

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 53.....of 2090

Tek Chand Applicant(S)

V. O. G. A Plus Versus Respondent(S)

INDEX SHEET

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6-	Annex B-A-	1744

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

B-c- Biding out
13-6-12

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A.NO.53 of 1990.

Tek ChandApplicant.

Versus

Union of India & others.....Respondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant, who during the pendency of this application, retired, was promoted to the post of Senior Clerk and thereafter as Head Clerk in the Office of Locomotive Works, Charbagh, Lucknow. The grievance of the applicant is that those, who were juniors to him, were promoted to the post of Assistant Superintendent and the applicant, being the Head Clerk, was not promoted. The Railway Board vide its letter dated 16.11.84 had sanctioned the cadre re-structuring of Ministerial staff and one time relaxation was also granted. The applicant was a member of scheduled caste. As the quota of schedule caste/scheduled tribes was full, the applicant could not be promoted at the time of restructuring the scheme. The examination took place in 1985 but the applicant did not participate in it and those, who participated and succeeded, were promoted.


2. The contention on behalf of the applicant is that in view of para 5(1) of R.B. letter dated 16.11.84, only A.C.Rs were to be perused and there was no question of written examination. Para 5(1) of the said letter reads as under:-

"5(1) The existing classification of the posts covered by these restructuring orders, as 'Selection' and 'non-selection' as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held

by him, at present, on a regular basis, and such higher grade post is 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 without holding any written and/ or viva-voce test. Under this procedure, the categorisation 'Outstanding' will not exist."

3. It only speaks of only one time relaxation to those persons who were already promoted and the applicant was not promoted at that time. As the rule still continues and the post is a selection post, the applicant was required to appear in the examination which is prescribed under rule and that is why he was not promoted. As the fault lies on the part of applicant, the applicant cannot complain for the same. Accordingly, the application is dismissed. No order as to costs.


MEMBER (A)
DATED: JULY 14, 1992


VICE CHAIRMAN.

(ug)


14-7-92

Hon-Mr. Justice U.C. Sinastane, V.C.
Hon-Mr. K. Obayya, A.M.

Heard the learned counsel for
the parties. Judgment dictated
separately.

/ug)

A.M.


V.C.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

15-2-90

Registration No. 53 of 1989

APPLICANT(S) Teer Chand

RESPONDENT(S) Govt

Particulars to be examined

Endorsement as to result of examination

1. Is the applicant competent?
2. a) Is the application in the prescribed form?
b) Is the application in paper book form?
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?
b) If not, by how many days it is beyond time?
c) Has sufficient cause for not making the application in time, been filed?
4. Has the document of authorization/lekhalatnama been filed?
5. Is the application accompanied by Rs. 5/- postal order for Rs. 5/-?
6. Has the certified copy/copies of the order(s) against which the application has been filed?
7. a) Have the copies of the original/referred upon by the applicant and mentioned in the application, been filed?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter under the application pending before any court of law or any other Bench of Tribunal?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

Particulars to be Examined

Endorsement as to result of examination

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

Yb

Yb

No

Yb

Yb

NA

Yb

NO

Yb

dinesh/

Order-sheet

OA No. 53/90 (L)

2.3.90

Hon. Justice K. Nali, V.C.
Hon. K. J. Raman, A.M.

Annexure 'A-9' to the application indicates the stand taken by the Department in the matter of promotion of the applicant on his representation in the light of an earlier decision dated 10.4.89 of this Tribunal. The applicant has not stated his stand in respect of Annexure 'A-9' to the application. He will apply for suitable amendment within three weeks.

List for admission along with the amendment application on 23.3.90.

OK
A.M.

OK

V.C.

OR
The HC for the applicant has not filed any amendment applicant.
S. P. A.

22/3/90

23/3/90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayye, A.M.

Shri B.S. Rawat, appears for the applicant. The amendment application in pursuance of the order dated 2/3/90, has not yet been made. Let it be made so.

Let it be admission on 23/4/90

AM.

Dee

J.M.

OR

The HC for the applicant has not compliance Court's order dt. 23.3.90
S. P. A.

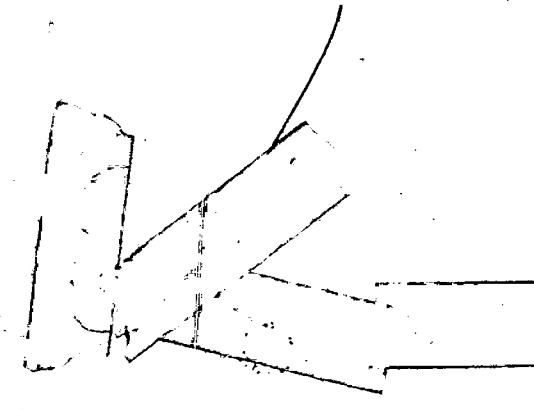
19/4

3-9-91

26.4.91
D.R.

Both the parties are
present today. Respondent
has not been filed.
Applicant's counsel
moved an applicati
on and he desires
to file R.A. by

31.5.91. ✓



31.5.91
D.R.

Sec. A. Sivastava is present
R.A. has not been filed
today listed for R.A.
center by 29.7.91

29.7.91
D.R.

ARON
SO
S.D.R.

Respondent is present
Applicant is absent
Applicant to file Respondent
by 18/10/91. ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH Lucknow

Regd. A/D
23-A, Thornhill Road
Allahabad. 211-001

Registration O.A. No. 5379-1055-22 of 199 (L)

No. CAT/Alld/Jud 5379-1055-22

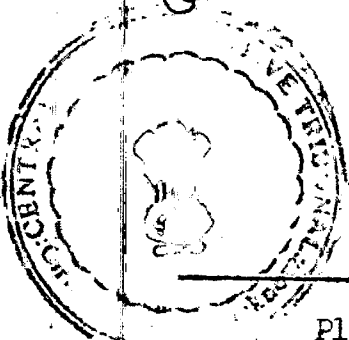
T.K. Chandra

Applicant(s)

versus

Director of India Sother's Respondent(s)

- 1- Director of India through Secretary of Railways
New Delhi.
- 2- General manager N.D.Y. Rail Bhawan, New
Delhi
- 3- Chief works manager loco shop, Lucknow
L.W.K.M.C.
S.D. Chief Mechanical Engineer
N.D.Y. Charing, Lucknow.



Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed

Day of 4-2-91 For.

If, no appearance is made on your behalf, your pleader of ny sone one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this Day 11-12-90 of 1990.

10/12/90
For Deputy Registrar
(Judicial)

Encl = copy of 211-001
with court order dated 11-12-90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW:

O.A.NO. 53 of 1990(L)

Tek Chand

...

Applicant.

Versus

Union of India & Others...

Respondents.

10.12.1990

Hon'ble Mr. Justice K.Nath, V.C.
Hon'ble Mr. K.Chandra, A.J.

Admit.

Issue notice to respondents to file a
reply within four weeks to which the applicant
may file a rejoinder within two weeks thereon.

List before the D.R.(J) on 4.2.91 for
fixing a date for final hearing if possible
after the completion of the record.

Sd/

Sd/

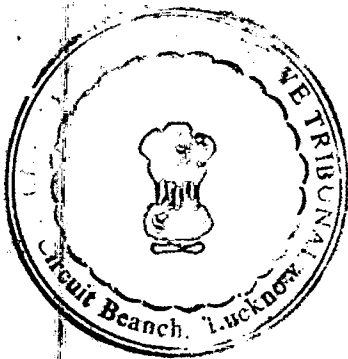
A.L.

V.C.

Sd/

//True Copy//

(Mohd. Umar Khan)
Court Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.



Checked by

13/12/90

A P P E N D I X - A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
LUCKNOW

(Application U/S 19 of the Administrative Tribunal Act,
1985)

Tek Chand.

53/9064

... .. Applicant

Vs.

Union of India & Others.

... Respondents.

I N D E X

<u>Sl. No.</u>	<u>Description of documents relied upon</u>	<u>Page Nos.</u>
1.	Application.	1 - 10
2.	<u>Annex. No-1</u> : Seniority List dt _____	11 - 14
3.	<u>Annex. No-2</u> : Railway Board's letter dt 16.11.84.	15 - 21
4.	<u>Annex. No-3</u> : Addl. Chief Mechanical Engineer's Order No S.O.51 dt 19.1.85.	22 - 27
5.	<u>Annex. No-4</u> : Representation dt 14.1.86.	28 -
6.	<u>Annex. No-5</u> : Representation dt 9.1.87.	29 - 30
7.	<u>Annex. No-6</u> : Order of Tribunal dt 9.3.89.	31 - 32
8.	<u>Annex. No-7</u> : Order of Tribunal dt 7.4.89.	33 -
9.	<u>Annex. No-8</u> : Application dt 13.4.89 of applicant.	34 -
10.	<u>Annex. No-9</u> : Letter dt 20.6.89 of Respondent No 3.	35 -
11.	<u>Annex. No-10</u> : Legal notice dt 1-7-89.	36 - 37
12.	<u>Annex. No-11</u> : Affidavit of the applicant.	38 - 39
13.	Vakalatnama.	40

Date of filing.

or

Date of Receipt by post.

Registration No. _____

Tek Chand
Signature of the Applicant

Signature
For Registrar.

FT
15/2/90
noted for
23.90
B.L.
Adm.
Consent for Aff. cont.

15-2-89

Deputy Registrar

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

Between *SA 53 of 1985 (4)*

Tek Chand,
566/29, -Cha, Jai Prakash Nagar,
Behind Alka Paint Factory,
Alambagh, Lucknow.

..... Applicant

A n d

- 1) Union of India
through Secretary of Railways,
New Delhi.
- 2) General Manager,
Northern Railways,
Rail Bhawan,
New Delhi.
3. Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.
4. Additional Chief Mechanical Engineer,
Northern Railway, Charbagh,
Lucknow.

..... Respondents.

DETAILS OF APPLICATION

1) Particulars of the applicant.

- 1) Name of the applicant: .. TEK CHAND.
- 2) Name of father: .. SRI TOTA RAM.
- 3) Age of the applicant: .. 58 YEARS.
- 4) Designation: .. Head Clerk at Loco-shop, Northern Railway, Charbagh, Lucknow.

2. PARTICULARS OF THE RESPONDENTS.

- 1) Union of India
through Secretary of Railways,
New Delhi.

Tram...

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(2)

2) General Manager, Northern Railways,
Rail Bhawan, New Delhi.

3) Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.

4) Addl.Chief Mechanical Engineer,
Northern Railway, Charbagh,
Lucknow.

3. Particulars of the order against which application
is made :-

(i) Order No. S.O.No 51, Annexure No- 3.

(ii) Date 19.1.85.

(iii) Passed by:- Addl.Chief Mechanical Engineer,
Loco Shop, Charbagh, Lucknow.

(iv) Subject in brief:- Promotion to the post
of Asstt. Superintendent
by virtue of re-struct-
uring.

4. Jurisdiction of the Tribunal:

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

5. Limitation:

The applicant further declares that the appli-
cation is within the limitation prescribed in
Section 21 of the Administrative Tribunal Act,
1985.

6. Facts of the case:

The facts of the case are given below :-

1) That the applicant was appointed in the

T. K. Singh

Contd...P 3/

(3)

Locomotive Works, Charbagh, Lucknow on
16.9.1954 in the clerical cadre.

- 2) That subsequently the applicant was promoted to the post of Senior Clerk and thereafter as Head Clerk. True copy of the Seniority list is being annexed as Annexure No- 1.
- 3) That the entire service career of the applicant is unblemished and meritorious.
- 4) That the Railway Board vide their letter No. PV-III/84/419/9 dated 16.11.84 had sanctioned the cadre re-structuring of Ministerial staff. In the present context Item No 7 of the letter is relevant. True copy of Railway Board's letter is being annexed to this application as Annexure No-2.
- 5) That in Para 6 of the Railway Board's letter there is clear provision for reservation of posts for Scheduled Castes and Scheduled Tribes, which was Stayed by the Hon'ble Supreme Court vide its Order dated 21.12.84 in W.P. No. 17386 of 1984, and C.M.P Nos. 41996 to 42003 of 1984— Girdhari Lal Kohli Vs. Union of India & Others. Applicant being senior in category, this case does not apply to him.

Contd...P 4/

Turman

4 4

(4)

6) That in pursuanxe of Railway Board's letter as mentioned above, the Addl. Chief Mechanical Engineer (W) Loco Workshop, Northern Railway, Charbagh, Lucknow vide his S.O. No. 51 dated 19.1.85 had re-structured their existing strength of Ministerial staff of non-personnel group of the Workshop according to the revised percentage strength of the cadre. True copy of the S.O. No. 51 dated 19.1.85 is annexed to this application as Annexure No - 3

7) That the Additional Chief ^{Mechanical} Engineer (W) also gave the benefits of restructuring to the personnels working in the categories of Asstt. Superintendents, Head Clerk and Senior Clerks by placing them in the posts of higher grades.

8) That the Additional Chief Mechanical Engineer ignored the applicant, who was entitled to be placed on the post of Asstt. Superintendent by virtue of re-structuring as the applicant was the Head Clerk at that time. Persons junior to the applicant, who were in the lower category of Senior Clerk were placed in the category of Asstt. Superintendent.

9) That the name of the applicant is at Sl.No. 11 in the seniority list in the category of Head Clerk. Persons whose names appear at the subsequent serial No. have been promoted to the post of Assistant Superintendent as

Trivedi

(5)

given below :-

Sl. No. in seniority List	Name of the employee	Post held prior to promotion
13.	K. S. Saxena .	Head Clerk
16.	G. P. Singhal.	" "
17.	J. R. Sahgal	" "
18.	R. S. Shukla	" "
19.	D. L. Srivastava	" "
<u>SENIOR CLERK</u>		
1.	Abdul Wahid.	Senior Clerk
2.	Babban Pathak	" "

10) That the Additional Chief Mechanical Engineer arbitrarily made the restructuring, ignoring the claim of the applicant which is discriminatory and is in violation of Articles 14 and 16 of the Constitution of India 1950.

11) That the applicant has been illegally and unjustifiably deprived of the benefit of Railway Board's Circular dated 16.11.84.

7. Details of remedies exhausted:

- 1) That the applicant made representations to the Additional Chief Mechanical Engineer, Respondent No 4 on 14th January 1986 and 9.1.87 against not placing him in the restructured grade of Asstt. Superintendent while his juniors have been given the benefits of the scheme. But the Respondent No 4 did not give any reply. True copies of the representations are being Annexed as Annexure Nos A-4 and A-5 respectively.

(6)

2) That thereafter the applicant made representations to Chief Works Manager and General Manager, Respondents Nos 3 and 2 respectively on dated 24.7.87, 1.9.87, 22.9.87, 4.1.88, 15.4.88, 29.7.88, 25.8.88 and 19.12.88.

All the representations are not being annexed to this application as it will only increase the bulk of the application. If desired by the Hon'ble Tribunal all the representations mentioned will be produced at the time of hearing.

3) That the Respondents did not consider the representations of the applicant and he has been waiting for justice since 1985.

4) That thereafter the applicant approached this Hon'ble Tribunal by of OA 30 of 1989 (L) which was decided by this Hon'ble Tribunal by issuing the direction to the Respondent No 3 to decide the representations of the applicant and to give him benefits to which he is entitled. True copies of the orders dated 9.3.89 and dated 7.4.89 are being annexed to this application and are being marked as Annexure A-6 and A-7 respectively

5) That thereafter the applicant forwarded the orders dated 9th March 1989 and dated 7.4.89 to Respondent No 3 vide his application dt. 13.4.1989. True copy of the application dt.

Turkmen

7 7

(7)

13.4.89 is being annexed as Annexure No A-8 to this application.

- 6) That thereafter the applicant received a letter dated 20.6.89 from the Respondent No 3 wherein it has been mentioned that the applicant was not senior to the staff referred to in Annexure No-4. Thus the representation of the applicant was rejected by the Respondent No 3 by a non-speaking order. It is incorrect to say that the applicant was not senior to the staff referred to in Annexure No 4. To verify the facts Annexure No A-1 (Seniority List) may be perused. True copy of the letter dated 20.6.89 is being annexed to this application and is being marked as Annexure No A-9.
- 7) That the applicant served a Registered A/D ~~letter~~ Notice on Respondent No 3 through his Legal Counsel vide Registered letter dated 1.7.89 wherein defects in the letter dated 20.6.89 were pointed out. The applicant has not received any reply from the Respondent No 3 in respect of the Legal Notice dt 1.7.89 as yet. True copy of the Legal notice dt 1.7.89 is being annexed to this application and is being marked as Annexure No A-10.

8. Matter not previously filed or pending with any other Court.

Contd...P 8/

T. S. S. S.

9. R E L I E F S

In view of the facts mentioned in Para 6 above, the applicant prays for the following reliefs :-

- 1) That the Respondent No 3 may be directed to give him all the benefits of the post of Asstt. Superintendent (Pay scale 550 - 750 w.e.f. 1.1.84) and all subsequent benefits.
- 2) Costs of the case may be awarded in favour of the applicant.
- 3) Any other and further relief which may be deemed fit and proper by this Hon'ble Tribunal in the facts and circumstances of the case.

GROUND S O F R E L I E F.

- (i) Because the applicant is one of the senior-most Head Clerks who was entitled to be upgraded as Asstt. Superintendent by virtue of restructuring scheme vide Railway Board's letter dated 16.11.80.
- (ii) Because by not upgrading the applicant to the post of Asstt. Superintendent the Respondents have made discrimination against the applicant, which is bad in law.
- (iii) Because the Respondents have violated the fundamental rights of the applicant under Articles 14 and 16 of the Constitution of India by not upgrading him to the post of

9 9
(9)

Asstt. Superintendent in accordance with directions contained in Railway Board's letter dated 16.11.84.

(iv) Because the Respondent No 3 has rejected the representations of the applicant arbitrarily by non-speaking order dated 20.6.89.

(v) Because the Respondent No 3 was bound to consider and decide the representations of the applicant in quasi-judicial manner by a speaking order.

(vi) Because the entire service record of the applicant is meritorious, unblemished and spotless.

10. INTERIM ORDER, IF ANY, PRAYED FOR :-

11. Not applicable.

12. Particulars of Postal Order in respect of the application fee:

(1) Number of Indian Postal Order(s) 802 409857

(2) Name of Issuing Post Office. High Court Bench Post Office, Lucknow

(3) Date of issue of Postal Order. 15-2-90

(4) Post Office at which payable:

13. List of Enclosures:

(1) Seniority List dated 25.6.83.

(2) Railway Board's letter dt 16.11.84

Trustee

10
16

(10)


- (3) Addl. Chief Mechanical (Mechanical's) Order
No S.O.51 dt 19.1.85
- (4) Representation dated 14-1-86.
- (5) Representation dated 9.1.87.
- (6) Order of Central Administrative Tribunal
dated 9.3.1989.
- (7) Order of Central Administrative Tribunal
dated 7.4.89.
- (8) Application of the applicant dated
13.4.89.
- (9) Letter of the Chief Works Manager, Loco
Shop, Charbagh, Lucknow dated 20.6.89
- (10) Legal notice sent by the applicant dated
1.7.89.

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

I, Tek Chand, S/O Sri Tota Ram, aged about
58 years, working as Head Clerk in the Office of
Locomotive Workshop, Charbagh, Lucknow, resident of
566/29-Gha, Jai Prakash Nagar, Behind Alka Paint Fac-
tory, Alambagh, Lucknow do hereby verify that the con-
tents of paras _____
are true to my personal knowledge, and paras _____
_____ are be-
lieved by me to be true on the legal advice and that
I have not suppressed any material facts.

Date _____

Place: LUCKNOW.


Signature of the Applicant.

CENTRAL ADMINISTRATIVE TRIBUNAL

Annexure - 1

ADDNL BENCH ALLAHABAD — LUCKNOW

(19)

Tek Chand

VS

Applicant

Union of India and others

Respondent

ANNEXURE NO 1

NORTHERN RAILWAY
Locomotive Works, Charbagh, Lucknow.

No. 50E/3/Pt. IV.
Dated 6-9-1983.

All concerned
Loco shop/Charbagh, LKO.

Sub:- Provisional Seniority list of Ministerial
staff. on 25-6-83
.....

The Seniority list of clerical staff of non
Establishment group of this workshop are sent herewith
which may please be circulated amongst the clerical staff
working under you.

The staff may please be asked to submit their
representation if any regarding assignment of their seniority
position of this office latest within one month from the
date of issue of this letter.

.....
Addl. Chief Mech. Engineer (W)
M. RLY. CE/Lucknow.

True Copy attested
Advocate

1/11/83
H. H. H. H.

Turnover

INDIAN RAILWAY LOCOMOTIVE WORKS CHANDENI LUCKNOW

Non - Establishment

No.	Name	Designation	Sec- tion	Date of birth	Date of Appnt.	Post Grade	Date of comple- tion	Date for which efft.
1				5	6	7	8	9
2				5	6	7	8	9
3				5	6	7	8	9
4				5	6	7	8	9
5				5	6	7	8	9
6				5	6	7	8	9
7				5	6	7	8	9
8				5	6	7	8	9
9				5	6	7	8	9
10				5	6	7	8	9
11				5	6	7	8	9
12				5	6	7	8	9

Office Superintendent Gr. E. 700-900(RS)

1. B.L. Seroj(SC) OS T.O. 03-7-32 01-2-57 Supdt. 700-900
2. M.S. Hussain OS Prod. 03-1-27 11-10-47 Supdt. 700-900
3. Ram Nath OS Budget 07-7-25 6-11-46 Supdt. 700-900
4. D.C. Saxena OS Prod 15-1-28 19-11-46 A.S. 550-750 1-11-80 O.S. 700-900

Asstt: Superintendent Gr. Rs. 550-750(RS)

1. Roop Narayan AS Prod. 05-7-31 27-1-59 A.S. 425-700 01-3-79 A.S. 550-750 01-4-82
2. Bhim Sen (SC) AS T.O. 10-11-32 17-4-58 H/C 425-700 01-7-78 A.S. 550-750 01-6-79
3. G.D. Saxena AS Prod. 11-5-26 29-6-44 H/C 425-700 01-3-79 A.S. 550-750 1-10-80
4. L.B. Mishra AS T.O. 25-7-25 18-9-44 H/C 425-700 07-3-79 A.S. 550-750 1-10-80
5. R.P. Upreti AS Con- 14-1-34 20-2-60 H/C 425-700 01-3-79 A.S. 550-750 1-10-80
6. Banarasi Ram(SC) AS T.O. 01-4-32 08-7-59 H/C 425-700 01-1-79 A.S. 550-750 1-10-80
7. U.S. Sinha AS Prod. 15-7-26 01-2-45 H/C 425-700

(Contd.2)

Twelve

16/11/80
11/11/80
11/11/80

1	2	3	4	5	6	7	8	9	10	11	12
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8. S.P. Sharma AS Budget 23-1-26 14-12-45 H/C 425-700 01-3-80 A.S. 550-750 1-10-80
 9. Y.P. Yadav AS BSIS 07-7-29 22-01-54 H/C 425-700 01-10-80 A.S. 550-750 11-2-82
 10. V.K. Awadhya (SI) AS Genl. 8-11-51 14-11-79 H/C 425-700 Ofg. A.S. 550-750 2-11-82
 (Uftg. as ad-hoc basis).

11. I.A. Ansari AS T.O. 09-7-26 20-12-46 H/C 425-700 1-10-80 A.S. 550-750 24-1-83

Head Clerk Grade B3, 425-700(R.S.)

1. Lallen Prasad H/C T.O. 01-2-27 12-9-45 H/C 425-700 01-3-80
 2. R.K. Tripathi H/C Fdy. 01-1-26 24-7-46 H/C 425-700 1-10-80
 3. Ajit Singh H/C ESL 15-8-27 21-9-46 H/C 425-700 1-11-80
 4. S.P. Kohli H/C BS 11-12-26 26-9-46 S/C 330-560 21-8-63 H/C 425-700 09-9-80
 5. V.D. Sharma H/C Prod 9-10-27 11-4-47 S/C 330-560 28-10-63 H/C 425-700 1-10-80
 6. H.M. Tripathi H/C L.S. 01-9-27 30-4-47 -do- -do- 19-3-64 -do- -do- 1-10-80
 7. B.K. Sen Gupta H/C Prod. 06-9-27 06-8-47 -do- -do- 28-3-66 -do- -do- 1-10-80
 8. S.K. Biswas H/C SIS 15-6-20 26-12-46 -do- -do- 16-6-66 -do- -do- 1-10-80
 9. S.K. Chaturvedi H/C Prod. 28-11-28 1-10-47 -do- -do- 16-6-66 -do- -do- 1-10-80
 10. Rama Shankar H/C Y.S. 30-7-30 10-3-49 -do- -do- 14-8-68 -do- -do- 1-10-80
 11. Tek Chand (SC) H/C MTS 14-1-31 16-9-45 -do- -do- 01-3-79 -do- -do- 1-10-80
 12. P.C. Tewari H/C Genl 25-11-25 01-3-49 -do- -do- 17-12-69 -do- -do- 1-11-81
 13. K.S. Saxena H/C T.O. 01-7-30 24-11-54 -do- -do- 28-1-75 -do- -do- 09-1-81

Twelve and

*For Copy Attached
 11/11/85*

2	3	4	5	6	7	8	9	10	11	12
Shaban Lal (SC) H/C	E.S.	07-1-39	24-10-64	H/C	330-560	-	-	H/C	425-700	02-2-81
Shaban Lal (SC) H/C	T.O.	10-9-43	28-5-71	H/C	330-560	-	-	H/C	425-700	01-4-81
Shaban Lal (SC) H/C	SIS	03-7-33	28-6-55	-do-	-do-	-do-	1-3-76	-do-	-do-	01-8-81
Shaban Lal (SC) H/C	T.O.	01-1-68	28-6-46	-do-	-do-	-do-	1-3-76	-do-	-do-	11-2-82
Shaban Lal (SC) H/C	T.O.	30-7-33	28-6-55	-do-	-do-	-do-	12-7-75	-do-	-do-	11-2-82
Shaban Lal (SC) H/C	E.S.	05-8-34	05-7-55	-do-	-do-	-do-	12-7-75	-do-	-do-	25-3-82

Senior Clerk Grade No. 330-560 (R.S.)

Shaban Lal (SC) H/C	Sr/C	T.O.	09-6-03	12-7-55	Sr/C	330-560	12-7-76
Shaban Lal (SC) H/C	-do-	-do-	1-12-34	02-3-56	-do-	-do-	12-7-75
Shaban Lal (SC) H/C	-do-	-do-	23-1-33	27-9-55	-do-	-do-	01-9-76
Shaban Lal (SC) H/C	-do-	-do-	16-12-35	15-4-57	-do-	-do-	01-9-76
Shaban Lal (SC) H/C	-do-	-do-	15-1-32	16-5-57	-do-	-do-	02-2-77
Shaban Lal (SC) H/C	-do-	-do-	TTS 11-10-32	01-3-57	-do-	-do-	01-3-77
Shaban Lal (SC) H/C	-do-	-do-	T.O. 8-12-32	29-4-57	-do-	-do-	01-3-77
Shaban Lal (SC) H/C	-do-	-do-	DSL 01-8-33	29-4-57	-do-	-do-	01-5-77
Shaban Lal (SC) H/C	-do-	-do-	T.O. 30-7-33	23-12-54	-do-	-do-	01-7-77
Shaban Lal (SC) H/C	-do-	-do-	05-9-35	27-9-57	-do-	-do-	01-3-77
Shaban Lal (SC) H/C	-do-	-do-	01-7-34	9-10-57	-do-	-do-	01-1-78
Shaban Lal (SC) H/C	-do-	-do-	05-9-32	8-10-57	-do-	-do-	01-6-77
Shaban Lal (SC) H/C	-do-	-do-	16-9-34	8-10-57	-do-	-do-	01-7-78

(Contd...4)

Shaban Lal (SC) H/C

Shaban Lal (SC) H/C

TOK Chand

vs

Applicant

Union of India and others

Respondent

ANNEXURE No 2

(3)

GOVT. OF INDIA.
MINISTRY OF RAILWAYS
RAILWAY BOARD.

No. PCIIL/84/UFC/9

New Delhi dated 16.11.84.

The General Managers,
All Indian Railways,
GDM, DLM & ICR.Sub:- Cadre review and restructuring of Group 'C' & 'D'
Staff

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the staff side on the Committee of the Departmental Council of the JCM (Railways) for sometime. The Ministry of Railways have decided with the approval of the President to restructure certain categories of Groups 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the foot note under the different categories should be strictly and carefully adhered to.

✓ 3. For the purpose of restructuring, the cadre strength as on 1.1.1984 will be taken into account and will include post given and leave reserve posts.

4. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under rule 2018-B(1-220) II w.e.f. 1.1.1984. The benefit of fixation effective from 1.1.1984 will also be applicable to the chain/resultant vacancies. In effect, the benefit of fixation from 1.1.1984 should be given against all vacancies which arise from restructuring.

✓ 5.1. The existing classification of the posts covered by these restructuring orders, as "selection" and "Non-selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "selection" post, the existing selection procedure will so be modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva voce test. Under this procedure, the category "Outstanding" will not exist.

5.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit

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T. K. Chand

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Authorized

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of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'selection' or 'Non-selection' posts (as the case may be).

5.3. Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence :-

- i. from panels approved on or before 15.11.84 and current on that date; and
- ii) balance in the manner indicated in paras 5.1. & 5.2 above.

5.4. For such of the posts in the annexure to this letter as fall in "Safety Categories", the instructions contained in this Ministry's letter No. B(IG)I-83-PM2-8 dated 7.10.83 will apply mutatis mutandis for promotions against vacancies covered by these restructuring orders.

6. The Existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. Non-functional selection grade posts, if any, created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grade posts so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 1.4.1985.

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

9. The Board desire that restructuring and posting of staff left over process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include the same in the revised Estimates for 1984-85 and Budget Estimate for 1985-86 by telegraphic advice to Adl. Director, Finance (B), Railway Board.

11. Hindi Version will follow.

12. Kindly acknowledge.

86/-

(M. S. Mathuram)
Adl. Director, Pay Commission,
Railway Board.

Forwards

*True Copy
attested*

*17/11/84
Advocate*

Statement indicating restructuring of certain
Group 101 & 101 Code:

(Annexure to Railway Board's letter No. RCH/84/UPG/9 dated 16.11.84).

1.	<u>LOGO NUMBERING SYSTEM</u>	(Filled up by running staff only)
Designation	Existing	Restructuring.
	Scale (S)	

1 Power Controll- 550-750 and
ers (Steam, Diesel below
2 Electric Trac- 700-900
ction designation-
3 s CPC / S-40 /
4 (ADIC etc.). 840-1040.

1. Existing prices on the Zonal railways will be aggregated and placed at 620% in scales 550-750 below and 80% in scale .

2) Posts in each of 700-900 will be operated in S. 840-1010 on each for Hd. Control, Divil. Control and Area Control Office dealing with more than 20 trains per day. This should also be provided separately for Electric Control Offices whenever such Control Offices exist.

2. LOCO/INSPECTOR/FUEL/ING. ECTORS.

(Steam/Disal,	550-730
Electric	below
Fraction incl.	
Driving Ins-	700-900
pector	
Full Insp	840-1040
Self ty	
Counselloes.	

All the posts on Zonal
railways will be aggr. got. and
distributed @ 50% in scale
Rs. 840-1040 and 50% in scale
Rs. 700-900. On such of the
railways where posts are
operated in scale Rs. 550-750 and
below they shall continue
against the 50% provision for
posts in scale Rs. 700-900.

3. Asstt. Loco 550-780
 Foreman (running)/
 Crew Controllers 700-900**
 of the Electric Dept.
 incl. Asstt. Inc-340-1040**
 tion Foreman
 (running) of the
 Elec. Dept.

Costs in these categories will be aggregated and restructured. A summary:-

Scale (S). (C)

550-750	low	63%
700-900		27%
840-1040		10%

Note:- (**) These posts are currently part of the grade 'A' Loco branch which are in the way of promotion to be in 'A' and 'B' grade 'A' scale is 550-750. (c) When these posts are operated in scale below 550-750 they will continue as part of the present grade 'A' provided for posts in scale is 550-750 in the restructuring.

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Advocate 1/90

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Designation	Scal. (S)	Revised %age
Messengers.	260-430	35
	330-480	40
	425-640	25
Inspector of Telegraph-Traffic.	550-750	2 posts per Divn. 2 posts per Divn.
	700-900	1 post per Divn. 1 post per Divn.

5. COMMERCIAL INSPECTOR.

Designation/Category	Revised %age
Commercial/Cl. Ins./ Sales & Marketing Inspectors	
425-640	12.5
455-700	22.5
550-750	20.0
700-900	40.0 *

NOTE:- * 10% of the posts in scale 700-900 are to be operated in scale 840-1040.

6. DRAWING OFFICE CADRE (incl. Draftsman, Estimators & Design Asstts.)

The above cadre which is currently operated in varying percentages in all the four technical departments viz. Civil, Mechanical, Electrical Engg. and S&M Dpts. L. 1.1.79 will be restructured on a common percentage as given below:-

Scal. (S)	Percentage
330-560	20
425-700	30
550-750	25
700-900	25

- Note:- i. Existing posts in scale 840-1040 in production units at I, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z will continue as part of the percentage provided for posts in scale 700-900.
- ii. As a result of restructuring, if in any cadre, the posts exceed the prescribed percentage now laid down, they shall be progressively adjusted.
- iii. The existing rule for recruitment of Engg. graduates to scale 550-750 will stand modified to scale 700-900. This will be governed by paras 5.1. and 5.2. of this Ministry's letter No PC/II/83/UPG/3 dt. 1.5.84.

In terms of this Ministry's Ltr No PC/II/78/UPG/B dt. 3/11/80

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7. MINISTERIAL STAFF (Estt. and other than Estt. excluding Accounts Staff).

Scale(Rs.).	Revised. Percentage.
260-400	20
330-560	35
425-720	30
550-750	10
700-900	5

8. Welfare/Personnel/HR/Publicity/
Statistical/Shipping Inspectors.

The above cadres which are structured currently on varying percentages in terms of this Ministry's letter No. PCIII/73/UPG/8 dated 1.1.79 and 1.6.79 are now restructured on a common percentage:-

Grade(Rs.).	Revised %age.
425-640)	30
425-700)*	
550-750	40
700-900	30

Note:- *Grade Rs. 425-700 is applicable only to the category of Statistical Inspectors.

9. LEGAL STAFF.

550-750	45
700-900	55

10. PARA-MEDICAL CADRES.

1. Health & Malaria Inspectors.

330-560	35
425-640	30
550-750	25
700-900	10

2. LABORATORY STAFF.

330-560	30
425-700	30
550-900	40

3. X-Ray Staff.

260-430	30
330-560	70(+)

NOTE:- (+) 20% of posts in scale Rs. 330-560 will be placed in grade Rs. 425-640.

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Advocate 1/1/90

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(9)
- 5 -2. CONSOLE OPERATORS.

<u>Designation</u>	<u>Scale(Rs.)</u>	<u>Revised Rate.</u>
Junior Console Operator.	550-750	50
Sr. Console Operator	650-960	50

NOTE: One post of Co-ordinating Sr. Console Operator in scale Rs.650-960 on each Zonal Railway and Production Unit will be granted a Special Pay of Rs.100/- P.M. w.e.f. 1.11.1984.

3. ASSTT. PROGRAMMER.

Asstt. Programmers scale Rs.650-960 will be granted a special pay of Rs.125/- P.M. w.e.f. 1.11.1984.

4. GENERAL.

Posts of Jr. Punch Operator/Verifier in scale Rs.260-400 should be progressively worked off and placed in scale Rs.330-560 and filled cent percent by direct recruitment of graduates. Till such time the posts in Rs.260-400 are worked off, following action should be taken:-

1. The restructured vacancies including chain vacancies arising from restructuring in scale Rs.330-560 will be filled entirely by promotion from scale Rs.260-400.
2. Future vacancies materialising in scale Rs.260-400 will be upgraded to scale Rs.330-560 and filled to the extent of 33-1/3% by existing incumbents in scale Rs.260-400 and balance in equal share by serving graduates and directly recruited graduate through RSC. Shortfall in serving graduates quota will be filled by direct recruitment through RSC.

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[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDNL BENCH AHMABAD

ANNEX NO - 3

(2)

Tek Chand

VS

Applicant

Union of India and others

Respondent

ANNEXURE NO 3

S.O. No. 51

Date 19-1-85

Consequent upon the re-structuring received vide railway letter No. PC-III/84/LPC/9 dt. 10.11.1984, circulated vide G.P./WR/1000 letter No. 561E/255-96/Genl/PC/WR/1000 dt. 24.12.84, the following percentage has been increased in the strength of Clerks is different grades in NON-PERSONNEL group with effect from 1.1.1984 :-

Grade	Category	No. of posts		percentage revised.
		Existing	Revised	
700-900 (Rs.)	Office Supdt.	4	8	5 %
550-750 (Rs.)	Asstt. Supdt.	11	16	10 %
425-700 (Rs.)	Head Clerk	21	49	30 %
330-560 (Rs.)	Senior Clerk	93	57	35 %
260-400 (Rs.)	Junior Clerks	33	32	20 %

Accordingly the following staff of Non-Personnel Group are promoted and posted from the date shown against each. Their present postings are purely temporary and will be posted in different sections and shops according to Pin pointing of post already done.

Name	Design.	Present pay & Grade.	Date	To be promoted as	Pay & Grade received.	Date	Remarks
S/Ori :-							
1. G.U. Saxena	AS	750/-	1.1.84	Office Supdt.	795/-	1.1.84	Retd. on 31/5/84
2. R.P. Uprethi,	AS	630/-	"	"	700/-	"	"
	OS	650/-	1.1.84	"	730/-	1.1.85	"
	OS	700/-	31.12.84	"	"	"	"
3. U.S. Sinha,	AS	700/-	1.1.84	"	730/-	1.1.84	Rtd. on 31.7.84
	OS	730/-	700-900	"	"	"	"
4. S.P. Sharma	AS	700/-	550-750	"	OS 730/-	700-900	1.1.84 Rtd. on 31.1.84.
5. Y.P. Yadav	AS	700/-	"	"	OS 730/-	"	1.2.84 vice Sri S.P. Sharma
	OS	725/-	1.6.84	"	"	"	"
6. I.A. Ansari	AS	700/-	"	1.1.84	OS 730/-	700-900	1.6.84 vice Sri G. U. Saxena.
7. S.P. Kohli	AS	675/-	"	"	OS 730/-	700-900	1.8.84
	OS	700/-	"	1.9.84	vice Sri U.S. Sinha.	"	"
		730/-	700-900	1.10.84	"	"	"
			retired on 31.12.1984.				

S. P. Saxena

T. K. Chaudhary

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S/Sri :-

8.	Lallan Pd.	AS	780/-	550-750	1.1.84	US	765/-	750/-	900	1.8.84	Vice Sri IA Ansari
9.	V.D. Sharma	AS	660/-	"	1.1.84	US	700/-	"		1.1.85	Vice Sri SP Kohli
10. ASSISTANT SUPUT.											
10.	HN Tripathi	HC	640/-	425-700	1.1.84	AS	675/-	550-750		1.1.84	Against up-
		AS	660/-	"	1.10.84		700/-	"		1.1.85	graded post
		AS	675/-	550-750	1.6.84						
11.	BK Sen Gupta	HC	640/-	425-700	1.1.84	AS	675/-	550-750		1.1.84	-do-
		AS	660/-	"	1.5.84		700/-	"		1.1.85	
		AS	700/-	550-750	1.8.84						
12.	BK Biswas	HC	640/-	425-780	1.1.84	AS	675/-	"		"	-do-
		AS	675/-	550-750	1.8.84		700/-	"		1.1.85	
13.	Ajit Singh	AS	675/-	"	1.1.84	AS	675/-	"		1.1.84	-do-
		HC	660/-	425-700	5.12.84		700/-	"		1.1.85	
14.	SK Chaturvedi	HC	640/-	"	1.1.84	AS	675/-	"		1.1.84	-do-
		AS	675/-	550-750	16.1.84 to 26.4.84	AS	700/-	"		1.1.85	
		HC	660/-	425-700	1.X.84						
		AS	700/-	550-750	3.X.84 to 7.12.84						
15.	Rama Shanker	HC	640/-	425-700	1.1.84	AS	675/-	"		1.1.84	-do-
		AS	660/-	"	1.X.84		700/-	"		1.1.85	
16.	K.S. Saxena	HC	560/-	"	1.1.84	AS	590/-	"		1.1.84	-do-
		AS	590/-	550-750	5.3.84 to 26.3.84	AS	610/-	"		1.1.85	
		AS	560/-	425-700	26.3.84 to 27.3.84						
17.	OP Singhal	HC	580/-	"	1.1.84	AS	610/-	"		1.1.84	
		AS	600/-	"	1.5.84		630/-	"		1.1.85	
18.	JK Sahgal	HC	600/-	"	1.1.84	AS	630/-	"		1.1.84	Vice Sri RP
		AS	620/-	"	1.2.84		650/-	"		1.1.85	Upreti.
19.	KS Shukla	HC	535/-	"	1.1.84	AS	550/-	"		1.2.84	Vice Sri I. Z
		AS	530/-	"	1.7.84		570/-	"		1.2.85	Sharma, Ashok Verma
20.	UL Srivastava	HC	530/-	"	1.1.84	AS	550/-	"		1.6.84	Vice Sri GD
		AS	545/-	"	1.7.84						Soet in adhoc basis
21.	Abdul Wahid	HC	530/-	"	1.1.84	AS	550/-	"		1.8.84	Vice Sri 125 Sri
		AS	545/-	"	1.9.84						on adhoc basis

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✓ 22. Babban Pathak HC 515/-425-700 1.1.84 AS 550/-550-750 1.8.84 Vice Sri 14
530/- " 1.8.84 AD on adhoc basis.

✓ 23. Banarasi Ram AS/SC No change.

24. Niranjan Lal HC 455/-425-700 1.1.84 No change.
SC 470/- " 1.2.84
AS 550/-550-750 5.3.84 to 20.4.84
HC 470/-425-700 21.4.84
AS 550-550-750 5.12.84

25. Sri V. K. Awachya Sr. is promoted as Asstt. Supdt. on pay 3.570/- in scale Rs. 550-750 (Rs) w.e.f. 8.10.1984 on adhoc basis for six months in terms of letter No. 57/C/84 dated 23.10.1984.

26. Zaheer Ahmad Sr. 488/- + 330-560 1.1.84 HC 515/- #/- PP425-700 1.1.84 against
Clerk 35/- " " upgraded
515/- #/- 425-700 1.6.84 530/- " 1.1.85 post.
530/- " 1.12.84

27. RS Yadava " 488/- + 330-560 1.1.84 HC 515/- #/- " 1.1.84 -do-
515/- #/- 425-700 1.8.84 530/- " 1.1.85

28. RA Lait " 488/- + 330-560 1.1.84 HC 515/- #/- " 1.1.84 -do-
500/- + 35/- " 1.3.84 530/- " 1.1.85
HC 530/- + 35/- 425-700 1.8.84

29. SR Tewari Sr. 476/- + 35/- 330-560 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
Clerk 488/- + 35/- " 1.4.84 515/- " 1.1.85
HC 515/- #/- 425-700 19.9.84

30. RK Misra Sr. 476/- + 35/- 330-560 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
Clerk 488/- + 35/- " 1.7.84 515/- " 1.1.85
HC 515/- #/- 425-700 3.X.84 to 10.12.84

31. AA Siddiqui Sr. 476/- + 35/- 330-560 1.1.84 HC 550/- + 11/- " 1.1.84 -do-
Clerk 488/- + 35/- " 1.4.84 515/- " 1.1.85

32. RK Jha " 476/- + 35/- " 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
488/- + 35/- " 1.4.84 515/- " 1.1.85

33. Gajraj Singh " 476/- + 35/- " 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
488/- + 35/- " 1.4.84 515/- " 1.1.85

34. GK Dixit " 476/- + 35/- " 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
488/- + 35/- " 1.4.84 515/- " 1.1.85

35. Ram L'akhan " 476/- + 35/- " 1.1.84 HC 500/- + 11/- " 1.1.84 -do-
488/- + 35/- " 1.5.84 515/- " 1.1.85

19.1.85

True as per

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19.1.85
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S/No :-	Grade.	Noted as	Revised.	
36. TN Gupta Sr. Clerk	475/- 435/- 330-560	1.1.84 HC 500/-	411/- 425-700	1.1.84 against upgrade post.
	488/- 435/- "	1.5.84 515/-	"	1.1.85 -do-
37. RU Advani "	476/- 435/- "	1.1.84 HC 500/-	411/-	1.1.84 -do-
	488/- 435/- "	1.5.84 515/-	"	1.1.85 -do-
38. ML Sharma "	476/- 435/- "	1.1.84 HC 500/-	"	1.1.84 -do-
	488/- "	1.9.84 515/-	"	1.1.85 -do-
39. RP Srivastava "	476/- "	1.1.84 HC 500/-	"	1.1.84 -do-
	488/- "	1.5.84 515/-	"	1.1.85 -do-
40. JC Rawat "	476/- "	1.1.84 HC 500/-	"	1.1.84 -do-
	488/- "	1.4.84 515/-	"	1.1.85 -do-
41. SS Shukla "	476/- "	1.1.84 HC 500/-	"	1.1.84 -do-
	488/- "	1.5.84 515/-	"	1.1.85 -do-
42. R.S. Bajpai Off. WLI	485/- 425-640	1.1.84 HC 485/-	"	1.1.84
	500/- " 1.12.84	" 500/-	"	1.1.85
(Working as WLI) against upgraded post.				
43. U.S. Shukla Sr. clerk	464/- 330-560	1.1.84 HC 485/-	"	1.1.84
	476/- "	1.9.84 500/-	"	1.1.85
against upgraded post.				
44. S.B. Pathak "	464/- "	1.1.84 HC 485/-	"	1.1.84
	476/- "	1.7.84 500/-	"	1.1.85
HC	485/- 425-700	15.1.84 to 15.3.84	against upgraded post.	
45. R.S. Nigam Sr clerk	440/- 330-560	1.1.84 HC 455/-	425-700	1.1.84
	452/- "	1.7.84 470/-	"	1.1.85
against upgraded post.				
46. Tekchand H/clerk	No Change.			
47. A.H. Farooqi Sr.	440/- 330-560	1.1.84 HC 455/-	425-700	1.1.84
	452/- "	1.10.84 470/-	"	1.1.85
against upgraded post.				
48. A.K. Chatterjee Sr. clerk	440/- "	1.1.84 HC 455/-	425-700	1.1.84
		470/- "	"	1.1.85
against upgraded post.				
49. S.N. Shukla "	440/- "	1.1.84 HC 455/-	425-700	1.1.84
	452/- "	1.9.84 470/-	-do-	1.1.85
against upgraded post.				
50. R.K. Gosai "	428/- "	1.1.84 HC 455/-	425-700	1.1.84

True Copy
attested
by Adv. 1/1/90

Srl. No. Name Desig. Present Pay & Gr. Date To be promoted as revised

51.	R.S.Sahu	Sr. clerk	415/- 330-560	1.1.84 HC	440/- 425-700	1.1.84
			428/- "	1.2.84 "	455/- -do-	1.1.85
				against an upgraded post.		
52.	K.N.Saxena	"	452/- "	1.1.84 "	470/- 425-700	1.1.84
			464/- "	1.3.84	485/- -do-	1.1.85
		HC	485/- 425-700	1.5.84 to 31.5.84	against an upgraded post.	
53.	Brij Narain	Sr. clerk	392/- 330-560	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.3.84	440/- -do-	1.1.85
				against an upgraded post.		
54.	Hanuman Pd	"	404/- "	1.1.84 HC	425/- -do-	1.1.84
		"	416/- "	1.4.84 "	440/- -do-	1.1.85
		HC	440/- 425-700	1.6.84 to 16.7.84	against an upgraded post.	
55.	K.M.Dixit	Sr. clerk	428/- 330-560	1.1.84 HC	455/- 425-700	1.1.84
			440/- "	1.4.84 "	470/- -do-	1.1.85
				against an upgraded post.		
56.	Wazahul Haq	Sr. clerk	392/- "	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.4.84	440/- -do-	1.1.85
				against an upgraded post.		
57.	B.C.Varma	"	464/- "	1.1.84 HC	485/- 425-700	1.1.84
			476/- "	1.11.84	500/- -do-	1.1.85
				against an upgraded post.		
58.	K.C.Shukla	"	392/- "	1.1.84 HC	425/- 425-700	1.1.84
			404/- "	1.2.84 "	440/- -do-	1.1.85
				against an upgraded post.		

Thurmond

19.1.85

True Copy attested
Advocate

Sd/-

2. Group.

S/Sri :-

59. AK Awasthi Sr. Clerk	380/- 392/-	330-560 "	1.1.84 1.9.84	HC	425/- 440/-	425-700 "	1.1.84 1.1.85	against upgraded post.
60. Thakur Dass "	380/- 392/-	" "	1.1.84 1.X.84	HC	425/-	"	1.2.84	Vice Sri K. Shukla on 1.6.84
61. SK Singh "	392/- 404/-	" "	1.1.84 1.X.84		425/-	"	1.6.84	Vice Sri UL Srivastava.
62. Chandra Prakash "	392/- 404/-	" "	1.1.84 1.X.84	HC	425/-	"	1.8.84	Vice Sri Abdul Wahid.
63. MD Gupta "	392/- 404/-	" "	1.1.84 1.X.84	HC	425/-	"	1.8.84	Vice Sri Babbar Pathak.
64. Uma Balani "	380/- 392/- 425/-	" " 425-700	1.1.84 1.6.84 S.3.84 to 26.3.84	HC	425/-	"	1.1.85	vice Sri VK Awasthiyaya.
65. Bhagwant Dass	No change.							
66. Satish Kumar,	-do-							
67. Jit Bhandari	-do-							
68. Pourn Lal "(SC)"	380/- 392/-	330-560 "	31.12.83 1.1.84	HC	425/- 440/-	" "	1.1.84 1.1.85	
69. Mahendra Prakash "(S.C.)"	360/- 370/-	" "	1.1.84 1.X.84	HC	425/- 440/-	" "	1.1.84 1.1.85	

They may be paid arrears if any. The above mentioned staff must understand that above arrangement are purely provisional and subject to final disposal of writ which is pending in Supreme Court of India or any instructions is received from Headquarters Office.

This has got the approval of Addl. C.M.E.(W)/CB/LKO & PE/CB/LKO.

For Addl. Chief Mech. Engineer (W),
NR/Loco Shops/CB/LKO.

Copy to:- Sd(W)/CB, PF, Incentive, PSts/CB, C&M/CB/LKO, BS/TO, PB, Prod., Pass, General, Budget, SS/BS, BSS, FDY, LMS, MTS, DSL, MS, ES, TS, YS, WLO, TR, CI for info & n/acting please.

For Addl. C.M.E.(W)/CB/LKO.

SN/19.1.85

19.1.85

MTS

True Copy attested
19/1/85
Advocate

28
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Annexure 4
(27)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AHMEDABAD LUCKNOW

Per channel

vs

Applicant

Union of Jodra and others

Respondent

ANNEXURE NO 4

To
The Addl. Chief Mechl. Engineer (W)
N.Rly., Locomotive Works,
Chargan, Lucknow.

Sub:- Suppl. written test for the post of As(Mechl.) gr. 2.
550-750 (RS)

Ref:- Your letter no. 314E/IV/85-86 dt. 2.1.1986.

Respected sir,

With due respect and humble submission we beg to lay the following few lines for your kind consideration and favourable order:

1. That we have been working as a Hd. Clerk in the grade A. 425-700(RS) w.e. 1.1.80 and 1.4.81 respectively.
2. That the undernoted staff have been promoted Hd. Clerk later than us.

1. Sri K.S. Saxena,
2. Sri O.P. Singh.
3. " J.R. Shargal
4. " K.S. Shukla
5. " D.L. Srivastava,
6. " Abdul Wahid,
7. " Baban Patnak
8. " Ram Bahadur.
9. " S.M. Gupta,
10. " Ram Swaroop Srivastava,
11. " M.P. Yadav,
12. " R.S. Yadav,
13. " R.A. Lal.

3. That the above persons have been promoted as AS in the re-structuring vide S.O. no. 51 dt. 19.1.85 w.e. 1.1.84 ignoring our real seniority in general order.

4. That Sri K.S. Saxena, O.P. Singh and J.R. Shargal have been promoted against the upgraded vacancies without holding any examination and other were promoted against the resultant vacancies.

5. Hence it is to be pointed out here that when the juniors have already been promoted and adjusted against upgraded post of re-structuring, we should also be exempted from appearing in the ensuing examination virtually and promoted as AS prior to the date our is juniors.

It is therefore requested to your honour, look into the matter kindly and exempt us for the above test and pass the necessary order for our promotion.

Thanking you,

Yours faithfully

(Signature)
Advocate

(Signature)

True Copy
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL

Annex no - 5

ADDITIONAL BENCH AHMADABAD

LUCKNOW

(28)

Tek Chand

VS

Applicant

Union of Indra and others

Respondent

ANNEXURE N. 5

To

The A.C. M. E. C. W.
N. Rly. Secy, C.B./K.O.Sub. Application regarding promotion for the
post of A.S./C.S.

R/Sir

Respectfully we beg to lay the following few lines
for your kind perusal consideration and favourable orders

That we have been working as J.H. Clerk in the
grade Rs. 425-700 (RS) w.e.f 1-10-80 and 1-4-81

That the under noted staff have been promoted
as head clerk latter later than us

- | | |
|------------------------|-------------------------|
| (1) Sh. K. S. Saxena | (9) Sh. S. M. Gupta |
| (2) " O. P. Singhal | (10) " R. S. Srivastava |
| (3) " J. R. Singh | (11) " M. P. Yadav |
| (4) " K. S. Shukla | (12) " Ramiz Ahmed |
| (5) " D. L. Srivastava | (13) " R. S. Yadav |
| (6) " Abdul Wahid | (14) " R. A. Lal |
| (7) " Baban Pathak | (15) " S. R. Tewari |
| (8) " Rambhadrur | (16) " R. K. Jha |

That the above person have been promoted as a A.S.
in the re-structuring vide S/O no. 51 dated 19-1-85 w.e.f 1-84
and also under resultant vacancies, which have fallen in
1985 and 1986 time to time ignoring our actual seniority
in general order

That Sh. K. S. Saxena and O. P. Singhal again
promoted as a O.S. but we are still working as J.H. Clerk

That though we are actually seniors to all those
promoted as A.S./O.S. (as named in para no 2 vide your
seniority list no. 50/E/3/PT II dated 6-9-83 but unfortunately
our seniority has been totally ignored in respect of promotion
to A.S./O.S. Thus the constitutional right has verbally
been ignored at random

That we have already pointed out about the above
irregularities to the administration but no action has yet
been taken

We add here that Sh. Kodari Ram and Smt. P. Banerjee of
essli section have recently been promoted as H.S. who were also
previously been ignored, we may also be promoted in the manner
above persons have been promoted

True Copy attested
A. Chandra (P.T.O.)
A. Chandra

2
The Manager

It is therefore request your honour, look into the matter kindly and pass the necessary orders for our promotion.

Excuse ~~me~~^{us} for the trouble given.

Cl- Secy URMU/CB

" Secy S.C./ST Rly Employees Union/CB

for information & N/A action please.

DATED 9/1/57

Yours faithfully

T. K. M. S.
(1) TERCHAND (S/C)
HEAD CLERK
MILLWRIGHT SHOP
LWS/CB/LKO

(2) BHANU DASS (S/C)
HEAD CLERK
TIME OFFICE
LWS/CB/LKO

T. K. M. S.

True Copy attested
S. K. S.
Advocate
11/1/90

ANNEXURE NO 6

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Circuit Bench at Lucknow.

Registration O.A. No.30 of 1989.

Tek Chand Applicant

Versus

Union of India & Others Respondents.

Hon. Justice Kamleshwar Nath, V.C.

Hon. Ajay Johri, A.M.

(By Hon. Justice Kamleshwar Nath, VC

We have heard the learned counsel for the applicant. In this application under Section 19 of the Administrative Tribunals Act, 1985, the relief sought is that the applicant may be given all the benefits of the post of Asstt. Superintendent on a consideration of his representations contained in Annexures 4 & 5 of this application. Annexures 6, 7 & 8 are only reminders of the representations of Annexures 4 & 5.

It is not necessary to go into the merits of this case because we think that the interests of justice would be served if the respondents are directed to dispose of the applicant's representations Annexures 4 & 5 and if the applicant is found eligible to certain benefits.

True Copy attested
Advocate
11/11/90

Tekchand

- 2 -

grant him those benefits as well. The learned counsel for the applicant says that the authority competent to consider and decide ^{the} representations is respondent No.4. We therefore direct that respondent No.4 shall consider and decide the applicant's representations contained in Annexures 4 & 5 within three months from the date of service of the copy of this order upon him alongwith the copy of the Paper Book. In case respondent No.4 finds that the applicant is entitled to certain benefits, ^{he will} please also give the benefits accordingly. With these observations this application is disposed of. A copy of this order may be delivered to the learned counsel for the applicant within twenty-four hours.

Member (A)

Vice Chairman

Dated the 9th March, 1989.

RKM

Copy
Must
 Deputy Registrar
 Central Administrative Tribunal
 Lucknow Bench,
 13.3.1989

True Copy attested
Advocate
 11/1/90

True

Annexure no 7

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

C.M. An. No. 64 of 1989 (L)

In

O.A. No. 30 of 1989 (L)

Tek Chand

.....

Applicant

Versus

Union of India & Others

Respondents

7-4-1989.

Hon' Mr. Justice Kamleshwar Nath, V.C.

Hon' Mr. D.S. Misra, A.M.

(By Hon' Mr. Justice K. Nath, V.C.)

By order dated 9-3-89, this Tribunal had directed respondent No. 4 to consider and decide the applicant's representations contained in Annexures 4 and 5 within a specified time.

This application has been filed to modify the direction SO as to require respondent No. 3, rather than respondent No. 4, to decide the representations. The reason given is that the post of respondent No. 4, viz. Additional Chief Mechanical Engineer is no more in existence and has been up graded to the post of Chief Works Manager. The learned counsel for the applicant points out that the Chief Works Manager is already respondent No. 3 in the petition.

We, therefore, direct that in-stead of respondent No. 4 the applicant's representations shall be disposed of by respondent No. 3, who will also give the necessary benefits to the applicant, if found entitled there to.

A copy of this order may be given to the learned counsel for the applicant within 24 hours.

SD/-
A.M.

True copy
SD/-
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
10/4/89

(TRUE COPY)

True Copy attested
10/4/89
K. Nath

Firmmanand

33
CENTRAL ADMINISTRATIVE TRIBUNAL

34
ADDL BENCH, ALLAHABAD, LUCKNOW.

TEK CHAND

versus

Union of India and Others

Applicant

Respondent

ANNEXURE NO 8

To,

The ~~XXXX. XXXX XXXX. XXXXXX~~ Chief Works Manager,
N.Rly. Loco Workshops,
Charbagh,
Lucknow.

Sir,

I am enclosing herewith the certified copy of order dt. 9.3.89 of the Hon'ble Central Administrative Tribunal, Allahabad, Circuit Bench, Lucknow which is self explanatory. A copy of the case file is also is being attached herewith.

I request you to kindly decide my representations dt. 14.1.86 (Annexure No.4) and dt.2.1.87 (Annexure No.5) at the earliest as directed by the Hon'ble Tribunal and give me the benefits of Asstt.Suptd./Office Suptd. w.e.f. 1.1.84.

Thanking you,

Encl. 1) Certified copy of the order.

2) Copy of the paper book of the case.

Date: ~~12/2/89~~ 13/4/89

Yours faithfully,

Tek Chand
(Tek Chand)
Ex. Hd.Clerk, IES,
N.Rly. Loco Shops/CB,
Lucknow.

HOME ADDRESS:

55/29 GH1,
Jai Prakash Nagar,
Alambagh, Lucknow.

...

True Copy attested
by
Advocate

Tek Chand

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDL BENCH, ALLAHABAD, LUCKNOW.

TEK CHAND

versus

Union of India and Others

Applicant

Respondent

ANNEXURE NO 9

Northern Railway-Loco Shops-Charbagh, Lucknow.

No. 123/UG/84-85

Dated, 20th June, 1989.

Shri Tek Chand,
566/29 Gha,
Jai Prakash Nagar,
Alambagh, Lucknow.

Reg: Your promotion as Asstt. Smdt.
Ref: -Your representation dated 13.4.1989.

Your case has been thoroughly examined in the light of judgement delivered by Hon'ble Central Administrative Tribunal, Circle Bench, Lucknow dated 10.4.89, and it is hereby informed that you were promoted on the basis of Roster Point, as such you were not senior to the staff as referred to in Annexure-IV.S.O.No.51 dated 19.1.1985, regarding re-structuring was issued on the basis of an Stay Order granted by Hon'ble Supreme Court of India.

Moreover, you did not appear in the written test held on 12.12.1985, which was conducted for selection of suitable candidates to the post of Asstt. Smdt. Hence this being a selection post, you are not entitled to promotion as Asstt. Smdt. without passing the selection.

For Chief Works Manager,
NR/Loco Shops/CB/LKO.

21/20.6.89

Received
on 22/6/89

Tikman

True Copy attested
Advocate

38

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CENTRAL ADMINISTRATIVE TRIBUNAL

ADDL BENCH, ALLAHABAD, LUCKNOW.

TEK CHAND

versus

Union of India and Others

Applicant

Respondent

ANNEXURE NO 10

11-2-89

From Bharat Singh Rawat,
Advocate,
62, Guru Govind Singh Marg,
Lalkuan, Lucknow.

To The Chief Workshop Manager,
N.Rly. loco Workshop,
Charbagh, Lucknow.

REG: Upgradation of Tek Chand (SC) to Asstt. Suptd.

Dear Sir,

Under instruction from my client Sri Tek Chand Ex.Hd.clerk in your shop, I address these lines to you as under:-

1. That my client made number of representations to the Rly. Authorities against not giving him the benefits of re-structuring scheme and then my client filed a claim petition in the Hon'ble Central Administrative Tribunal, Lucknow.
2. That the Hon'ble Tribunal issued directions to you to decide the representations of my client dt. 14.1.86 and 9.1.87 (Annexure No.4 and to the claim petition No.OAG4 of 1989(I)
3. That my client received a letter No.182/4G/84-85 dt. 20.6.1989 wherein the case of my client has been rejected cursorily.
4. That the central administrative tribunal has specifically directed vide its order dt. 2.3.89 to decide the representation dt. 14.1.86 and 9.1.87 of my client. But from your letter it appears that the aforesaid representations have not been considered by you.
5. That contents of your aforesaid letter are rather astonishing as it reveals that even junior Hd.clerks and senior clerks have been treated senior to my client which cannot be contemplated by any law. This has been deliberately done on the pretext of supreme court's order. But it is not the intention of Hon'ble Supreme Court that even senior scheduled Caste candidate be ignored in the upgradation by virtue of re-structuring. Subsequent to the stay order of the Hon'ble Supreme Court Railway Board issued the directions that upgradation under re-structuring scheme may be made on the basis of seniority irrespective of the facts the scheduled caste candidates have exhausted their 15 percent Quota. But you have ignored that directions while rejecting the claim of my client.
6. That your letter dt. 20.6.89 is not a speaking order which has been done deliberately. Thus you have not been considered the representations dt.14.1.86 and 9.1.87 as directed by the Hon'ble Central Administrative Tribunal which amounts of contempt of the Tribunal.

Summed

True Copy attested
11/90
Advocate.....2.

:: 2 ::

7. With this opportunity I wish to advise you to decide representations of my client as decided by the Hon'ble Tribunal and in accordance with the criteria laid down by the Railway Board in this respect (Circular No) dated GOvt. of India Ministry of Railways, (RAILWAY BOARD) No.85-E/SCT)49.2 dated 26.2.85 New Delhi and No.R.-P.S.8688) In case the directions of the Hon'ble Tribunal are not complied with within the stipulated period, it would be my painful duty to the appropriate legal action and the case you will be liable for all consequences.

Thanking you,

Yours faithfully,

Dated - 1-7-89

Bharat Singh Bhat
(BHARAT SINGH BHAT)

Advocate.

Copy to:-

Forward

True Copy attested
Bhat
Advocate

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

Tek Chand:

....

..... Applicant

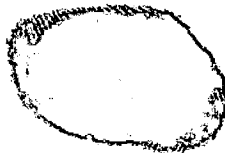
Versus

Union of India and Others Respondents.

A F F I D A V I T

I, Tek Chand Gupta, aged about 58 years, S/O Sri Tota Ram, resident of 566/29-Gha, Jai Prakash Nagar, Behind Alka Paint Factory, Alambagh, Lucknow solemnly affirm and state on oath as under :-

1. That the deponent is the applicant in the above mentioned case, and as such he is fully conversant with the facts of the case stated in the accompanying application.
2. That the Annexure Nos 1 to 10 to the application are the true copies of their respective originals and the deponent has compared them with the originals.



Tek Chand
Deponent.

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

I, the above named deponent hereby verify that the contents of paragraphs 1 and 2 of this

Contd...P 2/

30 43 39
(2)

affidavit are true to my personal knowledge; no part of it is false and nothing material has been concealed. So help me God.



T. M. M. M.
Deponent.

I identify the deponent, who has signed in my presence.

Advocate.

Solemnly affirmed before me on
this day of _____,
1989 at AM/ PM by Tek Chand
Gupta, who is identified by Sri
Bharat Singh Rawat, Advocate, High
Court, Alld., Lucknow Bench.

I have satisfied myself by
examining the deponent that he under-
stands the contents of this affidavit
which have been read over and ex-
plained to him.

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Central Administrative Tribunal at Allahabad

ब अदालत श्रीमान _____ महोदय
Circuit Bench, Lucknow

[वादी] अपीलान्त _____ श्री Tek Chand का बकालतनामा
प्रतिवादी [रेस्पॉण्डेंट] _____

(टिकट)

वादी (अपीलान्त)

Tek Chand

वनाम Union of India प्रतिवादी (रेस्पॉण्डेंट)
Minister of Law

मुकदमा नं० _____ सन् _____ पेशी की ता० _____ १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री Bharat Singh Raut

वकील

महोदय

एडवोकेट

नाम पदालत
मुकदमा नं० नाम
फरीकत पनास

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

हस्ताक्षर

Tek Chand

Applicant

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

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In the Hon'ble Central Administrative Tribunal,

Circuit Bench, Lucknow.

Civil Misc. Application No.

M.P. No. 194/91

of 1991(L)

In Re:

Registration (O.A.) No. 53 of 1990 (L)

File No 24-4-91

Tek Chand

..... Applicant

Versus

Union of India and others

..... Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING THE
COUNTER REPLY

That the delay in filing counter reply is not intentional or deliberate but due to the administrative and bonafide reasons, which deserves to be condoned.

P R A Y E R

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

Lucknow

Dated: 1-4-91

(ANIL SRIVASTAVA)

Advocate
Counsel for the Respondents

Filed today
11/4/91

40

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

O.A. No. 53 of 1990 (L)

Tek Chand

.... Applicant

Versus

Union of India and others

..... Respondents

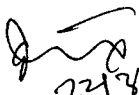
COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Hemant Kumar working
as Dy. Chief Mechl Engr (w) in the office of the
Chief Works Manager, Northern Railway, Locoshop,
Charbagh, Lucknow do hereby solemnly state and
affirm as under:-

1. That the official above named is working
as Dy. Chief Mechl Engr (w) in the office of
Chief Works Manager, Northern Railway, Loco
shop, Charbagh, Lucknow and has gone through
the averments made in original application and
as such fully conversant with the facts and
circumstances of the case and also has been
authorised on behalf of all the respondents
to reply on their behalf.

Contd.....2

2. That the contents of para 1 to 5 of the original application do not call for any reply.
3. That the reply of para 6 of the original application is given as under:-
4. That the contents of para 6(1) of the original application are misleading and as such not admitted. It is submitted that applicant was initially appointed as peon and thereafter promoted as clerk.
5. That the contents of para 6(2) of the original application are admitted.
6. That the contents of para 6(3) of the original application are not admitted as the answering respondents had ^{no} knowledge about it.
7. That the contents of para 6(4) of the original application are admitted to the extent that the Railway Board vide their letter No. PV-III/84/419/9 dated 16.11.84 had ~~not~~ sanctioned the cadre re-structuring of Ministerial staff. It is further submitted that it was effective from 1.1.84.


22/3/91
उत्तर प्रदेश विधान सभा
स. रे. डायन कार्यालय
लखनऊ, उत्तर प्रदेश
17.3.91 (D)
N.P. Govt./C.D. No.


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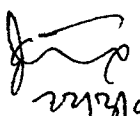
;

w-s promoted against a roster point and not on the basis of seniority.

9. That the contents of para 6(6) of the original application are admitted.
10. That the contents of para 6(7) of the original application are admitted. It is further submitted that the promotions were made as per rules.
11. That the contents of para 6(8) of the original application are not correct as alleged. It is ~~xxx~~ stated that promotions at the time of restructuring were made as per 15% Scheduled Caste 7.5% Scheduled Tribe quota basis and rest on general basis, since the Scheduled staff as per above quota was already available, none other Scheduled Caste was promoted. Therefore the claim of applicant for promoting him w.e.f. 1.1.84 is not correct.
12. That the contents of para 6(9) of the original application are misleading and as such denied. It is submitted that the persons mentioned in this para of application were promoted as per the percentage prescribed quota, reserved for General Candidates in Head Clerk and Assistant Superintendent category. Also the contents of para 11 of the reply is reiterated.


व्यवस्थापक
मुख्यालय
राजस्थान
सरकार
जयपुर
15/06/84
C.D./225.

13. That the contents of para 6(10) of the original application are incorrect and as such denied. It is stated that promotions were made as per rules.
14. That the contents of para 6(11) of the original application are incorrect and as such not admitted.
15. That in reply to the contents of paras 7(1) ~~of~~ to 7(6) of the original application it is submitted that the applicant was not entitled for promotion as Assistant Superintendent, for the reasons mentioned that applicant was entitled for future promotions subject to passing the prescribed test and interview but he did not appear in the ~~xxx~~ written test held in 1985 for the said post, therefore, the question of promoting him against future vacancies does not arise.
16. That in reply to the contents of para 7(7) of the original application, it is submitted that the alleged legal notice through applicant's counsel has not been received in the office of the answering respondent, hence no reply is possible.


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17. That the contents of para 8 of the original application do not call for any reply.
18. That in reply to the contents of para 9 and 10 of the original application, it is submitted that the grounds taken are false, irrelevant, misconceived, baseless, misleading and not applicable to the instant case and therefore present original application is liable to be dismissed against the applicant and in favour of answering respondents.

Lucknow: Dated:

22.3.1991

VERIFICATION

D.R./Loo/C.D./Lko.

I, the ~~respondent~~ official above named do hereby verify that the contents of para 1 of this reply are true to my personal knowledge and those of paras 2 to 18 of the original application are believed by me to be true on the basis of records and legal advice.

Lucknow: Dated:

22.3.1991

22/3/91
 उ. प्र. अधीनस्थ न्यायालय
 उ. प्र. न्यायालय
 ज. न्यायालय
 ज. न्यायालय (उ)
 D.R./Loo/C.D./Lko.

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In
O.A. 53 of 1990 (L).

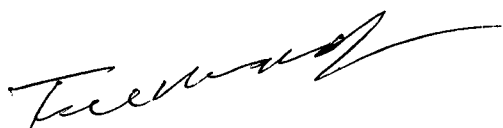
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12/12/91

I, Tek Chand, the applicant in the above mentioned
solemnly state and affirm as under :-

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5. That the contents of Para 7 of the Counter- reply need no comments.
6. That the contents of Para 8 of the Counter- reply are not admitted as the applicant has no knowledge of the General Manager (P)'s Circular. It is denied that the other persons promoted were senior to the applicant. It may be stated that the date of appointment of the applicant was 16.9.54 while the other persons under reference were appointed subsequently to this date. Further it may be stated that the applicant's seniority could not be disturbed without giving him proper notice in accordance with the principles of natural justice and fair play as it adversely affects the civil right of the applicant. It may be stated that the applicant was a confirmed Head Clerk, and he was confirmed earlier to the persons under reference. Therefore, the seniority list cannot be disturbed while making promotions. As such, the applicant was entitled to promotion by virtue of his seniority and not by virtue of roaster point or reservations. Thus the non-promotion of the applicant by virtue of re-structuring is illegal and arbitrary as the applicant cannot be deprived of this benefit on the pretext of adjustment.
7. That in reply to the contents of Para 10 of the counter-reply it may be stated that the promotions were made contrary to rules inasmuch as the case of applicant is concerned.



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(3)

8. That the contents of Para 11 of the Counter- reply are wrong and misconceived, hence denied. It may be stated that the applicant was entitled to promotion on general basis and not on the basis of reservation for Scheduled castes. Further the contents of Para 6(8) of the Original Application are re-affirmed.
9. That the contents of Para 12 of the Counter- reply are wrong and misconceived, hence denied. It may be reiterated that the applicant is entitled to promotion on general basis and not on the basis of percentage reserved for the Scheduled castes. Further the contents of Para 6(9) of the Original Application are re-affirmed.
10. That in reply to the contents of Paras 13 and 14 of the Counter- reply, the contents of Para 6(10) and 6(11) of the Original Application are re-affirmed. It is incorrect to say that the promotions were made as per rules. Further the respondents have not quoted any of the alleged rules.
11. That the contents of Para 15 of the Counter- reply are wrong and misconceived, hence denied. It may be stated that the applicant claimed the promotion by virtue of re-structuring scheme and not on any other basis, therefore, there was no question of appearing in the Examination or any test as there was no such condition in the re-structuring scheme.

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(4)

12. That the contents of Para 16 of the Counter- reply are not admitted as the notice was sent under Regd A/D cover and the same was not received back by the applicant's Counsel.
13. That the contents of Para 18 of the Counter- reply are denied. Further the contents of Para 9 and Para 10 of the Original Application are re-affirmed.

Dt. July 7, 1991.


APPLICANT.

VERIFICATION

I, the above named applicant hereby verify that the contents of Paras 1 to 13 above are true to my personal knowledge.


APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,

AT LUCKNOW.

M.P. No. 431/90(L)
O.A. No. 53 OF 1990

O.A. No. 53 OF 1990

Tek Chand Applicant

Versus:

1. Union of India

and others Respondents:

Application for condonation of delay

It is most respectfully submitted on behalf of
the applicant -

1. That this Tribunal has been pleased to allow the amendment application and was pleased to allow two weeks time for filing the accompanying amended petition.
2. That since the applicant was ill and the amended petitions could not be signed by him in time therefore the same could not be filed within time and same is being filed now.
3. That in view of the facts and circumstances mentioned above the delay was due to unavoidable reasons which were beyond the control of the applicant.

2. That since the applicant was ill and the amended petitions could not be signed by him in time therefore the same could not be filed within time and same is being filed now.

3. That in view of the facts and circumstances mentioned above the delay was due to unavoidable reasons which were beyond the control of the applicant.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay to take the amended petition on the record of the case.

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Trichary
Applicant.

Applicant.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

Between

Tek Chand,
566/29-Cha, Jai Prakash Nagar,
Behind Alka Paint Factory,
Alambagh, Lucknow Applicant.

A n d

1. Union of India
through Secretary of Railways,
New Delhi.
 2. General Manager,
Northern Railways,
Rail Bhawan,
New Delhi.
 3. Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.
 4. Additional Chief Mechanical Engineer,
Northern Railway, Charbagh,
Lucknow.
- Respondents.

A M M E N D E D P E T I T I O N

DETAILS OF APPLICATION

Particulars of the applicant.

1. Name of the applicant: .. TEK CHAND.
2. Name of father: .. SRI TOTA RAM.
3. Age of the applicant, .. 58 years
4. Designation: .. Head Clerk at Loco-
shop, Northern Rail-
way, Charbagh, Lucknow.

2. PARTICULARS OF THE RESPONDENTS.

- 1) Union of India
through Secretary of Railways,
New Delhi.

.....P 2/-

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2. 2) General Manager, Northern Railways,
Rail Bhawan, New Delhi.
- 3) Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.
- 4) Addl. Chief Mechanical Engineer,
Northern Railway, Charbagh,
Lucknow.

3. Particulars of the order against which
application is made :-

(i) Order No. S.O. No. 51 Annexure No. 3.

(ii) Date 19.1.85.

(iii) Passed by:- Addl. Chief Mechanical

Engineer, Loco Shop, Charbagh,
Lucknow.

(iv) Subject in brief:- Promotion to the post
of Asstt. Superintendent
by virtue of re-structuring.

4. Jurisdiction of the Tribunal:

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

5. Limitation:

The applicant further declares that the applica-
tion is within the limitation prescribed in
Section 21 of the Administrative Tribunal Act,
1985.

6. Facts of the case:

The facts of the case are given below :-

1) That the applicant was appointed in the

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Locomotive Works, Charbagh, Lucknow on
16.9.1954 in the clerical cadre.

- 2) That subsequently the applicant was promoted to the post of Senior Clerk and thereafter as Head Clerk. True copy of the Seniority list is being annexed as ~~Annexure~~ Annexure No. - 1.
- 3) That the entire service career of the applicant is unblemished and meritorious.
- 4) That the Railway Board vide their letter No. PV-III/84/419/9 dated 16.11.84 had sanctioned the cadre re-structuring of Ministerial Staff. In the present context Item No. 7 of the letter is relevant. True copy of Railway Board's letter is being annexed to this application as Annexure No. - 2.
- 5) That in para 6 of the Railway Board's letter there is clear provision for reservation of posts for Scheduled Castes and Scheduled Tribes, which was stayed by the Hon'ble Supreme Court vide its Order dated 21.12.84 in W.P. No. 17386 to 17393 of 1984, and C.M.P. Nos. 41996 to 42003 of 1984 -- Girdhari Lal Kohli Vs. Union of India and others. Applicant being senior in category, this case does not apply to him.

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- 6) That in pursuance of Railway Board's letter as mentioned above, the Addl. Chief Mechanical Engineer (W) Loco Workshop, Northern Railway, Charbagh, Lucknow vide his S.O. No. 51 dated 19.1.85 had re-structured their existing strength of Ministerial staff of non-personnel group of the Workshop according to the revised percentage strength of the cadre. True copy of the S.O. No. 51 dated 19.1.85 is annexed to this application as Annexure No. - 3.
- 7) That the Additional Chief Mechanical Engineer(W) also gave the benefits of restructuring to the personnels working in the categories of Asstt. Superintendants, Head Clerk and Senior Clerks by placing them in the post of higher grades.
- 8) That the Additional Chief Mechanical Engineer ignored the applicant, who was entitled to be placed on the post of Asstt. Superintendent by virtue of re-structuring as the applicant was the Head Clerk at that time. Persons junior to the applicant, who were in the lower category of Senior Clerk were placed in the category of Asstt. Superintendent.
- 9) That the name of the applicant is at Sl. No. 11 in the seniority list in the category of Head Clerk. Persons whose names appear at the subsequent serial No. have been promoted to the post of Assistant Superintendent as

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given below :-

Sl.No. in seniority List.	Name of the employee	Post held prior to promotion.
13.	K.S. Saxena.	Head Clerk
16.	G.P. Singhal.	" "
17.	J.R. Sahgal.	" "
18.	R.S. Shukla.	" "
19.	D.L. Srivastava	" "

SENIOR CLERK

1.	Abdul Wahid.	Senior Clerk
2.	Babban Pathak.	" "

10) That the Additional Chief Mechanical Engineer arbitrarily made the restructuring, ignoring the claim of the ~~appoint~~ applicant which is discriminatory and is in violation of Articles 14 and 16 of the Constitution of India 1950.

11) That the applicant has been illegally and unjustifiably deprived of the benefit of Railway Board's Circular dated 16.11.84.

7. Details of remedies exhausted:

- 1) That the applicant made representations to the Additional Chief Mechanical Engineer, Respondent No. 4 on 14th January, 1986 and 9.1.87 against not placing him in the restructured grade of Assistant Superintendent while his juniors have been given the benefits of the scheme. But the Respondent No. 4 did not give any reply. True copies of the representations are being annexed as Annexure Nos.A-4 and A-5 respectively.

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- 2) That thereafter the applicant made representations to Chief Works Manager and General Manager, Respondents Nos. 3 and 2 respectively on dated 24.7.87, 1.9.87, 22.9.87, 4.1.88, 15.4.88, 22.7.88, 25.8.88 and 19.12.88. All the representations are not being annexed to this application as it will only increase the bulk of the application. If desired by the Hon'ble Tribunal all the representations mentioned will be produced at the time of hearing.
- 3) That the Respondents did not consider the representations of the applicant and he has been waiting for justice since 1985.
- 4) That thereafter the applicant approached this Hon'ble Tribunal by of OA 30 of 1989 (L) which was decided by this Hon'ble Tribunal by issuing the direction to the Respondent No. 3 to decide the representations of the applicant and to give him benefits to which he is entitled. True copies of the orders dated 9.3.89 and dated 7.4.89 are being annexed to this application and are being marked as Annexure A-6 and A-7 respectively.
- 5) That thereafter the applicant forwarded the orders dated 9th March, 1989 and dated 7.4.89 to Respondent No. 3 vide his application dt. 13.4.1989. True copy of the application dt.

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13.4.89 is being annexed as Annexure No. A-8 to this application.

- 6) That thereafter the applicant received a letter dated 26.6.89 from the Respondent No. 3 wherein it has been mentioned that the applicant was not senior to the staff referred to the Annexure No. - 4. Thus the representation of the applicant was rejected by the Respondent No. 3 by a non-speaking order. It is incorrect to say that the applicant was not senior to the staff referred to in Annexure No. 4. To verify the facts Annexure No. A-1 (Seniority List) may be perused. True copy of the letter dated 20.6.89 is being annexed to this application and is being marked as Annexure No. A-9.

6-A. That the allegation of the Opposite Party No. 3 in the Annexure No. 9 that the persons promoted superseding the applicant are senior to the applicant is incorrect. This fact is clear from the seniority list at Annexure No.-1.

6-B. That the allegations of the Opposite Party No. 3 are also incorrect to the extent that the applicant was promoted as Roaster point. It may be stated that the applicant was promoted on the basis of merit cum seniority.

6-C. That the allegations contained in Annexure No. 9 that the applicant did not appear in the written test held on 30.12.1985 is also irrelevant in so far as the present claim petition is concerned. The present petition has been filed against non-promotion of the applicant on the basis of re-structuring as contained in Annexure

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- 7) That the applicant served a Registered A/D Notice on Respondent No. 3 through his Legal Counsel vide Registered letter dated 1.7.89 wherein defects in the letter dated 20.6.89 were pointed out. The applicant hasnot received any reply from the Respondent No. 3 in respect of the Legal Notice dt. 1.7.89 as yet. True copy of the Legal Notice dt. 1.7.89 isbeing annexed to this application and isbeing marked as Annexure No.A-10.
- 8) Matter not previously filed or pending with any other Court.

9). R E L I E F S:

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

- 1) That the Respondent No. 3 may be directed to give him all the benefits of the post of Asstt. Superintendent (Pay scale 550 - 750 w.e.f. 1.1.84) and all subsequent benefits.
- 2) Costs of the case may be awarded in favour of the applicant.
- 3) Any other and further relief which may be deemed fit and proper by this Hon'ble Tribunal in the facts and circumstances of the case.

GROUND S OF RELIEF.

- (i) Because the applicant is one of the senior-most Head Clerks who was entitled to be upgraded as Asstt. Superintendent by virtue of restructuring scheme vide Railway Board's letter dated 16.11.86.

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- (ii) Because by not upgrading the applicant to the post of Asstt. Superintendent the Respondents have made discrimination against the applicant, which is bad in law.
- (iii) Because the Respondents have violated the fundamental rights of the applicant under Articles 14 and 16 of the Constitution of India by not upgrading him to the post of Asstt. Superintendent in accordance with directions contained in Railway Board's letter dated 16.11.84.
- (iv) Because the Respondent No. 3 has rejected the representations of the applicant arbitrarily by non-speaking order dt. 20.6.89.
- (v) Because the Respondent No. 3 was bound to consider and decide the representations of the applicant in quasi-judicial manner by a speaking order.
- (vi) Because the entire service record of the applicant is meritorious, unblemished and spotless.
- (vii) Because the allegations of the Opposite Party No. 3 in Annexure No.9 are incorrect that the applicant was junior to the persons superseding him while making promotions on the basis of re-structuring.

T. V. Chand

(viii) Because the allegations of the Opposite Party No. 3 in Annexure No.-5 are incorrect that the applicant was promoted as roaster point. It is clear from the seniority list that the applicant was promoted on the basis of merit-cum-seniority.

(ix) Because the allegation of the Opposite Party No. 3 in Annexure No-9 is irrelevant to the extent that the applicant did not appear in the Examination as held on 10.12.1985 as the applicant is claiming promotion on the basis of restructuring scheme as contained in Annexure No-3 to the original application.

10. INTERIM ORDER, IF ANY, PRAYED FOR:-

11. Not applicable.

12. Particulars of Postal Order in respect of the application fee:

- (1) Number of Indian Postal Order(s) 02409857
- (2) Name of Issuing Post Office: High Court.
- (3) Date of issue of Postal Order 15.2.90
- (4) Post Office at which payable: G.P.O.,
Allahabad .

13. List of Enclosures:

- (1) Seniority List dated 25.6.83.
- (2) Railway Board's Letter dt. 16.11.84.
- (3) Addl. Chief Mechanical (Mechanical's Order
No. S.O. 51 dt. 19.1.85.
- (4) Representation dated 14.1.86.
- (5) Representation dated 9.1.87.
- (6) Order of Central Administrative Tribunal
dated 9.3.1989.

Freehand

- (7) Order of Central Administrative Tribunal dated 7.4.89.
- (8) Application of the applicant dt. 13.4.89.
- (9) Letter of the Chief Works Manager, Loco Shop, Charbagh, Lucknow dated 20.6.89.
- (10) Legal Notice sent by the applicant dated 1.7.89.

Tek Chand

VERIFICATION

4 I, Tek Chand, S/o Sri Tota Ram, aged about 58 years, ^{retired} ~~working as~~ Head Clerk in the Office of Locomotive Workshop, Charbagh, Lucknow, resident of 566/29-Cha, Jai Prakash Nagar, Behind Alka Paint Factory, Alambagh, Lucknow do hereby verify that the contents of paras 1, 2, 3, 6, 7, 8, 12, 13 are true to my personal knowledge, and paras 4, 5, 9, 10, 11 are believed by me to be true on the legal advice and that I have not suppressed any material facts.

Tek Chand

Signature of the Applicant.

Date 10.7.90

Place: Lucknow.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
AT LUCKNOW.

M.A. No. 379/90(1)

O. A. No. 53 of 1990

Tek Chand, aged about 58 Years,
S/O Sri Tota Ram,
566/29- Cha Jai Prakash Nagar,
Behind Alka Paint Factory,
Alambagh, Lucknow.

..... Applicant

Versus

1. Union of India,
through Secretary of Railways,
NEW DELHI.
2. General Manager,
Northern Railways,
Rail Bhawan,
NEW DELHI.
3. Chief Works Manager,
Loco Shop, Charbagh,
Lucknow.
4. Additional Chief Mechanical Engineer,
Northern Railway, Charbagh,
LUCKNOW.

..... Opp. Parties.

APPLICATION FOR AMENDMENT OF THE ORIGINAL
APPLICATION

It is most respectfully submitted on behalf of the
applicant :-

1. That the applicant has filed the above mentioned
original application against his illegal supersession on

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*Filed today
supp
20/5/90*

(2)

2.3.90 and this Hon'ble Tribunal directed that the original application may be amended by incorporating more clarification about Annexure No-9 to the petition i.e. order dated 20.6.89 of the Opposite Party No. 3. Accordingly this application is being moved on behalf of the applicant .

2. That in Para.7 -Details of Remedies exhausted after sub-para (6), the following sub-paras may be added:-

"6-A: That the allegation of the Opposite Party No. 3 in the Annexure No-9 that the persons ^{promoted} ~~senior~~ superseding ~~to~~ the applicant are senior to the applicant is incorrect. This fact is clear from the seniority list at Annexure No-1.

4 6-B:8 That the allegations of the Opposite Party No. 3 are also incorrect to the extent that the applicant was promoted as Roaster point. It may be stated that the applicant was promoted on the basis of merit-cum-seniority.

6-C: That the allegations contained in Annexure No.9 that the applicant did not appear in the written test held on 10.12.1985 is also irrelevant in so far as the present claim petition is concerned. The present petition has been filed against non-promotion of the applicant on the basis of re-structuring as contained in Annexure No-4.

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(3)

3. That after the Ground No. 5, the following Grounds may be added :-

- "(vi) Because the allegations of the Opposite Party No. 3 in Annexure No-9 are incorrect that the applicant was junior to the persons superseding him while making promotions on the basis of re-structuring.
- (vii) Because the allegations of the Opposite Party No. 3 in Annexure No-5 are incorrect that the applicant was promoted as roaster point. It is clear from the seniority list that the applicant was promoted on the basis of merit-cum-seniority.
- (viii) Because the allegation of the Opposite Party No. 3 in Annexure No-9 is irrelevant to the extent that the applicant did not appear in the Examination as held on 10.12.1985 as the applicant is claiming promotion on the basis of restructuring scheme as contained in Annexure No-3 to the original application."

P R A Y E R

It is, therefore, most respectfully prayed that the applicant may be allowed to make the

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(4)

aforementioned amendments in the Claim Petition.

Lucknow,

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APPLICANT:

Dated: ^{May} April 30, 1990.

VERIFICATION

I hereby verify that the contents of Paras 1, 2
& 3 above are true to my personal knowledge.

Tunna
30/5/90
APPLICANT: