाँव, गैजहवा, महमूदाबाद, सीतापुर, छाबाग, गैशरी, चिन्नीरिया, डोमिनगढ़ ।
3. सम्बन्धित कर्मचारी ।
4. मण्डल मंत्री/नरूपीआरकेएस/लखानऊ ।
5. नोटिस बोर्ड ।

कृते मण्डल रेल प्रबन्धक(का०)

लखानऊ

15.12.90

T/11/90

Annexure R-V7

सूची का रिकॉर्ड

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सं. ६१/२४४/२००१

कलम की
नष्ट/अप्राप्त ।
प्रिय न्यायिक,

संगीत,
कलम रीत प्रमाण (कारिका)
समाप्त : दि. ३०.१०.१९९९

विषय :- बयान/बयानों की बरीयत का हानि
कारिका तथा स्वीकृति २०००-२००१ का प्रमाण

कलम :- बाक्य कारिका नष्ट/अप्राप्त दि. ३०.१०.१९९९
१५.११.१९९९ व ३०.११.१९९९ ।

क्योंकि बाक्य कारिका है कि उत्तराखण्ड विधान का दि. ३०.१०.१९९९
की बरीयत/बयान के बीच के दौरान प्रमाणित नहीं हो सकी है । बाक्य का
बाक्यार पर बरीयत/बयानों की बरीयत की बरीयत हो गयी है
उन्हीं बरीयत का प्रमाणित विधि के अनुसार की गयी है ।
प्रमाण का प्रमाण आवश्यक है । यहाँ तक बाक्यार का का सम्बन्ध
है, यह भी कहा जाता है कि बाक्यार के सम्बन्ध में भी भी
सम्बन्ध प्रमाण है उन्हीं के प्रमाण कारिका की जा रही है ।

भाषाईय,

सं. कलम रीत प्रमाण (कारिका)
समाप्त ।

दि. ११/११/९९

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In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

Re: Application No. of 1994.

In:

Original Application No. 433 of 1990.

All India Station Masters
Association and others. -----Applicants

Versus

Union of India and others. -----Respondents

Fixed for: 21.4.1994.

Rejoinder Reply to the Misc-Application
No. of 1993, submitted by the
opposite party No.17.

I, A.P. Srivastava, working as President
of All India Station Masters Association of
Lucknow Division, N.E. Railway, Lucknow, do hereby
solemnly affirm and state as under :-

1. That I have read the contents of Misc-
Application and understood the same. The parwise
reply is being furnished below :

2. That in reply to para I of the Misc-
Application, it is submitted that the opposite

party No.17 has only submitted the application for dismissal of Original Application No.433 of 1990. No other respondent has raised any objection, as such, this Misc.Application is liable to be rejected.

3. That in reply to paras 2 and 3 of the Misc. Application, it is submitted that the relevant papers required by the respondent No.17 will be submitted at the time of final hearing, if the Hon'ble Tribunal considers it necessary

- P r a y e r -

Wherefore, it is required that the aforesaid Misc.Application may kindly be dismissed on the grounds stated above in paras 2 and 3.

Lucknow, dated,
21.4.1994

(A.P.Srivastava)
Working President
All India Station Masters
Association, Lucknow Division,
N.E.Railway.

Verification.

I, A.P.Srivastava, working as President of All India Station Masters Association, N.E.Railway, Lucknow Division, Lucknow, do hereby verify that the contents of paras 1 to 3 are true to my own knowledge and belief and that I have not suppressed any material fact.

Signed and verified this day of April,
1994 at Lucknow.

Applicant.

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

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Re: Application No. of 1994.

In:

Original Application No. 433 of 1990.

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All India Station Masters
Association and others.

-----Applicant

Versus

Union of India and others.

-----Respondents

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Rejoinder Reply to the Counter Reply
submitted by opp-parties No. 4 to 30.

I, A.P. Srivastava, aged about 66 years,
son of Late Sri M.P. Srivastava, resident of 307,
Hind Nagar, Lucknow, and working as President of
All India Station Masters Association, Lucknow
Division, Lucknow, duly authorised by applicants
No. 2 and 3 having common interest in the matter.
The applicant has read the contents of aforesaid
reply and understands the same. Parawise reply
is submitted herewith on oath as under :-

1. That in reply to para 1, it is submitted
that the opposite party No. 17 has not submitted
any authority letter in respect of opposite
parties No. 4 to 16 and 18 to 30. Thus he is

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not entitle to furnish the reply on behalf of all the opposite parties. The reply submitted by opposite party No.17 is to be considered his own reply and not the reply of other respondents.

2. That in reply to para 2(i) to 2(v) of the counter reply submitted by opposite party No.17, it is submitted that the All India Station Masters Association, applicant No.1 is not the only applicant but two other applicants have also joined as applicants as per directions and the permission of the Hon'ble Tribunal, hence the application is maintainable as no objection stands in way. As regards for the objection of working President for a person, who is retired/removed ex-Railway employee, has no bar in terms of Trade Union Act. No criminal proceedings had been initiated against the working President, hence the contents of para 2(v) are not applicable in his case.

Para 2(vi)(1) & (2).

That the contents of para 2(vi) of the counter reply of the opposite party No.17 are not correct. The applicants No.2 and 3 have correctly been impleaded in the application as applicant.

Sri Ganga Saren Misra:

He is a senior candidate to those SC/ST candidates, who are called for selection as per Notification (Annexure No.9 to O.A.). The details, how he was made junior are given in para 36 of rejoinder to the counter reply of the opposite parties No.1 and 3. Besides this, his appeal was also not finally disposed off according to law of natural justice and objections were not removed. He has sufficient cause of action to challenge the seniority list as well as Notification dated 27.11.1989.

Sri V.S.Srivastava:

He was a senior candidate to those SC/ST candidates, who were called for selection as per Notification No.E/11/254/83/Selection dated 12.6.1990 for the grade of S.S. Rs.2375-3500. The appeal of the applicant No.3 against the injustice done in fixing the seniority was not disposed off according to law of natural justice and objections were not removed. He has sufficient cause of action to challenge the seniority and Notification dated 12.6.1990 (Annexure No.16 to O.A.).

3. Para 3(1):

That in reply to para 3(1) of the counter reply of opposite party No.17, it is submitted

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that the persons included in Annexure No.2 to O.A., other than the opposite parties No.4 to 30 are the applicants through their working President of All India Station Masters Association, applicant No.1 for the purpose of weightage of seniority in the process of selection. An applicant needs not to appear as opposite party.

4. Para 3(ii):

That the set-up of entire Divisional Office is under the control of D.R.M. The opposite party No.3 and all the branches are under his supervision and control. Hence there is no necessity to make respondent to the Divisional Railway Manager (P). The appointing authority to Class-III staff is the D.R.M. as per delegation of powers by the General Manager. Thus, the Divisional Railway Manager is the competent authority to set aside the irregularities committed by his subordinates. In view of these facts, the Divisional Railway Manager has been made the opposite party No.3.

5. Para 4(i) and 4(ii):

That in reply to para 4 of the counter reply, it is stated that the remedies sought for in the O.A. are consequential to each other and admissible as per Rule 10 of the Central Administrative (Procedure) Rules, 1987.

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As regards cancellation of the Notification dated 27.11.1989 (Annexure No.9 to O.A.) and cancellation of seniority lists (Annexures No.3, 4 and 5 to O.A.), it is stated that the seniority lists were not prepared according to rules. Thus, the general candidates were deprived of their legitimate rights of promotion in higher grade and untill and unless the seniority lists are not quashed and prepared ^{re fresh} in accordance with the directions of the Supreme Court and judgment of Hon'ble Central Administrative Tribunal, Allahabad, in the case of Veer Pal Singh Chauhan and others Vs. Union of India and others, the promotions in the higher grade cannot be made correctly. Hence all the reliefs sought for are consequential and admissible.

6. Para 5:

Needs no comment.

7. Para 6:

That in reply to para 6 of the counter reply, it is submitted that the application is well within the time and has been admitted by the Hon'ble Tribunal.

On issuance of the Notification dated 27.11.1989 it was found that the seniority lists

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were not amended and corrected in accordance to the directions of the Hon'ble Central Administrative Tribunal in the case of Sri K.C.Lal and others Vs. Union of India and others, which pertains to North Eastern Railway, Lucknow Division, Lucknow. Seniority lists of the Guard category were corrected accordingly. The seniority of the other categories similarly situated were not corrected. Thus, the employees aggrieved with the Notification dated 27.11.1989 for the selection of S.S. grade A.2000-3200 submitted their representations alongwith the copy of the judgment of Sri Vir Pal Singh Chauhan and others Vs. Union of India and others, to correct the seniority lists accordingly.

The composite party No.3 had replied the representation dated 23.12.1989 vide letter No.E/11/254/4/85 dated 14.6.1990, as such, the application is well within the time limit as prescribed under Section 21 of the Central Administrative Act, 1935.

8. Para 7:

That the contents of para 7 of the counter reply are incorrect. The contents of have already been replied in the foregoing paras of the said rejoinder. The matter will be discussed at the time of hearing.

SMS

9. Para 3:

That the contents of para 4.2 of the O.A. are reiterated and the contents of para 8 of the counter reply are denied. At the time of filing this application only five pay scales were available in the cadre that too since 1.1.1986.

10. Para 9:

That in reply to para 9 of the counter reply, it is submitted that Railway Board has fixed the quota for SC/ST as 15% and 7-1/2% respectively in each grade. As regards seniority, the candidate promoted on the basis of reserve quota cannot supersede their earthwhile seniors. Rest of the contents are laid down in para 7 of the rejoinder reply to the counter reply to the opposite parties No.1 and 3.

11. Para 10:

Needs no comment.

12. Para 11:

That in reply to para 11 of the counter reply, the contents of para 4.5 of the O.A. are reiterated.

13. Para 12:

Needs no comment.

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14. Paras 13 and 14:

That the contents of paras 13 and 14 of the counter reply are denied and the contents of paras 4.7 and 4.8 of the O.A. are reiterated. Figures given therein are compiled at a particular time and are correct. The para 3 of the Annexure No.2 to O.A. relied upon by the opposite party is really misconceived, which reads as under :-

"There is no legal bar in promoting a reserve community candidate in excess of the quota, provided he becomes due for promotion in the normal seniority alongwith the unreserved candidate."

The SC/ST promoted in excess of the prescribed quota as tabled in para 4.7 of the O.A. has availed the benefit of ^{tu}forfeiture of promotion under reserve quota previously and thus they are not entitled for normal seniority among general incumbents at par as held by Hon'ble Central Administrative Tribunal, Allahabad, in the case of Sri Veer Pal Singh Chaunan and others Vs. Union of India and others. Other relevant details are given in para 11 of the rejoinder to the counter reply of the opposite parties No.1 and 3.

15. Para 15:

That the contents of para 15 of the counter reply are denied and the contents of

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para 6.9 of the O.A. are reiterated. The instructions have not been followed by the opposite party No.3 in true spirit. The term 'normal seniority' has been misconceived. There were 7 excess reserve community candidates promoted illegally against the order of Hon'ble Supreme Court without any roster point vacant.

16. Para 16:

Need no comment.

17. Para 17:

That the contents of para 17 of the counter reply are denied. The opposite party has again tried to misguide the Hon'ble Court. The quota has been given in the promotion. To achieve the same in reasonable time, 40 point roster was given as a device. But the seniority has never been relaxed in any manner that is always earned. The seniority in the initial grade will be the basis of fixing seniority, whenever the senior general candidate enter the same grade. The seniority has not been corrected till now. The reply of the opposite parties in Annexure No.12 of the O.A. is not a complete disposal of the appeals. The orders of the Head Quarters were never obtained. Further the contents of para 4.11 of the O.A. are reiterated.

18. Para:18:

That the contents of para 18 of the counter reply are denied. The comments in detail to this para are given in para 15 of the rejoinder to the counter reply of the opposite parties No.1 and 3 submitted earlier. The contents of para 4.12 of the O.A. are reiterated.

19. Para 19:

That the contents of para 19 of the counter reply are denied. Contents mentioned at para 16 of the rejoinder submitted in reply to the counter reply of the opposite parties No.1 and 3. The contents of para 4.13 of the O.A. are reiterated.

20. Para 20:

That the contents of para 20 of the counter reply are denied. The seniority of the petitioners and the *members* of the petitioner No.1 has not been correctly determined. Further, the contents of para 4.14 of the O.A. are reiterated.

21. Para 21:

That the contents of para 21 of the counter reply are denied and the contents of para 4.15 of the O.A. are reiterated.

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22. Paras 22 and 23:

That the contents of para 22 and 23 of the counter reply are denied and the contents of para 4.16 and 4.17 of the O.A. are reiterated. The facts will be discussed at the time of hearing.

23. Para 24:

That the contents of para 24 of the counter reply are denied. It is incorrect to say that the Notification dated 14.9.1989 (Annexure No.8 to O.A.) was modified as the names of two S.Cs. were dropped from the Notification dated 14.9.1989. Re-costing of seniority of scale Rs.1600-2660 was not done before issuing fresh Notification dated 27.11.1989 (Annexure No.9 to O.A.). The senior general incumbents entering into grade were not given seniority as per basic grade and the SC/ST candidates promoted on the basis of quota were shown as seniors.

24. Para 25:

That the contents of para 25 of the counter reply are denied. The modified Notification was issued without correcting the seniority. The mistake once committed was again repeated. The contents of para 4.19 of the O.A. are reiterated.

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25. Para 26:

That the contents of para 26 of the counter reply are denied. As regards the representation by the Association is concerned, the details are given at para 16 of the rejoinder to the counter reply of the opposite parties No.1 and 3.

As regards the personal allegation, it is really ^{shameful} on the part of opposite parties to use such political language at the juncture when the matter is before the Hon'ble Court of Law. Not only the applicants but the respondents also are free to fight to protect their ^{right} ~~cause~~ within the provisions of Constitution of India. It will be appropriate to mention that some of the respondents have not filled their power to contest the case.

26. Para 27:

That the contents of para 27 of the counter reply are denied and the contents of para 4.21 of the C.A. are reiterated. The matter is fully covered in the para 23 of the rejoinder to the counter reply of the opposite parties No.1 and 3.

27. Para 28:

That the contents of para 28 of the counter reply are denied. The C.A. has not been

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made against 17 selected candidates but the application has been made against the seniority, which was not re-costed as per directions of the Hon'ble Tribunal. The necessity arises to make representation against the select list of 17 candidates, when further selection was sponsored by the respondent No.3. In view of the circumstances, the select list of 17 members has also been challenged as the respondents No.1 and 3 are acting illegally in arbitrary manner and continuing to hold selections every year without recosting seniority.

28. Para 29:

Need no comment.

29. Para 30:

That in reply to para 30 of the counter reply, it is submitted that the select list was prepared illegally conducting the selection, without recosting the seniority list. Thus, the selection made was illegal and void.

30. Paras 31 and 32:

Need no comments.

31. Para 33:

That in reply to para 33 of the counter reply, it is submitted that the allegation made

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In para 4.27 of the J.A. are correct and legal, as the respondent No.2 and 3 have not cared to recast the seniority and have been going on to hold the selection every year.

32. Para 34:

That the contents of para 34 of the counter reply are denied. That the Railway Board has issued instructions only for promotion of reserve community candidates on the basis of roster point but the seniority of the general candidate cannot be ignored. Forfeiture of seniority was given seniority at par with the general candidate. The appeal of the applicant No.3 and member of the applicant No.1 were not decided in the light of the objections raised therein and the selection was conducted on the basis of wrong seniority. Respondents conducted the selection without recasting the seniority list as per existing rules and relevant court judgment on the subject matter of seniority. The contents of para 4.28 of the J.A. are reiterated.

33. Para 35:

That in reply to para 35 of the counter reply, the reply submitted at para 30 in the rejoinder to counter reply of respondents No.1

and 3 furnished sufficient details and covers full facts. The contents of para 4.29 of the O.A. are reiterated.

34. Para 36:

That the contents of para 36 of the counter reply are denied. The Association is a registered body and have full power for making allegations and protecting the rights of their members.

35. Para 37:

That in reply to para 37 of the counter reply, it is submitted that the matter of seniority was not decided by the opposite party No.3 though the dispute was accepted. The Annexure No.4-III submitted by opposite parties No.1 and 3 in their counter reply is self explanatory. Recosting of the seniority was not done before conducting the selection. The orders of the Head Quarters have not been obtained till now and the wrong seniority lists are being used at all the stages except the basic grade of A.S.Ms. 15.1200-2040. Further, the contents of para 4.31 of the O.A. are reiterated.

36. Para 38:

That in reply to para 38 of the counter reply, it is submitted that the judicial decisions

as contained in Annexure No.2 to O.A. have not been correctly followed. The contents of para 4.32 of the ... are reiterated.

37. Para 39:

That in reply to para 39 of the counter reply, it is submitted that there is illegality in the seniority list, which causes injustice to the applicants and members of the applicant-No.1.

38. Para 40:

That in reply to para 40 of the counter reply, it is submitted that the incumbants, who had ^{been} not made respondents, as they are the applicants through their Association and they are aggrieved applicants in respect of non-fixation of correct seniority.

39. Para 41:

That in reply to para 41 of the counter reply, it is submitted that the Hon'ble Tribunal has not granted any stay for further promotion.

40. Para 42:

That in reply to para 42 of the counter reply, it is submitted that the 40 Point Roster in promotion cadre have been ordered to be complied with from 27.11.1972. Rest of the contents of para 4.36 of the O.A. are reiterated.

41. Para 43:

That the contents of para 43 of the counter reply are denied.

42. Paras 44, 45 and 46:

That the contents of paras 44, 45 and 46 of the counter reply are denied. Para 36 of the rejoinder submitted in reply to the counter reply of opposite parties No.1 and 3 be consulted, as the full facts in detail have been narrated therein.

43. Paras 47 and 48:

That the contents of paras 47 and 48 of the counter reply are denied. Para 37 of the rejoinder submitted in reply to the counter reply of opposite parties No.1 and 3 furnishes full details. The facts of para 4.41 and 4.42 of the D.A. are reiterated.

44. Para 49:

That the contents of para 49 of the counter reply are denied. In reply to above para, detailed facts are given at paras 36, 37 and 38 of the rejoinder reply to the counter reply of the opposite parties No.1 and 3.

45. Paras 50 to 53:

That the contents of paras 50, 51, 52 and

53 of the counter reply are denied and the contents of paras 4.44, 4.45, 4.46 and 4.47 of the O.A. are reiterated.

46. Paras 54 to 56:

That in reply to paras 54, 55 and 56 of the counter reply, it is submitted that the full facts have been narrated in para 43 of the rejoinder in reply to counter reply of opposite parties No.1 and 3.

47. Para 57:

That in reply to para 57 of the counter reply, it is submitted that the grounds with legal provisions as stated in para 5 of the O.A. are tenable:

48. Para 58:

That the contents of para 58 of the counter reply are denied. The remedies available to the applicants have already been availed of, hence the application is maintainable in terms of the Section 20 of the Administrative Tribunal Act, 1985.

49. Para 59:

Needs no comment.

50. Para 60:

That in reply to para 60 of the counter reply, it is submitted that the applicants are

entitled to get the relief as claimed in para 8
of the S.A. (27)

51. Paras 61 and 62:

Need no comments.

52. Para 63:

That in reply to para 63 of the counter
reply, it is submitted that the applicants
have full hope to get success with cost of suit.

53. Para 64:

The in reply to para 64 of the counter
reply, it is submitted that opposite parties
No. 4 to 30, if desire may file a Suit before
the appropriate Court on the false allegations
as the applicants have filed this application
before the Hon'ble Tribunal to seek the justice
and nothing else. The allegations of opposite
parties No. 4 to 30 are based only malicious
and prejudicial.

54. Para 65:

Needs no comment. It will be discussed
at the time of final hearing.

Lucknow, dated,
21.4.1954

opponent.

Verification.

I, the deponent abovenamed do hereby verify
that the contents of paras
are true to my own knowledge, contents of paras
are based on records and
contents of paras
are believed by me to be true on legal advice
and no part of it is false and nothing material
has been concealed so help me God.

Lucknow, dated,
21.4.1924

Deponent.

I identify the deponent who
has signed before me.

Advocate.

Solemnly affirmed before me on
at a.m./p.m. by
the deponent who is identified by
Sri
Advocate High Court at Allahabad.

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.

In the Central Administrative Tribunal,
Lucknow.

Re. ~~misc.~~ Appln. No.

of 1998.

In re:

Original Application No.433 of 1990.

All India Station Masters'
Association and others.

-----Applicants

Versus

Union of India & others.

-----Respondents

Rejoinder to the Counter Reply
of opposite parties No.1 & 3.

I, A.P.Srivastava, aged about 66 years,
son of Late Sri M.P.Srivastava, resident of 307,
Hind Nagar, Alambagh, Lucknow, working as President
of All India Station Masters' Association, N.E.
Railway, Lucknow Division, Lucknow, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is authorised to file
this Rejoinder on behalf of the petitioners. He
had read the counter reply filed on behalf of
the opposite parties No.1 and 3.

2. That the opposite party No.2 has not submitted counter reply to the application. Thus, it appears that the opposite party No.2 does not want to contest the case and he is fully satisfied with the judgment of Veer Pal Singh Chauhan case decided by the Hon'ble Central Administrative Tribunal, Allahabad.

3. That the contents of paras 1, 2, 3, 4, 6.2, 6.4, 6.5 and 6.25 of the counter reply need no comments.

4. That the contents of para 5 of the counter reply and sub-para (1) are denied. It appears that Annexures No.3, 4 and 5 to the O.A. have not been consulted by the opposite parties as these Annexures are self explanatory to the Rules relating to maintenance of 40 Point Roster, Promotion of Reserve Community, De-reservation and exchange of vacancies, were not strictly followed. All these points are very much clear that the opposite parties do not care to follow the instructions of the Railway Board. The discrimination in maintaining the seniority lists of the entire cadre of the Station Master is on account of non-following of the aforesaid procedure. Aggrieved applicant had represented alongwith the judgment of

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Sri Veer Pal Singh Chauhan, wherein two main points were discussed and the entire judgment indicates that the reserve community candidates promoted on account of reservation is a forfeitous promotion and they are not entitled to get seniority over their seniors. In spite of disposing the application, the opposite parties are still acting illegally, discriminatory and in arbitrary manner.

5. That the contents of para 5(ii) of the counter reply are denied. The joint application is maintainable after taking the permission of the Hon'ble Tribunal, which has already been obtained. If the cause of action is joint, there is no need to file separate applications by all the individuals. The joint applications are liable to be allowed with costs.

6. That the contents of para 5(iii) of the counter reply are denied. The application is well within time and has been admitted by the Hon'ble Tribunal. The opposite party No.3 had replied the representation dated 23.12.1989 vide letter No.E/11/254/4/85 dated 14.6.1990, as such the application is within the time limit.

7. That the contents of para 5(iv) of the

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counter reply are denied. The criteria 'length of service' for preparation of seniority lists is applicable among the similarly situated incumbents and that too when the source of entry into grade is based strictly in order of seniority. As soon as a person leaves the queue of seniority his right to be considered at par with general candidates ceases. The Rules laid down in the Chapter-II of the Indian Railway Establishment Manual for promotion of Railway Employees are on the basis of seniority. No where it is laid down that a junior person should be promoted by breaking the queue of seniority. In this way if any person is promoted over his senior, his promotion shall be termed as out of way and should have been deemed to be a forfeitous promotion. The forfeitous service will not be taken into account to determine the seniority on the basis of length of service.

8. That the contents of para 6.1 of the counter reply need no comments. It is stated that All India Station Masters' Association is a registered body.

9. That the contents of para 6.3 of the counter reply speaks in reference to the filling up the posts in the initial grade of A.S. 4s. i.e.

grade B.1200-2040. The seniority of the basic grade is neither the subject matter of the claims under applications nor disputed and is a matter on record and needs no comments.

10. That the contents of para 6.6 of the counter reply are denied. The contents of para 4.6 of the O.A. are reiterated. It says only about the Government of India order by which the percentage was raised from 12-1/2% to 15% for Schedule Caste and from 5% to 7-1/2% for Schedule Tribes candidates. Further that this quota will be given on the basis of posts and services and not on the vacancies occurring time to time in the cadre. There is no comment in the counter reply on this basic point raised in the O.A. in the para under reference.

Para 4 sub-para (1) of the Annexure No.2 to O.A. referred in the counter reply also supports the view point of the O.A. para 4.6 that the quota for SC/ST will be given on the posts and not on vacancies.

11. That the contents of para 6.7 and 6.8 of the counter reply are denied and the facts contained in the para 4.7 and 4.8 of the O.A. are reiterated. The embarrassing situation created

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by the excessive promotion to the SC/ST candidates is due to the fact that the quota has been given on vacancies instead of posts in the cadre, erratic application of 40 Point Roster and that too on the basis of wrong seniority. The concept of the Roster has not been conceived in true sense by the department. Each time that is being counted from Sl.No.1. The wrong application continued till the issuance of Notification as Annexure No.9. The applicants demand that the Roster record maintained by the department be produced before the Hon'ble Tribunal for perusal.

The Notification as Annexure No.9 to O.A. was issued for the selection of 19 general posts but only 53 incumbents were called for instead of 57, without giving any reason. Thus depriving 23 general candidates from being considered for selection: 12 due to excess SC promotion and 11 due to non-filling of seniority posts of S.M.S. grade Rs.1600-2660. The figures given are correct and there is relevancy of the period which can be ascertained by the comparative chart annexed as Annexure No.7 to O.A.

12. That the contents of para 6.9 of the counter reply are denied. The instructions

have not been followed. The vague reply have been given. There were 7 excess SC candidates promoted illegally against the order of Supreme Court without any Roster point vacant. The contents of para 4.9 of the O.A. are reiterated.

13. That the contents of para 6.10 of the counter reply are denied. The irrelevant facts have been given in the para under reply. The present application has no concern with the subject matter of seniority of the merged candidates. The application relates only to the submission of seniority list which were not corrected in accordance with the judgment in the case of Veer Pal Singh Chauhan. The point of dispute was agreed by the opposite party No.3 (Annexure No.12 of O.A. and Annexure H-III and H-VI to the counter reply) but orders of the Head Quarters were not obtained and the disputed seniority lists are not corrected uptill now.

14. That the contents of para 6.11 of the counter reply are denied. The opposite parties have again tried to misguide the Hon'ble Court. The quota has been given in the promotion, the seniority cannot be awarded that is always earned. The seniority in the initial grade will be the

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basis of fixing seniority whenever the senior general candidates enter the same grade.

Seniority has not been corrected till now.

The appeals were made by the members of the Association, which are still pending. The reply of the ^{op party} ~~AS~~ in Annexure No.12 of O.A. is not complete disposal of the appeals. Further the contents of para 4.11 of the application are reiterated.

15. That the contents of para 6.12 of the counter reply are denied and the contents of para 4.12 of the O.A. are reiterated. The opposite party No.3 has given a vague reply while conditionally disposing the appeals of the members of the Association. The orders of the Head Quarters on the agreed point of the wrong seniority were not obtained by the opposite party No.3 (Annexure No.12 of O.A., Annexure No.R-III and R-VI of counter reply). The policy was already decided by the Hon'ble Central Administrative Tribunal, Allahabad in the case of Veer Pal Singh Chauhan and again in the case of K.C.Lal and others in which the opposite parties No.2 and 3 were also the parties. By not disposing of the appeals in the light of the above judgments, the opposite parties are discriminating among the similarly situated employees on the similar subject matter of seniority.

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16. That the contents of para 6.13 of the counter reply are denied. The Association is a registered body and the opposite parties or were bound to give the reply. Any representation submitted by the Association or individual should have been replied according to the directions of the Railway Board. There is no provision of not giving reply. The language of the Annexures No.R-III and R-VI of the counter reply clearly show that the matter was not finally decided. It was mentioned that the orders of the Head Quarters were necessary but no such orders have been obtained from Head Quarters, as such all the promotions by way of seniority, selection and re-structuring are illegal and void.

17. That the contents of para 6.14 of the counter reply are denied. The seniority of the petitioners and the members of the petitioner No.1 has not been determined correctly. Further, the contents of para 4.14 of the O.A. are reiterated.

18. That the contents of para 6.15 of the counter reply are denied. The contents of para under reply are vague and not clear. The seniority

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has not been fixed after taking into the quota of SC/ST candidates correctly. It will be very appropriate to mention that opposite party No.3 be directed by the Hon'ble Court to submit record of the 40 Point Roster as claimed in the para 6.15 of the counter reply. Further, the contents of para 4.15 of the O.A. are reiterated.

19. That the contents of para 6.16 and 6.17 of the counter reply are denied and the contents of paras 4.16 and 4.17 of the O.A. are reiterated. The facts will be discussed at the time of hearing.

20. That the contents of para 6.18 of the counter reply are denied. It is wrong to say that the candidates were called according to seniority. In fact the seniority list of S.M. grade B.1600-2660 was not corrected. The senior general incumbents entering in the grade were not given seniority as per seniority of the basic grade and the junior SC/ST were treated as seniors..

21. That the contents of para 6.19 of the counter reply are denied. The modified Notification was issued without correcting the seniority. The mistake once committed was again repeated. The contents of para 4.19 of the O.A. are reiterated.

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22. That the contents of para 6.20 of the counter reply are denied. The contents of para 4.20 of O.A. are reiterated. The contents of para 6.13 of the counter reply have been replied suitably in the para 16 of the rejoinder. The representation will be deemed to be pending as the orders of Head Quarters were not obtained and the seniority lists have not been corrected uptill now.

23. That the contents of para 6.21 of the counter reply are denied. The contents of para 4.21 of the O.A. are reiterated. The orders of the Head Quarters on the agreed point of wrong seniority were not obtained. The objections raised were not removed before conducting selection for the formation of panel of grade B.2000-3200. The objected seniority list is not corrected uptill now, as such all the promotions on seniority, selections and upgradation by way of restructuring are illegal and void.

24. That the contents of para 6.22 of the counter reply are denied. As already stated above the representations were not decided, which is clear from the language of the order itself. The matter has not been referred to the

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General Manager for its clarification giving full facts of the case. The orders of the Head Quarters have not been obtained and the seniority list has not been corrected and recasted. The representations were not considered in the light of Railway Board letter No.E(S & T)72 CW/15/V/ dated 11.1.1973, wherein it is laid down that the actual promotion will be made in the same order and not in accordance of the Roster Point. But the opposite parties as did not consider all these points right from the 27th November, 1972. Other irregularities which are given in the Para 26 (below) of this rejoinder, have also not been removed/corrected by the opposite parties before conducting the selection and formation of the Panel. The facts of the para 4.22 of the O.A. are reiterated.

25. That the contents of para 6.23 of the counter reply are denied being false and the contents of para 4.23 of the O.A. are reiterated. The authenticity and issuance of the Annexure-14 to the O.A. has not been commented or that it was not issued by the opposite parties.

26. That the contents of para 6.24 of the counter reply are denied. By not demoting excessively promoted reserve community candidates,

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by not filling the vacancies in the grade S.1600-2660 and by not recosting seniority before issuing Notification (A-9), conducting selection and formation of Panel, juniors were selected and promoted illegally. Even the provisions of Rule 213 of the I.S.E.M. (63 Edition) were not complied by the opposite parties, thereby depriving the seniors from being considered for selection. The contents of para 4.24 of the O.A. are reiterated:

27. That the contents of para 6.26 of the counter reply are denied. The matter will be discussed at the time of hearing.

28. That the contents of para 6.27 of the counter reply are denied. The selection was not made as per rules. The seniority list on the basis of which Notification was issued was not corrected. Besides other irregularities, the seniority list of S.M. grade A.1600-2660 was not recosted on each entry of the seniors. The opposite parties are not ready to correct the seniority list and are using the wrong seniority list for selection/promotion.

29. That the contents of para 6.28 of the counter reply are denied. The senior most general

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Incumbents like applicant No.8 and other members of the applicant No.1 were not called for selection, whereas junior SC/ST like Sl.No.3 to 21 (except 9, 10 and 18) were called for selection. The appeal was not decided and the opposite parties are not ready to correct the seniority as per existing rules and relevant court's judgments on the subject matter of the seniority.

30. That the contents of para 6.29 and 6.30 of the counter reply are denied. No seniority list of SC grade B.2000-3200 was published in the Division by opposite party No.3. Only incumbents working in the grade were available. Most of them were junior SC/ST candidates promoted on the basis of wrong seniority, having availed the benefit of forfeitious promotion atleast on two occasions previously and placed at par with the general incumbents. Thus, the excess SC/ST in the grade of B.2000-3200 were occupying the rightful place of senior general incumbents. Therefore without correcting the seniority rightful seniors were deprived of their right to be considered for selection making the selection proceeding defective and invalid in the eye of law.

When the seniority in the Division is not correct the interse-seniority with the opposite

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party No.2 automatically goes wrong which too was never issued and any Panel formed on the basis of such wrong seniority is illegal and liable to be cancelled.

31. That the contents of para 6.31 of the counter reply are denied. The matter of seniority was raised though ^{accepted} occupied but not decided. The reply given by the opposite parties which is annexed as Annexure No.R-III to the counter reply, is self explanatory. The orders of Head Quarters have not been obtained till now and the wrong seniority lists are being used at all the stages except the basic grade of A.S.M. Rs.1200-2040. Further, the contents of para 4.31 of the application are reiterated.

32. That the contents of para 6.32 of the counter reply are denied. The opposite party No.3 has not followed the directions of the Hon'ble Supreme Court as passed in the case of J.C.Malik and circulated by the Railway Administration vide Annexure No.2 of the D.A. The direction of the Railway Board has not been followed strictly.

33. That the contents of para 6.33 to 6.37

of the counter reply are denied. The actual position has not been mentioned in the counter reply. The contents of para 6.33 to 6.37 of the O.A. are reiterated.

34. That the contents of para 6.38 of the counter reply are denied. The contents of para 4.38 of the O.A. are reiterated. The Annexure No.12 to O.A., Annexure No.R-III and R-IV of the counter reply very clearly accepts that 'the order of the Head Quarters is required' but no such order has been obtained uptill now. The wrong and disputed seniority lists are continued in use and illegal promotions are being made on the basis of the same till today. The word 'competent authority' used in the counter reply is very vague, as such the opposite parties should have mentioned the designation of the competent authority.

35. That the contents of para 6.39 of the counter reply are denied. The contents of para 4.39 of O.A. are reiterated. The matter will be discussed at the time of arguments.

36. That the contents of para 6.40 of the counter reply are denied and the contents of

para 4.40 of the O.A. are reiterated. The applicant No.2 was not junior but he was made junior :-

- (a) by not implementing the orders of the Supreme Court passed in the case of J.C. Malik, circulated by the Railway Board (Annexure No.2). The excess SC/ST promoted by the 2.3.1985 were to be adjusted in future vacancies and no excess promotions were allowed against quota beyond the prescribed percentage of 15% for SC and 7-1/2% for ST candidates. As such, the excessive promotion made after 2.3.1985 should have been reverted to avoid the Contempt of Hon'ble Supreme Court and High Court.
- (b) by not correcting the seniority lists as per judgment of the Central Administrative Tribunal, Allahabad, in which the similar matter of seniority was decided in the case of Veer Pal Singh Chauhan and others. Vs. Union of India and others, and in the case of K.C.Lal and others. Vs. Union of India, in which the opposite party No.2 and opposite party No.3 were also the parties.
- (c) by not filling the vacancies existing in the grade of Rs.1800-2660 though the promotion

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were to be made only on the basis of seniority by scrutiny of the record.

- (d) By not calling the senior incumbents available in one grade below i.e. from the grade B.1400-2400, if the sufficient number of the candidates were not available as provided in Rule 213 of L.R.E.M. Had the above provisions been followed all the SC candidates available in the grade B.1600-2660 would have been reverted and similar number of general incumbents would have been promoted to the grade of B.1600-2660 and considered in the selection. Thus, the opposite party No.3 has deprived the applicant No.2 and others to be called for selection causing double irreparable loss.

37. That the contents of para 6.41 and 6.42 of the counter reply are denied and the contents of para 4.41 and 4.42 of the D.A. are reiterated. As soon as any one leaves the queue of seniority and got promoted by virtue of quota his right of seniority to be placed at par among general incumbents seizes. He will be treated as a separate class and earns seniority among themselves and be placed below the general incumbents. Therefore, the applicant No.2 is not only senior to the SC/ST incumbents available in the grade

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of S.S. 1600-2660 but also senior to the SC/ST promoted wrongly to the grade of S.S. grade 2600-3200. Annexure No.19 when connected with Annexure No.7 of O.A., will reveal the whole picture. The applicant No.2 was illegally placed as junior as dealt in para 36 above in this rejoinder.

38. That the contents of para 6.43 of the counter reply are denied. The 57 candidates were liable to be summoned as the vacant posts were 19, but due to malafide intention, the full number of the posts have not been filled up and the eligible candidates were not called for selection. Now the applicants were senior to the SC/ST candidates called for selection, the details can be seen in the para 36 and 37 above of this rejoinder.

39. That the contents of para 6.44 of the counter reply are denied. It is wrong to say that SC/ST candidates called were senior in the general seniority. All the SC/ST available in the scale of 1600-2660 have availed the chance of promotion by virtue of quota previously atleast twice hence they cannot be placed at par with general incumbents. Best provisions applicable here are given in detail in para 36 of this rejoinder. Thus, atleast 23 general incumbents

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were left behind and neither they, including the applicant No.2 were promoted to the grade of B.1600-2660 nor considered for selection of S.S. grade B.2000-3200 (12 excess promotion to the grade of B.2000-3200 and 11 vacancies left unfilled in the grade of B.1600-2660). The contents of para 4.44 of the O.A. are reiterated.

40. That the contents of para 4.45 of the O.A. are admitted in-part under para 6.45 of the counter reply needs no comment. Most part of the para 6.45 of the counter reply is denied and the contents of para 4.45 of the O.A. are reiterated as whole. At the time of Notification, 12 excess SC/ST candidates were present in the grade of B.1600-2660. It is wrong to say that the vacancies were kept vacant against reserve community. In fact all the excessively promoted SC candidates were occupying the rightful place of general incumbents for which details are given in para 36 and 37 above in this rejoinder. The posts are never kept vacant in the name of reserve candidates due to non-availability of the SC/ST candidates but only the vacancies will be counted for three consecutive years and after that back-log is dropped and exchanged with the general vacancies.

41. That the contents of para 6.46 of the

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counter reply are denied and the contents of para 4.46 of the J.A. are reiterated. The subject matter is fully covered in the aforesaid paras of this rejoinder.

42. That the contents of para 6.47 of the counter reply are denied and the contents of para 4.47 of the J.A. are reiterated. The matter is fully covered in the aforesaid paras of this rejoinder.

43. That in reply to paras 6.48, 6.49 and 6.50 of the counter reply, it is submitted that the contents of paras 4.48, 4.49 and 4.50 of the J.A. are reiterated. The facts are being given hereunder :-

- (a) That a Notification (Annexure No16) dated 12.6.1990 was issued for the selection of S.S. grade B.2375-3500 by the opposite party No.3.
- (b) That the selection was being conducted against general vacancies meaning thereby that no quota for SC/ST was vacant at that time.
- (c) That the post of S.S. grade B.2375-3500 is Head Quarters control post.

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- (d) That the candidates are called according to enterse-seniority of all the 5 Divisions of S.S. grade B.2000-3200 including Yard Masters against 10% quota as per A.V.C. enforced at that time.
- (e) That no seniority list of S.S. grade B.2000-3200 was available at that time only the incumbents were working in the grade were available.
- (f) That excessively and illegally promoted junior SC candidates were occupying the rightful place of senior general incumbents.
- (g) That the appeals were not finally disposed according to the principle of natural justice and objections were not removed.
- (h) That the seniority lists were not corrected and recosted. Even at the stage of S.S. grade B.2000-3200 were not available and the selectédns were conducted illegally and in arbitrary manner.
- (i) That the applicants No.2 and J and the members of the applicant No.1 were seniors to SC/SI candidates and were not considered

while conducting selections. Annexures No.7 and 19 ^{connected} ~~conceived~~ with Annexures No.9 and 1A will give a clear picture of the whole matter of seniority.

44. That the contents of para 7 of the counter reply are denied. The contents of para 6 of the O.A. alongwith the grounds are reiterated. The grounds taken are legal and the O.A. is liable to be allowed with costs on the basis of these grounds.

45. That the contents of paras 8 and 9 of the counter reply are denied. The application is based on correct facts and on the legal grounds, which is liable to be allowed. The deponent is entitled to get the relief claimed.

It will be appropriate to mention here that the department has conducted yearly selections for the post of S.S. grade B.2000-3200 upgradation/promotion has been done and being done under the re-structuring scheme. All these selections/promotions and upgradation/promotion under re-structuring scheme are being conducted on the basis of wrong seniority lists. In this regard, the M.P.Applications were submitted to this Hon'ble Tribunal for relief, which are also required to be considered at this st time of final hearing.

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46. That the contents of paras 10 and 11 of the counter reply are denied. The seniority lists used by the opposite parties are not correct. This fact has been admitted by the opposite parties, even then the selection and promotions are being made without correcting the seniority lists. The provisions of the Rules of the Railway Board orders and Constitution have been violated. The principle of natural justice have also been violated.

47. That the contents of para 12 of the counter reply are admitted.

Lucknow, dated,
.12.1994

APPLICANT.

Verification.

I, A.P.Srivastava, working as President of All India Station Masters Association, N.E. Railway, Lucknow, Division, Lucknow, do hereby verify that the contents of paras 1 to 47 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Signed and varified this day of January,
1994 at Lucknow.

APPLICANT.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.
O.A. No. 433/1990

(539)

All India Station Masters' Association ... Petitioner
Versus
Union of India & Others. ... Respondents.

OBJECTION ON BEHALF OF RESPONDENTS AGAINST
M.P. APPLICATION NO. 1229 OF 1993
DATED 18.8.1994 MOVED BY THE PETITIONER.

1. That since rejoinder has been filed on Dec. 1993 and as such application is moved only for delay the proceedings of the case and as such application is not maintainable.
2. That the application dated 18.8.1994 not discloses the provision of law and as such application is not maintainable.
3. That the present application is moved without affidavit and as such on this ground alone the application is liable to be dismissed with costs.
4. That due to the above reasons application dated 18.8.1994 of the petitioner is liable to be dismissed with costs.

Lucknow:

Counsel for Respondents.

Dated : October 4, 1994

AS. *TC*

4/10/94

Before the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

M.P. Application No. _____ of 1993.

In re:

Original Application No. 433 of 1990.

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All India Station Masters
Association and others.

-----Applicants

Versus

Union of India and others.

-----Respondents

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F.F. 10.10.94

Hon'ble Sir,

The humble application on behalf of
the applicants is as under :-

That the enclosed papers are very much
material for the purposes of preparation of
rejoinder and the adjudication of the case which
are under the power and possession of the opposite
party. A list of papers required by the Government/
respondents is attached herewith.

- P r a y e r -

Wherefore, it is prayed that the papers
which are in the custody of the Government/
Respondents be summoned and supplied to the
applicants for preparation of the rejoinder and
adjudication of the case in the ends of justice.

Lucknow, dated,
7.7.1994

S.P. Sinha

(S.P. Sinha)
Advocate.

Counsel for the Applicants.

**Before the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.**

M.P. Application No. of 1993.

In re:

Original Application No. 433 of 1990.

**All India Station Masters
Association and others. -----Applicants**

Versus

Union of India and others. -----Respondents

Application for summoning the documents.

**List of papers required from the
Government/Respondents.**

- 1. Seniority list of the Assistant Station Master,
Station Masters, Deputy Station Superintendent
and Station Superintendent from 1980 to date.**

These seniority lists will prove that staff of reserved community promoted in excess of percentage fixed for reserve community and the instructions of the Railway Board issued from time to time, have not been complied with correctly.

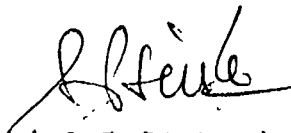
- 2. Roster registers of the cadre of Assistant
Station Masters, Deputy Station Superintendent
and Station Superintendent from November, 1972.**

These roster register will prove that

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the instructions of the Railway Board have not been correctly followed and complied with. If the instructions of the Railway Board would have been followed correctly the percentage of the reserved community do not increase the percentage as prescribed by the Railway Board for promotion of Scheduled Caste and Scheduled Tribes.

Lucknow, dated,
6.7.1994


(S.P.Sinha)
Advocate.
Counsel for the Applicants.

Central Administrative Tribunal,

Lucknow Bench

Date of Filing

Date of Receipt by Post

the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

By, Registrar (J)

M.P.No. 185 of 1997.

In re:

O.A.No.433 of 1990.

All India Station Masters
Association and others.

-----Applicants

Versus

Union of India and others.

-----Respondents

APPLICATION FOR INTERIM ORDER

The humble applicants most respectfully
submit as under :-

1. That the applicants preferred several representations to the respondents No.2 and 3 for the publication of seniority list in accordance with the direction and instructions laid down in case of Veer Pal Singh Chauhan and others Vs. Union of India and others, as per judgment and order of the Hon'ble Central Administrative Tribunal, Allahabad, but the respondents No.2 and 3 did not take any action thereon to publish the fresh seniority list.

2. That the respondent No.3 issued notice to hold the selection for the post of Station Superintendent in scale Rs.2000-3200(RPS). The applicants requested that first of all the seniority list in scale Rs.1600-2600 (RPS) may kindly be published in accordance with the judgment and thereafter the selection may be conducted but the respondent No.3 did not take care of it.

3. That the applicants filed an application before this Hon'ble Tribunal to issue direction to the respondent No.3 to publish fresh seniority list in accordance with the directions of the Hon'ble Central Administrative Tribunal, Allahabad, in case of Veer Pal Singh Chauhan and others Vs. Union of India and others, and stay the selection proceedings. The Hon'ble Tribunal issued directions as under :-

"As far as the holding of selection is concerned, the same is not stayed. The selection process may go on, but shall be deemed to be only provisional and subject to the final order passed in this case.

Admit, issue notice to the respondents to file counter affidavit within 4 weeks and rejoinder, if any, may be filed within 2 weeks, thereafter list this case for orders on 7.12.1992."

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Dy. Registrar (J)

The respondents did not comply the orders of this Hon'ble Tribunal in regard to file the counter reply within the stipulated period.

4. That the General Manager (P), North-Eastern Railway, Gorakhpur, made a Notification vide letter No.E/50/1/PL-IV(IV) dated 2nd March, 1985, in regard to Reservations for Scheduled castes and Scheduled Tribes at Annexure No.A-2. In the Notification, it is laid down as under :-

"The short falls, if any, in SC/ST categories on the basis of posts (and not vacancies) should be filled up in accordance with roster point. The existing rules for carry forward of SC/ST points will also remain in-force."

These instructions were issued in reference to case of J.C.Malik Vs. Union of India as per order of the Hon'ble High Court Allahabad.

5. That since the year 1985, several selections have been conducted but the respondents No.2 and 3 did not consider these points as well as the directions of Hon'ble Central Administrative Tribunal, Allahabad, in case of Veer Pal Singh Chauhan and others Vs. Union of India and others, to revise the seniority list afresh to hold further selection.

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By, Registrar ()

6. That the respondent No.3 has not published the seniority list of scale Rs.2000-3200 and scale Rs.1600-2660 as per judgment of Veer Pal Singh Chauhan (supra). Thus, the most of the incumbants belong to reserve community and their strength have been increased from the percentage fixed by the Railway Board for the promotion of reserved community. The statement showing the position of Station Superintendent in scale Rs.2000-3200 and Rs.2375-3500 just before the restructuring, is being filed herewith as Annexure-MPA-1.

7. That the incumbants working in scale Rs.2000-3200, if promoted without publishing the seniority list in accordance with the judgment in the case of Veer Pal Singh Chauhan, the general candidate will suffer irreparable loss and they will never be promoted in the scale of Rs.2375-3500, which will amount loss in retiring benefit also. This is against the social security act.

8. That the respondent No.2 circulated the inter-se seniority list of the Station Superintendents scale Rs.2000-3200 (RPS), which is clear that said seniority list has not been prepared in accordance with the judgment and order of the Hon'ble Tribunal, Allahabad, in case Veer Pal Singh Chauhan and others Vs. Union of India and others. A photostat copy of the said seniority list is being filed herewith as Annexure-MPA-2.

9. That the respondent No.3 has again made a Notification for conducting the selection for the post of Station Superintendent scale Rs.2375-3500(RPS) vide letter No.E/254/4/9-1/SS/Part-II/31 dated

.8.1996. The selection is going to be held for the general candidates on 21.1.1997 and 3.2.1997 but the list enclosed with the said letter indicates that out of 25 employees, 21 belongs to Scheduled caste and Scheduled Tribes. It is clear evident that the respondents have not prepared the seniority list afresh in accordance with the judgment and order in case of Veer Pal Singh Chauhan and others Vs. Union of India and others. The applicants are entitled to get the seniority over and above the candidates got accelerated promotions through reservation or roster system as held by the Hon'ble Supreme Court, in case of Ajit Singh Januja and others Vs. State of Punjab and others (1996) 33 ATC 239. A photostat copy of the Notification is being filed herewith as Annexure MPA-3.

10. That the respondents do not care to revise the seniority list as afresh in accordance with the aforesaid judgments and orders but they are continuing the process of selection to fill-up the posts of Station Superintendent scale Rs.2375-3500 (RPS) in an arbitrary and discriminatory manner and this resulted that the selection is going to be held for general category but most of the SCs/STs are going to be considered to appear in the said selection. The seniority list is self

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explanatory that ~~the~~ all the SCs and STs were appointed in Railway service much after the general candidates but got promotion by jumping in queue though they were not entitled for promotion in terms of Chapter-II of Indian Railway Establishment Manual, Volume-I.

11. That the Government of Punjab implemented the judgment and order of the Hon'ble Supreme Court, in case of Ajit Singh and others Vs. State of Punjab and others. A photostat copy is being filed herewith as Annexure MPA-4.

In view of the facts stated above, the applicants request for the following relief :-

- (a) The directions may kindly be issued to the respondents No.2 and 3 to prepare the seniority list of SMS/Station Supdt. in the scale Rs.1400-2300, Rs.1600-2660 and Rs.2000-3200 in accordance with the judgment of Veer Pal Singh Chauhan and others.
- (b) The Hon'ble Tribunal may be pleased to issue directions to respondent No.2 to publish the combined seniority list of the Station Superintendent in scale Rs.2000-3200 for further promotion to scale Rs.2375-3500 and till such time promotion orders in the cadre may not be issued.

25/1

(c) The respondents No.2 and 3 may kindly be directed that the result of the said *Selection* may not be declared till the finalization of the case or preparation of the seniority list afresh according to judgment and order in case of Veer Pal Singh Chauhan and others Vs. Union of India and others.

Lucknow, dated,
25.1.1997

S.P. Sinha

(S.P.Sinha)
Advocate
Counsel for the Applicants.

Annexure M. MPA-1

(2910)

GRADE AS 2375/-... 3500/-

Position as on 1.4.93

S.NO	Names	SC	Date of Birth	Date of Appointment	Date of Promotion	Station
1	Shri Ganga Ram	SC	10-7-36	1-9-65	10-9-87	ASH
2	" R. C. Pandey		1-1-44	15-9-67	11-2-91	JE
3	" Sant Ram	SC	15-7-46	7-7-66	11-2-91	GD
4	" Sita Ram	SC	30-7-43		11-2-91	MLN
5	" U. C. Misra		16-9-50	5-10-77	11-2-91	GKP
6	" Bala Nand Pr.	SC	13-1-52	30-11-77	11-2-91	RST
7	" P. N. Gupta		25-8-36	28-5-56	22-1-92	LJN

Southern strength = 6
 Available = 6+1
 Quota permissible = SC/ST 1+1 = 2
 Available = 4
 Permissible percentage = $15\frac{2}{3} + 16.7\%$
 Percentage available = 66.67%

Shri K. S. Pan

GRAB. AS-2000/- 3200/-

Position. GO DA. 1.4.93.

S.No	Names	Date of Birth	Date of Appointment	Date of Promotion	Station
1	Sr Rama Shankar	SC 30.10.35	20.6.60	1.8.62	PJ
2	" Ram Shing	SC 3.2.40	19.12.63	"	NUP
3	" Hari Ram Pt.	SC 26.1.42	1.2.64	"	ANDN
4	" Bharat Ram	SC 28.1.41	6.10.63	"	R-
5	" P.L. Shankar	SC 1.1.39	14.12.63	"	ePA
6	" B.N. Dass	SC 11.4.37	24.10.63	"	Lyn
7	" R.B. Prasad.	SC 24.7.38	14.12.59	"	Bmj
8	" Ramkha Nand	SC 30.9.42	26.6.63	"	SWA
9	" Perseu Ram	SC 22.1.47	7.1.77	"	GV
10	" Premchand	SC 8.11.41	20.12.63	"	Bu2
11	" Yemuna Prasad	SC 8.12.63	8.11.42	"	HA
12	" Chetan	SC 1.7.42	1.1.66	"	NUH
13	" H.L. Hembram	ST 7.1.57	8.5.77	2.9.86	Le
14	" Parva Lal	SC 8.2.39	1.6.66	"	CLJ
15	" Ram Shaver	SC 2.7.52	3.2.75	"	MSW
16	" Ram Nivas	SC 12.1.43	10.12.63	"	JLD
17	" Talestoor Prasad	SC 12.7.42	15.5.69	"	PMY
18	" Ram prash	SC 11.3.42	11.3.69	"	EVN

Continued Piro

2 Nov 76
J. N. K. / K. N.

	Names	Date of Birth	Date of Appointment	Date of Promotion	Station
19	Sri Anur Kumar Kanyoo	26.11.54	24.4.77	2.3.86	OLK
20	" V. K. Singh Mundra	27.7.53	24.11.77	11.8.88	Pichhiga
21	" A. H. A. Sani	1.7.35	17.5.55	28.2.89	GRP
22	" A. P. Srivastava	31.7.36	21.11.55	28.2.89	BAR
23	" S. K. Singh	30.9.35	7.2.56	28.2.89	LLP
24	" Skd Kumar Khalkar	12.7.53	25.4.77	11.8.88	MMB
25	" Alan Pate	26.6.56	24.10.77	11.8.88	BIK
26	" Harsharan Singh	16.7.37	16.9.57	28.2.90	RPO
27	" N. E. Aprasad	1.8.37	31.8.57	28.2.90	GRP
28	" Ram Marti	1.1.58	1.4.81 19.10.81	"	GD
29	" Sankar Ram	12.7.41	30.4.65	"	BXM
30	" K. N. Ram	7.1.45	22.4.65	"	ICW
31	" B. D. Pandey	25.6.37	28.8.58	"	RPO
32	" R. N. Sarda	26.8.38	28.8.58	"	IB
33	" L. F. Gupta	28.11.35	18.9.59	"	DAL
34	" J. N. Singh	10.1.38	3.12.59	"	KMP
35	" B. N. Prasad	25.7.36	16.9.57	12.12.90	GRD
36	" Ram Lal	2.12.39	11.3.67	"	AA
37	" Ram Das	1.7.37	9.10.63	19.12.90	U
38	" Srigam Lal	13.1.77	3.7.50	"	BANK
39	" R. U. Lal Srivastava	1.9.36	25.6.58	"	TAN
40	" H. N. Dabber	26.7.36	11.8.59	"	TEA
41	" Indir Prasad	20.7.46	3.10.75	23.10.91	MIN
42	" Sita Ram Rai	30.11.36	22.11.56	"	KLD

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	Names	Date of Birth	Date of Appointment	Date of Promotion	Station
43	K.N. Sivarata	12. 7. 35	18. 5. 55	23. 10. 91	
44	I. u. Jee Prasad	20. 7. 37	20. 9. 59	23. 10. 91	
45	R.K. Pralle	7. 7. 37	8. 9. 53	23. 10. 91	
46	Gyan Prakash	20. 4. 58	26. 8. 77	15. 1. 93	
47	Kemla Prasad	1. 7. 35	21. 11. 55	8. 11. 92	
48	Mangaleswar Pr.	1. 9. 36	29. 9. 59	8. 11. 92	
49	Valasi Ram	11. 4. 39	18. 6. 65	3. 11. 92 <u>27. 1. 93</u>	
50	Kaushikandra	1. 1. 55	14. 10. 77	3. 11. 92	
51	P.N. Mishra	2. 1. 37	29. 4. 61	11. 92	
52	G.S.N. Mishra	2. 9. 37	2. 12. 59	11. 92	
53	G.C. Upadhyay	10. 1. 38	19. 9. 60	12. 1. 93	
54	B.N. Sharma	14. 10. 37	29. 4. 60	15. 1. 93	
55	S.B. Lal.	30. 7. 38	19. 9. 59	1. 2. 93	
56					

Sanction Strength = 57

'available' = 55

Quota Permissible as per Percentage $7\frac{1}{2}$ SC ST = $9 + 4 = 13$

Available = 26 SC + 6 ST = 32

Percentage Available = 58.2%

Refused to
Join

क (2000-3200) को सम्मिलित वगैरह सूची

Annexure no. MPD-2

क्रमांक	नाम	पदनाम	अवधि	नियुक्ति तिथि	2000-3200 में पदोन्नति तिथि	1500-2550 में पदोन्नति तिथि	1400-3000 में पदोन्नति तिथि	नियुक्त
1	2	3	4	5	6	7	8	9
सर्व श्री								
1-	नीरंदाकर (अलग)	इंजीनियर/ऑफिस	10-1-45	7-10-64	1-8-82	1-8-82	28-8-78	ब-टा
2-	एम. कुंवर प्रसाद (अलग)	"	9-1-40	5-12-63	"	"	11-12-81	"
3-	एम. पुरेसि प्रसाद	"	12-8-43	7-4-65	"	"	29-1-79	"
4-	जगदीश एम. अलग	"	20-1-42	25-8-66	"	"	25-6-81	सर्व फुल
5-	एस.एस.एस.सिन्हा (अलग)	"	02-1-44	18-9-74	"	"	7-10-79	ब-टा
6-	एस.एस.एस.सिन्हा	"	12-7-54	5-10-79	"	"	7-10-79	सल्लाह
7-	टी.एस.एस.एस.एस. (अलग)	"	5-1-40	1-9-64	"	"	18-2-76	सर्व फुल
8-	जगदीश प्रसाद (अलग)	"	1-1-42	8-12-63	"	"	12-12-81	"
9-	वेनन (अलग)	"	1-7-42	1-1-60	"	"	"	"
10-	आ.एस.एस.एस. (अलग)	"	1-7-55	3-4-81	"	"	1-4-82	सर्व फुल
11-	एस.एस.एस.एस.एस. (अलग)	"	7-1-57	8-5-77	"	"	9-3-78	"
12-	एस.एस.एस.एस.एस. (अलग)	"	1-1-49	27-7-74	7-1-85	1-8-85	1-6-5-76	ब-टा
13-	एस.एस.एस.एस.एस. (अलग)	"	20-1-42	25-12-74	25-1-85	1-8-85	1-5-89	सर्व फुल
14-	एस.एस.एस.एस.एस. (अलग)	"	12-7-42	8-10-65	5-1-86	9-4-81	1-6-77	सर्व फुल
15-	एस.एस.एस.एस.एस. (अलग)	"	22-1-51	3-12-77	24-4-86	1-8-83	-	-

21-2-94 से
1500-2660 में
4000 से अधिक
कर्मचारी को
पदोन्नति के लिये

3 4 5 6 7 8 9

सर्व श्री

✓ 15-	मौरी लाल (अज)	रटिष 4-8-83	9-2-65	21-4-86	1-3-83	"
✓ 17-	मन्ना लाल (अज)	3-9-59	1-6-66	2-9-86	1-8-52	1-3-01
✓ 18-	राम बरन (अज)	2-7-52	3-2-75	2-9-86	1-8-82	1-3-82
✓ 19-	राम निवास (अज)	12-1-43	10-12-63	2-9-86	1-3-82	1-8-82
✓ 20-	जसजत प्रसाद (अज)	12-7-42	15-5-69	2-9-86	1-8-82	1-3-82
✓ 21-	रामराम (अज)	11-3-42	11-3-87	3-86	1-8-82	1-6-82
22-	सुकेतकुमार (अज)	26-11-54	24-3-77	2-9-86	1-8-82	1-8-82
✓ 23-	गोविन्द प्रसाद (अज)	4-4-50	15-9-73	15-11-85	1-8-83	22-4-77
24-	अदिका प्रसाद मर्तल (अज)	1-2-52	7-3-78	23-3-87	1-8-82	30-7-61
25-	गाम जाल (अज)	2-1-50	30-11-76	5-5-88	26-2-86	मैरि
✓ 26-	दोऊलामकुमार (अज)		24-4-81	12-7-88	1-8-83	1-8-82
27-	विमल सिंह (अज)	23-2-56	8-4-81	12-7-88	31-7-86	
28-	मन्ना लाल (अज)	9-1-51	12-5-77	1-8-88	5-7-86	
29-	लक्ष्मण सिंह (अज)	2-7-55	13-5-78	1-8-88	29-5-86	
30-	दीपाकुमार (अज)	8-6-39	28-5-60	3-8-88	1-8-83	6-5-76
31-	दीपाकुमार पुत्र (अज)	27-7-53	24-11-77	1-3-88	7-6-85	1-8-82
32-	राम के लाल (अज)	12-7-53	25-4-77	11-8-88	1-8-82	1-6-82
33-	राम टेरी (अज)	25-6-56	2-10-88	11-8-88	1-8-82	1-8-82
34-	अम प्रसाद	1-7-40	11-4-61	9-3-89	1-8-83	
35-	दीपाकुमार प्रसाद	12-10-38	12-6-59	3-5-89	1-8-83	22-4-77

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संख्या

57-	सिद्धि धर्म (अर्थ)	27-1-52	26-7-73	20-1-91	1-0-51	21-1-60
58-	सिद्धि धर्म (अर्थ)	27-1-52	7-1-57	20-1-61	1-3-82	22-4-81
59-	सिद्धि धर्म (अर्थ)	1-1-59	15-3-60	20-1-91	25-6-90	1-1-73
60-	सिद्धि धर्म (अर्थ)	25-7-52	12-6-51	20-7-91	7-5-85	-
61-	सिद्धि धर्म (अर्थ)	13-1-42	15-8-53	22-7-91	14-2-95	1-0-85
62-	सिद्धि धर्म (अर्थ)	17-4-5	15-5-55	28-5-91	14-2-95	1-3-85
63-	सिद्धि धर्म (अर्थ)	15-1-59	24-1-59	15-7-91	14-2-95	1-0-85
64-	सिद्धि धर्म (अर्थ)	20-1-52	12-12-55	8-7-91	9-1-90	1-1-68
65-	सिद्धि धर्म (अर्थ)	5-9-40	14-5-83	10-7-91	3-1-2-87	1-0-80
66-	सिद्धि धर्म (अर्थ)	20-7-51	3-10-75	23-10-91	20-2-97	1-3-82
67-	सिद्धि धर्म (अर्थ)	20-1-45	22-1-52	15-1-92	25-2-95	1-0-85
68-	सिद्धि धर्म (अर्थ)	-	10-2-72	15-1-92	25-2-95	1-0-85
69-	सिद्धि धर्म (अर्थ)	5-1-59	5-2-59	15-1-92	1-10-95	6-7-97
70-	सिद्धि धर्म (अर्थ)	15-7-29	23-0-63	1-9-95	14-2-86	-
71-	सिद्धि धर्म (अर्थ)	15-8-20	21-7-86	21-4-92	11-8-96	1-0-83
72-	सिद्धि धर्म (अर्थ)	2-1-59	15-4-60	21-5-92	21-1-99	1-0-82
73-	सिद्धि धर्म (अर्थ)	17-1-45	15-2-55	15-5-92	21-1-95	1-3-85
74-	सिद्धि धर्म (अर्थ)	11-6-58	14-2-60	13-1-92	23-8-95	1-0-85
75-	सिद्धि धर्म (अर्थ)	20-1-59	25-7-77	24-8-92	1-3-92	13-2-80
76-	सिद्धि धर्म (अर्थ)	1-3-53	17-1-53	14-9-92	15-4-87	-
77-	सिद्धि धर्म (अर्थ)	1-3-50	14-9-73	1-3-93	15-4-87	1-3-83
78-	सिद्धि धर्म (अर्थ)	25-7-49	23-1-77	1-3-93	15-4-87	1-3-83
79-	सिद्धि धर्म (अर्थ)	31-6-53	25-9-74	14-9-92	15-4-87	1-3-83

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क्र.सं.	वर्ग	प्राप्त	प्रमाण	वर्ग	प्राप्त	प्रमाण	वर्ग	प्राप्त	प्रमाण
100	दीर्घा दीर्घा (अन्य)	1-1-56	12-1-62	1-3-93	2-5-68	1-0-05			
99	दीर्घा दीर्घा (अन्य)	1-1-52	17-10-74	1-3-93	9-2-83				
100	दीर्घा दीर्घा (अन्य)	21-7-43	20-10-75	1-3-93	9-2-83				
101	दीर्घा दीर्घा (अन्य)	1-3-52	4-1-70	1-3-93	1-0-08				
102	दीर्घा दीर्घा (अन्य)	20-7-30	1-6-59	1-3-93	0-12-03	1-0-02	दीर्घा दीर्घा		
103	दीर्घा दीर्घा (अन्य)	4-1-39	16-5-60	1-5-95	2-1-89	20-7-77	दीर्घा दीर्घा		
104	दीर्घा दीर्घा (अन्य)	10-1-55	16-3-60	1-5-95	12-2-09	10-12-78	दीर्घा दीर्घा		
105	दीर्घा दीर्घा (अन्य)	15-1-59	16-5-60	1-3-93	21-1-89	12-1-00			
106	दीर्घा दीर्घा (अन्य)	10-1-57	6-12-83	1-3-93	1-2-09	16-10-66	दीर्घा दीर्घा		
107	दीर्घा दीर्घा (अन्य)	0-0-57	2-1-84	1-3-95	12-3-89	10-10-66			
108	दीर्घा दीर्घा (अन्य)	1-7-70	23-12-59	1-3-93	10-4-89	1-0-02	दीर्घा दीर्घा		
109	दीर्घा दीर्घा (अन्य)	22-6-49	2-12-77	1-3-93	13-7-89	1-0-03			
110	दीर्घा दीर्घा (अन्य)	1-9-51	20-9-84	1-3-93	25-9-89				
111	दीर्घा दीर्घा (अन्य)	2-7-45	23-1-66	1-3-93	5-1-90	1-0-03			
112	दीर्घा दीर्घा (अन्य)	1-1-43	31-5-65	1-3-93	11-0-86	1-0-02	दीर्घा दीर्घा		
113	दीर्घा दीर्घा (अन्य)	14-4-74	1-1-74	1-3-93	12-7-83	1-0-02			
114	दीर्घा दीर्घा (अन्य)	1-4-30	20-5-60	1-3-93	9-1-90	1-0-02	दीर्घा दीर्घा		
115	दीर्घा दीर्घा (अन्य)	25-6-43	1-0-83	1-3-93	9-1-90	1-0-02			

दीर्घा दीर्घा

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115-	गणेश रत्न	1-7-59	2-12-59	1-3-93	9-1-90	1-8-92	रत्न रत्न
117-	गणेश रत्न (अन्य)	12-12-59	20-2-94	1-3-93	22-4-90	16-10-96	गणेश
118-	गणेश रत्न	9-7-59	22-7-63	1-3-93	21-2-90	4-1-97	"
119-	गणेश रत्न	2-1-43	26-9-65	1-3-93	22-7-90	27-11-78	"
120-	गणेश रत्न	20-1-47	13-12-63	1-3-93	21-2-90	27-11-79	"
121-	गणेश रत्न	6-5-42	23-9-63	1-3-93	3-11-90	15-2-79	"
122-	गणेश रत्न	20-2-44	23-9-63	1-3-93	7-5-90	1-5-79	"
123-	गणेश रत्न	2-2-41	4-4-64	1-3-93	7-5-90	1-4-60	"
124-	गणेश रत्न	25-11-41	25-9-63	1-3-93	7-5-90	17-10-79	गणेश
125-	गणेश रत्न	4-9-33	19-7-60	1-3-93	20-6-90	1-3-92	गणेश
126-	गणेश रत्न (अन्य)	7-1-50	6-4-61	1-3-93	20-6-90	1-3-92	"
127-	गणेश रत्न (अन्य)	12-10-54	5-1-61	1-3-93	20-6-90	1-3-92	"
128-	गणेश रत्न (अन्य)	2-5-51	5-1-61	1-3-93	20-6-90	1-3-92	"
129-	गणेश रत्न	4-6-39	22-7-61	1-3-93	16-1-91	1-3-92	"
130-	गणेश रत्न (अन्य)	23-9-57	7-4-61	1-3-93	20-9-90	1-3-92	"
131-	गणेश रत्न (अन्य)	21-2-45	18-12-70	1-3-93	20-9-90	1-3-92	"
132-	गणेश रत्न	10-5-59	4-12-59	1-3-93	23-11-90	1-3-92	"
133-	गणेश रत्न	1-4-30	3-12-59	1-3-93	5-9-90	1-3-92	"
134-	गणेश रत्न (अन्य)	1-7-41	9-10-71	1-3-93	1-3-82	1-3-92	"

(25)

संख्या:

135- कौशिकी विपरीत	रैली/सु. 5-9-	10-2-65	1-3-93	23-1-91	10-5-79	सातक
135- गंगा नदी तट	" 20-10-45	10-2-65	1-3-93	23-1-91	12-4-75	मैटिक
137- राम नदी तट	" 5-1-45	8-2-65	1-3-93	23-1-91	16-10-79	"
138- राम नदी तट	" 5-1-45	7-2-65	1-3-93	23-1-91	7-10-79	सातक
139- बर नदी तट	" 1-3-42	14-9-65	1-3-93	23-1-91	17-10-79	"
140- बर नदी तट	" 20-9-44	15-9-65	1-3-93	23-1-91	17-10-79	विधि सातक
141- गंगा नदी	" 22-1-44	20-1-65	1-3-93	23-1-91	17-10-79	सातक
142- राम नदी तट	" 5-2-42	11-1-65	1-3-93	23-1-91	17-10-79	"
143- गंगा नदी तट	" 15-1-41	21-6-65	1-3-93	27-2-91	18-8-3	"
144- गंगा नदी तट	" 13-6-45	5-7-65	1-3-93	27-2-91	18-8-3	"
145- राम नदी तट	" 13-7-42	30-1-2-65	1-3-93	4-3-91	18-8-3	सातक
146- बर नदी	" 4-7-44	7-6-5	1-3-93	14-9-1	18-8-3	"
147- बर नदी तट	" 2-1-44	10-7-65	1-3-93	11-4-91	18-8-3	"
148- राम नदी तट	" 1-3-44	15-9-65	1-3-93	27-2-91	18-8-3	"
149- राम नदी तट	" 3-2-44	21-9-65	1-3-93	22-4-91	18-8-3	"
150- राम नदी तट	" 20-5-44	5-11-65	1-3-93	25-3-91	18-8-3	"
151- राम नदी तट	" 5-8-50	10-6-65	1-3-93	19-7-91	18-8-3	सातक
152- राम नदी तट	" 10-7-39	4-10-65	1-3-93	10-9-1	18-8-3	"
153- राम नदी तट	" 14-50	13-6-60	1-3-93	4-6-91	18-8-3	"
154- राम नदी तट	" 21-1-42	16-3-63	1-3-93	29-9-91	18-8-3	"
155- राम नदी तट	" 15-7-42	4-10-63	1-3-93	16-9-91	18-8-3	"

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156-	RT 11111 RT 11111	14-1-39	15-1-62	15-1-77	15-1-91	15-1-93
157-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
158-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
159-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
160-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
161-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
162-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
163-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
164-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
165-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
166-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
167-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
168-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
169-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
170-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
171-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
172-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
173-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93
174-	RT 11111	14-1-39	15-1-62	15-1-93	15-1-91	15-1-93

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संदर्भ

176-	आठवां (अठारवां)	12-1-42	13-1-65	21-4-93	21-4-92	1-8-93	
177-	एक प्रथम संस्करण	15-2-43	3-1-65	21-4-93	21-4-92	1-8-93	
178-	समस्त संस्करण	9-1-41	1-8-63	21-4-93	21-4-92	1-8-93	
179-	संशोधन	1-1-42	23-9-63	3-2-95	8-10-92	1-8-93	संशोधन
180-	सुलभ संस्करण	21-6-43	1-8-12-63	16-10-93	8-10-92	1-8-93	संशोधन
181-	केपीएसजी (अठारवां)	22-1-41	1-8-11-60	28-10-93	29-10-92		
182-	विश्व प्रगति	1-5-42	1-8-93	25-11-93	25-11-92		
183-	महदेव विद्या	2-1-42	23-9-63	1-2-94	27-2-91	1-8-93	
184-	राज्यपाल सिंह	1-10-41	1-4-62	6-2-94	21-4-92		
185-	विजय बहादुर सिंह (अठारवां)	10-10-47	3-7-77	8-2-94	1-3-91	1-8-93	
186-	चंद्रिका प्रकाश	5-1-43	1-1-65	11-4-94	6-5-91	1-8-93	संशोधन
187-	क्यादीर जगद	17-5-43	12-1-65	11-4-94	20-10-92	17-10-79	
188-	मैत्री तस्वीर	17-1-39	13-4-59	11-4-94	6-5-91	3-5-92	संशोधन
189-	आठवां संस्करण	17-1-43	29-12-64	11-4-94	20-10-92	17-10-79	संशोधन
190-	दीपक संस्करण	16-10-42	10-2-65	11-4-94	20-10-92	17-10-79	संशोधन
191-	दलित संस्करण	15-7-43	20-5-64	11-4-94	20-10-92	17-10-79	संशोधन
192-	वीरेंद्र कुंवर	5-1-43	1-12-63	11-4-94	20-10-92	3-5-60	संशोधन
193-	आठवां संस्करण	9-6-45	21-1-65	16-10-94	8-10-92		
194-	सुंदर संस्करण	5-6-44	8-6-65	10-8-94	20-10-92	21-1-60	संशोधन
195-	सुंदर संस्करण	10-1-43	12-1-65	10-8-94	20-10-92	3-5-60	संशोधन
196-	शिव शंकर सिंह विद्या	5-3-43	10-12-63	10-8-94	3-1-2	3-5-60	

मैत्री

सर्वगी

197-	वीरिंद्र कुमार	रैवेरी/मार्ग 2	1-12-45	21-2-66	10-3-94	20-10-92	1-1-79	रामचन्द्र
198-	रामचण्डीजीवरस	,, मार्ग	15-8-41	31-1-63	4-11-94	28-4-92	1-8-62	,,
199-	रामचण्डीजीवरस	,,	4-2-44	7-1-65	4-11-94	4-11-92	1-8-82	,,
200-	रामचण्डीजीवरस(अन्य)	,, मार्ग	3-1-45	22-4-55	1-3-95	1-3-93	1-8-82	हरिहर
201-	राम प्रवेश मिश्र	,,	1-1-39	14-5-62	1-3-95	1-3-93	1-8-83	हरिहर
202-	रामचण्डीजीवरस	,,	3-5-44	1-7-65	1-3-95	1-3-93	1-8-83	,,
203-	नर लाल सिंह	,,	3-1-39	29-12-61	1-3-95	1-3-93	1-8-83	,,
204-	पीठ रामचण्डीजीवरस	,,	1-1-43	1-6-7-63	1-3-95	1-3-93	1-8-83	,,
205-	मन मोहन श्री 0	,,	1-9-41	11-2-63	1-3-95	1-3-93	1-8-83	हरिहर
206-	के०के०सिंह	,,	1-7-59	23-10-62	1-3-95	1-3-93	1-8-83	,,
207-	आर०पी०पन्थेय	,,	2-2-42	1-8-63	1-3-95	1-3-93	1-8-83	हरिहर
208-	लाल 0 पी० मैथी	,,	15-11-41	25-9-65	1-3-95	1-3-93	1-8-83	रामचण्डी
209-	रामचण्डीजीवरस(अन्य)	,,	5-3-57	1-1-60	1-3-95	1-3-93	1-8-83	हरिहर
210-	रामचण्डीजीवरस(अन्य)	,,	10-10-58	25-3-61	1-3-95	1-3-93	1-8-83	रामचण्डी
211-	आर०वी०वर्मा	,,	1-1-42	10-3-63	1-3-95	1-3-93	1-8-83	हरिहर
212-	के०के०पन्थेय	,,	10-2-42	10-2-62	1-3-95	1-3-93	1-8-83	हरिहर
213-	जयदेव चंद पन्थेय	,,	1-7-45	1-6-7-64	1-3-95	1-3-93	1-8-83	हरिहर
214-	रामचण्डीजीवरस	,,	1-2-42	19-1-63	1-3-95	1-3-93	1-8-83	रामचण्डी
215-	रामचण्डीजीवरस	,,	5-6-45	6-5-65	1-3-95	1-3-93	1-8-83	,,
216-	रामचण्डीजीवरस	,,	12-12-43	8-6-65	1-3-95	1-3-93	1-8-83	हरिहर

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237-	समोपनिष	सदनी/मन. 7-7-45	23-1-75	1-3-95	1-3-93	1-8-03	समोपनिष
238-	सुदामा राम(अज)	" " 20-6-51	27-9-04	1-3-95	1-3-93	23-12-03	"
239-	आपणोनिम	" सुदामा 5-0-44	4-10-63	23-3-95	1-3-93	"	"
240-	अनिवस त्रिगो	" " 20-10-44	21-1-65	20-5-95	22-10-92	1-8-03	"
241-	जगदीश सिंह विसेन	" " 1-1-43	27-1-65	29-3-95	22-10-92	1-8-03	"
242-	इती लल	" " 12-3-38	27-1-59	29-3-95	5-11-92	1-8-03	"
243-	अदिक कुसिंह	" " 1-7-44	16-9-65	29-3-95	22-10-92	1-8-03	"
244-	राम शेखर मिश्र	" " 1-1-41	16-9-65	29-3-95	9-2-93	1-8-03	"
245-	राम मराम पठक	" " 2-5-40	15-9-65	29-3-95	9-2-93	1-8-03	"
246-	राम भाले राम(अज)	" " 20-7-54	14-4-77	29-3-95	9-2-93	1-8-03	"
247-	विश्वरत्न(अज)	" " 1-7-52	20-8-76	29-3-95	9-2-93	1-8-03	"
248-	वर्दीशत केस	" " 7-12-44	16-9-65	29-3-95	1-3-93	1-8-03	"
249-	राम कुसिंह	" " 8-8-43	25-1-65	29-3-95	1-3-93	1-8-03	"
250-	गणेश लाल	" " 25-1-45	25-1-65	29-3-95	1-3-93	1-8-03	"
251-	कलक कुमर	" " 17-1-43	25-1-65	29-3-95	1-3-93	1-8-03	"
252-	राम चन्द्र शर्मा	" " 13-11-53	16-1-66	29-3-95	1-3-93	1-8-03	"
253-	समोपनिषदी	" " 31-0-39	26-2-66	29-3-95	1-3-93	1-8-03	"
254-	महेश्वर प्रो सिंह	" " 20-7-40	15-12-66	29-3-95	1-3-93	1-8-03	"
255-	सोपनिष रत्न	" " 27-4-43	16-12-66	29-3-95	1-3-93	1-8-03	"
256-	प्रियमल सिंह	" " 24-1-41	14-12-66	29-3-95	1-3-93	1-8-03	"
257-	राम विजयन	" " 17-2-43	11-6-65	29-3-95	1-8-93	1-8-03	"

सदनी

पुर्वोत्तर रेलवे.

Annexure No. MRA-3

क्र. 5/254/4/9-1/एसएस/भाग-1/3:

महानगर रेल पुर्वोत्तर रेलवे,

मिशनर, वाराणसी, सोनपुर, समस्तीपुर, दूजतनगर

कार्यालय,

महापुर्वोत्तर रेलवे कार्यालय

दिनांक : 8. 96

विषय :- स्टेसन अधीक्षक वेतनमान 2375-3500 के चयन के सम्बन्ध में ।

मुख्यालय नियंत्रित स्टेसन अधीक्षक वेतनमान 2375-3500 के 36 पदों को भरने हेतु नामिका बनाने के लिए चयन सम्पन्न कराने का निर्णय लिया गया है । यह सभी पद सामान्य अभ्यर्थियों से भरा जाना है । आरक्षण कोटा पूरा है, इसलिए इन रिक्तियों के विरुद्ध जो अजवाब/अजवाब वेमा 2000-3200 के कर्मचारी पात्र होंगे सामान्य अभ्यर्थी के रूप में बुलाये जा रहे हैं । अभ्यर्थियों की वरीयता क्रम में सूची संलग्न की जा रही है । उक्त चयन की लिखित परीक्षा दि. 31. 8. 96 को तथा अल्पस्थित लिखित परीक्षा 7. 9. 96 को 10-30 बजे मुख्य परीक्षा महापुर्वोत्तर रेलवे कार्यालय, गोरखपुर में निश्चित की गयी है । मौखिक परीक्षा की तिथि बाद में सूचित की जायेगी ।

कृपया सम्बन्धित कर्मचारियों को सूचित कर दिया जाये कि वे समय से उक्त तिथि के मु.पु.वे.मा. कार्यालय गोरखपुर में अपने लेखन सामग्री के साथ लिखित परीक्षा के लिए रिपोर्ट करें । उनको केवल उत्तरपुस्तिकाएँ ही उपलब्ध करायी जायेगी ।

अगर कोई अभ्यर्थी अवकाश पर हो तो उनके दिये गये पते पर सूचित किया जाये । पत्र के साथ पावती का निर्धारित प्रोफार्म भेजा जा रहा है जिसे अभ्यर्थियों से पूर्ति कराकर इस कार्यालय में दि. 20. 8. 96 तक अवश्य भेजें । यदि अभ्यर्थियों का चयन के लिए स्वीकृत/अस्वीकृत उल्लिखित तिथि तक नहीं मिलती है तो यह समझा जायेगा कि वह उपरोक्त चयन में बैठना नहीं चाहते हैं और उन्हें पुनः परीक्षा में बैठने का अवसर नहीं दिया जायेगा । यहाँ कि परिस्थिति उनके निष्काशन के बाहर है । परीक्षा में बैठने के लिए कर्मचारियों को अवकाश प्रदान किया जाये ।

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कृपया सम्बन्धित कर्मचारियों को पिछले तीन वर्षों की गोपनीय रपट, कार्याधीन/गोपनीय मुकाबला कार्यालय को जारी कर दें। इसके विरुद्ध पेन्डिंग एसओपीआई/विजिलेंस/डीओएओआर केस की सूचना यदि कोई हो तो भी दें। परीक्षा का पाठ्यक्रम संलग्न है जिसे अभ्यर्थियों को ध्यान दे लिया जाए।

सं०/सहायक

EO

एसओपीआई/विजिलेंस/डीओएओआर केस की सूचना

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- मंडल रेल प्रबन्धक परिचायक पृ०३०रेलवे, सोनपुर, समस्तीपुर, लखनऊ, वाराणसी
- 2- कार्याधीन/गोपनीय, मुकाबला कार्यालय, गोरखापुर - कृपया संबंधित कर्मचारियों की गोपनीय रिपोर्ट चयन समिति के समक्ष रखने हेतु तैयार रखें।
- 3- गोपनीय सहायक, मु०प०प० कार्यालय, गोरखापुर - कृपया कर्मचारियों की विज्ञप्ति प्रतिलिपि स्थापना; संतर्जता अनुशासनात्मक कार्यवाही के मामले सम्बन्धी विवरण चयन समिति के समक्ष रखने हेतु तैयार रखें।
- 4- सचिव, मु०प०, गोरखापुर - कृपया कर्मचारियों को लिखित परीक्षा में बैठने हेतु स्थान की व्यवस्था करें तथा एक वरराशि एक पानीवाला की उक्त चयन के समय व्यवस्था करें तथा यह सुनिश्चित करें कि सभी कर्मचारियों को समय से सूचित कर दी जाये।

कृते महाप्रबन्धक कार्यालय

सं०- ई/11/254/स्टेडी/2000-3200 भाग-111 दि० 1.8.96

प्रतिलिपि सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रस्तुत :-

- 1- व०म०परि०प०/लखनऊ।
- 2- स्टे०प०/स्टेडी/कमलापुर, हरगोविंद, पूर्वांग, लखनऊ, कानपुर, अनवरगंज, बस्ती, मऊ, तहसील फतेहपुर, नानपारा, बिरौली, भारीखोरी, मैलानी, लखीमपुर, गौडा, कचहरा, बलरामपुर, नानपारा, उत्तकावाजार, अटरिया, मिहिरपुरवा, लहजेनवा, सिधौली, जयदा, गौहरतंग।
- 3- युतायात निरी०/लखनऊ, सीतापुर, लखीमपुर, मैलानी, बहराइच, गोण्डा, लखनऊ, गोरखापुर, आनन्दनगर, मनकापुर।
- 4- सेकडिया साक्षी कार्यालय/गोरखापुर।
- 5- कार्याधीन/गोपनीय सहायक- कृपया लखनऊ मंडल के स्टेडी का गोपनीय रिपोर्ट एवं एसपीआई/विजिलेंस एवं डीओएओआर केस अतिरिक्त मुहापुबन्धक का० गोरखापुर को भिजवाने की व्यवस्था करें।
- 6- म०प०परि०प०/लखनऊ/गोरखापुर।
- 7- म०प०परि०प०/लखनऊ/गोरखापुर।
- 8- म०प०परि०प०/लखनऊ/गोरखापुर।
- 9- म०प०परि०प०/लखनऊ/गोरखापुर।
- 10- म०प०परि०प०/लखनऊ/गोरखापुर।
- 11- म०प०परि०प०/लखनऊ/गोरखापुर।

कृते मंडल रेल प्रबन्धक कार्यालय लखनऊ।

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(2)

स्टेशन अधीनस्थ वेतनमान 2375-3500 के पद के लिए ध्यन हेतु पात्र अभ्यर्थियों की सूची

क्र.सं.	कर्मचारी का नाम	पद एवं वेतनमान	कार्यस्थान
<u>स्वीट्नी</u>			
1-	जमुना प्रसाद {अ0ज0जा0}	स्टेशनी 2000-3200	लखनऊ
2-	प्रेतन {अ0जा0}	" "	लखनऊ
3-	एच0एत0हेमरम {अ. जा. जा. }	" "	लखनऊ
4-	पन्ना लाल {अ. जा. }	" "	लखनऊ
5-	राम दासन {अ. जा. }	" "	लखनऊ
6-	राम निवास {अ. जा. }	" "	लखनऊ
7-	जलेश्वर प्रसाद {अ. जा. }	" "	लखनऊ
8-	रामप्रसाद {अ0जा0}	" "	लखनऊ
9-	ए0के0कर {अ0ज0जा0}	" "	लखनऊ
10-	एत0के0डालको {अ0ज0जा0}	" "	लखनऊ
11-	एलर टेटे {अ0ज0जा0}	" "	लखनऊ
12-	राम मूर्ति {अ0जा0}	" "	लखनऊ
13-	शक्ति राम {अ0जा0}	" "	लखनऊ
14-	के0एल0राम {अ0जा0}	" "	लखनऊ
15-	राम लाल {अ0जा0}	" "	लखनऊ
16-	श्याम लाल {अ0जा0}	" "	लखनऊ
17-	इन्दर प्रसाद {अ0जा0}	" "	लखनऊ
18-	ज्ञान प्रकाश {अ0जा0}	" "	लखनऊ
19-	तुलसीराम {अ0जा0}	" "	लखनऊ
20-	श्रीगोपालकृष्ण {अ0जा0}	" "	लखनऊ
21-	टी0रन0मिश्रा	" "	लखनऊ
22-	अवेदुल्लाह	उप मुख्य वर्ड मास्टर	लखनऊ
23-	बी0एन0 सिंह	" "	लखनऊ
24-	श्री प्रसाद {अ0जा0}	" "	लखनऊ
25-	मो0 हनीफ	" "	लखनऊ

Immediate No. MPA-4

The decision taken by Government of Punjab on the judgment of Supreme Court in Ajit Singh Januja's V/s. State of Punjab.

"In Ajit Singh Januja and others Vs. State of Punjab and Others (Civil Appeal No. 3792-3794 of 1989) (Reported as 1996(2) Judgment today S.C. 727). Their Lordship of the Apex Court had observed as under :-

"We respectfully concur with the views in Union of India Vs. Virpal Singh Chauhan (Supra) that seniority between the reserved category candidates and the general category candidates in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter-se-seniority in lower grade."

The concluding para of the judgment reads as under:-

"Now the case of the appellant and other similarly situated should be considered in the light of this judgment, we are not inclined to examine individual grievances and to work out the effect of the view expressed by us. That shall be done by the State Government.

It is, therefore, clear that the judgment in Ajit Singh Januja's case is to be implemented with retrospective effect. Hence, keeping in view the facts and circumstances of each case and the policy of reservation enunciated in Ajit Singh Januja and others (Supra) the panel position with reference to their inter-se-seniority in the lower grade is to be identified by the Administrative Department."

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
L.A. NO.

IN

CIVIL APPEAL NO. 4763-65 OF 1989

In the matter of:

Harbhajan Singh and Ors.

Petitioners/Appellants

versus

State of Punjab and Others

Respondents

APPLICATION FOR DIRECTION AND CLARIFICATION
OF JUDGMENT AND ORDER DATED 1.3.1996.

To:
The Hon'ble Chief Justice and
His Companion Justices of the
Hon'ble Supreme Court of India

The humble petition of the petitioner abovenamed.

MOST RESPECTFULLY SHOWETH.

1 The Respondents / Applicants are filing the present Application praying inter-alia for directions and clarification of this Hon'ble Courts Order, dated 1.3.1996 passed in Civil Appeal No. 4763-65 of 1989 arising out of judgment and order dated 23.8.1989 passed by the High Court of Punjab and Haryana in CWP No. 7806-07 of 1987 and CWP No. 2189 of 1988.

2 The Applicants submit that this Hon'ble Court vide judgment and order dated 1.3.1996 has allowed the Appeal of the Appellants. That this Hon'ble Court while allowing the said appeal has held as below:

"We respectfully concur with the view in Union of India Vs. Virpal Singh Chauhan (Supra) that seniority between the reserved category candidates and general candidates in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter se seniority in the lower grade. The rule of reservation gives accelerated promotion, but it does not give the accelerated 'consequential seniority'. If a scheduled caste/scheduled Tribe candidate is promoted earlier because of the rule of reservation / roster and his senior belonging to the general category candidate is promoted later to that higher grade the general category candidate shall regain his seniority over such earlier promoted scheduled caste/Tribe candidate. As already pointed out above that when a scheduled caste/tribe candidate is promoted earlier by applying the rule of reservation / roster against a post reserved for such scheduled caste / Tribe candidate, in this process he does not supersede his seniors belonging to the general category. In this process there was no occasion to examine the merit such scheduled caste/tribe candidate

vis-a-vis his seniors belonging to the general category. As such it will be only rational, just and proper to hold that when the general category candidate is promoted later from the lower grade to the higher grade, he will be considered senior to a candidate belonging to the scheduled caste / Tribe who had been given accelerated promotion against the post reserved for him whenever a question arises for filling up a post reserved for scheduled caste / tribe candidate in still higher grade then such candidate belonging to scheduled caste / tribe shall be promoted first but when the consideration is in respect for promotion against the general category post in still higher grade then the general category candidate who has been promoted later shall be considered senior and his case shall be considered first for promotion applying either principle of seniority cum merit or merit cum seniority. If this rule and procedure is not applied then result will be that majority of the posts in the higher grade shall be held at one stage by persons who have not only entered in service on basis of reservation and roster but have excluded the general category candidates from being promoted to the posts reserved for general category candidates merely on the ground of their initial accelerated promotions. This will not be consistent with the requirement or the spirit of Article 16(4) of Article 335 of the constitution."

That this Hon'ble Court after holding as above has further directed as follows :

"Accordingly, the Appeals are allowed and that part of the Judgment of the Full Bench in the case of Jaswant Singh Vs. The Secretary to Govt. of Punjab (Supra) is reversed. Now the case of the appellants and others similarly situated should be considered in the light of this judgment. We are not inclined to examine individual grievances and to work out the effect of the views expressed by us. That shall be done by the State Government."

3 The Applicants submit that the observation of this Hon'ble Court "the case of the Appellants and others judgment", is being understood by the state Authorities as judgment. The Applicant have reasons to believe that the State Government while implementing the direction of this Hon'ble Court will revert a large number of Scheduled caste Applicants who had been promoted on the basis of seniority cum merit on the higher grade against general category post. The Applicant respectfully submits that such reversion will cause untold hardship and frustration as not only will the Applicants lose between 11 to 21 years of service and seniority, but also will be liable for recovery of differential higher amounts salary paid to the Applicants in the Higher Grade. The said recovery from the Applicants would vary from Rs. 75,000.00 to Rs. 1,50,000.00 depending upon the loss of years of service. It is submitted that some of the Applicants who have since been promoted to the higher grades of Superintendent, Under Secretary and Dy Secretary, are likely to be reverted to the post of Assistant / Superintendent in the event of implementation of the decision of this Hon'ble Court with retrospective effect.

Annexed here to and marked as Annexure-F is copy of a statements showing loss of seniority and years of service in the event of reversions of the Applicants dated nil.

4 The Applicants respectfully submit that the decision of this Hon'ble Court be implemented with prospective effect, with a view to obviate the untold hardship, frustration, financial loss that would be caused to the Applicants. It is submitted that most of Appellants in the subject Appeal have since retired from service. Thus no prejudice will be caused to any party if the said decision made applicable prospectively.

5 The Applicants submit that a Constitution Bench of this Hon'ble Court cases relating to reservation policy have directed that the decisions rendered therein be implemented prospectively with a view to obviate hardship, frustration and heart burning between the parties. That in the case of Indra Sawhney Vs. Union of India (1992) Supp. (3) SCC 217 this Hon'ble Court was pleased to direct as follows :

"Para 860(8):

Reservation of appointments on posts under Article 16 (4) is confined to initial appointment only and cannot extend to providing reservation in the matter of promotion. We direct that our decision on this question shall operate only prospectively and shall not affect promotions already made, whether on temporary, officiating or regular / permanent basis."

6 That subsequently thereafter a Constitution Bench of this Hon'ble Court in the case of R.K. Sabharwal Vs. State of Punjab (1995 [2] SCC 745), while giving directions on the working of the Roster for purpose of reservation and upholding the promotions of members of backward class on the basis of seniority cum merit, directed inter-alia as below:

"The fact that considerable number of members backward class have been appointed / promoted against general seats in the State services may be a relevant factor for the State Govt. to review the question of continuing reservation for the said class but so long as the instructions rules providing certain percentage of reservations for the backward classes are operative the same have to be followed. Despite any number of appointees/promotees belong to backward classes against general category posts, the given percentage has to be provided in addition.

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We however, direct that the interpretation given by us to the working of the roster and our findings on this point shall be operative prospectively.

7. Once again this Hon'ble Court, while adjudicating rights between the members of general category and reserved category in the case of Union of India Vs. Virpal Singh Chauhan (1995 (6) SCC 684), this Hon'ble Court observed that it may not be advisable to review and redo the promotion after such a lapse of time. Hence this Hon'ble Court once again directed implementation of the said decision with prospective effect. That this Hon'ble Court in the case of Virpal Singh Chauhan observed as below:

"Para 33.....

According to them, the representation of the reserved categories in Guard Grade 'A' special has reached 40 percent as against the prescribed 22.5 percent. It is not possible for us to say, on the material before us, how the said situation has come about. It may be partly because the rule now enunciated in R.K. Sabharwal was not there and was not being followed. It may also be that such a result has been brought about by a combined operation of the factors mentioned in (i) and (ii) above. The fact remains that the situation assuming that it is what is described by the general candidates cannot be rectified with retrospective effect now. The Constitution Bench in R.K. Sabharwal too has directed that the rule enunciated therein shall have only prospective operation. So far as the present appeals are concerned, it is sufficient to direct that the Railway authorities shall hereinafter follow Rules (i), (ii) and (iii) (stated in para 29) with effect from the date of judgment in R. K. Sabharwal, i.e. 10.2.1995.

Para 45

----- Because of the breach of these three rules, it appears the unusual situation complained of by the general candidates has come to pass. The learned counsel for the general candidates is right that such a situation is bound to acute heart burning among the general candidates which is not conducive to the efficiency of administration, but be that as it may, the question is, can the said situation be rectified. Probably not, until we direct all the promotions to be reviewed and redone. This may not be advisable at this distance of time. The enormity of the exercise should deter anyone from launching upon such a course. It is evidently for this reason that the Constitution Bench has directed in R. K. Sabharwal that the rule affirmed by them should be applied only prospectively."

8. The Applicant submits that while applying the directions of the Constitution Bench in the case of R.K. Subharwal Vs. State of Punjab, this Hon'ble Court in the case of Sardool Singhi and Ors. Vs. State of Punjab and Ors. (SLP [C] No. 4017 of 1979), once again directed that the principles laid down in the case of R.K. Subharwal have to be governed as per the impugned judgment of the High Court, thus applying the ratio of the Judgment prospectively.

Annexed hereto and marked as Annexure II is a copy of Order dated 23.11.1995 passed by this Hon'ble Court.

9. The Applicants submit that the Govt. of Punjab has since finalised the seniority list of its employees of the Office of Financial Commissioner's Secretariat, Punjab. In the said seniority list prepared, the Applicants have been assigned their Seniority position in their respective cadres. If the said list is now amended, and the decision of this Hon'ble Court dated 1.3.1996 applied retrospectively, the Applicants will stand to be reverted to one to two cadres below their present position/ cadre. The Seniority of the Applicants will go down by atleast 100 steps. The Applicants will probably not have a chance for the next promotion in their entire remaining service career.

Annexed hereto and marked as Annexure -III is copy of Seniority List 11th September 1995.

10. The Applicants submit that having learnt from reliable sources that the Government is taking steps to revert the Applicants, the Applicants have filed their representations to the Government of Punjab.

Annexed here to and marked as Annexure - IV (Colly) is a copy of representation dated 13.3.1996.

11. It is also relevant to point out that the Appellants, in whose favour the decision dated 1.3.1996 has been rendered have since retired from service after getting due promotions and benefits. Thus no prejudice will be caused if the decision of this Hon'ble Court is implemented prospectively. Prospective implementation of the decision will also be in consonance with the Directions of this Hon'ble Court in other similar matters pertaining to reservation. That it would be equitable and in the interest of Justice that the decision is given prospective operation and the present status of the applicants is protected.

12. It is respectfully submitted that the decision of this Hon'ble court has far reaching consequences and has to be implemented all over the country. In the event the same is applied retrospectively, a large number of accrued rights will be disturbed thus causing serious hardship, inequity and heart burning amongst the employees. It would therefore be just and proper that the decision be made applicable with prospective operation.

13. In the premises it is most respectfully prayed that this Hon'ble Court may be pleased to:

A. Clarify that Judgment and Order dated 1.3.96 passed by this Hon'ble Court in Civil Appeal No.4763-65 of 1989, to the extent that the said decision of this Hon'ble court is prospective in operation.

B. Pass appropriate directions to the State of Punjab not to revert the members of the Scheduled Casts who have been promoted pending hearing the present appeals, on the basis of accelerated seniority and merit.

C. Pass such other and further Orders as may be deemed fit and proper in the facts of the present case AND FOR THIS ACT OF KINDNESS THE APPLICANTS AS IN DUTY BOUND SHALL EVER PRAY

Dated : 3.4.96 Drawn and Filed by
Place New Delhi
MEENAKSHI ARORA
Advocate for the Applicants

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA NO: 13-15 IN Civil Appeal No. 4703-65/89

SHRI HARBJAJAN SINGH AND ANR.

Appellant (s)

VERSUS

STATE OF PUNJAB AND ORS.

Respondent(s)

(With Appln(s) for directions/clarification)

Date : 02.05.96 This Petition was called on for hearing today.

CORAM :

Hon'ble Mr. Justice,
Hon'ble Mr. Justice

J.C. VERMA
K.VENKATASWAMI

For Applicant (s)

Mr. D. Dave, Sr. Adv.
Ms. Mennakshi Arora, Adv.

For the appellant non applicant :

Dr. Rajiv Dhawan, Sr. Adv.
Mr. R.K. Garg and Mr. ND Garg, Advys.

For the other side

Mr. G.K. Bansal, Sanjay Parikh, Advys.

UPON hearing counsel the Court made the following

ORDER

No clarification of the Judgment is necessary.
I.A.No. 13-15 are therefore dismissed.

(Madhu Arora)
COURT MASTER

(M.L. Grover)
Asstt. Registrar

14-8-97
Date of Entry
Date of Receipt by

Before the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

M. P. No. 1812 of 1997. (35)

In re:

O. A. No. 433 of 1990.

--

All India Station Masters
Association and others.

-----Applicants

Versus

Union of India & others.

-----Respondents

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Application for Interim Orders.

The humble applicants most respectfully
submit as under :-

1. That the applicants filed M.P. Application in the aforesaid case on 25.1.1997 for interim order. The case was missing, hence the said M.P. No. 1857/97 could not be disposed off. Now the case has been re-casted but due to non-availability of Bench, the case has been listed on 23.7.1997.
2. That the respondent No.3 made a Notification to conduct the selection for the post of Station Superintendent, scale Rs.2375-3500 (HPS) vide letter

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No.E/254/4/9-1/SS/PL-II/31 dated .8.1996.

The selection was going to be held for the post earmarked to General candidates but the list enclosed with the said Notification indicates that out of 25 candidates, 21 belong to Scheduled Caste and Scheduled Tribes. It appears that the seniority list was not published in accordance with the judgment and order in case of Veer Pal Singh Chauhan and others Vs. Union of India and others. The General candidates were entitled to get their seniority over and above the candidates got accelerated promotions through reservation or Roster system as held by the Hon'ble Supreme Court in case of Ajit Singh Juneja and others Vs. State of Punjab and others; (1996) 33 ATC 239.

3. That the written test was conducted on the schedule dates but the same was cancelled due to procedural irregularities. Further a Notification made vide letter No.E/11/210/SS/2375-350 dated 18.4.1997 for written test on 27.4.1997. According to schedule programme, the written test has been conducted on 27.4.1997 but the result of the same has not been published. Thus, the viva-voce test could not be conducted. A photostat copy of the Notification dated 18.4.1997 is enclosed as Annexure No.MPA-1.

4. That some of the members of All India Station Masters Association and are working as Station Superintendent, scale Rs.2000-3200 (RPS) made a

representation in the month of March, 1997, as they belong to General category and were not called to appear in the written test for promotion as Station Superintendent in scale Rs. 2375-3500 (RPS). These representations were submitted prior to issue of Notification dated 18.4.1997 but these representations are still lying undisposed off. Photostat copies of the representation are enclosed as Annexures No. MPA-2 to MPA-5.

5. That as far Notification dated 18.4.1997, the written test has been conducted on 27.4.1997 but the result of the same has not been notified. The result of written test may be notified at any time and the successful candidates may be called for vive-voce test without ~~going~~ giving more time.

6. That in case the result will finalize for promotion as Station Superintendent, scale Rs. 2375-3500 (RPS), the applicants will suffer irreparable loss and they will never be promoted in scale Rs. 2375-3500 (RPS), which reflect in old age pension and other retiring benefits.

7. That in the representation as mentioned in supra para, the applicants requested that the seniority of SC/ST Officers promoted earlier vis-a-vis General candidates promoted later be prepared a fresh and the names of General candidates placed above the SC/ST employees in terms of Hon'ble Supreme Court decision in case of Ajit

Singh Januja and others Vs. Union of India
and others (1996) 3 ATC 239.

8. That in terms of the judgment and order of the Hon'ble Supreme Court, in case of Ajit Singh Januja, a Notification has been made by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training vide letter No.20011/1/96-Estt.(D) dated 30th January, 1997, on the subject of seniority of SC/ST Officers promoted earlier vis-a-vis General candidate promoted later. Photostat copy of the said Notification is enclosed as Annexure No.MPA-6 to this application.

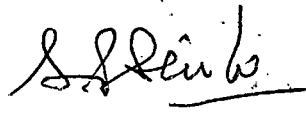
9. That the written test conducted on 27.4.97 for promotion to the post of Station Superintendent scale Rs.2375-3500 (RPS) is illegal and void and violate the principle of natural justice in the light of Notification of Government of India and the judgment and order of the Hon'ble Supreme Court in Ajit Singh Januja's case, in case the fresh seniority list is not published.

- P r a y e r -

Therefore, the applicants pray for the following interim relief before finalization of the selection proceedings for promotion as Station Superintendent, scale Rs.2375-3500 (RPS):-

- (a) The Hon'ble Tribunal may graciously be pleased to issue direction to the respondents to dispose off the representations before finalization of selection proceedings;
- (b) The Hon'ble Tribunal may graciously be pleased to issue further directions to prepare the seniority list of Station Superintendent in scale Rs. 1600-2660 and Rs. 2000-3200(RPS) afresh in view of the Notification of the Government of India and judgment and order of the Hon'ble Supreme Court in case of Ajit Singh Januja and others;
- (c) The respondents may also be directed to cancel the proceedings of the selection for promotion as Station Superintendent, scale Rs. 2375-3500 (RPS) till the preparation and publication of fresh seniority list.

Lucknow, dated,
.7.1997


(S. P. Sinha)
Advocate
Counsel for the Applicants.

Phil
Annie
Samuel
Ma

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6. राग यश	(अनु०जाति), स्टेडी (2000 - 3200)	विसर्वा
7. श्री ए०के० कृष्ण	(अ०ज०जाति) "	भीरा खीरी
8. श्री ए०के० खन्को	(अ०ज०जाति) स्टेडी "	लखी मपुर
9. श्री एल्टर डेटे०	(अनु०जन०जाति) स्टेडी "	मैलानी
10. श्री राम मूर्ति	(अनु० जन०जाति) "	गोण्डा
11. श्री शंकर राम	(अनु०जाति) "	बलरागपुर
12. श्री के०एन०राम	(अनु०जाति) "	नानपारा
13. श्री राम लाल	(अनु०जाति) "	अटारिया
14. श्री श्याम लाल	(अनु०जाति) "	लखी मपुर
15. श्री इन्डर प्रसाद	(अनु० जाति) "	गिहिन पुरवा
16. श्री ज्ञान प्रकाश	(अनु०जाति) "	सहजनवा
17. श्री तुलसी राम	(अनु०जाति) "	सिधौजी
18. श्री के०लेन्द्र कुमार	(अनु०जाति) "	शोहरावा
19. श्री उद्दे उस्ताह	म मुख्य याई गास्टर	सी०ओ०ए०अ०फिफा
20. श्री बी०एन० सिंह	"	गोरखपुर
21. श्री पत्री प्रसाद	(अनु०जाति) "	गोरखपुर कारखाना
22. श्री गो० हनीक	"	सी०ओ०ए०अ०फिफा
		गोरखपुर

प्रतिलिपि:- मुख्य गाड़ी नियंत्रक, लखनऊ कन्ट्रोल कृपया कन्ट्रोल से भी स्टेशन अधीक्षक को सूचना दें।

21/1/14

कृते गंडल रेल प्रबंधक (का०)/लखनऊ

गल/न० १११/११ २१/१

Phobal
Attali
Shri

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SYLLABUS FOR DIVISION OF STATION SUPDT. (2375-3500)

I. TRAFFIC :

- (a) Train Crossing principles. GR Page no 98 but 14 to 16
- (b) Special instructions during abnormal conditions of working such as during emergencies like cyclone, Civil disturbances etc. GR Page no 9, SR 2.11, (CS 5)
- (c) 1) Working of trains and responsibilities of station Master when control is interrupted.
- 11) Functions of Control during accidents. *See Demand Page no 42.*
- (d) Daily performance- reporting from Station/ Yards/ Sheds to Area Sub-Control, Area/Sub-Control to Divisional Control to Zonal Control and from Zonal Control to Railway Board.
- (e) Factors affecting Engine performance and Engine utilization and methods of improvement.

II GOODS TRAINS OPERATIONS :

- (a) Working of Marshalling Yards and Transshipment points.
- (b) Causes of Yard and Section Congestion and remedial strategies.
- (c) All India Marshalling order and Railway wise Marshalling orders - principles and procedures.
- (d) Formation of through, shunting and smalls quick Transit (SQT) trains.
- (e) Rules regarding carriage of Explosives and other General Goods.
- (f) Indent, Allotment and Supply of Goods stock at stations.
- (g) Priority schedule.
- (h) Imposition of operating restrictions of wagon loading and acceptance of wagon indents.
- (i) Observance of Civil ban and carriage of contraband goods etc.
- (k) Wagon utilisation :
Factors effecting optimum utilisation of the wagon fleet and methods of improvement.
 - (1) Running of Unit trains and formation of captive rakes.
 - (2) Block train operations. *By Ryt full Loading (under sh)* *By Private Party complete rake train*
 - (3) Nominated day loading. ✓

(4) Rationalisation Scheme of movement of goods traffic for avoiding congestion by specific routes at specified stations. Rly Act Sec 6

(5) Rationalisation of booking and destination points and

ENGINE UTILISATION - FACTORS REQUIRING SPECIAL ATTENTION :

(1) Supervision of Control over movement of special Type of stock, CDC consignments.

(m) Specialised movements :-
Oil tanks, Vegetable Oil Tanks Acid Tanks, LFG tanks
PFRs etc.

(n) Sicklines and TXR repair depots and their functions.

(o) Supply of coaches/wagons to C&W shops for POH and special repairs.

(p) Working of Travelling Traffic cranes for handling heavy consignments at Intermediate stations. (15)

(q) Detaching of sick wagons at enroute stations and their repair and clearance.

(r) Inter-change transactions. Junction returns of inter Railway inter change traffic.

III CREW SCHEDULING & 10 HOURS RULE :

(a) Engine Crew and Train Crew Scheduled.

(b) Rules regarding out-station and home station rest etc.

(c) Supervision at station/shed level and in Central Office to ensure observance of 10 hour rule.

IV OPERATION STATISTICS : Circular No 11

(a) Definition, meaning and method of compilation of the fundamental and derived units.

(d) Analysis of the operating statistics.

(c) Important operation efficiency indices, their meaning and uses.

V. WORKING OF TRAINS GENERALLY & GENERAL & SUBSIDIARY RULES :

(a) Responsibility and function of Engine crew before starting and while of run.

(b) Responsibility and function of Guard/Asstt. Guard before starting and while on run.

(c) Responsibility and function of Station staff in working of trains.

- d) Various systems of working of trains.
- d) Classification of Stations, standards of Signalling.
- f) Station working instructions and Block Working instructions.
- g) Line capacity and measures for augmenting it. Signalling and train controlling improvement namely. MAUQ Tokenless working CTC, Doubling, & automatic block APC.
- h) Uses of combined Train Report, Guard's Rough Journals book, Vehicle Guidance, Drivers' Ticket, Brake power Certificate etc.
- i) Rules regarding marshalling of vehicles on passenger, mixed and goods trains - Rules regarding AVB piped and non-AVB vehicles on trains and Brake Power Rules - Ghat Section Brake Power Rules.

VI. PASSENGER TRAINS OPERATION :

- a) General Principles and methodology of Time Tabling of Passenger trains.
- b) Consultative Machinery for revision of Time Table at divisional, zonal and Rly. Board level.
- c) Publication of Working Time Tables, Public Time Tables and Sheet Time Tables.
- d) Punctuality of Passenger-carrying trains.
- e) Factors effecting of passenger carrying trains and methods of improving the punctuality.
- f) Augmentation of train loads for meeting traffic requirements.
- g) Running of Tourist coaches, special carriages and special trains.
- h) Planning & Running of Holiday Specials, Mela Specials tourist specials etc.
- i) Introduction of new trains, extension of trains runs, introduction of through and sectional coaches.
- j) Preparation of through and sectional coaches.

VII. ACCIDENTS & SAFETY ORGANISATION :

- a) Accidents, Types and their classification, causes and their prevention.
- b) Functioning of the Railway Safety Organisation.
- c) Chief Commissioner of Railway Safety and his functions.
- d) Rules for reporting accidents.
- e) Action to be taken in case of accidents.
- f) Functions of the various officials and departments during accidents.
- g) Responsibility of the Central Organisation and of Station Masters and Traffic Staff on the affected section.

52110
S. K. P. day
S. K. P. day

625

- h) Accident Enquiries and DAR action against staff held responsible for the accidents.
- i) Review and analysis of accidents.
- j) Accidents statistics - Returns.
- k) Scientific analysis through psychometry and accident prevences of staff connected with Trains accident prevention Station or Yard Operations.

- l) Improved Mechanise aids to prevent human error like
 - i) Improved Signalling and interlocking arrangement.
 - ii) SM's Central and inter cabin Control over routes.
 - iii) Track circuit and Axle counters.
 - iv) Route Relay inter-locking.
 - v) Automatic Cab. Warning System and automatic braking system.
- m) Safety camps and Safety campaigns.

VIII. PLANNING OF THE RAILWAYS :

- a) Analysis of Traffic bottle-necks and of traffic trend, to forecast future traffic req. requirements.
- b) Annual Works programme and Local Works Programme.

LABOUR RELATIONS AND WELFARE UNION AND THEIR RULES :

- 1. Important recognised Trade Union in Railway, Role of recognised unions and methods of dealing with them.
- 2. Industrial Disputes and the legislative Frame Work, Causes of Industrial Disputes, basic remedies, the Industrial disputes Act 1947, Strike, Lock-outs and lay-offs, handling of grievances at Divisional and in the Headquarters, handling of grievances by Labour Labour Enforcement Officers.
- 3. The Hours of Employment Regulations, Overtime, Job-Analysis and its tech techniques.
- 4. The Workmens compensation Act - Ex.Gratia Payment, Incentive Bonus Scheme.

WELFARE.

- 5. Pass Rules and Leave Rules.
- 6. Retirement benefits under the provident Fund and and pension scheme, Final settlement.
- 7. Welfare for the whole family of railwaymen, concept and practice obtaining on the railways.
- 8. D. A. R.
- 9. Conduct Rules.
- 10. Employment of Casual Laboures and Substitutes.
- 11. P. N. M.
- 12. Staff Benefit Funds.
- 13. Hours of Employment regulation.
- 14. Payment of wages Act.

Phobal
A. K. S.
M. S. S.
me

To,
Divisional Rail Manager,
Lucknow, NE Railway.

Annexure M. MPA-2

Subject: For rectification of errors made in the seniority list of SS gr Rs. 2000/-... 3200/-

- Ref :- (i) Seniority list of SS gr Rs. 2000/- -- 3200/- issued vide your letter No. E/11/2SS/SM-SS/seniority list/96 dt. 13.1.96 recd. on 24.02.97.
- (ii) Rly Board's circular letter No. E(SCT) 72 CM. 15fs dated 11.1.73.
- (iii) Judgement of Hon'ble CAT/Allahabad (1981) in the case of Virpal Singh Chauhan & others v/s union of India.
- (iv) Judgement of Hon'ble Supreme Court of India in case of Ajit Singh Juneja v/s State of Punjab. (annexure-1)
- (v) (a) Notification letter No. E/254/4/9-1; SS Part-11 dt. -/8/96 issued by GM(P)
- (b) Letter NO. E/254/SS/2000-3200/- Part III dated. 19.8.96. circulated by your office.

Most humbly, I am to draw your attention towards the errors made in the seniority list referred above (Ref-1):-

My name is shown at serial no 62 with date of joining service 21.10.66. The junior incumbent Shri H.L. Hembram who's date of joining service is 8/5/77 appears at serial nos. Likewise all the SC/ST incumbents appearing in the list between S.No 5 to serial no 45 are junior to me.

All the SC/ST incumbents have availed the benefit of reservation by application of 40 point roster, that too in very scrupulous manner. In this regard the Railway Board's circular letter (Ref-11) reads as under:-

"The list of all the candidates found suitable (viz. Scheduled caste/Tribe and others) should thereafter be arranged in the order of their seniority. The actual promotions will be made in the same order and not in accordance with the roster points, although the number of reserved vacancies are to be determined with reference to the roster points as stated above."

The seniority from the date of entry into grade under Rule 320 of IREM is only for those who comes strictly in order of seniority. Rule 320 of the IREM does not applies for the incumbents who comes in by breaking the order of seniority by application of roster to fill the shortfall in reserve quota.

The criteria for determining the seniority between the general incumbent (applicant) and SC/ST incumbents is the inter-se-seniority of the lower grade. In this context, the judgement of Hon'ble Supreme Court of India in the case of Ajit Singh Juneja v/s State of Punjab which also concerns the judgement

P.T.O
Continued on Page-2.

judgement

✓ in The case of Virpal Singh Chauhan & others vs Union of India (Ref III & IV) is annex here (as annexure -1) to this appeal. 20
Thus my name should be placed above all the SC/ST incumbents between serial No 5 to serial No. 45 (including both).

It will not be out of place to mention that an appeal on the similar grounds for revision of seniority was preferred to your honore in the year 1990 which is still pending.

Further it is requested that till the seniority list referred above is not corrected in the light of true spirit of the relevant rules and judgements the selection process as per your notification (Ref D) be cancelled / dropped and the dispute be decided expeditiously.

Due to injustice on this account I am being deprived of not only my seniority but also lagging behind in promotion, higher salary, forced to retire at least one grade lower and finally pensionary benefits beside status in the society.

I am fully hopeful that my learned and justice loving officer in exercise of his powers inherited by the constitution of India, will leave no stone unturned in showing due honour to the Hon'ble Supreme Court of India and giving justice to me.

Dated. 03.03.97

Thanking you Sir!

Encl: - one (Ref-IV)

Yours sincerely,
Beenu

{ K.K. BAJPAI
Stn. Supdt.
Lucknow Jr. N.E.R.

Copy to GM (D) NER/GKP for necessary correction in inter. se-seniority after finalisation of seniority by DRM (D) Lucknow Jr and withholding of selection process as notified vide (Ref-D).

C/- To Divl. Secy AISMA Lucknow
Division NER

Plotted
Altered
Date

बीमा नहीं/NOT INSURED

पत्रांक/No. 1283

658

प्रमाणित गये डाक टिकटों का मूल्य रु०
Amount of Stamps affixed

रु०

तारीख-माह-दिनांक
Date-stamp

एक रजिस्ट्री*
Received Registered

प्राप्त किया

पाने वाले का नाम/Addressed to

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

To,
Divisional Rail Manager,
Lucknow, N.E. Railway.

Ann-Exure No. MPA-3

327

Subject:- For rectification of errors made in the seniority list of SS gr Rs 2000/-... 3200/-

- Ref:- (i) Seniority list of SS gr Rs. 2000/-... 3200/- issued vide your letter No. E/11/255/SM-SS/seniority list/96 dt. 13.1.96 dtd. 20.03.1997.
(ii) Rly Board's circular letter No. E(SCT)72 CM. 15/5 dated 11.1.73.
(iii) Judgement of Hon'ble CAT/Alihabad (1987) in the case of Virpal Singh Chauhan & others v/s union of India.
(iv) Judgement of Hon'ble Supreme Court of India in case of Ajit Singh Juneja v/s State of Punjab. (annexure-1.)
(v) (a) Notification letter No. E/254/4/9-1, SS Part-11 dt. -/8/96 issued by GM(P)
(b) Letter No. E/254/SS/2000-3200/- Part III dated. 19.8.96. circulated by your office.

Recd for sample
23/4/97
CRD

Most humbly, I am to draw your attention towards the errors made in the seniority list referred above (Ref-1):-

My name is shown at serial no 35 with date of joining service 22-07-63. The junior incumbent Shri Bherat Ram whose date of joining service is 6.10.63 appears at serial no 1. Likewise all the SC/ST incumbents appearing in the list between S.No 1 to serial no 29 are junior to me.

All the SC/ST incumbents have availed the benefit of reservation by application of 40 point roster, that too in very scrupulous manner. In this regard the Railway Board's circular letter (Ref-11) reads as under:-

"The list of all the candidates found suitable (viz. scheduled caste/tribe and others) should thereafter be arranged in the order of their seniority. The actual promotions will be made in the same order and not in accordance with the roster points, although the number of reserved vacancies are to be determined with reference to the roster points as stated above."

The seniority from the date of entry into grade under Rule 320 of IREM is only for those who comes strictly in order of seniority. Rule 320 of the IREM does not applies for the incumbents who comes in by breaking the order of seniority by application of roster to fill the shortfall in reserve quota.

The criteria for determining the seniority between the general incumbent (applicant) and SC/ST incumbents is the inverse seniority of the lower grade. In the context, the judgement of Hon'ble Supreme Court of India in the case of Ajit Singh Juneja v/s State of Punjab which also covers the judgement

P.T.O.
Continued on Pgs. 2.

judgement

in the case of Bipul Singh Chauhan & others vs Union of India (Ref III & IV) is annex here (as annexure -1) to this appeal.

Thus my name should be placed above all the SC/ST incumbents between serial no to serial no. (including both).

It will not be out of place to mention that an appeal on the similar grounds for revision of seniority was preferred to your honour in the year 1990 which is still pending.

Further it is requested that till the seniority list referred above is not corrected in the light of true spirit of the relevant rules and judgements the selection process as per your notification (Ref V) be cancelled / dropped and the dispute be decided expeditiously.

Due to injustice on this account I am being deprived of not only my seniority but also lagging behind in promotion, higher salary, forced to retire atleast one grade lower and finally pensionary benefits beside status in the Society.

I am fully hopeful that my learned and justice loving officer in exercise of his powers inherited by the constitution of India, will leave no stone unturned in showing due honour to the Hon'ble Supreme Court of India and giving justice to me.

Dated. 31.03.97

Thanking you Sir!

yours sincerely

Mohd. Yamin
Stn. Supdt.
N.E.R.
Lucknow Jn.

Encl: - one (Ref-IV)

Copy to GM (D) NAR/GRP for necessary correction in inter-se seniority after finalisation of seniority by DRM (R) Lucknow Jn and withholding of selection process as notified vide (Ref-V).

A/- To Dir. Secy. / AISMA LUCKNOW
DIVISION N.E. RAILWAY

नहीं/NOT INSURED	
क्रमांक/No. 1887	1027
लगाये गये डाक टिकटों का मूल्य To	Rs. 66
Amount of Stamps affixed	Rs. 66
एक रजिस्ट्री	Received a Registered
पाने वाले का नाम/Addressed to	M. E. R. Lucknow
पाने वाले अधिकारी के हस्ताक्षर Signature of Receiving Officer	

Phoolab
Atitid
Shaw
for

To,
Divisional Rail Manager,
Lucknow, N.E. Railway.

Annexure No. MMA-1)

Subject: For rectification of errors made in the seniority list of SS gr Rs 2000/-... 3200/-

- Ref :- (i) Seniority list of SS gr Rs. 2000/- - 3200/- issued vide your letter No. E/11/255/SM-SS/seniority list/96 dt. 13.1.96 Recd. 23.2.97.
(ii) Rly Board's circular letter No. E(SET) 72 CM. 15fs dated 11.1.73.
(iii) Judgement of Hon'ble CAT/Allahabad (1987) in the case of Virpal Singh Chauhan & others v/s union of India.
(iv) Judgement of Hon'ble Supreme Court of India in case of Ajit Singh Juneja v/s State of Punjab. (annexure-1)
(v) Notification letter No. E/254/4/9-1, SS Part-11 dt. -/8/96 issued by GM(P)
(vi) Letter No. E/254/SS/2000-3200/- Part III dated. 19.8.96. circulated by your office.

Most humbly, I am to draw your attention towards the errors made in the seniority list referred above (Ref-i).

My name is shown at serial no 38 with date of joining service 6.10.63. The junior incumbent Shri Parasu Ram who's date of joining service is 7.1.77 appears at serial no 2. Likewise all the sc/st incumbents appearing in the list between s.no 2 to serial no 29 are junior to me.

All the sc/st incumbents have availed the benefit of reservation by application of 40 points roster, that too in very scrupulous manner. In this regard the Railway Board's circular letter (Ref-ii) reads as under:-

"The list of all the candidates found suitable (viz. scheduled caste/tribe and others) should thereafter be arranged in the order of their seniority. The actual promotions will be made in the same order and not in accordance with the roster points, although the number of reserved vacancies are to be determined with reference to the roster points as stated above."

The seniority from the date of entry into grade under Rule 320 of IRM is only for those who comes strictly in order of seniority. Rule 320 of the IRM does not apply for the incumbents who comes in by breaking the order of seniority by application of roster to fill the shortfall in reserve quota.

The criteria for determining the seniority between the general incumbent (applicant) and sc/st incumbents is the inter-se-seniority of the lower grade. In the context, the judgement of Hon'ble Supreme Court of India in the case of Ajit Singh Juneja v/s State of Punjab which also concurs the judgement

P.T.O
Continued on Page 2.

(33)

judgement
in the case of Virpal Singh Chauhan & Others vs Union of India
(Ref III & IV) is annex here (as annexure -1) to this appeal.
Thus my name should be placed above all the SC/ST incumbents
between serial No to serial No. (including both).

It will not be out of place to mention that an appeal
on the similar grounds for revision of seniority was
preferred to your honour in the year 1990 which is still
pending.

Further it is requested that till the seniority list
referred above is not corrected in the light of true spirit
of the relevant rules and judgements the selection
process as per your notification (Ref D) be cancelled/
dropped and the dispute be decided expeditiously.
Due to injustice on this account I am being deprived of
not only my seniority but also lagging behind in promotion,
higher salary, forced to retire at least one grade lower
and finally pensionary benefits beside status in the
society.

I am fully hopeful that my learned and
justice loving officer in exercise of his powers
inherited by the constitution of India, will leave
no stone unturned in showing due honour to
the Hon'ble Supreme Court of India and giving
justice to me.

Dated. 10.03.97 Thanking you Sir!

Encl: - one (Ref-IV)

Copy to GM (D) NAR/GKP for
necessary correction in inter. se seniority
after finalisation of seniority by DRM (A)
Lucknow in and withholding of
selection process as notified vide
(Ref-B).

C/- To. Divl. Secy. / AISMA Lucknow
DIVISION N.E. Railway

yours sincerely
J. P. Divisati
Stn. Supdt.
Deliganj / N.E.R.
Lucknow Div.

हार्दिक जे
प्रवर्तन रेकडे

Insurance fee Rs. P. (in words)

No. 312 R. P.-51 (a)

Stamps affixed except in case of unimpaired letters of not more than the initial weight prescribed in the and Telegram Guide on which no acknowledgment is

Received a V. P. registered

addressed to

 Write here "Registered" or "Railway receipt"

Signature of Receiving Officer with the word "Insured" before it when necessary.

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) (in words)

weight value

Insurance fee Rs. P. (in words)

Ph. Arora
Attendant
Subin
SA

To,
Divisional Rail Manager,
Lucknow, N.E. Railway.

Annexure no. MMA-5

Subject:- For rectification of errors made in the seniority list of SS gr Rs 2000/-... 3200/-

- Ref :- (i) Seniority list of SS gr Rs. 2000/- - 3200/- issued vide your letter No. E/11/255/sm - ss/seniority list/96 dt. 13.1.96 ^{recd} 20.3.1997.
(ii) Rly Board's circular letter No. E(SET) 72 CM. 15fs dated 11.1.73.
(iii) judgement of Hon'ble CAT/Allahabad (1981) in the case of Virpal Singh Chauhan & others v/s union of India.
(iv) judgement of Hon'ble Supreme Court of India in case of Ajit Singh Juneja v/s State of Punjab. (annexure-1)
(v) No Notification letter No. E/254/A/9-1; SS Part-11 dt. -/8/96 issued by GM(P)
(b) Letter NO. E/254/SS/2000-3200/- Part III dated. 19.8.96. circulated by your office.

Most humbly, I am to draw your attention towards the errors made in the seniority list referred above (Ref-1):-

My name is shown at serial no 91 with date of joining service 18.6.74 The junior incumbent Shri Prashuram

who's date of joining service is 07.1.77 appears at serial no 2. Likewise all the SC/ST incumbents appearing in the list between S.No 2 to serial no 82 are junior to me.

All the SC/ST incumbents have availed the benefit of reservation by application of 40 point roster, that too in very scrupulous manner. In this regard the Railway Board's circular letter (Ref-11) reads as under:-

"The list of all the candidates found suitable (viz. Scheduled caste/tribe and others) should thereafter be arranged in the order of their seniority. The actual promotions will be made in the same order and not in accordance with the roster points, although the number of reserved vacancies are to be determined with reference to the roster points as stated above."

The seniority from the date of entry into grade under Rule 320 of IREM is only for those who comes strictly in order of seniority. Rule 320 of the IREM does not applies for the incumbents who comes in by breaking the order of seniority by application of roster to fill the shortfall in reserve quota.

The criteria for determining the seniority between the general incumbent (applicant) and SC/ST incumbents is the inter se - seniority of the lower grade. In the context, the judgement of Hon'ble Supreme Court of India in the case of Ajit Singh Juneja v/s State of Punjab which also covers the judgement

P.T.O.
Continued on Page 2.

Recd to P.M. 23/4/97
CR9

judgement

in the case of Virpal Singh Chauhan & Others Vs Union of India (Ref III & IV) is annex here (as annexure -1) to this appeal.

Thus my name should be placed above all the SC/ST incumbents between serial No. to serial No. (including both).

It will not be out of place to mention that an appeal on the similar grounds for revision of seniority was preferred to your honour in the year 1990 which is still pending.

Further it is requested that till the seniority list referred above is not corrected in the light of true spirit of the relevant rules and judgements the selection process as per your notification (Ref II) be cancelled / dropped and the dispute be decided expeditiously.

Due to injustice on this account I am being deprived of not only my seniority but also lagging behind in promotion, higher salary, forced to retire at least one grade lower and finally pensionary benefits beside status in the society.

I am fully hopeful that my learned and justice loving officer in exercise of his powers inherited by the constitution of India, will leave no stone unturned in showing due honour to the Hon'ble Supreme Court of India and giving justice to me.

Dated. 31.03.97

Thanking you Sir!

Encl. - one (Ref-IV)

Copy to GM(O) NAR/GRP for necessary correction in inter. se-seniority after finalisation of seniority by DRM(W) Lucknow in and withholding of selection process as notified vice (Ref-B).

C/- Dist. Secy./AISMA

Yours sincerely,
Girdhari Singh

Stu. Supdt.
N.E.R.
Lucknow, J.N.

बिमा नहीं / NOT INSURED
क्रमांक/No. 1888
बिमा दे गये राश. टिकटों का मूल्य रु.
Amount of Stamps affixed Rs.
एक प्रतिलिपि *
Received & Registered
पाने वाले का नाम, Addressed to
पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

Photostat
Attention
Sd/-
Sd/-

341

Annexure M. M.

No. 20011/1/96-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 30th Jan., 1997.

OFFICE MEMORANDUM

SUB : Seniority of SC/ST officers promoted earlier vis-a-vis general candidate promoted later.

According to the general principle 5(i) contained in MHA OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2. in DOPT OM No. 22011/7/86-Estt. (D) dated 3.7.1986 read with DOPT OM No. 20011/5/90-Estt. (D) dated 4.11.1992, (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgement dated 10.10.95 in the case of Union of India Vs. Virpal Singh Chauhan etc. (JT 1995 (7) SC. 231) held as follows :-

"Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category."

3. Having regard to the above judgement of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on promotion on the lines mentioned in para 2 above. Accordingly, it has been decided to add the following proviso to general principle 5(i) contained in MHA (now DOPT) OM No. 9/11/55-RPS dated 22.12.59 and para 2.2 of this Department OM No. 22011/7/86-Estt. (D) dated 3.7.1986 :-

"Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved

...contd/-

335

... ..

vacancy earlier than his senior general/OBC candidate who is promoted to the said immediate higher post/rank, the general/OBC candidate will retain his priority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/rank."

4. These orders shall take effect from the date of issue of this Office Memorandum.

33/-

(K.K. Jha)

Director (E)

To

All Ministries/Departments etc. of the Govt. of India

Copy to:-

1. Comptroller and Auditor General of India.
2. Secretary, Union Public Service Commission.
3. Rajya Sabha Sectt./Lok Sabha Sectt.
4. All State/Union Territory Governments/Administrations
5. All attached/subordinate offices under the DEPT/MHA
6. National Commission for SC/ST, New Delhi
7. National Commission for OBC, New Delhi
8. Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
9. Registrar General, Supreme Court, New Delhi.
10. All Officers/Sections
11. 500 Spare copies for distt. (2)

*Pls. let
M. Jha
Shri
Tee*

Central Administrative Tribunal
Lucknow Bench
Date of Filing... 9/2/98
Date of Receipt by Post...

336

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

MISC. PETITION No. 272 of 1998
198

UNION OF INDIA & OTHERS

APPLICANTS/
RESPONDENTS

In Re:

ORIGINAL APPLICATION No. 433 OF 1990
ALL INDIA STATION MASTERS ASSOCIATION & ORS. ...
VERSUS

APPLICANT

UNION OF INDIA & OTHERS

... RESPONDENTS

APPLICATION FOR TAKING THE OBJECTIONS
ON RECORD

The Applicants/Respondents most
respectfully beg to submit as under:-

That the Applicants/Respondents are
are filing Objections to the Applicants'
Application for Interim Relief which may be
taken on record of the Hon'ble Tribunal.

Therefore, it is most respectfully
prayed that the Hon'ble Tribunal may be
graciously pleased to take the Objections
to the Application for Interim Relief on
records of the Hon'ble Tribunal in the
interest of justice.

Asit Kumar Chaturvedi

(ASIT KUMAR CHATURVEDI)
Advocate

COUNSEL FOR THE APPLICANTS/RESPONDENTS

PLACE : LUCKNOW
DATED : DEC. 1997

(327)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION No.433 OF 1990

ALL INDIA STATION MASTERS ASSOCIATION & ORS. ... APPLICANT
VERSUS
UNION OF INDIA & OTHERS ... RESPONDENTS

O B J E C T I O N S
TO THE APPLICATION FOR INTERIM RELIEF

I, Shri Amitabha Khare, aged about 36 years S/o D.N. Khare, R/o 3, Railway Officers Colony, Bandariyabagh, Lucknow state as under:-

1. That the Deponent is presently working as Sr. Divisional Personnel Officer, North-Eastern Railway, Lucknow Division, Lucknow, and is competent to file Objections/Reply on behalf of the Respondents and as such is acquainted with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Application for Interim Relief and states hereinafter.

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2. That the contents of Paragraph 1 of the Application need no comments.
3. That in reply to the contents of Paragraph 2 of the Application it is stated that the Notification dated 19th August 1996 was issued by the General Manager(Personnel), North Eastern Railway, Gorakhpur for selection for the post of Station Superintendent in the Pay Scale of Rs.2375-3500 for 36 posts out of which 22 candidates of Lucknow Junction Division were called for selection vide letter dated 18th April 1997. It is further clarified that out of the 22 candidates, 14 belong to SC category, 05 to ST category and 07 to the General category. The written examination was held on 27th April 1997 and the result is still awaited. It is further stated that all the candidates were called according to their seniority position. A copy of the Seniority List dated 13.01.1997 of Station Superintendents, Pay Scale Rs.2000 - 3200, of Lucknow Junction as on 01st May 1996 is being annexed as ANNEXURE No. 0-1 to this Objections. After the Hon'ble Supreme Court's

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Judgement in Veer Pal Singh Chauhan V/s Union of India, the issue of seniority of staff belonging to the SC/ST categories, promoted earlier vis-a-vis the General /OBC category staff promoted later was considered and the Railway Board issued letter dated 28th February 1997 and also a correction slip No. 25 to Para 319A of the Indian Railway Establishment Manual Volume-I (Revised Edition 1989). A copy of the letter dated 28th February 1997 is being annexed as ANNEXURE No. 0-2 to this Objections. It has also been clarified in the said letter that the instructions will have effect from 10th February 1995 and will not disturb the seniority decided earlier as per the Rule in force at the relevant time. Thus, it is clear from a perusal of the Seniority List (Annexure No. 0-1 to this Objections) that all the 22 SC/ST/OBC category candidates called for the selection were promoted to the Grade of Rs.2000-3200 prior to 10th February 1995. As such, a revision of the seniority of the candidates, called for the above selection, is not warranted. A copy of the letter dated 20th March 1997 is being annexed as ANNEXURE No.0-3 to this

For the Railway Board,
General Manager,
Railway Board,
New Delhi

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Objections.

4. That in reply to contents of Paragraphs 3 & 4 of the Application it is stated that the post of Sr. Superintendent, Grade Rs.2375-3500, was a Headquarter controlled post and as such, selection were sponsored by the Headquarter Office, Gorakhpur. The Written Test was held on 27th April 1997 and the result is still awaited.

5. That in reply to the contents of Paragraph 6 of the Application it is stated that there is no loss of seniority of the Applicants.

6. That in reply to the contents of Paragraph 7 of the Application it is stated that reply to the Representation of the Applicants has already been given vide letter dated 12th August 1997.

7. That the contents of Paragraph 8 of the Application it is stated that in the

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Railways, the Circulars/Notifications are issued by the Railway Board and the same are binding upon all Zonal Railways. Thus, the seniority of SC/ST candidates promoted earlier vis-a-vis the General/CBC candidates promoted later, has been decided in accordance with the Railway Board's letter dated 28th February 1997.

8. That the contents of Paragraph 9 of the Application are denied.

Place: LUCKNOW
Dated: NOV. 1997

(DEPONENT)

Divisional Engineer
S. R. Railway, Lucknow

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

I, the Deponent above named, verify that the contents of Paragraphs 1 to 8 above are true and correct to my personal knowledge derived from information and records. The legal parts of the paras are based on legal advice received which is believed by me to be true and correct. The Annexures are true copies of their respective originals which have been compared. No part of it is false and

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nothing material has been concealed.

Verified this, the day of
Nov. 1997 at Lucknow.

(DEPONENT)

at, Divisional Headquarters,
C. P. Bhatnagar, Lucknow

DATE. 433 07-1980
All India Students' Movement & Others Vs UOI & Others.

Annexure No. 0.1

पूर्वोत्तर रेलवे

लखनऊ मंडल के स्टेशन अधीनस्थ केतनमान १२०००-३२००१ की अनन्तिम सूची ।

दिनांक: 1-5-96

क्रसं०	नाम	कथिरत	वन्दतिथि	नियुक्ति	पदेन्नति	स्वीकृता	दिनांक
1	2	3	4	5	6	7	8
सर्वश्री							
1-	x	x	x	x	x	x	x
2-	x	x	x	x	x	x	x
3-	यमुना प्रसाद अजिता	हरणां	8.11.42	8.12.63	1-8-82	26.2.80	x
4-	x	x	x	x	x	x	x
5-	एचएसओ हेमम अजिता	लखनऊ जं०	7-1-57	8-5-77	2-9-86	27-7-79	x
6-	x	x	x	x	x	x	x
7-	राम भक्त अजिता	बस्ती	2-7-52	3-2-75	2-9-86	26.2.80	x
8-	राम निवास अजिता	तहसील	12.1.43	10.12.63	2.9.86	1.8.81	x
9-	जोशवर अजिता	पतिवरा मालांग	12.7.42	15.5.69	2.9.86	1.8.81	x
10-	राम यश अजिता	बिस्वां	11.3.42	11.3.67	2.9.86	1.8.81	x
					17.2.88		

कुल:

सर्वधी

1	2	3	4	5	6	7	8	9
11- अरुण कुमार गुजरअलगा	भीराजीरी	26-11-54	24-4-77	2-8-86	27-7-79	x		
12- रसोके अलकेअलगा	लजीमुर	12-7-53	25-5-57	11-8-88	27-7-79	x		
13- अलर देअलगा	मैलानी	26-6-56	24-10-77	11-8-88	27-7-79	x		
14- राममूर्तिअलगा	गोण्डा	1-1-58	4-4-81	19-10-81	28-2-90	21-11-82	x	
15- शंकर रामअलगा	बलरामपुर	12-7-41	30-4-65	28-2-90	21-11-82	x		
16- कल्पनाथ रामअलगा	नानापारा	17-1-45	22-4-65	28-2-90	21-11-82	x		
17- x	x	x	x	x	x	x		
18- राम लालअलगा	अदरिया	2-12-39	41-3-67	12-12-90	21-1-77	x		
19- श्याम लालअलगा	लखीमपुर	3-7-50	13-1-77	19-12-90	21-1-82	x		
20- सूर्य प्रसादअलगा	मिहिनुपुरवा	20-7-46	3-10-75	23-10-91	21-8-82	x		
21- ज्ञान प्रसादअलगा	सहजनवा	28-4-58	26-3-77	5-1-93	21-8-82	x		
22- सुखी रामअलगा	सिधौली	11-4-39	18-6-65	27-1-93	21-8-82	x		
23- काशीलालअलगा	वरवा	1-1-55	14-19-77	4-11-92	21-8-82	x		
24 से 95	x	x	x	x	x	x		

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कुल मंडल रेल प्रवर्धक काल

नवतान

सं० 11/255/स्टेबा-स्टेधी/वरीयता सुधी/96

दिनांक: 13.1.97

प्रभात

Handwritten signature and stamp at the bottom left.

Handwritten number 20115 in a circle at the bottom right.

सं०ई/११/२५५/स्टेमा-स्टेमी/वरीयता सूची/९

प्रतिलिपि सूचनाई एवं आकषक का

१- महाप्रबन्धक कृष्णाजीरकापुर

२- स्टेशन अधीक्षक/स्टेमा-रावतपुर, सीप

विन्दीरा, हु

बभनगन, बर

नकडाबंगल,

गोहरतलंड,

बनगाई, रि

मीराखीरी,

तहसीलपसेडु

३- मंडल मंत्री/नर्म/पी०आर०के०एस०/लखा

४- सम्बन्धित कर्मचारीगण- द्वारा रा

३० दिनोंके अन्दर अपना आवेदन दे

उप मु० या०मा० १२०००-३२००१ का दि० १-५-९६ की वरीयता सूची

स्वीकृत पद= ८

क्रम सं०	नाम	पद	स्थान	जन्मतिथि	नियुक्ति	वर्तमान पद में	स्थाईकरण	टिप्पणी
१	सर्वश्री	२	३	४	५	६	७	८

१-	ओबेदुल्लाह	उप मु०या०मा० मुयसिप	गौरखपुर	१२.१.५३	६.१०.६३	३०.५.९१		
२-	बी०रन०सिंह		वर्कशाप	१५.६.५३	६.१०.६३	३१.५.९१		
३-	भक्तीप्रसाद मिश्रा		गौरखपुर	मुसिरिपु०	१.१.५५	२६.१२.७७	३०.५.९१	
४-	छोटकन सिंह	२	२	२	२	२	२	२
५-	मो०इलीफ खां		गौरखपुर	५.१.५२	२१.९.६६	२३.१.९२		
६ से ९		२	२	२	२	२	२	२

सै०ई/११/२५५/पा०मा०/९६

दिनांक १-१-९७

प्रतिलिपि :- सूचनाई एवं आक्यक कार्यवाही हेतु प्रेषित:-

१- महाप्रबन्धक का० गौरखपुर

प्रभातः

25/6

- 2- महाप्रबन्धक परि० गोरखपुर
- 3- मं० रे० प्र० परि०
- 4- स्टेशन प्रबन्धक/गोरखपुर, लखनऊ जं०, गी० डा, लखनऊ कन्दील, सेन्ट्रल कन्दील/गोरखपुर
- 5- मु० या० मा०/गी० डा, गोरखपुर
संखनित्त कर्मचारी गण द्वारा प्रभारी अधिकारी यदि किसी कर्मचारी को इस संबंध में कोई आवेदन करना है तो उसे इसके प्राप्त होने के दो माह के अन्दर भेज दें इसके बाद प्राप्त आवेदनों पर कोई विचार नहीं किया जायगा।
- 6- मंडल मंत्री/चु० पी० आर० के० एस०/लखनऊ

ह०
कृते मंडल रेल प्रबन्धक का०
लखनऊ

मंडल मंत्री/चु० पी० आर० के० एस०/लखनऊ

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Copy of NERBT's letter No. T(NG)I-97/SK6/3 dated 28.2.97 addressed to the GMs(P) All Indian Railways and production units and copy to others.

Sub: - Principles for determining the seniority of staff belonging to SC/ST promoted earlier Vis-a-vis, General/OBC staff Promoted later.

In terms of provisions contained in paragraphs 302, 318 and 319 of Indian Railway Establishment Manual, Volume I, 1989 Edition, seniority on promotion to higher grade is assigned in that grade with reference to date of entry on regular basis after due process of selection/suitability.

The Supreme Court in its judgement dated 10.10.95 in the Union of India Vs. Veerpal Singh Chauhan etc. (JT 995 (7) SC231) held as follows:-

"Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate retains his seniority over such earlier promoted scheduled caste/Scheduled Tribe candidate. The earlier promotion of the scheduled Caste/Scheduled Tribe candidate in such situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category."

In the same judgement, the Supreme Court further held as follows :-

"It also means that members in one panel take Precedence over the members in the next panel. The application of the rule of seniority referred to in the said circular/letter and other circulars/letters referred to supra most of which do not make any distinction between election and non-election posts has to be subject to the said limitation."

The issue of Revised instructions regulating seniority pursuant to the judgement of the Hon'ble Supreme Court has been considered by the Ministry of Railways.

Contd...2

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- 2 -

It has been decided that if a Railway servant belonging to the Scheduled Caste or Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/OBC Railway servant who is promoted later to the said immediate higher post/grade, the General/OBC Railway servant will regain his seniority over such earlier promoted Railway servant belonging to the Scheduled Caste and the Scheduled Tribe in the immediate higher post/Grade. This will, however, be subject to the condition that in respect of Selection posts, the Over Riding principle that a Railway servant borne in an earlier panel will rank senior to a Railway servant borne in a later panel, will be observed.

4. Accordingly, the Indian Railway Establishment Manual may be amended as in Advance Correction Slip No.25 enclosed.

5. This will have effect from 10.2.1995 and will not disturb the seniorities decided earlier as per the rules in force at the relevant times.

Please acknowledge receipt.

Hindi version will follow.

Sd/-
J.S.Gusain
Jt. Director Estt. (N) Rly. Bd.

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ADVANCE CORRECTION SLIP NO. 25

In section 'B' chapter III of Indian Railway Establishment Manual, volume I (Revised Edition 1989) after the existing para 319 a new para 319 A may be inserted as follows:-

" 319 (A) Not with standing the provisions contained in paragraphs 302, 318 and 319 above, w.e.f. 10.2.95 if a Railway servant belonging to the Scheduled Caste or Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/OBC Railway servant who is promoted later to the said immediate higher post/grade, the General/OBC Railway servant will regain his seniority over such earlier promoted Railway servant belonging to the Scheduled Caste and the Scheduled Tribe in the immediate higher post / grade. This will, however, be subject to the condition that in respect of selection post the over-riding principle that a Railway servant borne in an earlier panel will rank senior to a Railway servant borne in a later panel, will be observed."

Authority : Ministry of Railways (Railway Board)'s letter No. T(NG)I-97/SH 6/3 dt.28.2.97).

(5)

पूर्वोत्तर रेलवे

कार्यालय,
महाप्रबन्धक/कार्मिक
गोरखपुर

ई0पी0सं0 : 8-133

क्रम संख्या : 1266

सं0: ई/255/1/पार्ट-1/11/

दिनांक 20.3.1997

अपर महाप्रबन्धक,

सभी विभागाध्यक्ष

सभी मण्डल रेलप्रअधिकारी,

सभी कार्मिक अधिकारी,

सभी अतिरिक्त मण्डलाधिकारी § स्थापना §

विषय:-/अनुसूचित जाति/अनुसूचित जनजाति के कर्मचारियों तथा अन्य सामान्य कर्मचारियों की पारस्परिक वरीयता का निर्धारण।

रेल परिषद के पत्र सं0ई§एन.जी§1-97/एस.आर.6/3 दि० 28.02.97 की एक प्रतिलिपि आपके संदर्भ एवं आवश्यक कार्यवाही हेतु संलग्न है। माननीय उच्च न्यायालय ने अपने 10-10-95 के निर्णय में यह निर्देशा दिये हैं कि 10.2.95 से निम्नलिखित दो संशोधन लागू होंगे :-

- §1§ कोई भी चयन प्रक्रिया द्वारा तैयार की गयी नामिका अपने पूर्वगामी नामिका का अतिक्रमण नहीं करेगी।
- §2§ यदि किसी पद पर आरक्षण रोल्टर द्वारा किसी अ.जा/अ.ज.जा कर्मचारी पदोन्नति पाता है और उससे वरिष्ठ सामान्य जाति, अन्य पिछड़ी जाति का कर्मचारी बाद में पदोन्नति पाता है तो भी उस ग्रेड में आने के बाद फिर से वरिष्ठ कर्मचारी अपनी वरीयता प्राप्त कर लेगा।

उपरोक्त दोनों निर्णय 10.02.95 से प्रभावी होंगे और उसके पूर्व के निर्णय इस निर्णय से प्रभावित नहीं होंगे।

अतः आवश्यकता इस बात की है कि यदि 10.2.95 को प्रत्येक कोटि एवं ग्रेड के कर्मचारियों की वरीयता का पुनर्निर्धारण कर लिया जाये और उसके बाद प्रचलित नियमों के अनुसार कार्यवाही की जाये। इस संबंध में भारतीय स्थापना संहिता के पैरा 319 का संशोधित हुआ है और इसी अग्रिम संशोधन स्लिप सं0 "25" जारी की गयी है जो संलग्नक में उद्धृत है।

कृपया इस पत्र की पावती की करें और इसको कड़ाई से पालन करने के लिए सर्वसंबंधित को आदेश दें।

E07-

§ रामदेव §

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§ 2 §

पत्र सं०ई/255/0/पालिती

दि० 13.5.97

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- सभी शाखाधिकारी / लखनऊ मण्डल
- 2- सभी प्रवर पर्यवेक्षक अधिकारीगण / लखनऊ मण्डल
- 3- सभी कार्याधी कैडर / लखनऊ मण्डल
- 4- मण्डल मन्त्री नर्म / पीआरकेएस / लखनऊ मण्डल
- 5- सभी अभियन्ता / लखनऊ मण्डल

कुते मण्डल रेल प्रबन्धक § का० §
लखनऊ

14/5/97