

Central Administrative Tribunal
Lucknow - Bench,
Lucknow.

OA No. 550/90 IL,
Mahadeo Pal & others
vs
U. O. S.

- | | |
|--|---------------|
| 1- Check-list | A1-A2 ✓ |
| 2- order Sheet. | A3-A9 ✓ |
| 3- final order Dt. 25 ² / ₉₃ | A10-A13 ✓ |
| 4- Copy of Petition
with Power | A14-A34 ✓ |
| 5- Annexure | A35-A84 ✓ |
| 6- C.A. | A85-A97 ✓ |
| 7- R.A | A98-A103 ✓ |
| 8- Adm. appl. -
with Power | A104-A107 ✓ |
| 9- Bench-copy - | B 108 - B 796 |

- 1- Notice / other info sent to 118.
10- C. file @ Supr. Court S.C. D. No 3553/94/X/SC/XI
C 197 - C 214 (to 16.
File B/c recorded and / interpreted.

So (5) /

24/1/13

2
Cmrls - 4214
Gard
16.06.93

747/90

Upgradation
on R/S Board's letter
dt. 10/6/01

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

23-ATTHORNHILL ROAD ****

ALLAHABAD U.P. ***

REGISTRATION No. 550 of

1990

APPLICANT (S) Mahadeo Pal and others

RESPONDENT (S) Union of India

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO
RESULT OF EXAMINATION.

- 1 * Is the appeal competent?
- 2* (A) Is the application in the prescribed form?
- (B) Is the application in paper book form?
- (C) Have 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 case for not making the application in time, been filed?
- 4* Has the document of authentication: Vakalatnama been filed?
- 5* Is the application accompanied by:
B.D./Postal Order for Rs.50- (Fifty).
- 6* Has the certified copy/copies of the order(s) against which the application is made been filed?
- 7* (A) Have the copies of the Documents/referred upon 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 double space?

73

73

73

73 (4 sets filed),
No
More than 8 years

—

73

73

DD S. 31918 dr B. 50/-
5 dt. 9/7/90

73

73

73

73

QUESTIONS TO BE EXAMINED

ENDORECMENT AS TO
RESULT OF EXAMINATION

- 8* Has the index of documents been
made and being done properly?
- 9* Have the chronological details
of representation made and the
nature of such representations
been indicated in the application?
- 10* Is the matter raised in the
application pending before any court
of law or any other Bench of Tribunal?
- 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) Missing in Annexures?
- NOS / PAGES NOS?
- 13* Have file size envelopes bearing full
addresses of the respondents been filed?
- 14* Are the given addresses, the registered
addresses?
- 15* Do the names of the Parties 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 brief to. So 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?
- 20* Classification of case: Bench Case
- 21* Cause of Action: Upgradation or

Rg. Board's letter dt
18/6/81

The Case may be registered as OA and listed
before Hon'ble Court on 23.07.80.
16/7/90
Dr. R. (J.)

Y3

Y3

N-O

I & 2 copies signed

Y3

Y3

N-O

Y3

N. A.

Y3

Y3

Y3

Y3

Y3

The Case is
Complete
10/7
Dr. R. (J.)

Hon' Mr K.J. Raman, A.M.
Hon' Mr D.K. Agrawal, J.M.

① 23/7/90

Shri P.K. Kashyap learned counsel for the applicant is present. We are directing Shri Prashant Mathur learned counsel for the Railways to accept the notice in this case.

The respondents are directed to show cause as to why the application be not admitted and the relief prayed for therein be not granted, as alleged in similar other cases. The case may be listed for admission on 3-9-90 on which date the case is likely to be disposed of finally.

Copies of notices meant for the respondents along with a copy of this order may be handed over to Shri Prashant Mathur within 24 hours.

Permission to submit a joint application is allowed

De
J.M.

De
A.M.

(sns)

②

3.9.90 Hon D.K. Agrawal AM
Hon M.M. Singh AM.

Not reached adfr k

24.9.90 for admission.

③

24.9.90 Hon K. Nathur

Hon K.S. Ramam, AM

Due to lawyers strike case is adjn to 10.12.90 for admission

put
Boc

Shri
3/9/90

④

Hon' D.K. Agrawal, J.M.

Hon' Ms Usha Sava, A.M.

10/12/90

None appears for the applicant.

ADMIT.

Shri Prashant Mathur files power on behalf of respondents. Keep it on record. Let the respondents may file counter within 8 weeks to which the applicant may file rejoinder within 2 weeks thereafter and list this case before DR(2) on 9-4-91 for completion of pleadings and thereafter to keep in sine die list for being listed at its number.

De
A.M.

De
J.M.

*Received Copy of
order 23/7/90
24/7/90*

*Due to mingling of
this case with others
the case could
not be sent to the
court for 3-9-90.
Submitted through
supplementary cause
list for today.*

OR 8/4

*Neither CA nor
RA has been
received in this
case so far.*

De
8/4

AS

 V_S

PANKAJ/

Be-7

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

CAF A7

ORDER SHEET NO. _____

O.A./I.A. No. 550/90

OFFICE REPORT	DATE	ORDER
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28.8.92

Case not reached.

Adjourned to 16/9/92.

On adjournment

16.9.92

Honbl. Mr. Justice D. C. Chandra vs
Honbl. Mr. K. G. Goyal A.M.

On the adjournment slip
of L/E of a respondent. Case
is adjourned to 5.11.92

जोबे 21
D.M.

lu
12

5.11.92

No finding of D.M. adj to
18.11.92

15.11.92 Hon Mr. S.M. Prasad J.M.

Shri P. Mathur, Counsel for the respondent is present.

A perusal of record reveals that this case has been transferred from CAT/ALD to this Bench at LKO.

Pleadings are complete. However, after the receipt of this case in this Bench it appears that the Counsel for the applicant has not been informed.

Office is directed to issue notice to the C. for the applicant & PK Kashyap fixing 5/1/93 for hearing and disposal before S.M. Bench.

Notice issued
on 4/12/92
91

MANISH/-

Suma

Jm

✓

✓

OK 550/90L

1.2.93

Honl. Mr. Justice U.C. Saxena vs
Honl. Mr. K. Goyya A.M

Sri. R.K. Saxena, R.C. Saxena,
and O.P.M. Timpalli Gannu Counsel
for appellants present.

Arguments heard.

Judgment reserved.

✓
A.M

✓
ve

25.2.93

Honl. Mr. Justice U.C. Saxena vs
Honl. Mr. K. Goyya A.M

Judgment pronounced today
in the open Court.

✓
A.M

✓
ve

After Report.
SIL.P. NO. 12543/94
sent by stay received
Honl. Mr. Justice U.C. Saxena
Honl. Mr. K. Goyya A.M
dated. 30.8.94
189
(N. G. S. S. P. in file)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

I.A. NO. 550/90 199 (L)

I.A. NO. _____ 199 (TL)

Date of Deceasion _____

Mahadeo Lal Chandra

Petitioner.

S. M. K. Sengupta
R. C. Sanyal

Advocate for the
Petitioner(s)

V E R S U S

Union of India

Respondent.

Dr. C. P. Mahapatra

Advocate for the
Respondents

C O R A M

Hon'ble Mr. Justice V. C. Srivastava

Hon'ble Mr. K. S. Singh

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

lu
Vice-Chairman / Member

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Original Application No. 550 of 1990

Mahadeo Pal and others Applicants.

versus

Union of India & others Respondents.

Shri R.K.Saxena &
Shri R.C. Saxena

Counsel for Applicants

Shri J.P. Mani Tripathi Counsel for Respondents

Coram:Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The applicants have filed this application under section 19 of the Administrative Tribunals Act, 1985 with the prayer to direct the respondents to implement the provisions of Railway Board letter dated 18.6.81 for fixing the pay of applicants from 1.10.80 or from the date of appointment on proforma basis in the scale of Rs 330-560.

2. According to the applicants, proforma fixation should have been done w.e.f. 1.10.80 in view of the Railway Board letter dated 18.6.81 and the Railway Board directions are not complied with.

3. Applicants, 15 in number are either working as Headclerks or Assistant Superintendents or D.S.K. Grade II under the control of Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow. On 18.6.81, after getting sanction from the President of India for restructuring of Cadre of Ministerial staff other than

personnel branch that 13 1/2 % of total posts of Senior clerk will be filled from amongst the Graduate Clerks already serving in the lower grade and the vacancies will be filled by a competitive examination, which was further modified and made applicable to the personnel department vide Railway Board's letter dated 31.7.81. These posts were to be filled from amongst the graduate clerks already serving and promotion order will take effect from 1.10.80. Another letter was issued by the Railway Board on 15.10.82, implementation of which was stayed by the Hon. Supreme Court and thereafter letter was issued by the Railway Board on 18.6.81 subject to the decision of the Hon. Supreme Court in the writ petition filed by All India Ministerial Staff Association which was dismissed as withdrawn. Thereafter, the Board directed for immediate restoration of the letter dated 18.6.81. After dismissal of the writ petition before Hon'ble the Supreme Court an examination was conducted on 2.6.85 and the applicants were also directed to appear in viva and voce in which they also qualified as a result of restructuring all these applicants were upgraded in the grade of Rs 330-560 vide order dated 15.10.85 giving them benefit of proforma fixation from 8.10.85 and thus according to the applicant directions of Railway Board letter dated 18.6.81 were ignored for fixation of pay of applicants w.e.f. 1.10.80. The applicants made representation against the same and failing to get any response, they approached the Tribunal. They filed O.A. No. 132 of 198 S.K. Sandhya vs. Union of India before C.A.T. Allahabad and the application was allowed in their favour and the directions as prayed for by the applicants were granted

even then the applicants have been deprived of the benefit even though the similar applications were also allowed by the other Benches of the Tribunal.

4. The respondents, in the counter reply have stated that in para 2 of the Board's letter dated 18.6.81, it is provided that for filling 13 1/3% of posts from serving graduates working in Lower Grades through competitive examination to be held by Rly. Service Commission, which order was applicable with effect from 1.10.1980 for those who were available since few of the applicants were not available on 1.10.1980.

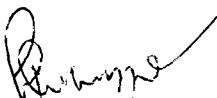
5. The applicants, were brought in the panel of senior clerks on regular basis w.e.f. 8.10.85, but according to the applicants, some of the applicants i.e. from 1 to 6, 10 and 13 were promoted as Junior Clerks before 1.10.80 and the rest were appointed on 1.10.80 on different dates and as per judgment of this Tribunal in T.A. No. 132 of 1986, Clerks who were appointed were entitled for benefit w.e.f. 1.10.80 and junior clerks were entitled to proforma fixation in the grade of senior clerks. The plea of limitation has also been vehemently refuted as representations were pending.

6. In the case of S.K. Sandhya (O.A.No. 132 of 1986) decided by this Tribunal, the claim for proforma fixation on the basis of para II of the Railway Board letter was allowed. T.A.No. 1301 of 1986 decided on Calcutta Bench relying on S.K. Sandhya's case referred to above in which it was held that upgradations were to be made from 1.10.80 for effecting from the date qualified candidates took over the charge i.e. 1.10.80 and allowed the claim.

U4/

Hyderabad Bench of the Tribunal, with which Calcutta Bench also agreed, held that ~~they~~ five applicants were appointed prior to 1.10.80 and the benefit of proforma fixation was available to them.

7. The plea raised in this case is also similar and there appears to be no reason why this application be not allowed. Accordingly this application is allowed and the respondents are directed to give proforma fixation from 1.10.80 but those who were appointed of appointment will get benefit from the date and let it be done including the consequential benefits within three months. Application stands disposed of with the above directions.
observations. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 25th Feb 1993

A14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

~~Mahadeo Prasad and others~~

Misl Application no 473 of 1990

in

O.A. Registration no 530 of 1990

^{Paf.}
Mahadeo Prasad and others _____ petitioners

versus

Union of India and others _____ Respondents

The humble application on behalf of the applicants most respectfully submits as under ;-

1. That the petitioners have filed the aforesaid petition to direct the respondents to implement the provision of Railway Boards letter no PC / III/ 81 / UPG / 7 dated 18/6/81 for fixing the pay of the applicants from 1/10/80 or from the date of appointment on proforma basis in scale Rs330-560 now Rs_____ the reliefs are identical in nature therefore the petitioners are clubbing and challenging the aforesaid relief order by single petition as the petitioners cause of action and relief sought are similar therefore it is expedient in the interest of justice that the Hon'ble court be pleased to allow this application and the petitioners may be permitted to file the present petition jointly .

A16

Before the Central Administrative Tribunal Allahabad.

C.A. Registration no 550 of 1990

^{pel}
Mahadeo Prasad and others _____ petitioners

versus

Union of India and others _____ respondents

SL NO

DESCRIPTION

DATE

CONFIRMATION II

1. Petition

1012

2. A1 Photo copy of Railway Board's letter no FC
/III/ 51 / JAG/ 7 dated 11/1/51

13 to 14

3. AII. Photo copy of R.B.L dated 31/7/51

15 to 16 Completed II

4. A3 . Photo copy of R.B.L dated 13/10/52

17 to 18

5. A4. Photocopy of R.B.L Dated 12/5/53

19 to 20

6. A5. Photocopy R.B.L dated 15/10/53

21 to 22

7. A6. Photocopy of C.O. no - 202/ dated 16/5/55

23 to 24

8. A7 . Photocopy of C.O no dated 9/5/55

25

9. A8 . Photocopy of C.O no 4/ 232 dated 15/10/55

26

10. A9 Photocopy of representation dated 20/12/57

27 to 28

11. A10. Photocopy of representation dated 7/3/58

29 to 30

12. A11 . Photocopy of representation dated 5/4/58

31 to 33

13. A12. Photocopy of Representation dated 4/4/59

34 to 35

14. A13 . Photocopy of judgement dated 13/11/55

36 to 37

15. A14 . Photocopy of judgement in Review no

137 of 1956 38 to 39

16. A15 . Photocopy of judgement of case no 137 of 1955

40 to 41

17. A16 . Photocopy of judgement dated 13/11/55

42 to 43

18. A17 Photocopy of review in case no 137 of 1956

44 to 45

19. A18 Photocopy of review in case no judgement in case no 1151 of 1955

46 to 47

20. A19 . Photocopy of judgement in case no 1151 of 1955.

48 to 49

For the Respondents

For the Petitioners

Administrative Tribunal
Bench At Allahabad
Filing 9-7-90

~~Date of Receipt~~
~~by Post~~

OR

By Registrar.

A17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

O.A. REGISTRATION NO ⁵⁵ OF 1990

Mahadev Pal

~~Mahadev Pal~~ and ~~14~~ others _____ petitioners

versus

Union of India and others _____ respondents

Application u/s 19 of the C.A. T Act 1985

Filed by

P.K. Kashyap, R.K. Saxena

Advocate
808, Muthiganj Allahabad.

counsel for the petitioners.

12/2/90 noted for
23/1/90
18/2/90
23/7

A18 |

BEFORE THE JUDICIAL MAGISTRATE FIRST CLASS ALAMBAGH.

O.A. NO 550 OF 1990

1. Mahadeo Pal s/o R.K. Pal
2. Krishna Kumar Sharma s/ late ~~Yashwantrao~~ Din Sharma
3. Ram Lal Tewari s/o Shri S. R. Tewari
4. Sunil Kumar Srivastava s/o late Triolki Nath Srivastava
5. On ~~Prakash~~ ^{Shankar} Verma s/o Shri Krishna Chandra Verma
6. Sudhir Kumar s/o Shri ~~Prakash Chandra Verma~~ ^{Ramkishan Prasad}
7. Sunil Kumar Singh s/o Shri Chanchar Singh
8. Anil Kumar Gupta s/o late Shri Mahatir Lal
9. Suresh Chand Tripathi s/o Shri S. R. Tewari
10. Hansla Prasad Singh s/o late Ramhari Singh
12. S.L. Rajani Prajapati s/o Shri Jagdeo
12. P.L. Srivastava s/o ~~late Shri J. P. Srivastava~~

All head clerks under Dy. S.O.S. Alambagh / Northern Railway
Lucknow.

13. Grijesh Shanker s/o late Laxmi Narain, Asst Superintendent
under Dy CCS / N. Railway / Alambagh Lucknow.

14. G.L. Bajpai s/o Shri Shiv Kishore Bajpai, IBK II, Under
15. K.K. Shrivastava s/o Shri Kamal Kishore Shrivastava H/O Under
Dy CCS / Northern Railway, Alambagh, Lucknow.

1- Ram Lal Tewari 6. Grijesh Shanker Petitioners 15. Banwari Lal
2. Krishna Kumar Sharma 7. N.K. Srivastava 16. Rajesh Prajapati
3. Mahadeo Pal 8. On Shankar Verma 17. Sunil Kumar Srivastava
4. G.L. Bajpai 9. P.L. Srivastava 18. K.K. Shrivastava
5. Suresh Chand Tripathi 10. Hansla Prasad Singh 19. Anil Kumar Gupta

A19 2 -

-2-

versus

1. Union of India through General Manager , Northern

Railway Baroda House , New Delhi .

2. Deputy Controller of Stores , Northern Railway , Alambagh
Lucknow .

-----respondents

1. Details of application .

1. Particulars of the orders against which the application is made .

It is stated that proforma fixation of applicants should have been done from 1/10/80 according to the direction of the Railway Board letter dated no Rc/ III/ 01 / UrG/ 7 dated 18/6/81 and 31/7/81 .
The applicants were upgraded in grade Rs 550-560 but the same were done from 8/10/85 . Respondents are not complying with the direction of the aforesaid Railway Board's letter in fixing the pay scales of the applicant from 1/10/80 .

1. *Sanjay Kumar Tripathi*
2. *Krishan Kumar Sharma* Jurisdiction of the Tribunal .

3. *Madan Lal*
4. *G. L. Bajpai*
5. *Suresh Chandra Tripathi*
6. *Gurjeet Singh*
7. *N. K. Singh*
8. *Dr. Sh. K. Verma*
9. *Shri. R. S. R. S.*
10. *G. S. R. S.*
11. *Shri. R. S. R. S.*
12. *Shri. R. S. R. S.*
13. *Shri. R. S. R. S.*
14. *Shri. R. S. R. S.*
15. *Shri. R. S. R. S.*
The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal .

3. Limitation .

The applicant further declares that the applicants is within the

limitation period prescribed in section 21 of the Administrative Act

1. *Sanjay Kumar Tripathi*
2. *Krishan Kumar Sharma*
3. *Madan Lal*
4. *G. L. Bajpai*
5. *Suresh Chandra Tripathi*
6. *Gurjeet Singh*
7. *N. K. Singh*
8. *Dr. Sh. K. Verma*
9. *Shri. R. S. R. S.*
10. *G. S. R. S.*
11. *Shri. R. S. R. S.*
12. *Shri. R. S. R. S.*
13. *Shri. R. S. R. S.*
14. *Shri. R. S. R. S.*
15. *Shri. R. S. R. S.*

A20
3

-3-

4. Facts of the case .

4 (1) - That it is stated that applicants were appointed as clerk in grade Rs760- 400 on different dates as mentioned below :-

1. Applicant no 1 on 14/9/76
 2. Applicant no 2 . on 15/10/79
 - 3 . Applicant no 3. on 8/12/81
 4. applicant no 4. - on 18/1/81 1983
 5. Applicant no 5 - on 17/3/82
 6. Applicant no 6- on 1/1/80
 7. Applicant no 7. On 8/12/80
 8. Applicant no 8- on 6/4/82
 9. Applicant no 9.- on 6/3/82 .
 10. Applicant no 10- on 25/2/80
 11. Applicant no 11 . - on 24/8/82
 12. Applicant no 12- on 17/8/82
 13. Applicant no 13 - on 5/10/79
 - 14 . Applicant no 14- On 17/8/82 .
 - 15 - Applicant no 15- On 11-8-82
- It is stated that at present applicant no 1 to 12 are working as head clerks , Applicant no 13 is working as Assistant Superintendent and applicant no 14 is working as BSK Grade II under the control of

Respondent no 2.

- | | | |
|----------------------------|----------------------------|------------------------|
| 1- Kamal Lal Verma | 6. Gaurishankar | 11. Gopal Singh |
| 2- Krishna Kumar Sharma | 7. N.K. Sivaraj | 12. Sanjay Kumar Singh |
| 3- Mahendra Pal | 8. Anshu Kumar Verma | 13. B.K.K. Singh |
| 4. G.L. Bajpai | 9. Suresh Chandra Tripathi | 14. B.K. Singh |
| 5. Suresh Chandra Tripathi | 10. Gaurishankar | 15. Banwar Lal Singh |

A22

-5-

regarding implementation of upgradation of Boards letter dated 18/6/81

A Photostate copy of letter dated 15/10/82 is attached and marked as Annexure no A3 to the compilation 2.

5. That Railway Boards Issued another letter no PG/ III/ 82 / Misc / 20 dated 12/8/83 for implementation of its letter dated 18/6/81 subject decision of to the supreme court in a writ petition filed by All India

Ministrial Staff Association . Photo copy of Boards letter dated 12/8/83 is attached and marked as Annexure no A- 4 to the compilation 2.

6. That the writ petition no 8751 - 55 of 1982 filed in the supreme court was dismissed as with drawn and restriction placed on implementing the scheme of direct recruitment in terms of instructions contained in Boards letter of 15/10/82 and 12/8/83 were with drawn vide Railway Boards letter no PG/ III/ 82 Misc / 20 dated 13/10/83 . Photo state copy of which is attached and marked as Annexure no A- 5 to the compilation 2.

The Boards directed for immediate restoring in toto the provision

1-Ram Tishal Tiwari of letter dated 18/6/81 .

A. K. N. Khan Kesmas Sharma

2. Mahadev Patel

3. G. L. B. P. P.

4. Suresh Chandra Mishra

5. G. L. B. P. P.

6. N. K. S. S. S.

7. N. K. S. S. S.

8. N. K. S. S. S.

9. N. K. S. S. S.

10. N. K. S. S. S.

11. N. K. S. S. S.

7. That after withdrawal of the writ petition in Supreme court

the respondents General Manager conducted the examination on 2/6/85

and the applicant were directed to appear in the written

examination vide office order no 20 E/ dated 16/5/85 by respondent

12. N. K. S. S. S. no 1. Photo (13) K. K. Srivastava (14) A. K. Gupta (15) Banerjee Lal Prasad

6 A23

dated
No 1. Photostate copy of office order no/16/5/85 is attached
and marked as Annexure no 46 to the compilation 2. Applicant
qualified in the written examination and were directed to appear
in the viva voce test on 16/8/85 in Baroda House New Delhi vide
Office Order no 20 B dated 9/8/85. Photo state copy of which
is attached and marked as Annexure no 47 to the compilation 2.
Applicants qualified the viva voce test also .
8. That the respondent upgraded the all the petitioners as a
result of restructuring of Ministerial cadre including the applicants
in grade B 330- 560 vide of order no 2/ 262 dated 15/10/85
giving the benefit of proforma fixation from 8/10/85. Directions
of Railway Boards letter dated 18/6/81 were ignored for fixation
of pay of the applicant from 1/10/80. Photostate copy of the
order dated 15/10/85 is attached and marked as Annexure no 48 to
the compilation no 2.
9. That the applicants made written representation to the respondent
no 2 on 23/10/85 and 7/9/88 and 8/4/89 for giving the benefit

of proforma fixation of his pay from 1/10/80 as per direction laid

down in Railway Boards letter dated 18/6/81 but no response

was given to the applicant. Copies of the representation dated

9/10/85, 7/9/88 and 8/4/89 are attached and marked as Annexure

no 9 to 11 to the compilation 2.

13. K. K. Srivastava.

14. A. K. Gupta.

15. Bhanu Lal Negapat

1- Ram Tahad Tivari

2- Krishna Kumar Sharma

3- Mahadev Pal

4. G. L. Bhatnagar

5. Surend Chandra Tripathi

6. Girija Shanker

7. N. C. Srivastava

8. Em Shankar Verma

9. E. R. S. S. S. S. S.

10- B. A. C. S. S. S.

11- G. L. B. S. S. S.

12- S. S. S. S. S.

10. That it is stated that the applicants made further representation to the General Manager Baroda House New Delhi on 4/1/90 stating that the respondent has not given any reply to the various representation and oral request for fixing their pay from 1/10/80 on proforma basis. But the General Manager also did not consider the grievances of the applicants. Neither any response was ~~was~~ given nor the pay of the applicants were fixed according to direction of Railway Boards letter dated 18/6/81. Copy of representation dated 4/1/90 is attached and marked as Annexure no 12 of the compilation 2.

11. That it is stated that such injustice was also being perpetrated by the Divisional authorities of Eastern Railway Mughalsarai and direction of Railway Boards letter dated 18/6/81 were not being followed. Shri SK. Sabdhyia, Masood Khan and Chandra Misra Senior clerks filed the application before C.T. Allahabad which was Registered as O.A Registration no

1. Ram Lal Tiwari
 2. Krishan Kumar Sharma
 3. Pradip Redi
 4. G. L. Bapuji
 5. Sureish Chandra Tripathi
 6. G. J. Shanker
 7. N. K. Srivastava
 8. Om Shanker Verma
 9. Anil Kumar Singh
 10. G. L. Tiwari
 11. G. L. Tiwari
 12. K. K. Srivastava
 13. K. K. Srivastava
 14. A. K. Gupta
 15. Banwarilal Prajapati
- 132 of 1986 for fixing their pay from 1/10/80 on proforma basis as per direction of Railway Boards letter dated 18/6/81. The application was allowed in their favour on 29/10/86. Photostat copy of which is attached and marked as Annexure no 13 to the compilation II.

A21 4

2. Applicant That Railway Board issued a letter no PC / III/ 81 / URG / 7 dated 18/6/81 after getting sanction of President of India for restructuring of Cadre of Ministerial Staff other than personal Branch . The letter provided that 15 1/3 % of total posts posts of Senior clerk will be filled up from amongst the Graduate Clerks already serving in the lower grade and the vacancies will be filled by a competitive examination . This has been further modified and made applicable to the personnel department vide Railway Boards letter No PC/ III/ 81 / URG / 7 dated 31/7/81 . Photo copy of the Railway Boards letter dated 18/6/81 and 31/7/81 are attached and marked as Annexure no A 1 and 2 to the compilation I.

3. That as per provision of Railway Boards letter dated 18/6/81 15 1/3 % of total posts of senior clerk in scale Rs330-560 will be filled from amongst the graduate clerk already serving and promotion offer will take effect from 1/10/80 . The pay of an employee appointed to the upgraded post should be fixed from 1/10/80 on proportion basis . The letter dated 18/6/81 bearing sanction of President of India relates to restructuring of Cadre of Ministerial staff .

1. Kamaldeep Jindal
2. Krishan Kumar Sharma
3. Mahadev Patel
4. That Railway Boards issued a letter on No - PC/ III/ 82 / Mis
5. G.L. Bajpai
6. Surinder Chandra
7. N.K. Srivastava
8. Bm Shanker Verma
9. Hitesh Kumar Singh
10. Bhat C. Singh
11. G. K. Singh
12. Suresh Kumar Srivastava
13. K.K. Srivastava
14. A.K. Gupta
15. Banwarilal

8 A22

-5-

regarding implementation of upgradation of Boards letter dated 18/6/81

A Photostate copy of letter dated 15/10/82 is attached and marked

as Annexure no A3 to the compilation 2.

5. That Railway Boards Issued another letter no PC/ III/ 82 / Misc / 20

dated 12/8/83 for implementation of its letter dated 18/6/81 subject

decision of
to the supreme court in a writ petition filed by All India

Ministrial Staff Association . Photo copy of Boards letter

dated 12/8/83 is attached and marked as Annexure no A- 4 to

the compilation 2.

6. That the writ petition no 8751 - 55 of 1982 filed in the

supreme court was dismissed as with drawn and restriction placed

on implementing the scheme of direct recruitment in terms

of instructions contained in Boards letter of 15/10/82 and 12/8/83

were with drawn vide Railway Boards letter no PC/ III/ 82

Misc / 20 dated 15/10/83 . Photo state copy of which is

attached and marked as Annexure no A- 5 to the compilation 2.

The Boards directed for immediate restoring in toto the provision

1-Ram Tansil Tiwari of letter dated 18/6/81 .

2-A. K. Khan Kesmai Sharma

3-Mahadev Patel

4-G. L. Bhatnagar

5-Suresh Chandra Tripathi

6-Girish Shankar

7-N. K. Srivastava

8-B. S. Shankar Verma

9-B. S. Shankar Verma

10-B. S. Shankar Verma

11-B. S. Shankar Verma

7. That after withdrawal of the writ petition in Supreme court

the respondents General Manager conducted the examination on 2/6/85

and the applicant were directed to appear in the written

examination vide office order no 20 E/ dated 16/5/85 by respondent

12-K. K. Srivastava. 13-A. K. Gupta. 14-B. S. Shankar Verma. 15-B. S. Shankar Verma.

C A23

dated
No 1. Photostate copy of office order no/16/5/85 is attached
and marked as Annexure no A6 to the compilation 2. Applicant
qualified in the written examination and were directed to appear
in the viva voce test on 16/8/85 in Paroda House New Delhi vide
Office Order no 20 B dated 9/8/85. Photo state copy of which
is attached and marked as Annexure no A7 to the compilation 2.
Applicants qualified the viva voce test also.
8. That the respondents upgraded the all the petitioners as a
result of restructuring of Ministerial cadre including the applicants
in grade B 350- 560 vide of Board order no B/ 262 dated 15/10/85
giving the benefit of proforma fixation from 3/10/85. Directions
of Railway Boards letter dated 18/6/81 were ignored for fixation
of pay of the applicant from 1/10/80. Photostate copy of the
order dated 15/10/85 is attached and marked as Annexure no A8 to
the compilation no 2.
9. That the applicants made written representation to the respondent
no 2 on 25/10/85 and 7/3/88 and 8/4/89 for giving the benefit

of proforma fixation of his pay from 1/10/80 as per direction laid

- 1- Ram Tahar Tiwari
2- Krishna Kumar Sharma
3- Mahadev Patel
4- G. L. Bapji
5- Surend Chandra Tripathi
6- Gurji Shanker
7- N. K. Srivastava
8- B. S. Shankar Verma
9- E. S. Verma
10- B. S. Verma
11- G. S. Verma
12- K. K. Srivastava
13- K. K. Srivastava
14- K. K. Srivastava
15- Banaraj Lal Negapati

10. That it is stated that the applicants made further representation to the General Manager Baroda House New Delhi on 4/1/90 stating that the respondent has not given any reply to the various representation and oral request for fixing their pay from 1/10/80 on proforma basis. But the General Manager also did not consider the grievances of the applicants. Neither any response was given nor the pay of the applicants were fixed according to direction of Railway Boards letter dated 18/6/81. Copy of representation dated 4/1/90 is attached and marked as Annexure no A 12 of the compilation 2.

11. That it is stated that such injustice was also being perpetrated by the Divisional authorities of Eastern Railway Mughalsarai and direction of Railway Boards letter dated 18/6/81 were not being followed. Shri SK. Sathya, Masood Khan and Chandra Misra Senior clerks filed the application before C.T. Allahabad which was Registered as O.A Registration no

- 1-Ram Lal Singh
- 2-Krishan Kumar Sharma
- 3-Mahadev Patel
- 4-G.L. Bapuji
- 5-Surendra Chandra Tripathi
- 6-Gurjeet Singh
- 7-N.K. Srivastava
- 8-Gm Shankar Verma
- 9-Anil Kumar Singh
- 10-Bhola Chandra Singh
- 11-Hojan Singh
- 12-Sunil Kumar Singh
- 13-K.K. Srivastava
- 14-A.K. Gupta
- 15-Bhawanilal Prasad

132 of 1986 for fixing their pay from 1/10/80 on proforma basis as per direction of Railway Boards letter dated 18/6/81.

The application was allowed in their favour on 29/10/86. Photostats copy of which is attached and marked as Annexure no A 13 to the compilation II.

6 A25

-8-

12. That it is stated that the fixation of pay of serving graduates of Divisional was done from 1/10/80 as per direction of Railways Board letter dated 18/6/81. The fixation of pay of all the litigants (serving graduates) of Mughalsarai Division were also done from 1/10/80 or from the date of their appointment after the above cases were decided in their favour. All arrears due were also paid to the staff of Mughal Sarai who were litigants in case no 132 of 1986, 1151 of 1986, 1155 of 1988. But the applicants are being deprived of benefits of Board's letter.

13. That it is stated that Review petition no 132 of 1987 was also filed by the Railway Administration of Eastern Railway against the judgement in Registration no 132 of 1986 but this Hon'ble court rejected the petition on 1/3/89. Some staff also filed application no 157 of 1986 and 1301 of 1986 in the Hon'ble court of Central Administrative Tribunal of Hyderabad and Calcutta Bench for fixation of their pay from

1. Ram Mohan Tiwari 1/10/80 as per direction of Railway Board's letter dated
2. Krishan Kumar Sharma
3. Mahadeo Patel 18/6/81 both the Bench allowed the application of staff. Review petition
4. G. L. Bhojani
5. Surendra Chandra Tripathi was also filed by Railway Administration against the judgements
6. Ganga Shanker
7. N. K. Singhania of Hyderabad Bench and the same was rejected. Again some staff
8. Om Shankar Verma
9. Hrishikesh Prasad Singh of Mughalsarai Division filed case no 1151 and 1155 of 1986
10. Ganga Shanker
11. Ganga Shanker in this Hon'ble court for fixation of their pay from
12. K. K. Singhania
13. A. K. Singhania
14. Banarsi Lal Prigapati

1/10/80 in presence of Board letter dated 18/6/81 The Hon'ble Tribunal allowed both the application on 15/12/80 . Photo copies of above judgement are attached and marked as Annexure no A - 14 to 19 to the compilation II.

14. That inspite of clear direction of Railway Boards letter dated 18/6/81 the respondent fixed the pay of the applicant from 8/10/85 and did not give any attention to the representation of the applicant and even ^{after} the several judgements of this Hon'ble court , Calcutta , and Hyderabad Tribunal .

15. That the applicants made several written representation for implementation of the direction of Railway Boards letter dated 18/6/81 but neither any response was given nor the same was implemented so far in respect of fixing the pay of the applicant from 1/10/80 brought into the notice of the respondents regarding judgement of several Hon'ble Tribunal but respondents did not bother

1- Kamal K. Roy for the same .

2- Krishan Kumar Sharma

3- Mahadeo Patil

4- G. L. Bhatnagar

5- Surendra Chandra Tripathi

6- G. V. Sankar

7- N. K. Srinivasan

8- Anshu Kumar Verma

9- J. K. Srinivasan

10- G. V. Sankar

11- G. V. Sankar

12- K. K. Srinivasan

16. That the respondents are determined not to implement the

direction of Railway Boards letter dated 18/6/81 in respect of

fixation of pay from 1/10/80 . The applicant will suffer irreparable

loss if the respondents are not directed by this Hon'ble court

to implement the same . 14- H. K. Gupta.

15- Banwari Lal Prajapati

11 A27

17. That the respondents are neither fixing the pay of the applicant from 1/10/80 in the grade of senior clerk nor giving any reply to the representations.

18. that the applicants have no other and further remedy to except to invoke the jurisdiction of this Tribunal.

5. Grounds for the reliefs -

1. because the respondents are determined not to implement the direction of Railway Board's letter no PC / III/ 81 / JFG / 7 dated 13/6/81 in respect of fixation of pay from 1/10/80 on proforma basis.

2. Because the Calcutta, Hyderabad and Bombay Tribunal gave judgment regarding fixation of pay from 1/10/80 or from the date of appointment but respondents are not bothering for implementing the same.

iii) Because the applicants made several personal contacts

1. *Sanjay Lal* with the respondents and requested them for fixing his pay
2. *Krishan Kumar Sharma*
3. *Mahadev Patel* from 1/1/80 but no avail.
4. *G.L. Bhatia*
5. *Suresh Chandra Tripathi*
6. *Chandra Shanker*
7. *N.K. Sinha*
8. *Dr. Shankar Verma*

iv - Because the applicants made several written representation to the respondents but neither any response was given nor the

9. *Shri. Prasad Rie*
10. *B.M. Singh*
11. *Shri. Prasad Rie*

pay of the applicants ^{were} fixed according to the directions of Railway Board's letter dated 13/6/81.

12. *K.K. Sinha*
13. *H.K. Sinha*
14. *H.K. Sinha*
15. *Barnali Lal Majumdar*

v Because the act of the respondents are against the provision of Art 14 of Constitution of India.

// A28

v/ "because the applicants are suffering irreparable loss

due to non implementation of direction of Railway Boards

letter dated 15/6/81 in respect of fixation of pay from 1/1/80 .

6. Details of remedies exhausted.

The applicant declares that the applicants has availed of all the remedies available to him under the relevant rules of service .

7. Matters not previously filed or pending in the other court .

The applicant further declares that he had not previously

filed any application , writ petition or suit regarding

the matter in respect with this application has made before

any court or any other bench of the tribunal nor any such

application or writ petition is pending before any of them .

8. Reliefs sought .

In view of the facts mentioned in para 4 above the applicants

prays for the following relief :-

- 1- *Sanjay Kumar*
- 2- *Krishan Kumar Sharma*
- 3- *Murad Ali*
- 4- *G.L. Boppre*
- 5- *Suresh Chandra Tripathi*
- 6- *Gajendra Shankar*
- 7- *N.K. Srivastava*
- 8- *Om Shankar Verma*
- 9- *Shri. Suresh Chandra*
- 10- *Shri. Suresh Chandra*
- 11- *Shri. Suresh Chandra*
- 12- *Shri. Suresh Chandra*
- 13- *K.K. Srivastava*
- 14- *A.K. Srivastava*
- 15- *Banaraj Lal Prasad*

12 / A29

12

2.
To grant the cost of litigation in favour of the applicant
against the respondents .

3. To grant any other and further reliefs which may be deemed
fit and proper under the circumstances of the case.

9. Interim order if prayed for - NIL

10 . Not applicable .

11. Particulars of the postal orders-

no 0015-523912 date 1/11/50 name of P.O. High Court P.C.

12.
list of enclosure - as given in the top of the application

We the applicants do hereby verify that the contents of para
1 to 12 of the applications are true to the personal knowledge

of the applicants and nothing material facts have been concealed

and no part of it has been concealed So help me God .

Applicants

Applicants

- 1- Kamaldeep Tiwari
- 2- Krishan Kumar Sharma
- 3- Mohd. Farid
- 4- G.L. Bhatia
- 5- Surendra Chandra Tripathi
- 6- Ganga Shankar
- 7- N.K. Srivastava
- 8- An. Shanker Verma
- 9- हरिजन प्रसाद सिंह
- 10- सुनील कुमार
- 11- सुनील कुमार
- 12- Sunil Kumar Srivastava
- 13- K.K. Srivastava
- 14- A.K. Gupta
- 15- Banwari Lal Tripathi

Answer is no - A-I

New Delhi, at 18.6.81

A30

Sub : Restructuring of the Cadre of Ministerial Staff of Departments other than Personnel.

(1) There shall be direct recruitment of graduates to the posts of Senior Clerks in scale R. 330-560 to the extent of 20% of the total strength. The direct recruitment will be made through the Railway Service Commission.

(11) 13.1/3% of the total posts of Senior Clerks in scale Rs. 330-560 will be filled amongst the Graduate Clerks already serving in the lower grades after allowing them the age relaxation already in force. These vacancies will be filled up by a competitive examination to be held by the Railway Service Commission. In the event of graduate Clerks not being available from amongst the serving employees to fill this quota, the residual vacancies will be filled up by direct recruitment through the Railway Service Commission over and above the 20% quota referred to in (i) above.

(iii) Consequent upon induction of direct recruitment of Graduates at the level of Senior Clerks, the gradewise percentage distribution of posts in the Ministerial Cadre will now be as under :-

2. These orders will take effect from 1.10.80 but no arrears shall be payable on this account. The pay of an employee appointed to the upgraded post may be fixed proforma from 1.10.80 but the actual payment of emoluments in the higher post should be allowed only from the date he takes over charge of the upgraded post. This has the sanction of the President.

1. Rani Vaidya Tilgani
2. Krishna Kumar Sharma
3. Mahesh Pal,
4. G.L. Brijpai
5. Surendra Chandra Tripathi
6. Chandra Shanker
7. N.K. Singh/Verma
8. Om. Shanker Verma
9. हासिल प्रसाद सिंह
10. सुधीर कुमार

11. ५७/८५३१२१६ २/-
12. Sunil Kumar Srivastava
13. K.K. Srivastava
14. A.K. Gupta.
15. Banwar Lal Prasad Ti.

14

3. All vacancies of Senior Clerks (B.330-560) existing as on 30.9.1980 should be filled up in accordance with the orders in force prior to the issue of this letter. All vacancies arising on or after 1.10.1980 shall be filled in accordance with the proportion prescribed herein. (A31)

4. The staff of the Personnel Department will be governed by instructions contained in this Ministry's letter No. PCIII/80/UPG/21 dated 10.11.80 except that the level of direct recruitment in scale B.330-560-In Personnel Department also will be 33.1/3% and will be recruited in accordance with para 1(i) & (ii) above.

5. This has the sanction of the President.

6. Hindi version will follow.

sd/-
Jt. Director, Establishment
Railway Board.

Copy to :-

FA&CAO, All Indian Railways,
CLW, DLW, ICF,

No. PCIII/81/UPG/7

New Delhi, dt. 18.6.81

Copy (with 40 copies spares) to the A.O.A.I. (Railways)
New Delhi.

/-
For Financial Commission,
Railways.

No. PCIII/81/UPG/7

New Delhi, dt. 18.6.81

Copy (With 25 spares) forwarded to :-

1. General Secretary, N.F.I.R., 3, Chelmsford Road, New Delhi.
2. General Secretary, A.I.R.F., 4, State Entry Road, New Delhi.

Copy to all Members for the National Council,
Departmental Council and Secretary, Staff Side, National
Council, O, Ashok Road, New Delhi.

3. E(III) Branch.

For Secretary, Railway Board.

Endnt. As usual.

As per standard mailing list part II, III, & IV).

- 1- Ram Tahel Tiwari
- 2- Krishan Kumar Sharma
- 3- Mahadev Lal
- 4- G.L. Baffar
- 5- Surendra Chandra Tripathi
- 6- Ganga Shanker
- 7- N.K. Srivastava
- 8- An Shanker Verma
- 9- श्रीराम प्रसाद सिंह
- 10- गुरु दत्त
- 11- सुनील कुमार (H.E.)
- 12- Sumit Kumar Srivastava
- 13- K.K. Srivastava
- 14- K. Gupta
- 15- Banwarilal Prajapati

Pradeep Kumar Kanyap
Advocate
808, Mathura, Aligarh

15
Annexure no - A II
A32
GOVT. OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PCIII/81/UPG/7

New Delhi, dt. 31.7.1981.

The General Managers,
All Indian Railways & Others.
(As per Mailing List Part I)

Sub : Restructuring of cadre of the Ministerial
staff of Departments other than Personnel.

Reference this Ministry's letter of even No. dt. 18.6.81
on the above subject.

2. The manner of filling up of the posts of Senior Clerks, scale 330-560 consequent on the restructuring of the cadre of Ministerial staff of Departments other than Personnel provided for in the above quoted letter has been considered and it has been decided that :-

(i) All vacancies of Senior Clerks in grade Rs. 330-560 existing as on 30.9.1980 should be filled up in accordance with the orders in force prior to the issue of this Ministry's letter dated 18.6.81 *ibid*.

(ii) 13-1/3% of the vacancies of Senior Clerks grade Rs. 330-560 arising on 1.10.80 consequent on implementation of the aforesaid orders dated 18.6.81 will be filled from amongst the Graduate Clerks already serving in the lower grades in the manner indicated in para 1(ii) of this Ministry's letter dated 18.6.81 *ibid*.

(iii) Ten percent of the vacancies of Senior Clerks in grade Rs. 330-560, arising on 1.10.80, consequent on implementation of the aforesaid orders dated 18.6.81 should be filled up by direct recruitment of graduates to be made through the Railway Service Commission. The balance 10% of the vacancies of Senior Clerks arising on 1.10.80 against direct recruitment quota, shall be filled by promotion of Junior Clerks on the basis of Seniority-cum-suitability as per the existing procedure.

(iv) All vacancies of Sr. Clerks arising on and after 2.10.80 shall be filled in accordance with the proportions prescribed in this Ministry's letter of 18.6.81 *ibid*.

3. The upgradation of posts in scale Rs. 330-560 to the extent of 13-1/3% and 10% which are to be filled by Graduates by the limited Departmental Examinations or by direct recruitment will be effective only when such candidates are available. In the meantime vacancies arising in Jr. Clerks Cadre due to normal wastage should be kept unfilled to the extent the posts of Senior Clerks in grade Rs. 330-560 are to be filled by direct recruitment.

4. Since the 13-1/3% direct recruitment at the level of Sr. Clerks provided in this Ministry's letter dated 18.6.81 *ibid* has been made applicable to Personnel Deptt., these orders will apply to Personnel Deptt., also. This is in suppression of the instructions contained in this Ministry's letter No. PCIII/80/UPG/21 dt. 21.1.81.

.....2/-

- 1- Ram Takal Tiwari
- 2- Kishan Kumar Sharma
- 3- Mahadeo Pal
- 4- G. L. Bhatt
- 5- Surendra Chandra Tripathi
- 6- G. S. Shauker
- 7- N. K. Srivastava
- 8- Jm Shanker Verma
- 9- H. S. Prasad Singh
- 10- G. S. Singh
- 11- S. N. Singh
- 12- S. N. Singh
- 13- K. K. Singh

(14) A. K. Gupta

(15) Banarasi Lal Prajapati

Hindi version will follow.

Sd/-
(SWANKA DASS)
Jt. Director, Estt. (P&A)

Endorsements as usual as per standard mailing lists.

Copy (with 25 spares) to :-

- i) General Secretary, A.I.R.F.
- ii) General Secretary, N.F.I.R.
- iii) Copy to all Members of the National Council/
Departmental Council and the Secretary, Staff side,
National Council, 9, Ashoka Road, New Delhi.

Sd/-
for Secretary, Railway Board.

- 1- Rom Tahel Tiwari
- 2- Kishan Kumar Sharma
- 3- Mahadeo Pal
- 4- G.L. Bhatt
- 5- Surish Chandra Tripathi
- 6- Ganga Shankar
- 7- N.K. Srivastava
- 8- Om. Shankar Verma
- 9- हौसला प्रसाद सिंह
- 10- GAT Ram
- 11- Gopon Gurnit
- 12- Sunil Kumar Srivastava
- 13- K.K. Srivastava
- 14- A.K. Gupta
- 15- Banwarilal Rajapat

Attended
The
Pillay
Pradip Kumar Ramesh
Advocate
208, Main Road, Allahabad



स्वोकार है ।

① *Asplenium* ② *Centella asiatica* ③ *Andropogon squarrosus* ④ *Cyperus*
 ⑤ *Centella asiatica* ⑥ *Nerium indicum* ⑦ *Nerium indicum* ⑧ *Centella asiatica*
 ⑨ *Centella asiatica* ⑩ *Centella asiatica* ⑪ *Centella asiatica* ⑫ *Centella asiatica*
 ⑬ *Centella asiatica* ⑭ *Centella asiatica* ⑮ *Centella asiatica* ⑯ *Centella asiatica*
 ⑰ *Centella asiatica* ⑱ *Centella asiatica* ⑲ *Centella asiatica* ⑳ *Centella asiatica*
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 ㉕ *Centella asiatica* ㉖ *Centella asiatica* ㉗ *Centella asiatica* ㉘ *Centella asiatica*
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 ㊾ *Centella asiatica* ㊿ *Centella asiatica*

Before C.A. Atcharya

Minister of Railways

Recd. of 1990

Mahadeo Pal vs Union of India & others

IMMEDIATE

GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

A25

No. PCIII/82/Misc/20

New Delhi, dt. 15.10.82

~~For the~~

The General Managers,
All Indian Railways, CLW, DLW, ICF, Metro Rail, Calcutta and
Wheel & Axle Plant, Bangalore.

2. The General Managers (Const.)
Southern Railway, Bangalore, Northeast Frontier Railway,
Gauhati.
3. The Director General, RDSO, Lucknow.
4. The Chairman, Railway Service Commission, Allahabad/
Bombay/Calcutta/Madras/Muzaffar /Secunderabad/Gauhati/
Bangalore.
5. The Chief Administrative Officer, Central Organisation
for Modernisation of Workshops, 1-Eastern Avenue,
Maharani Bagh, New Delhi.
6. The Chief Engineer, Railway Electrification, Allahabad.
7. The Principal, Railway Staff College, Vadodra.
8. The Chief Administrative Officer, MTP (Rlys.), Delhi/
Bombay/Madras.
9. The Principal, Indian Railways Institute of Signal
Engineering & Telecommunications, Secunderabad.
10. The Principal, Indian Railways Institute of Advanced
Track Technology, Pune.
11. The Principal, Indian Railways Institute of Mechanical
and Electrical Engineering, Jamalpur.
12. The Secretary, Railway Rates Tribunal, Madras-28.
13. The Railway Liaison Officer, New Delhi.
14. The Director, Rail Movement, Calcutta.
15. The Jt. Director, Rail Movement, Mughalsarai.
16. The Jt. Director, Iron & Steel, 3-Koilaghat street, Calcutta.
17. The Chief Mining Adviser, Ministry of Railways, Dhanbad.
18. The Chief Administrative Officer, Indian Railways, Diesel
Component Works, Nabha Road, Patiala.

Sub :- Restructuring of the Cadre of Ministerial Staff

Letter No. PCIII/81/UPG/7
dated 18.6.81 on the above subject.

2. Pursuant to the stay order granted by the Supreme Court on a writ-petition filed by the All India Ministerial staff Association and others, the Ministry of Railways have decided that the direct recruitment of graduates to the level of Senior Clerks, scale Rs. 330-560 as provided in clauses (i) and (ii) of para 1 of the aforesaid letter dated 18.6.81, may be held in abeyance pending further order from this Ministry. The upgradation of posts to the level of Senior Clerks. The upgradation of posts to the level of Senior Clerks Rs. 330-560 equivalent to the direct recruitment quota as provided in this Ministry's letter dated 18.6.81 ibid may also be held in abeyance. This is applicable to the Ministerial Staff in the Personnel as well as other Departments (except Accounts).

.....2/-

1. Ram Bahadur Tripathi
2. Krishan Kumar Sharma
3. Ganga Shanker
4. M. S. Kumar Verma
5. Mahadeo Pal
6. Surendra Chandra Tripathi
7. H. S. Jaiswal
8. S. K. Jaiswal
9. N. K. Srivastava

10. G. L. Bajpai
11. B. K. Singh
12. A. K. Gupta
13. Sanil Kumar Srivastava
14. K. R. Srivastava
15. B. K. Singh

12/10/82 A36

3. This decision should be implemented with immediate effect.
4. The receipt of this letter may be acknowledged.
5. Hindi version will follow.

Sd/-
(D.N.BASU)
Addl. Director, Pay Commission
Railway Board

No. PCIII/82/Misc/20

New Delhi, dt. 15.10.82

Copy forwarded to the FA&CAOs of All Indian Railways.

Sd/-
(D.N.BASU)
Addl. Director, Pay Commission.
Railway Board

No. PCIII/82/Misc/20

New Delhi, dt. 15.10.82

Copy (with 25 spares) to :

1. The General Secy., NFIR, 3, Chelmsford Road, New Delhi.
2. The General Secy., AIRF, 4, State Entry Road, New Delhi.
3. All the Members of the Departmental Council (45 Copies)
4. All the Members of the National Council (55 Copies).
5. The Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi-110001.

Sd/-
For Secretary, Railway Board.

Copy to :- F(E)I, II, III and F(E)Spl., E(LL), ACs II,
E(NG)I/E(LR)III.

1- Ram Lalal Tildam
2- Krishna Kumar Sharma

Pradeep Kumar Kahsyap
Pradeep Kumar Kahsyap
Advocate
803, Muthiganj Al. L. had

Before CAT. Alena do

Mahadeo Pal & Sons vs Union of India

Annexure IV
A37
(5)

GOVERNMENT OF INDIA/BHARAT
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

No. PCIII/82/Misc/20

New Delhi, Dated 12.08.83

The General Managers,
All Indian Railways, CLW, DLW, ICF,
Metro Rail, Calcutta.
Wheel & Axle Plant, Bangalore and others
as per list attached.

Sub : Restructuring of the cadre of
Ministerial staff-Personnel and other
departments.

Reference Board's letter of even number dated 15.10.82
on above subject.

2. While efforts are being made to get the ad-interim
stay of the Supreme Court against direct recruitment vacated
as quickly as possible, the Board have reviewed the matter
further in the context of an order delivered by the Supreme
Court dated 11.4.83 and have decided as under :-

3. The scheme of restructuring of the Ministerial Staff
the Personnel Department and the departments other than
Personnel (excluding Accounts) as envisaged in Board's
instructions contained in their letter No. PCIII/81/UPG/7
dated 18.6.81 should be implemented subject to the following
modifications :

a) There will be no ~~ban~~ ban on promotion being made to
the extent permissible under the restructuring scheme from
1.10.80 as also from 2.10.80 onwards, subject to the condition
that these promotions will be subject to the final decision
of the Supreme Court in the writ petition, which should be made
clear to the promoted employees.

b) Taking into account the relaxations already circularised
vide Board's letter No. PCIII/81/UPG/7 dated 5.1.82 vacancies
in grade Rs.330-560 arising from 1.10.80 and earmarked for
direct recruitment by Limited Competitive examination for
serving graduates as well as vacancies arising from 2.10.80
and onwards which are earmarked for direct recruitment from
open market through Railway Service Commissions or by serving
graduates through a Limited Competitive examination should
remain unfilled until further orders. These vacancies should
not be filled even on adhoc basis. It has been brought to the
Board's notice that these vacancies, earmarked for direct
recruitment, are being filled by downgrading them to Rs.260-400.
This practice should also be discontinued forthwith so that
it is ensured that, as and when the court's directive becomes
available, vacancies earmarked for direct recruitment both
from the open market and by serving graduates are available
be filled by such direct recruitment.

4. Kindly acknowledge receipt.

Sd/-

(K. VENKATESAN)

Joint Director, Estt. (P&A)

No. PCIII/82/Misc/20

New Delhi, dt. 12.08.83

.....2

- 1- Kam Tahal Puri
- 2- Krishna Kumar Sharma
- 3- Gita Shanker
- 4- Gita Shanker Verma
- 5- Mahadeo Pal
- 6- Surin Chandra Tripathi
- 7- श्रीमान प्रसाद सिंह
- 8- श्रीमान कृष्ण सिंह
- 9- N.K. Srivastava

- 10- G.L. Bhatia
- 11- G.L. Bhatia
- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava
- 15- Benwar Lal Prasad

25

Sd/-

Copy (with 25 spares) to :

~~XX~~

Copy go : F(E)-I, II and F(E) Spl.E(LL), ACs II, E(NG)I, E(IR)II,
PA/ADPC, PA/DA, PS to Adv(F) and PS to Adv(IR)
E(IR)I(60spares)

1. Ram Tahel Tripathi
2. Krishna Kumar Sharma
3. Girdja Shanker
4. E. Shanker Verma
5. Mahadev Pat.
6. Surin Chandra Tripathi
7. हरिप्रसाद शर्मा
8. गणेश शर्मा
9. N.K. Srivastava
10. G.L. Bhatnagar
11. Gopal Chandra
12. P.K. Gupta
13. Surin Kumar Srivastava
14. K.K. Srivastava
15. Banwari Lal Tripathi

Pradeep Kumar Ransyap

Pradeep Kumar Ransyan

879

Before C.A.T. Allahabad
Mahadeo Lal & others vs Union of India. *Amrinder Arora* 5-1

739
MOST IMMEDIATE (2)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. PCIII/82/Misc/20

New Delhi, dt. 13.10.83

- The General Managers,
All Indian Railways, CLW, DLW, ICF, Metro Rail, Calcutta and
wheel & Axle Plant, Bangalore.
2. The General Managers (Const)
Southern Railway, Bangalore, Northeast Frontier, Railway
Gauhati.
 3. The Director General, RDSO Lucknow.
 4. The Chairman, Railway Service Commission, Allahabad/Bombay/
Calcutta/Madras/Muzaffarpur/Gauhati/Bangalore.
 5. The Chief Administrative Officer, Central Organisation for
Modernisation of Workshops, 1-Eastern Avenue, Maharani Bagh,
New Delhi.
 6. The Chief Engineer, Railway Electrification, Allahabad.
 7. The Principal, Railway Staff College, Vadodra.
 8. The Chief Administrative Officer, MTP (Rlys), Delhi/Bombay/
Madras.
 9. The Principal, Indian Railways Institute of Signal Engineer-
ing & Telecommunications, Secunderabad.
 10. The Principal, Indian Railways Institute of Advanced Track
Technology, Pune.
 11. The Principal, Indian Railways Institute of Mechanical and
Electrical Engineering, Jamalpur.
 12. The Secretary, Railway Rates Tribunal, Madras-28.
 13. The Railway Liaison Officer, New Delhi.
 14. The Director, Rail Movement, Calcutta.
 15. The Jt. Director, Rail Movement, Mughalsarai.
 16. The Jt. Director, Iron & Steel, 3-Koilaghat Street, Calcutta.
 17. The Chief Mining Adviser, Ministry of Railways, Dhanbad.
 18. The C.A.O., Indian Railways Diesel Component Works, Nabha
Road, Patiala-147001.

Sub : Restructuring of the cadre of
Ministerial Staff-Personnel and
Other departments.

Reference is invited to instructions contained in
Board's letter of even number dated 15.10.1982 as well as
Board's letter of even number dated 12.8.1982.

2. The writ Petitions filed by the All India Ministerial
Staff Association in the Supreme Court on the above subject
bearing numbers 6751-55/82 were briefly heard by the Supreme
Court on 7.10.83 and have been dismissed as withdrawn.
According, the restrictions placed on implementing the scheme
of direct recruitment in terms of instructions contained in
Board's letter of 15.10.82 and 12.8.83 are hereby withdrawn
and the scheme of direct recruitment and restructuring as
provided for in Ministry's letter No. PCIII/81/UPG/7 dated
18.6.81 are immediately ~~reinstated~~ restored "in toto" for immediate
implementation. Board accordingly desire that the scheme of
.....2/-

1. Ram Lal Tiwari
2. Krishna Kumar Sharma
3. Ganga Shanker
4. Dr. Shankar Varma
5. Mahadeo Lal
6. Suresh Chandra Tripathi
7. Hemant Prasad Mishra
8. G. K. Srinivasa
9. N. K. Srinivasa

10. G. L. Bajaj
11. G. L. Bajaj
12. G. L. Bajaj
13. Sanjay Kumar Saxena
14. K. K. Srinivasa
15. Benurani Lal Prasad

of restructuring of the Ministerial cadre in departments other than Accounts as stipulated in their letter of 18.6.81 including the scheme of direct recruitment in Grade Rs. 330-500 should be implemented without further loss of time.

3. If the Railway Service Commissions have prepared any panels for appointment to the grade of Rs. 330-560 which could not be implemented due to the Supreme Court stay order which is now vacated, they should now activate these panels immediately so that vacancies in grade Rs. 330-560 which have remained unfilled as a result of stay order are now filled with immediate effect. Similarly indents already placed on the Service Commissions by Railways which have not been processed because of the Courts stay order should now be processed urgently and finalised.

4. Kindly acknowledge receipt of this letter.

5. Hindi version will follow.

Sd/-

(K. Venkatesan)
Jt. Director Estt (P&A)
New Delhi, dt. 13.10.83

No. PCIII/82/Misc/20

Copy forwarded to the FA&CAO of All Indian Railways.

Sd/-

(K. Venkatesan)
Jt. Director, Estt. (P&A)
Railway Board

No. PCIII/82/Misc/20

New Delhi, dt. 13.10.83

Copy (with 25 spares) forwarded to :-

1. The Genl. Secy., NFIR, 3, Chelmsford Road, New Delhi.
2. The Genl. Secy., AIRF, 4, State Entry Road, New Delhi.
3. All the Members of Departmental Council (45 Copies)
4. All the Members of the National Council (55 Copies)
5. The Secretary, Staff Side, National Council, 13-C Ferocious Road, New Delhi 110001.

for Secretary, Railway Board

Copy to : F(E) I, II, III and F(E) spl. E(IL), Acc II, E(RG) I,
B(LR) III, PA/ADPC, PA/DA, PS/Adv (F) & PS/Adv (IR).

- 1- Kam Tahel Tiwari
- 2- Kishan Kumar Sharma
- 3- Ganga Shanker
- 4- An Shanker Varma
- 5- Mahadev Patil
- 6- Suresh Chandra Tripathi
- 7- Harsila Prasad Singh
- 8- Gulab Kumar (H)
- 9- Nik Srivastava
- 10- G.L. Bhatt
- 11- G.L. Singh
- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava
- 15- Ramcharan Lal Rajgopal

Pradeep Kumar Kansyay
Advocate
Alahabad

Before C.A.T. Allahabad

Northern Railway.

Mahadeo Pal & others vs Union of India.

AMV

Office of the
Dy.C.O.S./AMV

No. 20-B

Dated: 16 May 1985.

Annexure of 6

Shri S.K. Misra-I, Clerk/AMV.
Smt. Mehar Fatima, -do-
Shri Girja Shanker Sonker, Clerk/TPP/AMV.
" Mahadeo Pal, Clerk/AMV/TPP
" A.K. Malviya, Clerk/AMV
" Rajendra Pd. -do-
" K.K. Sharma, -do-
" Sudhir Kumar, Clerk/TPP/AMV.
" H.P. Singh, Clerk/AMV.
" R.P. Tewari, -do-
" Dhir Singh Maurya, Clerk/TPP/AMV.
" S.K. Singh, Clerk/DSL/CB.
" K.C. Saxena, Clerk/CB.
" Kashi Pd., Clerk/AMV.
" V.S. Singh, Clerk/CB.
" Mohd. Yunus, Clerk/AMV.
" S.C. Tripathi, Clerk/AMV.
Smt. Shahin Anjum Siddiqui, Clerk/CB.
+ Shri O.S. Verma, Clerk/AMV.
" Anil Kumar-II -do-
" G.L. Bajpai, -do-
" S.K. Mishra-II -do-
" K.K. Srivastava, Clerk/CB.
" Banwari Lal, Clerk/AMV.
" R.K. Gautam, -do-
" N.K. Srivastava, Clerk/CMB.
" S.K. Srivastava, Clerk/AMV.

Sub:- Selection of serving graduate Clerks grade Rs. 260-400 (RS)
for the post of Sr. Clerk grade Rs. 330-560 (RS) against re-
served quota of serving/employees. /Graduate

.....

The Selection for the post of Sr. Clerk grade Rs. 330-560 (RS) against
graduate quota of serving employees is scheduled to be held in Baroda
House (Annex I) N.Rly., New Delhi on 02.6.1985 at 10.00 hrs. You are
informed to attend the written examination on the scheduled date time
and place fully prepared alongwith the certificate on the enclosed
proforma duly filled in and signed by APO(S)/AMV through P/Branch.
You should report at 09.00 hrs. on 2.6.85 to Supdt. (Estt.) (Recruitment
G.M.(P) Office, New Delhi positively. You should also carry with you t
Postal order if the same was not submitted by you at the time of appl-
ying to appear in the selection. You should also carry with you one
Pass-port size of Photograph duly signed by APO(S)/AMV.

You should note that if you fail to attend the selection on the sche-
duled date and time, you will loose your chance and no second date for
supplimentary selection will be allowed.

- 1- Ram Tahal Tiwary
- 2- Krishan Kumar Sharma
- 3- Girja Shanker
- 4- Bm Shanker Verma
- 5- Mahadeo Pal.
- 6- Surash Chandra Tripathi
- 7- दीर्घा जसाद सिंह
- 8- रजनीश कुमार (NIG)
- 9- N.K. Srivastava
- 10- G.L. Bajpai
- 11- B.K. Singh
- 12- P.K. Gupta
- 13- Sumi Kumar Srivastava
- 14- K.K. Srivastava, (Contd.....2)
- 15- Banwari Lal Rajapuri

24 A42

You should submit 2 Passport size of Photograph in this Office latest by 24.5.85, so that the same should be attested and one photograph fixed in the proforma.

1. Dy. Controller of Stores,
N.Rly., Alambagh, Lucknow

Copy to the following for information. They should spare the staff and issue necessary pass to enable them to attend the test and comply with the orders.

1. The G.M(P)/N.Rly., Hd. Qrs Office, Baroda House, New Delhi, in reference to his letter No. 220E/1845-Rectt dt. 8.5.85.
The name of Smt G.L. Bajpai appearing at Sl.No. 21 of the list of applicants sent to you was omitted in your letter which may please be corrected.
2. The DCOS/CE/LKO.
3. The ACOS/DSL-GB.
4. DCOS/ENQ-CNB, VYN & MGS.
5. ASPS/TPP/AMV/LKO.
6. HC/Pass/AMV.

1. Ram Tahel Tiwari
2. Kishankumar Sharma
3. Ganga Shanker
4. An Shankar Verma
5. Mahadev Pal
6. Suresh Chandra Tripathi
7. श्रीमती उमादेव सिंह
8. श्रीमती उमादेव सिंह
9. N.K. Srivastava
10. G.L. Bajpai
11. Ganga Shanker
12. A.K. Singh
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Lal Singh

Attested
Ting Chy
Date: 24.5.85
DCS, N.Rly., Lucknow
220E/1845-Rectt
220E/1845-Rectt
220E/1845-Rectt

NORTHERN RAILWAY:

Office of the, Dy. C.O.S./N.Railway, Alambagh, Lucknow.

No:20-E

Dated: 9-8-1985

Roll Number.

1.	Smt. Mehar Fatima, Clerk/AMV.	254
2.	Shri Girja Shanker "onkar Clerk T.P.P./AMV.	255
3.	" Mahadeo Pal Clerk/AMV.	256
4.	" Ashok Kumar Malviya -do-	258
5.	" Krishna Kumar -do-	259
6.	" Sudhir Kumar SDC/AMV.	260
7.	" Hausila Prasad -do-	261
8.	" Ram Tahai Tewari Clerk/AMV.	262
9.	" Dhir Singh Mauriya Clerk/T.P.P./A AMV.	263
10.	" Sunil Kumar Singh Clerk-BSL/CB.	264
11.	" Suresh Chandra Tripathi Clerk/AMV.	269
12.	" Om Shanker Verma -do-	271
13.	" Anil Kumar -do-	272
14.	" Shiv Kumar Misra II -do-	273
15.	" Kaushal Kishore Sri- Clerk/CB.	274
16.	" vastava.	275
17.	" Banwari Lal Prajapati Clerk/AMV.	276
18.	" R.K. Gautam Clerk/AMV.	277
19.	" Niranjan Kumar Srivastava Clerk/STP-CNB.	278
20.	" Sunil Kumar Srivastava Clerk/AMV.	418
21.	" Goverdhan Lal Bajpai Clerk/AMV.	

Sub:- Selection for the post of Sr.Clerks Grade Rs.330-560(RS) against Graduate Quota from the serving Clerks.

You are directed to report to G.M.(P) Office N.Rly. Baroda House, New Delhi for Viva Voce Test on 16-8-85 at 8.30 A.M. You should obtain necessary pass for your journey from your office.

for Dy. Controller of Stores
N.Rly. Alambagh/Lucknow

Copy to the following. They will spare the staff working under them and issue necessary duty pass to their staff till LKO to MHS & back available from 14-8-'85 to 18-8-'85.

- (1) D.C.O.S./N.Rly. Chhabagh, Lucknow.
- (2) A.C.O.S.-DSL- N.Railway, Chhabagh, Lucknow.
- (3) A.C.O.S./ETD-N.Rly. Kanpur.
- (4) A.P.S./TEP.AMV (5) Pass Clerk AMV.LKO.
- (6) G.M.(P)/N.Rly. Baroda House, New Delhi in Ref. to his L/No. 220-E/1843/ETD. Dtd. 29.7.'85.

1. Ram Tahai Tewari
2. Krishna Kumar Sharma
3. Girja Shanker
4. Om Shankar Verma
5. Mahadeo Pal
6. Suresh Chandra Tripathi
7. Hausila Prasad
8. Shiv Kumar Misra II
9. N.K. Srivastava
10. G.L. Bajpai
11. R.K. Gautam
12. A.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Banwari Lal Prajapati

Ameyanoo

True copy

Ameyanoo

217190

Northern Railway.

Office of the
Dy.C.O.S./AMV

Office order No. E/
Dated: 15 Oct. '85 262

In terms of G.M.(P)/NDLS letter No. 220E/1843-Pt.II (Rectt.) dt. 23.9.85 the following Clerks of this Office have been placed on the provisional panel of Sr. Clerk grade Rs. 330-560 (RS) on the basis of selection of serving graduate. The names are in order of merit.

S.No.	Name	Merit No.
1.	Shri Mahadeo Pal, Sr. Clerk (SDC/AMV)	29
2.	" Krishan Kumar, -do- (AMV)	75
3.	" Ram Tahal Tewari -do- (")	84
4.	" S.K. Srivastava, Clerk (AMV)	98
5.	" Om Shanker Verma -do- (")	136
6.	" Sudhir Kumar, Sr. Clerk (")	145
7.	" Sunil Kumar Singh, Clerk (CB)	177
8.	" Anil Kumar Gupta, -do- (AMV)	178
9.	" K.K. Shrivastava, -do- (CB)	179
10.	" S.C. Tripathi, -do- (AMV)	187
11.	" B.L. Prajapati, -do- (")	189
12.	" Hausila Pd. Singh, Sr. Clerk (SDC/AMV)	193
13.	" R.K. Gautam, Clerk (AMV)	202
14.	" G.L. Bajpai, Clerk (AMV)	205
15.	Smt. Mehar Fatima, Sr. Clerk (AMV)	211
16.	Shri Girja Shanker (SC) -do- (AMV)	224
17.	" N.K. Shrivastava, Clerk (CB)	234

The following are already officiating as Sr. Clerk on adhoc basis.

1. Shri Mahadeo Pal.
2. " Krishna Kumar.
3. " Ram Tahal Tewari.
4. " Sudhir Kumar.
5. " Hausila Pd. Singh.
6. Smt. Mehar Fatima.
7. Shri Gurja Shanker (SC)

The following are appointed to officiate as Sr. Clerk on Pay Rs. 330/- in scale Rs. 330-560 (RS) w.e.f. 08.10.85 and retained in their Sections/ Offices.

- | | |
|--------------------------------------|---------------------------------------|
| 1. Shri S.K. Shrivastava, Clerk/AMV. | (2) Shri Om Shanker Verma, Clerk/AMV. |
| 3. " S.K. Singh, Clerk (DSL/CB). | (4) " Anil Kumar, Clerk/AMV. |
| 5. " K.K. Shrivastava, Clerk/CB. | (6) " S.C. Tripathi, Clerk/AMV. |
| 7. " B.L. Prajapati, Clerk/AMV. | (8) " R.K. Gautam, Clerk/AMV. |
| 9. " G.L. Bajpai, Clerk/AMV. | (10) " N.K. Shrivastava, Clerk/CB. |

for Dy. Controller of Stores

N.Rly., Alambagh, Lucknow

Copy to the following. (1) The GM(P)/NDLS. It is certified that Shri G.L. Bajpai was appointed as Clerk in this Office prior to 31.10.83. (2) The SAO(W)/N.Rly./AMV & CB. (3) The DCOS/CB, ACOS/ETD/CNB, ACOS/DSL/CB, and ACOS/MGS & VYN. (4) The Section Incharges concerned. (5) HC/Bills/Leave & Pass. (6) The parties concerned.

- | | |
|---------------------------|----------------------------|
| 1. Ram Tahal Tewari | 12. A.K. Gupta |
| 2. Krishan Kumar Sharma | 13. Sunil Kumar Singh |
| 3. Girja Shanker | 14. K.K. Shrivastava |
| 4. Om Shanker Verma | 15. Benu Chandra Prajapati |
| 5. Mahadeo Pal | |
| 6. Sunil Chandra Tripathi | |
| 7. Anil Kumar Gupta | |
| 8. K.K. Shrivastava | |
| 9. N.K. Shrivastava | |
| 10. G.L. Bajpai | |
| 11. B.L. Prajapati | |

The Clerk

[Signature]

2/7/90

21

A45

In the Court of C.A.T., Allahabad.

...

Annexure No. 179

In

Reg.No.

of 1990.

M.D. Pal and others.

...

Applicants.

Versus.

Union of India and others. ... Respondents.

To,

The Dy:Controller of Stores,
Northern Railway,
Alambagh, Lucknow.

R/Sir,

Re:- Preferna fixation of pay from 1-10-80
in the category of Sr.Clerk.

...

We, the following applicants beg to state that

we have been promoted as Senior Clerk from 8-10

after we were declared qualified in terms of Railway

Board's letter No.IC/III/CI/UPA/7 dated 18-6-81.

As per provisions of the Board's letter preferna

fixation of our pay in the above category should

have been done from 1-10-80 but the same were not

done inspite of our several requests and contact

our paywere fixed from 8-10-1985.

We beg to bring to your kind notice that

benefit of preferna fixation has been given to

1. Ram Tahel Tiliwal

2. Krishan Kumar Sharma

3. Gurja Shanker

4. Anshu Kumar

5. Mahadev Pal

6. Surendra Chandra Tripathi

7. Hitesh Kumar Singh

8. Mahesh Kumar Singh

9. N.K. Srivastava

10. G.L. Bhatia

11. Gopal Singh

12. A.K. Gupta

13. Suresh Kumar Singh

14. K.K. Srivastava

15. Hemant Kumar Singh

28
A46

- 2 -

the serving graduates of Divisional Railway Manager's Northern Railway, Lucknow and in other Railways according to the direction of the above Railway Board's letter but we are being deprived of the benefit. It is brought to your kind notice that some serving graduates of Mughalsarai Divisions had also been deemed of preforma fixation from 1-10-80 but they filed a Case No.132 of 1986 in the Hon'ble Central Administrative Tribunal, Allahabad. The case was decided in favour of the staff on 17-8-87. Then Railway Administration of Mughalsarai Division fixed pay of serving graduate from 1-10-80 and paid all arrears to them according to the provision of Board's letter dated 18-6-81 and judgment dated 17-8-1987.

We, therefore, request your kind honour to fix our pay from 1-10-80 in the grade of senior clerk for which we shall be grateful.

Yours faithfully,

1. M.D. Pal.
2. K.K. Sharma,
3. R.T. Tewari.
4. S.K. Srivastava.
5. Om Shanker Verma.
6. Sudhir Kumar.
7. S.K. Singh.
8. A.K. Gupta.
9. S.C. Tripathi.
10. M.D. Pal.
11. K.K. Sharma.
12. R.T. Tewari.

...

True copy.

Handwritten signature and notes at the bottom right of the page.

1. Ram Tahel Vihary
2. Kanchan Kumar Sharma
3. Ganga Shanker
4. Anshu Kumar Verma
5. Mahesh Pal
6. Suresh Chandra Tripathi
7. Anil Kumar Singh
8. Hitesh Kumar Singh
9. N.K. Srivastava
10. S.K. Gupta
11. Ganga Singh
12. S.K. Gupta
13. Suresh Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Lal Prasad

Dated. 23-10-1987

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In the Court of Central Administrative Tribunal,
Allahabad.

...

Annexure No. A/10

In

Reg.No.

of 1980.

M.D. Pal and others. ... Applicants.

Versus.

Union of India and others. ... Respondents.

To,

The Dy:Controller of Stores,
Northern Railway,
Alambagh, Lucknow.

Respected sir,

Reg:- Preforma fixation of pay from 1-10-80
or from the date of appointment.

...

We the following applicants beg to state that in spite of several oral and written representation our pay in the cadre of senior clerk were not being fixed from 1-10-80 as per directions of Rail way Board's letter dated 18-6-81. Once again we bring to your kind notice that Hon'ble Central Administrative Tribunal has also given judgment for fixation of pay on preforma basis from 1-10-80 or from date of appointment according to the above letter but we are being deprived of the same.

We, therefore, request your kind honour to fix our pay from 1-10-80 or from the date of appointment after our upgradation in terms of Board's letter dated 18-6-81 for which we shall be grateful.

- 1- Ram Bahadur Singh
- 2- K. N. S. K. Sharma
- 3- G. S. Shaukey
- 4- B. S. S. S. S. S.
- 5- Mahadev Pal
- 6- Suresh Chandra Tripathi
- 7- H. R. S. S. S.
- 8- H. R. S. S. S.
- 9- N. K. S. S. S.
- 10- G. L. B. S. S.
- 11- G. S. S. S. S.
- 12- A. K. S. S. S.
- 13- S. S. S. S. S.
- 14- K. K. S. S. S.
- 15- B. S. S. S. S.

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Aug 30

- 2 -

Yours faithfully,

1. K.K. Sharma.
2. R.T. Tewari.
3. M.D. Pal.
4. On Shanker Verma.
5. Sudhir Kumar.
6. Sunil Kumar Singh.
7. Anil Kumar Gupta.
8. S.C. Tripathi.
9. B.L. Prajapati.
10. H. Prasad.
11. Girja Shanker.
12. N.K. Srivastava.
13. C.K. Bajpai.
14. S.K. Srivastava.

Dated. 7-9-1988.

- 1- Kamal Lal Tilgajuk
- 2- Krishna Kumar Sharma
- 3- Girja Shanker
- 4- On Shanker Verma
- 5- Mahadev Pal
- 6- Surinder Kumar Tripathi
- 7- हरिहर प्रसाद सिंह
- 8- श्री/श्रीमती
- 9- N.K. Srivastava
- 10- C.K. Bajpai
- 11- Girja Shanker
- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava
- 15- Benu Lal Prajapati

...

True copy.

Attested
True copy
Dated
9/9/88

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In the Court of Central Administrative Tribunal,
Allahabad.

...

Annexure No. 11

In

Reg.No. of 1990.

M.D.Pal and others. ... Applicants.

Versus.

Union of India and others. ... Respondents.

--

The Dy:Controllor of Stores,
Northern Railway,
A Lambagh, Lucknow.

Sir,

Sub:- Fixation of pay and seniority as senior
Clerk against serving graduate quota.

...

We the applicants hereby approach you for
justice in our case, which has not yet been done
inspite of clear orders from the Board's and the facts

are as under :-

1. Ram Lal Singh
 2. K. S. Kumar Sharma
 3. G. S. Shauker
 4. An. Chakravarty
 5. Mahadeo Pal
 6. Suresh Chandra Tripathi
 7. Hemant Prasad Singh
 8. S. S. Singh
 9. N. K. Singh
 10. G. L. Singh
 11. B. S. Singh
 12. A. K. Gupta
 13. Suresh Kumar Singh
 14. K. K. Singh
 15. B. S. Singh
1. We were appointed in Railway Service as Junior Clerk and being graduate serving on the Railway we were eligible for promotion the post of Sr. Clerk w.e.f. 1-10-80 against the serving graduate quota in terms of Board's letter IC/III/01/UPG/7 dated 18-6-81.
 2. We appeared in the examination conducted for the above purpose and the result was announced vide GM (P)/NDLS letter No.220-E/1843/Pt.II (Rectt.) dated 23-9-85 and our names were placed in the order of merit.

A50 32

-12 1-

3. After announcement of the result of graduate quota we were promoted as Sr.Clerk w.e.f.8-10-85 vide Dy:CGS/AMV office order No.262-E dated 15-10-85.

4. According to the orders of the Board we were eligible for promotion as Sr.Clerks (Graduate) against the post as on 1-10-80, and we were waiting that the Administration will do justice to us by promoting us from 1-10-80, but the same has not been done so far.

5. In pursuance of the orders of the Board the other offices like DRM/N.E.Rly./Varanasi, DPO/S.C. Rly./Wajiwada, DRM/N.E.Rly./LKO have promoted their staff against the graduate quota from 1-10-80 respectively vide their letter No.K/W/283/Ministrial/ dated 9-7-1984, letter No.B/P/535/IV/1 dated 17-3-82, letter No.Ka/11/252/Ministrial dated 3-6-84, copy attached for your ready reference.

- 1- Ram Tulsi Tiwari
- 2- K. S. Kumar Sharma
- 3- Gurji Shanker
- 4- An Shankar Verma
- 5- Mohan Lal
- 6- Suresh Chandra Tripathi
- 7- श्रीमान प्रताप सिंह
- 8- श्रीमान गणेश शर्मा
- 9- N. K. Srivastava
- 10- G. L. Bhatnagar
- 11- G. L. Bhatnagar
- 12- K. K. Gupta
- 13- S. N. Singh
- 14- K. K. Srivastava
- 15- Beni Chandra Lal Prasad

6. We may also point out that the benefit of promotion from 1-10-80 was not allowed to the staff of DRM/N.Rly./Mughalsarai and having no alternative left to them, they took shelter of Central Administrative Tribunal/Allahabad, vide application No.132/1983 and the court gave verdict in their favour allowing fixation from 1-10-80 copy of the judgement enclosed.

7. We request your honour to examine our case and allow us fixation of pay as Sr.Clerk (Graduate) from 1-10-80 and also our seniority be fixed with

AS/

33

-: 3 :-

reference to our date of such promotion viz: 1-10-80.

We are hoping an early and favourable action
and for which we will remain obliged.

Thanking you,

Applicant.

1. Mahadeo Pal.
2. Krishan Kumar Sharma.
3. R.T. Tewari.
4. Sudhir Kumar.
5. Suresh Chandra Tripathi.
6. Banwari Lal Prajapati.
7. Sunil Kumar Srivastava.
8. H.P. Singh.
- 9.
- 10.

Dated. 8-4-1989.

- 1- Ram Jitendra Tripathi
2. Krishan Kumar Sharma
3. Girish Shanker
4. Anshu Chandra Verma
5. Mahadeo Pal.
6. Suresh Chandra Tripathi
7. हरीश चन्द्र सिंह
8. श्री/र/उ/ग/र/ि/ए
9. N.K. Srivastava
10. G.L. Bajpai
11. Gauri Singh
12. A.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Banwari Lal Prajapati

Chaitanya
Singh
4/7/90

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- 2 -

2. That we were directed by Dy:COB/Alambagh, Lucknow to appear in the examination on 2-6-85 in Bared House Gen/Office vide O.O.No.20-E dated 16-5-85. appeared in the written examination and qualified the same for the upgradation of post of senior clerk. A gain we were directed or by our officer to appear in the viva voce test on 16-8-85 in Bared House, vide O.O.No.20-E dated 9-8-85. We qualified in viva voce test also and all of us were appointed as senior clerks as a result of upgradation vide O.O.No.262 dated 15-10-85, our pay were fixed from 8-10-85 instead of 1-10-80 or from the date of appointment. We made several written and oral requests for fixation of our pay from 1-10-80 or date of appointment whichever is later but no response was given and nothing was done so far.

We, therefore, request your kind honour to direct Dy:COB/AMV/Lucknow to fix our pay from 1-10-80 on preferential basis according to the direction of Railway Board letter dated 18-6-81 for which we shall be grateful.

Yours faithfully,

Dated. 4-10-1990.

1. K.K. Sharma
2. Krishna Kumar Sharma
3. Girja Shanker
4. Om Shanker Verma
5. Mahadev Pal
6. Suresh Chandra Tripathi
7. Harender Prasad Singh
8. Suresh Chandra Singh
9. N.K. Srivastava
10. C. C. Singh
11. G. K. Singh

(12) - H. K. Gupta
13. Suresh Kumar Singh
14. K.K. Srivastava
15. Ramachandra Singh

1. K.K. Sharma.
2. E.T. Tewari.
3. M.D. Pal.
4. Om Shanker Verma.
5. Sudhir Kumar.
6. Sunil Kumar Singh.
7. Anil Kumar Gupta.
8. S.C. Tripathi.
9. B.L. Prajapati.
10. H. Prasad.
11. Girja Shanker.
12. N.K. Srivastava.
13. G.L. P. Jpai.
14. S.K. Srivastava.

True copy.

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In the Court of Central Administrative Tribunal,
Allahabad.

...

Annexure No. 1712

In

Reg.No. of 1990.

M.D. Pal and others. ... Applicants.

Versus.

Union of India and others. ... Respondents.

To,

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

Through proper channel.

...

Respected sir,

Reg:- Fixation of pay in grade Rs.330-560
from 1-10-80 as per Railway Board's
letter No.PC/III/81/UPg./7 dt.18-6-81.

...

We the following applicants beg to state as

under :-

- 1- Kamal Kumar Vignay
- 2- Kishan Kumar Sharma
- 3- Gita Shanker
- 4- G. Shankar Verma
- 5- Mahadev Pal
- 6- Suresh Chandra Tripathi
- 7- हरिदेव प्रसाद सिंह
- 8- 23/01/81/3/11/11/11
- 9- N.K. Srivastava
- 10- G. G. B. Singh
- 11- G. G. B. Singh
- 12- A. K. Gupta
- 13- Suresh Chandra Tripathi
- 14- K. K. Srivastava
- 15- B. K. Singh

1. That we are working as Head Clerks in
Alambagh Workshop Lucknow under Dy:Controller of
Stores. All of us are graduate. As per direction of
Railway Board 13% of total posts of Senior Clerk
were required to filled from serving graduates as
per a result of upgradation as according to direction
of Railway Board's letter No.PC/III/8/Upg./7
dated 18-6-81 after they re duly selected in the
examination. Prefer fixation of pay of the ngraded
staff should have been from 1-10-80 as per
above letter.

Before C.A.T. Allahabad
Mahadeu Pal & others vs Union of India.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration No. 132 of 1986

Surendra Kumar Sandhya & Others Applicants

Versus

Union of India & Others. Respondents.

Hon. S. Zahoor Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon. Ajay Johri, A.M.)

This is a petition under Section 19 of the Administrative Tribunals Act XIII of 1985. The petitioners S/Shri S.K. Sandhya, Nasood Khan, Rajendra Prasad Seh and Ramosh Chandra Mishra are working as senior clerks in the various Departments of the Eastern Railway at Mughalsarai. The petitioners are graduates and have been working as clerks grade II in the scale of Rs. 260 - 400 and have claimed eligibility for promotion and upgradation to the post of senior clerks in the scale of Rs. 330 - 560 amongst the graduate clerks already serving to the extent of $13\frac{1}{3}\%$ of the total posts of senior clerks. The petitioners had appeared in a written and viva test held by the Railway Service Commission, Patna. The results of which were published vide 'C' office order No. 0102 of 1985 dated 28.1.1985. They were empanelled for appointment on 30.1.1985. The petitioners have claimed that in accordance with letter No. PC-III/81/UPC/7 dated 18.6.81 issued by the Railway Board in connection with the restructuring of the cadre of ministerial staff of departments other than Personnel provided that $13\frac{1}{3}\%$ of the total posts of the senior clerks will be filled up from amongst the graduate clerks already serving in the lower grades. These vacancies

- 1- Ramtahal Tiwari
- 2- Krishna Kumar Sharma
- 3- Girdha Shanker
- 4- Mr. Shankar Verma
- 5- Mahadeu Pal
- 6- Suresh Chandra Tripathi
- 7- एम.टी. एस. सिंह
- 8- श्री. अ. ग. मिश्र
- 9- N.K. Srivastava
- 10- G.L. Bhatnagar
- 11- G.L. Bhatnagar
- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava

(15) Ramchandra Lal Bajaj

were to be filled up by a competitive examination to be conducted by the Railway Service Commission. This letter was ^{later} ~~subsequently~~ modified and made applicable to the Personnel Department also vide Board's letter of 13.7.81 placed at Annexure-7 of the paper book.

According to the petitioners' the appointments and filling up of the vacancies were to be done retrospectively with effect from 1.10.80 on proforma basis. The petitioners were appointed to officiate from 30.1.85 on a pay of Rs. 330/- per month. According to the petitioners this fixation of pay was irregular, improper, illegal, ultra vires, and unconstitutional and therefore they sought a relief that their pay may be fixed on proforma basis from 1.10.80 and the officer's order No. 0119 of 1985 dated 30.1.85 may be treated as null and void to the extent that it has been given effect from 30.1.85 fixing the pay at Rs.330/- per month.

2. The respondents have not disputed the facts of the case. According to the respondents the petitioners ^{could} ~~have~~ become eligible for appointment to the post of clerk grade I in the serving graduates quota after passing the competitive examination conducted by the Railway Service Commission. Accordingly the examination was conducted by the Railway Service Commission, Patna and when the list of candidates was received the petitioners were appointed in the vacancies of clerks grade I. The respondents have laid emphasis on the fact that the serving graduates could not be appointed to the post of clerk grade I without passing the Departmental examination and that if the examination was conducted

1. Ram Chandra Prasad
2. Krishan Kumar Sharma
3. Ganga Shanker
4. Anand Shankar Verma
5. Mahendra Patel
6. Suresh Chandra Tripathi
7. एस. एस. सिंह
8. सुनील कुमार सिंह
9. N. K. Srivastava
10. G. L. Bhatnagar
11. G. S. Bhatnagar
12. A. K. Gupta
13. Sunil Kumar Srivastava
14. K. K. Srivastava
15. Bhanu Lal Prasad

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after 1.10.80 they could not be given proforma fixation from 1.10.80 and therefore the claim of the petitioners regarding proforma fixation w.e.f. 1.10.80 was baseless and without legal sanctity. According to the respondents the Eastern Railway M.O. letter does not say any way that the serving graduates should be given proforma fixation of pay with effect from 1.10.80. Even if there were no qualified persons from the category of serving graduates on that date ¹ and ¹ therefore as soon as the applicants became qualified they were posted in the vacancies under Office Order No. D119 of 30.1.1985. The respondents have further averred that the petitioners have not exhausted their remedy and have been hastened to file their applications before this Tribunal which is premature and deserves to be summarily rejected. They should have represented their case to the Chief Personnel Officer or the General Manager, Eastern Railway. The petitioners did not even meet the Divisional Railway Manager when they did not get satisfactory reply from the Senior Divisional Personnel Officer or the Additional Divisional Personnel Manager.

38 We have heard the counsel for both the parties. In regard to the petitioners ^{not} having exhausted the departmental remedies it has been brought to our notice that after the issue of the Office Order No. D119 dated 30.1.1985 the petitioners had taken personal interviews with the Senior Divisional Personnel Officer Mughalsara and when they did not get favourable results from him they submitted their representations to the Senior Divisional Personnel Officer detailing their grievances. Thereafter

1. Ram Mohan Tiwari
2. Krishan Kumar Sharma
3. Girda Shanker
4. An Shankar Verma
5. Mahadev Lal
6. Surendra Chandra Tripathi
7. एम.एस. सिंह
8. जगदीश सिंह
9. N.K. Srivastava
10. G.L. Bhatnagar
11. G.L. Bhatnagar
12. A.K. Gupta
13. Sumit Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Lal Tripathi

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on 12.6.85 they put another representation to the Senior Divisional Personnel Officer. When they did not get any reply from him the petitioners submitted their third representation to the Additional Divisional Railway Manager on 6.9.1985 who directed the Senior Personnel Officer for early disposal of the representations but still they did not get any reply. We therefore find that the petitioners have taken adequate action in representing their grievances which fell on deaf ears and was not attended to by the Administration. We therefore find no reason why the petition should be dismissed on this account.

4. Copy of Chief Personnel Officer Eastern Railway Calcutta letter dated 26.6.81 placed at Annexure-6 of the paper book encloses a copy of Railway Board's letter dated 18.5.81 on the subject on restructuring of the cadre of ministerial staff of Department other than personnel. The C.P.O's letter in para 2 wanted the Divisions to work out the requirements for direct recruitment of graduates to the post of senior clerks against the 20% vacancies reserved for direct recruitment and $13\frac{1}{3}\%$ vacancies reserved for serving graduate clerks in lower grades. The Railway Board's letter of 18.5.81 conveyed a decision regarding direct recruitment of graduate clerks to the extent of 20% of the total strength and filling up of the vacancies to the extent of $13\frac{1}{3}\%$ of the total posts from amongst the graduate clerks already serving in lower grades. Both the vacancies were to be filled - one by direct recruitment and the other through a competitive examination to be held by the Railway Services Commission. Para 2 of the Railway Board's letter reads as

- 1- Ram Bahadur Tripathi
- 2- Krishna Kumar Sharma
- 3- Ganga Shanker
- 4- Anshu Kumar Verma
- 5- Mahadevi Pal
- 6- Surish Chandra Tripathi
- 7- हंसराज प्रसाद सिंह
- 8- सुनील कुमार सिंह
- 9- Nik. Sivaraj
- 10- G.L. Bajpai
- 11- Gail Singh
- 12- P.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- R.K. Srivastava

(15) Ram Bahadur Lal Tripathi

follows :

In the light of instructions contained therein, your requirements for direct recruitment of applicants to posts of Senior clerks in scale Rs.330-560 against 20% and for filling vacancies against 13 1/3% of the total posts of senior clerks in scale Rs.330-560 (RS) from amongst serving graduates clerks in lower grades may please be worked out now for personnel Deptt. and for departments other than personnel separately and furnished the same to this office in a separate cover addressed to C.P.O. (Recruitment) at an early date so as to enable this office to take further necessary action." ^{Second of the letter} The para/makes it clear that the restructuring of the cadre and the filling up of the vacancies to the extent of 13 1/3% of the total post of senior clerks would take effect from 1.10.80. The actual payment of emoluments of the higher post is to be allowed only from the date a person takes over charge of the upgraded post but in the matter of fixation of the pay the same is to be fixed proforma from 1.10.80.

5. Para 3 of the Railway Board's letter says that all vacancies existing as on 30.9.80 should be filled in accordance with the orders in force prior to the issue of the letter of 10.6.81. The vacancies that existed on or after 1.10.80 have to be filled in accordance with the proportion prescribed in the letter. The important part of this letter is the manner in which these vacancies were to be filled. A competitive examination was to be held by the Railway Service Commission and only when the panel was made the vacancies were to be filled.

6. Railway Board issued another letter No.PC.III-01/UPG/7 dated 31.7.81 on the same subject wherein they

- 1- Ram Tahal Tiwari
- 2- Krishan Kumar Sharma
- 3- Ganga Shanker
- 4- Anshakar Verma
- 5- Mahadev Pal
- 6- Surend Chandra Tripathi
- 7- हासिल प्रसाद सिंह
- 8- श्री १२५ मल्लिक
- 9- N.K. Srivastava
- 10- G.C. Bhatnagar
- 11- Bal K. Bhatnagar
- 12- P.K. Mishra
- 13- Samir Kumar Srivastava
- 14- K.K. Srivastava

(15) Banarsi Lal Majapati

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have dealt with on the manner of the filling up of the posts of senior clerks consequent on the restructuring of the cadre of the ministerial staff of Department other than personnel. In this letter ~~in respect of~~ ^{of} $13\frac{1}{3}\%$ of the vacancies arising on 1.10.80 ~~are~~ ^{are} to be filled in the same manner which has been indicated in the para supra in accordance with the Railway Board's letter of 18.6.81. The further change that has been made is ~~that~~ ^{that} the 10% of the vacancies of the senior clerks arising on 1.10.80 only were to be filled by direct recruitment of graduates instead of 20% as mentioned in the letter of 18.6.81. The balance 10% of the vacancies arising on 1.10.80 against the direct recruitment quota was to be filled by promotion of junior clerks on the basis of seniority-cum-suitability as per the existing procedure. Vacancies arising on or after 2.10.80 were to be filled in accordance with the proportions prescribed in the Ministry's letter of 18.5.81. In para 3 of this letter it has further been said that the upgradation of the posts to the extent of $23\frac{1}{3}\%$ and 10% which are to be filled by graduates by the limited departmental examination or by direct recruitment would be effective only when such candidates are available. This para further placed a ban on filling up of the vacancies of junior clerks due to normal wastage to the extent of the post of senior clerks are to be filled by direct recruitment.

7. Para 3 of the Railway Board's letter of 31.7.81 (Annexure-7 of the paper book) makes it clear that the upgradation would be effective only when such candidates are available. Para 2 of the letter of 18.6.81 had indicated that the orders would be effective from 1.10.80 but no arrears shall be payable on this account and the

1. Kamaldeep Tiwari
2. Krishan Kumar Sharma
3. Ganga Shanker
4. Anshanker Verma
5. Mahadeo Pal
6. Suresh Chandra Tripathi
7. एसील जसज सिंह
8. अजयल कुमार सिंह
9. N.K. Srivastava
10. G.L. Bajpai
11. Gopal Singh
12. H.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Bhemich Lal Prajapati

pay of the employee was to be fixed proforma from 1.10.80. The letter of 31.7.81 however changes the complexion of para 2 of the letter of 18.6.81 on account of the upgradation of the post being made effective only when such graduates are available.

8. A copy of South Eastern Railway correspondence on the same subject with the Railway Board has been placed before us. The South Eastern Railway letter No. 4/14/314/3/Pt. dated 13.5.86 in reply to a query made by Eastern Railway vide their letter No. E-092/4221/TU dated 12.5.86.

para 1 of this letter reads as follows:

"On this Railway such of the graduate Jr. clerks, on their selection against graduate quota are given fixation benefit only from the date they assume the responsibility of the post of Sr. clerk without any proforma benefit from 1.10.1980." The South Eastern Railway had made a reference to the Railway Board on 8.3.81. The relevant portion of the first para of this letter reads as follows :-

"As this direct intake in the cadre of Jr. clerks either from the graduate Jr. Clerk or from open market in future vacancies to the extent of 20% tantamounts to direct recruitment it is presumed that the effect of promotion in respect of the 10% intake from amongst the existing graduate junior clerks will be from the date they actually take charge of the higher post and that no arrears from 1.10.80 will accrue to them. This may please be confirmed." In reply to this para the Railway Board has said that presumption made was correct. The South Eastern Railway therefore made a reference only in respect of the arrears from 1.10.80 saying that no arrears from 1.10.80 will accrue

1. Kameshwar Tiwari
2. Krishna Kumar Sharma
3. Girja Shanker
4. Anshu Kumar Verma
5. Ramachand Lal
6. Surendra Chandra Tripathi
7. ~~Prakash Kumar Singh~~
8. ~~Prakash Kumar Singh~~
9. Nik. Srivastava
10. G. L. Gupta
11. G. L. Gupta
12. A. K. Gupta
13. Sunil Kumar Srivastava
14. K. K. Srivastava
15. Ramachand Lal Tripathi

to the clerks. It also said that the effect of promotion in respect of 10% intake amongst the existing or junior clerks will be from the date they actually take charge of the higher post.

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9. The reading of the above correspondence as well as Board's letter of 31.7.81 and 11.6.81 make the following points clear :-

i) The upgradation was to be effective only when such candidates were available.

ii) Actual payments of emoluments in the higher grade were to be allowed only from the date the selected persons took charge of the higher grade post.

iii) Proforma fixation of pay had to be made from 1.10.80 but no arrears of pay were to be allowed.

10. On the Eastern Railway the Office Order dated 16.9.85 issued by the Fieldlab Division clarifies these points. The promotions have been given proforma fixation keeping their dates of emoluments in view in accordance with the spirit of the Railway Board's letter of 10.6.81. Similarly orders issued by the Divisional Personnel Officer Eastern Railway, Bhubaneswar dated 23.1.92 also indicate fixation of pay on proforma basis of the clerks promoted under that letter. Therefore there is no dispute in regard

to the fact that the serving graduates were to be appointed as clerk grade-I only after they had passed the necessary departmental examination to be conducted by the Railway Service Commission. There is no question of their appointment to the post of clerks grade-I without passing departmental examination conducted by the Railway Service Commission. However the respondents stand that if the examination is conducted after 1.10.80 the petitioners

1- Ram Mohan Tiwari

2. Krishan Kumar Sharma

3. Girdhar Shanker

4. G. S. Shankar Verma

5. Mahadev Pal

6. Suresh Chandra Tripathi

7. हरीश चन्द्र प्रसाद सिंह

8. श्रीमती सुनील कुमारी सिंह

9. N. K. Srivastava

10. G. L. Bishnoi

11- G. S. Tiwari

12- A. K. Gupta

13. Sunil Kumar Srivastava

14. K. K. Srivastava

15. Banerjee Lal Rajapal

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could not be given proforma fixation from 1.10.80 cannot be accepted as the correct position. The respondents have said that no examination was held in the year 1980-81. The respondents ^{stand} ~~also~~ that the claim regarding proforma fixation of pay U.P. 1.10.80 is baseless and without legal sanctity. ^{Since} ~~Does~~ not stand the scrutiny of the facts as mentioned in the Railway Board's letters of 18.6.81 and 31.7.81. The ^{spirit} ~~pages~~ of the Railway Board's letter of 18.6.81 was that the upgradations were to be made from 1.10.80 though they were to be effective from the date the qualified candidates took over charge of the higher grade post. Their pay had to be fixed proforma keeping the date 1.10.1980 in view. This was the date of upgradation and as mentioned above no arrears were to be paid. There is no ambiguity in the Board's letter. ^{error has crept up due to} ~~The order is~~ according to the interpretation made by the respondents.

11. In the result an order that the petitioners' claim for proforma fixation of their pay on the basis of para 2 of the Railway Board's letter dated 18.6.81 from 1.10.80 is valid and justified. The petition is therefore allowed. Parties will bear their own costs.



TRUE
COPY

Dated the 29th Oct., 1985.

D. S. Dubey
30/10/85

(D. S. DUBEY)
SECTION OFFICER

Central Administrative Tribunal
Allahabad

- 1- Ram Mahal Tiwari
- 2- Krishna Kumar Sharma
- 3- Ganga Shanker
- 4- Om Shankar Verma
- 5- Prabhat Pal
- 6- Suresh Chandra Tripathi
- 7- हरिहर प्रसाद सिंह
- 8- श्री/रामकिशोर सिंह
- 9- N.K. Srivastava
- 10- G.L. Bhatt
- 11- उद्योत कुमार
- 12- P.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- R.K. Srivastava
- 15- Bhanu Lal Prasad

Advocate
Pradeep Kumar Kahsyap
Advocate
808, Mathura - JAL Bahad

Before CAT Allahabad.

Mahadeo Palkar & others vs Union of India
Court No. 1

45

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Review Application No. 32 of 1987

In

Registration (O.A.) No. 132 of 1986

** ****

Union of India & others Applicants.

Versus

Surendra Kumar Sandhya & others .. Respondents.

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

This is a review application filed on 9.2.1987 against our judgment dated 29.10.1986. An application for condoning the delay has been made on the ground (paragraph 7) that due to procedural delay the matter has been finally settled by the Railway Board on 23.1.1987 and the review application could not be filed within time because of procedural delay that normally takes place in the Railway Board. Even if we assume that we have discretion to condone the delay, we find no sufficient ground to condone the same. Every days delay has to be explained by the applicants. There is vague allegation that on account of procedural delay the review application could not be filed within time. According to Rule 17 the application should have been filed within 30 days. The judgment is dated 29.10.1986 and this application was prepared on 5.2.1987 and was filed on 9.2.1987, so it is clearly barred by time.

- 1- Ram Bahadur Tiwari
- 2- Krishna Kumar Sharma
- 3- Ganga Shanker
- 4- Dr. Shankar Verma
- 5- Mahadeo Palkar
- 6- Surendra Chandra Tripathi
- 7- हरिहर प्रसाद सिंह
- 8- सुनील कुमार सिन्हा
- 9- N.K. Srivastava
- 10- G.L. Bajpai
- 11- G.L. Bajpai

- (12) - P.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
- (15) - Ram Chandra Lal Prasad

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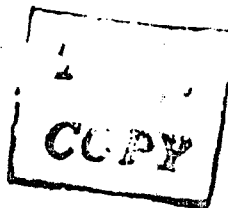
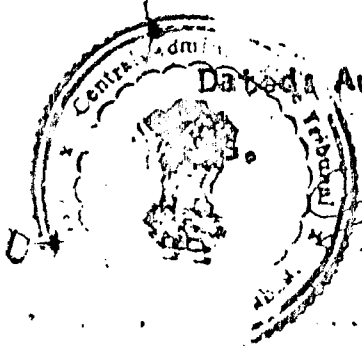
- 2 -

2. In view of above there is no good ground to condone the delay. The application for condoning the delay is rejected.

35/
Vice-Chairman.

34
Member (A).

Dated August 17, 1987.



D. S. Dubey
25/8/87
(D. S. DUBEY)
SECTION OFFICER
Central Administrative Tribunal
Allahabad.

- 1- Ram Lal Tilwari
- 2- Krishna Kumar Sharma
- 3- Gopal Shanker
- 4- Anshanker Verma
- 5- Mahadeo Pal
- 6- Suresh Chandra Tripathi
- 7- हौसीला प्रसाद सिंह
- 8- सुनील कुमार सिंह
- 9- N. K. Srivastava
- 10- G. L. Bajpai
- 11- Gopal Singh
- 12- A. K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K. K. Srivastava
- 15- Bhanu Chandra Lal Rajapat

Prakash
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Prakash

17/8
9/7/90

Before CA 7 Allahabad
Mahadeo Pal & others vs Union of India.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

MUNDAY THE SIXTEENTH DAY OF JANUARY
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT :

THE HON'BLE MR.D.N.JAYA SIMHA : VICE-CHAIRMAN
AND

THE HON'BLE MR.D.SURYA RAO : MEMBER (JUDL.)

TRANSFER APPLICATION NO. 157 OF 1986
(U.P.No.16062 OF 1984)

ATTORNEYS:-

1. P. Narasimharao
2. K. M. S. Bhagyalakshmi
3. I. V. R. K. U. Sharma
4. A. V. Venkateswar Rao
5. K. Lakshmana Rao.

..Applicants/Petitioners

AND

1. The Union of India rep. by its Secretary,
Ministry of Railways, New Delhi.

2. The South Eastern Railway, rep. by its
General Manager, Calcutta.

..Respondents/Respondents.

Application under Section 29(1) of the Administrative
Tribunals Act, 1985 transferred from the High Court of Andhra
Pradesh praying that in the circumstances stated therein the
Tribunal will be pleased to issue a writ order or direction,
declaring that the petitioners are entitled to the scale of
330-560 with effect from 1-10-1980 with all consequential benefits
including promotion to the next higher post like, seniority,
increments and fixation of salary etc. and pass such other order
or orders as may deem fit and proper in the circumstances of the case
FOR THE APPLICANTS : M. M. Panduranga Rao, Advocate
FOR THE RESPONDENTS: MR. P. Venkatarama Reddy, SC for Railways.

The Tribunal delivered the following Judgment:-

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.N.JAYA SIMHA,
VICE-CHAIRMAN)

The applicants who are five in number are employees of
the South Eastern Railway. They filed a Writ Petition in the High
Court of Andhra Pradesh seeking a declaration that they are entitled
to the scale of Rs. 330-560 from 1-10-1980 with consequential benefit
including promotion, increments of salary, seniority etc. This Writ
Petition has been transferred to this Tribunal under Section 29
of the Administrative Tribunals Act.

2. The case of the petitioners is that the Government of India
issued an order dated 10-11-1980 restructuring the Ministerial

1- Ram Lal Tiwari

2. Krishan Kumar Sharma

3. Ganga Shanker

4. Anshanker Verma

5. Mahadeo Pal

6. Suresh Chandra Tripathi

7. हासिदा प्रसाद सिंह

8. सुनील कुमार (AIC)

9. N.K. Srivastava

10. G.L. Bappa

11- Bakti Bhai

12 - P.K. Gupta

13. Sunil Kumar Srivastava

14. K.K. Srivastava

15. Baneraj Lal Rajabati

..Contd.2

... in the personnel department so as to provide for racial
in promotion, while at the same time protecting the promotional
prospects of the Departmental candidates. 20% of the posts in the
grades Rs.330-560 were to be filled through the Railway Service
Commission and out of 20%, 10% of the posts was to be reserved
for working graduates in the Department, after allowing age rela-
tion. The applicants appeared for the examination and came out
successful. Before the order of appointments could be issued, an
unrecognised Union filed a Writ Petition in the Supreme Court which
stayed the order dated 10-11-1980. Later the Supreme Court vacated
the stay. Thereafter, the applicants were appointed on 29-5-1984.
While in other Railways - Southern Railway and South Central Railway
employees similarly placed like the applicants were given retrospecti-
ve postings i.e. with effect from 1-10-1980, with arrears of salary,
seniority etc., the applicants have been denied the same. The
applicants have been denied the same. The applicants also point
out that non-graduates who were promoted in the promotion quota
were given the benefit retrospectively from 1-10-1980. If the
Supreme Court had not issued the stay orders, the applicants could
have also been given the benefit retrospectively with effect from
1-10-1980.

The applicants also point out that in respect of employees
in the non-personnel departments, the Railway Board had issued a
Circular that their promotion would take effect from 1-10-1980
irrespective of the dates upon they are promoted, restricting however
the arrears prospectively from the date they actually took charge.
No such restriction is applicable in the case of the applicants
(Employees in Personnel Department) and they are entitled to arrears
from 1-10-80. They contend that they cannot be discriminated from
employees similarly situated in other Railways who got the benefit.

The respondents in their counter say that the applicants were
given the benefit of higher scale of pay from the date of their
promotion and no legal right vests in them to claim for retrospective
promotion or for arrears. The service details of the applicants are
as follows :-

	<u>Date of appointment</u> <u>in Scale Rs.260-400(R)</u>	<u>Date of promotion to</u> <u>to scale Rs.330-560(R)</u>
1st applicant	6-2-1975	4-3-1982
2nd applicant	31-8-1976	29-5-1984
3rd applicant	15-4-1980	(Against 10% Graduates quota)
4th applicant	29-1-1970	- do -
5th applicant	19-9-1980	- do -

..Contd.3

- 1- Ram Nath Tiwari
- 2- Krishna Kumar Sharma
- 3- Ganga Shanker
- 4- Anshu Kumar Verma
- 5- Mahadeo Pal
- 6- Surish Chandra Tripathi
- 7- हरिहर प्रसाद सिंह
- 8- सुनील कुमार सिंह
- 9- N.K. Sivasubramanian
- 10- G.L. Bhatnagar
- 11- Baldev Singh

- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava
- 15- Hemendra Lal Brajapati

The Railway Board's orders dated 10-11-1980 and 5-1-82 could not be implemented because the Railway Board stayed its implementation in letter dated 18-10-1982 following the stay ordered by the Supreme Court. Following the disposal of the case by the Supreme Court, the Railway Board in its letter dated 13-10-1983 lifted the ban. Limited departmental examination was held thereafter and all the applicants qualified in the examination. They were accordingly promoted in 1984. Applicant No.1 was promoted in 1982 itself in the promotion quota. The Railway Board clarified in letter dated 6-2-1981 that the promotions and payment of arrears shall be governed by Board's letter dated 1-1-1979. The effect of all these letters is that all the persons promoted against upgraded posts with effect from 1-10-1980 will get arrears from 1-10-1980. However, subsequently in letter dated 31-7-1981, the Railway Board laid down that the promotion of graduate clerks in their quota will be effective only from the date of their becoming available for promotion. Even though the applicants were graduate clerks on 1-10-1980, they did not become qualified for promotion as Senior Clerks through the limited departmental examination to be held by the Railway Service Commission by that date. The Railway Board held that inasmuch as surviving graduate clerks appear for the Railway Service Commission examination just like outsiders from open market, all get the pay of the post from the date they join the post. Further, in terms of rule 1023 of the Railway Establishment Code Vol. II, an employee shall not get the benefit of higher scale of pay unless he assumes charge and shoulders the responsibility of the higher post. Comparison with non-graduates who were promoted in promotion quota is not valid as they have longer years of service and they are not required to pass the Railway Service Commission examination. Their promotion is by virtue of seniority alone.

As regards other railways giving benefit to similarly placed employees, no specific orders have been cited by the applicants. Even if any Railway has done so, it is contrary to the Railway Board's directions and it is a mistake. That does not justify their claim.

We have heard the learned counsel for the applicants and Shri Venkateswara Reddy, Standing Counsel for the Railways. The main contention of the learned counsel for the applicants is that the applicants would have been as subjected to the limited departmental examination and promoted in 1980 itself, if the Supreme Court had not stayed the order. Since finally the Supreme Court did not quash the order, the applicants should not be made to suffer because of the action taken by an unrecognized Union by filing their application in Supreme Court. While agreeing that the delay in filling the posts

..Contd..

- 1- Ramendra Tripathi
2. Krishan Kumar Sharma
3. Girja Shanker
4. Anshanker Verma
5. Mahadev Lal
6. Surendra Chandra Tripathi
7. हरसिंह प्रसाद सिंह
8. अमन/ल कुमर सिंह
9. N.K. - Srivastava
10. G. L. Bhatnagar
11. G. L. Bhatnagar

- 12- K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Lal Prajapati

is due to the stay orders, the learned Counsel for the Railways contends that under the relevant rules, applicants are entitled to higher pay only from the date they shoulder the responsibility of the higher posts. The learned counsel for the applicant in the present case relies upon the decision rendered by Allamabad Bench of C.A.T., in Registration No. 132 of 1986 wherein the Tribunal was considering a similar petition filed by Senior Clerk working in various departments of Eastern Railway. After considering the circular letters dated 31-7-1981 and 18-6-1981 and correspondence of Eastern Railway with Railway Board, that Tribunal concluded

1. The upgradation was to be effective only when such candidates were available.
2. Actual payments or emoluments in the higher posts were to be allowed only from the date the selected persons took charge of the higher grade post.
3. Proforma fixation of pay has to be made from 1-10-1980 but no arrears of pay were to be allowed.

The Tribunal accordingly directed that the applicants were entitled to proforma fixation of pay but no arrears. The learned counsel for the applicants contends that the personnel department is to be treated differently from other departments and the Senior Clerks in personnel departments are entitled to arrears also. It is seen that the letter dated 31-7-1981 is also applicable to employees in personnel department also. We are unable to accept this contention. Payment of salary by Rule 2026 of Railway Establishment Code and no instructions which entitle the applicant to claim salary for the period they were not shouldering the responsibility of the post has been shown to us. We do not, therefore, find that the applicants have made out any case for arrears of salary. For the reasons given by the Allamabad Bench, we are of the view that the applicants are entitled only for proforma fixation of pay on their promotion to the post of Senior Clerk from 1-10-1980 and not for arrears of salary for the period from 1-10-1980 to the date of their promotion.

7. The learned counsel for the applicants relied upon *Rani Lamba Vs. State of Haryana* and another 1983(1) SCR 401 wherein it was held that when promotion has been given with retrospective date, the employee is also entitled to arrears of pay. This ratio is not applicable to the case before us wherein there is no retrospective promotion. The next case relied upon is *Charan Das Chadha Vs. State of Punjab* and another (1980) 3 SCR 703 wherein it was held that once an employee is promoted with effect from a retrospective date, who cannot be deprived of the pay and other benefits. This ratio is not applicable for the reasons given in the preceding case. The next case relied upon

- | | |
|----------------------------|------------------------|
| 1- Kamaldeep Tiwari | 12- H.K. Gupta |
| 2- Rishon Kumar Sharma | 13- Sunil Kumar Siroha |
| 3- Ganga Shanker | 14- K.R. Srivastava |
| 4- Anshu Kumar Verma | 15- Bansi Lal Rajapoti |
| 5- Mahadev Patel | |
| 6- Suresh Chandra Tripathi | |
| 7- एसिना प्रसाद सिंह | |
| 8- सुनील कुमार सिंह | |
| 9- N.K. Srivastava | |
| 10- G.L. Bajpai | |
| 11- G.L. Bajpai | |

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5.

15. Shaikh Mohabab Vs. Railway Board and others (1982(1) SCR 499) wherein it was held that when promotion earlier withheld is subsequently given retrospectively, the arrears of pay cannot be denied. Here also, the ratio is applicable when retrospective promotion is given. Finally, the applicants rely upon Aliphat Narayana Vs. State of Kerala (1977(2) SCR 657). In this case the petitioner was ignored for promotion because of a mistake committed by Government and later on the Government gave notional promotion with retrospective effect but without monetary benefits. It was held that the petitioner cannot be penalised for no fault of his. The facts and circumstances of the case are quite different and this ratio would not apply.

8. In regard to the contention of the applicants that in some other Railways similarly situated persons have been given the arrears of salary, no order issued by such railway has been produced. Any order issued owing to some mistake cannot entitle the applicants to such benefit. We have, therefore, to reject this contention.

9. In the result, we find that the applicants are entitled only to proforma fixation of pay on the date of their promotion with reference to 1-10-1980 but they are not entitled to any arrears of pay from 1-10-1980 to the date of actual promotion.

10. There will be no order as to costs.

3d/-x x x
G. Vankar, J.,
Deputy Registrar (D)

//True copy//

[Signature]
COURT OFFICER

1. The Secretary, Ministry of Railway,
Union of India, New Delhi.

2. The General Manager, South Eastern Railway, Calcutta.

3. This copy to Mr. P. Pandaranga Rao, Advocate,
Plot No. 5/C, High Amburpet, Near Ashok Pett.
Murgubai Dasmukhi Colony, Hyderabad.

4. This copy to Mr. P. Vankar, Advocate, IC for Mys., Hyd.

5. This copy.

6. This



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9/7/8

1. Ram Tahar Tilak
2. Krishna Kumar Sharma
3. G. S. Shanker
4. An. Shankar Verma
5. Mahadev Pal
6. Suresh Chandra Tripathi
7. श्रीलाल प्रसाद सिंह
8. सुनील कुमार सिंह
9. N. K. Srivastava

10. G. L. Bhatt
11. G. L. Bhatt
12. P. K. Gupta
13. Sanil Kumar Srivastava
14. K. K. Srivastava
15. Banarsi Lal Singh

Before CAT Allahabad
Priyanka & others VS Union of India
CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. T.A. 1301 of 1986 (C.R. 8729 (w) of 1985)

Present : Hon'ble Justice Mrs. Pratibha Dhanoo, Vice-Chairman.

Hon'ble Mr. P. K. Mallick, Administrative Member.

SMT ANURADHA MUKHERJEE & ORS.

Vs.

UNION OF INDIA & ORS.

For applicant : Mr. S.N. Ganguly, Counsel.
Ms. Bharati Ghosh, Counsel.

For respondents : Mr. M.S. Banerjee, Counsel.

Date of hearing : 7.7.1989.

Date of judgement : 4.8.1989.

J U D G E M E N T

P.K. Mallick, A.M.

C.R.No. 8729 (w) of 1985 was filed by 23 applicants in the Calcutta High Court on 3.7.1985 praying for a direction to the respondents, (a) to assign ~~and~~ seniority to the applicants with effect from 1.10.1980 on the basis of Railway Board's letters dated 18.6.1981 (annexure-B) and 31.7.1981 (annexure-C) and D.R.M., Howrah's letter dated 4.10.1981 (annexure-K), (b) to withdraw, cancel, rescind and set aside the letter dated 10.4.1985 (annexure-J) rejecting the joint appeal of the applicants for proforma promotion from 1.10.1980, and (c) to withdraw, cancel and rescind the order of transfer dated 24.4.1985 (annexure-L) in respect of applicants 19, 20 and 21.

2. The writ petition received on transfer in this Bench under Section 29 of the Administrative Tribunals Act, 1985 and registered as T.A. 1301 of 1986.

3. The 23 applicants were appointed in Eastern Railway on different dates between 21.7.1970 and 19.11.1983. All of them are graduates. They became Clerks, Grade-II in the scale of Rs.260-400/- on various dates between 20.3.1978 and 19.11.1983. Their relevant particulars are

- 1- Ram Tahal Tiwari
- 2- Krishna Kumar Sharma
- 3- Gurja Shanker
- 4- Anshankar Verma
- 5- Mahadeo Pal
- 6- Surek Chandra Tripathi
- 7- Hrishikesh Prasad Singh
- 8- Hrishikesh Singh
- 9- N.K. Srivastava

- 10- G. L. Bajpai
- 11- Gopal Singh
- 12- A.K. Gupta
- 13- Sunil Kumar Srivastava
- 14- K.K. Srivastava
- (15) Banerji Lal Pradyumna

at annexure-A. They appeared for selection on 12.2.1984 and the panel was published on 18.1.1985.

4. The applicants have asserted in the writ petition that although after passing the departmental examination they were entitled to get seniority as Clerk, Gr.I with effect from 1.10.1980, they were assigned seniority with effect from 2.2.1985 vide office order dated 21.2.1985 (annexure-I). They submitted a representation dated 5.4.1985 (annexure-J) which was rejected vide annexure-J dated 10.4.1985. Thereafter, they filed a writ petition.

5. In their supplementary application filed before this Bench, the applicants have indicated that the order of transfer has since been cancelled on 24.5.1985. The learned counsel for the applicants has indicated during the hearing that the applicants would not press for the relief against the order of transfer. We are, therefore, confining our judgement to the main relief of the applicants for seniority with effect from 1.10.1980.

6. We have heard Mr. S.N.Ganguly, leading Ms. Bharati Ghosh for the applicants and Mr. M.S.Banerjee, for the respondents.

7. Mr. Ganguly has drawn our attention to Railway Board's letters dated 10.11.1980, 18.6.1981 (both at annexure-B), 13.7.1981 (annexure-C) and 26.10.1983 (annexure-D) and has strongly argued that these letters fully support the contention of the applicants that they should be given seniority from 1.10.1980.

8. Railway Board's letter dated 10.11.1980 (annexure-B) was regarding restructuring of the cadre of personnel department. It laid down that there would be 20 per cent recruitment of graduates through the Railway Service Commission (R.S.C.) in the cadre of Senior Clerks in the scale of Rs.330-560/-, that the existing graduate clerks working in the scale of Rs.260-400/- would be permitted to compete for recruitment against direct recruitment quota that the seniority of directly recruited senior clerks vis-a-vis promotees to that grade would be determined with reference to the date of entry into the grade and that the order which has the sanction of the President would take effect from 1.10.1980/promotions were to be effected within three months i.e. by 9.2.1981.

9. Railway Board's letter dated 18.6.1981 was regarding restructuring

1. Ram Lal Verma
2. Krishna Kumar Sharma
3. Gopal Shanker
4. Om Shanker Verma
5. Mahadeo Lal
6. Suresh Chandra Tripathi
7. एस.सी. प्रसाद सिंह
8. सुनील कुमार सिंह
9. N. K. Sivaswamy

10. G. L. Bhatnagar
11. G. L. Bhatnagar
12. P. K. Gupta
13. Sunil Kumar Sinha
14. K. K. Sinha
15. Banerjee Lal Prajapati

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of the cadre of ministerial staff of departments other than ^{own personnel} ~~ministry~~.
This letter laid down with the consent of the President that there would be 20 per cent recruitment of graduates to the posts of Senior Clerk (Rs.330-560) through the R.S.C., that 13-1/3 per cent of the total strength of Senior Clerks would be filled up by graduate clerks already working in the lower grade through a competitive examination held by the R.S.C., that if sufficient number of clerks were not available from amongst serving employees the residual vacancies would be filled up by direct recruits over and above their 20 per cent quota, that the orders would take effect from 1.10.1980, that no arrears would be paid, and that pay would be fixed proforma from 1.10.1980 though actual payment of higher emoluments would be from the date of taking over.

10. Railway Board's letter dated 13.7.1981 (annexure-C) referred to their letter dated 18.6.1981 (annexure-B) and clarified that all vacancies of senior clerks (Rs.330-560) existing on 30.9.1980 should be filled up in accordance with the letter dated 18.6.1981, that 13-1/3 per cent vacancies of senior clerks on 1.10.1980 consequent upon the implementation of the order dated 18.6.1981 would be filled up from amongst graduate clerks already serving in the lower grade in the manner indicated in the letter dated 18.6.1981, that 10 per cent would be filled up by direct recruit graduates and 10 per cent by promoting junior clerks on seniority and suitability basis and that upgradation of posts (Rs.330-560) to the extent of 13-1/3 per cent and 10 per cent to be filled up by graduates ^{own through own} ~~only~~ limited departmental examination or by direct recruitment will be effective only when candidates are available.

11. Railway Board's letter dated 3.10.1983 (annexure-D) indicated that following the dismissal of the writ petition of the All India Ministerial Staff Association by the Supreme Court on 7.10.1983 as withdrawn, there should be immediate implementation of the Board's letter dated 18.6.1981.

12. Mr. Ganguly has also drawn our attention to the document VI to the supplementary application, which is a copy of the judgement of Allahabad Bench of this Tribunal in Surinder Kumar Sunadhyu & Others Vs. Union of India & Others (O.A. No. 132 of 1986 of Allahabad Bench). He has submitted that, as asserted by the applicants in the supplementary

- 1- Ram Bahadur Tiwari
- 2- Krishna Kumar Sharma
- 3- Gurji Shanker
- 4- Anshu Shanker Verma
- 5- Mahadev Redi
- 6- Suresh Chandra Tripathi
- 7- H. S. Prasad Singh
- 8- H. S. Prasad Singh
- 9- N. K. Srivastava

- 10- G. C. Bhat
- 11- G. C. Bhat
- 12- A. K. Singh
- 13- Sunil Kumar Srivastava
- 14- K. K. Srivastava
- 15- Ram Narain Lal Rajgopal

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application, In this Judgement the Allahabad Bench upheld the contention of graduate clerks of Mughalsarai Division for seniority with effect from 1.10.1980. He has further added that In that application also the railway administration had taken ^{the plea} same plea as In the present writ petition which was duly considered and rejected.

13. Mr. Ganguly has also submitted for our Information a copy of the Judgement of the Hyderabad Bench of this Tribunal In T.A. No. 157 of 1986, In which that Bench referred to the Judgement of the Allahabad Bench In O.A. 132 of 1986 and came to an identical decision.

14. Mr. Ganguly has concluded his argument by asserting that In view of the ^{the} Judgement of two Benches of this Tribunal on the same Issue, this Bench should ^{grant} the relief prayed for by the applicants.

15. Mr. M.S. Banerjee has referred to the reply of the respondents and has pointed out that only applicants 1, 15 and 17 were eligible to appear In the limited departmental examination In 1980 as the remaining applicants were appointed as Clerks, Gr.II after November, 1980. He has asserted that In terms of Railway Board's letter dated 31.7.1981, the applicants have been rightly given seniority from the date when they were available after passing the limited departmental examination.

16. We find from the Judgement of the Allahabad Bench In Surinder Kumar Sandhya (Supra) that the applicants In that case were graduates and were working as Clerks, Gr.II (Rs.260-400) In Mughalsarai Division of Eastern Railway and that after passing the departmental examination conducted by the R.S.C. they became qualified and were appointed as Clerks, Gr.I with effect from 30.1.1985 on a pay of Rs.330/- per month under office order dated 30.1.1985. The applicants claimed seniority from 1.10.1980 on proforma basis but the respondents asserted that they could not get the benefit till they were qualified by passing the departmental examination and they were given promotion as soon as they were so qualified. After considering ^{the} two letters of the Railway Board dated 8.6.1981 and 31.7.1981 the Allahabad Bench came to the following conclusion

(i) The upgradation was to be effective only when such candidates were available.

(ii) Actual payment of emoluments In the higher posts were to be allowed only from the date the selected person took charge of the higher grade.

- | | |
|----------------------------|----------------------------|
| 1. Ram Tekchand Tiwari | 9. M.K. Srivastava |
| 2. Krishna Keshwar Sharma | 10. G.L. Bajpai |
| 3. Ganga Shankar | 11. G.L. Mehta |
| 4. Anshu Kumar Verma | 12. A.K. Gupta |
| 5. Mahadev Patel | 13. Sunil Kumar Srivastava |
| 6. Surish Chandra Tripathi | 14. K.K. Srivastava |
| 7. Dinesh Kumar Singh | 15. Bhanu Lal Rajapoti |
| 8. Anil Kumar Singh | |

posts.

(iii) Proforma fixation of pay had to be made from 1.10.1980, but no arrears of pay were to be allowed.

17. The Allahabad Bench accordingly held that "The spirit of the Railway Board's letter of 18.6.1981 was that the upgradations were to be made from 1.10.1980 though they were to be effective from the date the qualified candidates took over charge of the higher grade posts. Their pay had to be fixed proforma keeping the date 1.10.1980 in view. This was the date of upgradation and as mentioned above no arrears were to be paid. There is no ambiguity in the Board's letter. ^{On error on} The ~~error~~ has crept up due to the interpretation made by the respondents". It, therefore, allowed the claim of the applicants for proforma fixation of their pay with effect from 1.10.1980.

18. In T.A. 157 of 1986 decided by the Hyderabad Bench the applicants were graduates and were appointed as Clerks, Gr.II on different dates between 6.2.1975 and 19.9.1980. They were promoted to the higher grade (Rs.330-560) on 4.3.1982 and 29.5.1984. They claimed ^{on} seniority from 1.10.1980. The Hyderabad Bench directed that the applicants were entitled only to proforma fixation of pay with effect from 1.10.1980, but they were not entitled ^{on to on} any arrears of pay from 1.10.1980 to their respective dates of actual promotion.

19. We are fully in agreement with the interpretation of the Allahabad Bench regarding proforma fixation of the pay of graduate Clerks, Gr.II with effect from 1.10.1980 on their promotion as Clerk, Gr.I after passing the limited departmental examination conducted by the R.S.C. without any payment of arrears from 1.10.1980 to the date of actual taking over charge as Clerk, Gr.I. Though in the judgement of the Allahabad Bench, all the applicants were given benefit of such proforma promotion with effect from 1.10.1980, their respective dates of appointment as Clerk, Gr.II have not been indicated in the judgement. In the judgement of the Hyderabad Bench, there is a clear indication that all the five applicants were appointed as Clerk, Gr.II prior to 1.10.1980 and that Bench gave the benefit of proforma promotion to all the applicants with effect from 1.10.1980 without any arrears of pay for the period from 1.10.1980 to the date of their actual promotion. In the present writ petition, appli-

1- Ram Vohel Tilwani
2- Krishan Kumar Sharma
3- Ganga Shanker
4- Om Shankar Verma
5- Mahadeo Pal
6- Suresh Chandra Tripathi
7- एसिना प्रसाद सिंह
8- लज्जत कृष्ण सिंह
9- N.K. Srivastava

10- G.L. Bajpai
11- Ganga Shankar
12- A.K. Gupta
13- Sunil Kumar Srivastava
14- K.K. Srivastava
15- Banwari Lal Rajgopal

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cants 1, 15, 17 and 22 were appointed as Clerks, Gr.II on 13.3.1980, 20.3.1978, 31.8.1978 and 5.11.1979 respectively i.e. prior to 1.10.1980, while all the remaining applicants were appointed on various dates after 1.10.1980.

20. In agreement with the judgement of the Allahabad and Hyderabad Benches of this Tribunal, we direct the respondents to give the benefit of proforma fixation of pay to applicants 1, 15, 17 and 22 on the dates of their promotion as Clerk, Gr.I with reference to 1.10.1980. However, they will not be entitled to any arrears of pay from 1.10.1980 to the date of their actual promotion.

21. As regards the other applicants, they cannot obviously get the benefit of proforma fixation of pay with effect from 1.10.1980 as they were not in service on that date. However, they are entitled to this benefit from the dates of their appointment as Clerk, Gr.II as indicated in annexure-A and they will not be entitled to any arrears of pay from their dates of appointment as Clerk, Gr.II to their date of promotion as Clerk, Gr.I.

22. The respondents are directed to grant proforma fixation of pay to the applicants on these lines within thirty days from the date of this judgement. Annexure-J is quashed.

23. T.A. No. 1301 of 1986 is partly allowed on the lines indicated above without any order as to costs.

4.8.1989

(P. K. MALLICK.)
ADMINISTRATIVE MEMBER

(a) Sl. No. of the Applica	3275
(b) Name of the applicant	SN K...
(c) Dt. of presentation of application for copy	10-8-89
(d) No. of pages	Six
(e) Copying fee charged	Rs. ...
(f) Dt. of preparation of copy	10/8/89
(g) Dt. of delivery of the copy to the applicant	10.8.89

(TRATIBHA BONNERJEA)
VICE-CHAIRMAN

CERTIFIED TO BE TRUE COPY

A. K. ...

- 1. Ramjahan Narayan
- 2. Keshan Kumar Sharma
- 3. Ganga Shanker
- 4. An Shankar Verma
- 5. Mahadev Paul
- 6. Surendra Chandra Prasad
- 7. होमिलाल प्रसाद सिंह
- 8. अनिल कुमार सिंह
- 9. N. K. Srivastava
- 10. G. L. Bajaj
- 11. ...
- 12. A. K. ...
- 13. Sunil Kumar Srivastava
- 14. K. K. Srivastava
- 15. Benicau Lal Prasad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT
HYDERABAD, THURSDAY THE TWENTY NINTH DAY OF JUNE
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE.

P R E S E N T :

THE HON'BLE MR. B.N. JAYASINHA : VICE CHAIRMAN
AND

THE HON'BLE MR. D.S. SURYA RAO : MEMBER (JUD)
H.A. NO. 24/89 IN T.A. NO. 157/86
W.P. NO. 10032/84

Between :

1. The Union of India, rep. by the Secretary, Ministry of Railways, New Delhi.
2. The South Eastern Railway, rep. by the General Manager, Calcutta.

Applicants/Respondents in T.A. 157/86
on the file of the Tribunal.

and

1. P. Muralidhara Rao
2. Ku. M. Dhogyalakshmi
3. A.V. Venkatesh Rao
4. M. Lalshama Rao.

Respondents in/oo
Applicants.

Application under Rule 17 of the Central Administrative Tribunal (procedure) Rule 1987, praying that in the circumstances stated therein the Tribunal will be pleased to set aside the judgement dt. 16.1.1989 in the above T.A. No. 157/86 and to re-hear and dispose of T.A. and pass such other order.

The Review petition having been circulated to the bench under Rule 17(ii) of CAT, (procedure) Rule 87 and upon perusing the petition the judgement of the Tribunal dt. 16.1.89 and passed in T.A. 157/86 and other material papers filed herein the Tribunal made the following order :-

(ORDER OF THE TRIBUNAL DELIVERED BY HON'BLE VICE CHAIRMAN
B.N. JAYASINHA)

This Review Application filed by the Secretary, Ministry of Railways, New Delhi and the General Manager, South Eastern Railway, Calcutta for a review of our order dt. 16.1.89 in T.A. No. 157/86. The grounds are

1. The Hon'ble Tribunal failed to consider the Railway Board's Circular dt. 30-1-1987 (Matt. Pl. No. 34/87) filed as an annexure to the counter which makes it clear that the respondents are not entitled for proforma fixation of pay w.e.f. 1-10-1980.
2. The Allahabad Bench did not consider the effect of the afore mentioned Circular of the Railway Board.
3. The Hon'ble Tribunal ought to have held that the respondents are not entitled to proforma fixation of pay from 1-10-80 or from the date of promotion under the Circulars referred to by them."

1- Kamalakar Tripathi

2- Kishan Kumar Sharma

3- Ganga Shanker

4- Anshu Kumar Verma

5- Mahadul Pal

6- Surish Chandra Tripathi

7- Harendra Prasad Singh

8- Shyam Lal Singh

9- N.K. Srivastava

10- G.L. Bajpai

11- G.L. Bajpai

12- A.K. Gupta

13- Sunil Kumar Srivastava

14- K.K. Srivastava

15- Banwarilal Bajpai

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In our judgement dt. 16-1-1989, we had referred to the judgement of the Allahabad Bench of this Tribunal in Regn.No.132/66 where an application from similarly situated persons was considered by the Bench and it was decided that proforma fixation of pay had to be made from 1-10-1980, but no arrears of pay were to be allowed. The Circular dated 30-1-1987 of the Railway Board states as follows :-

"It is clarified that the serving graduate clerks in scale Rs.260-400 promoted as Senior Clerks Rs.330-550 against the upgraded posts on the basis of the competitive examination held as per instructions on the subject can get the benefit of upgradation only from the date they were promoted as such, as laid down in para 2 of Ministry's letter No.111/81/UGC/7 dt. 31-7-1981. In other words, the benefit of proforma fixation of pay from 1-10-1980 will not be available to those serving graduate clerks just as it is not available to senior clerks recruited directly against the restricted vacancies."

In both the - we cases, restructuring would be effective from the date such candidates are appointed to the posts of Senior Clerks scale Rs.330-550/- (Rs.1200-2000/-)."

The main point urged before us in the Review Application is that the Allahabad Bench did not consider the effect of the above circular of the Railway Board.

2. The decision of the Allahabad Bench has become final in respect of similarly placed employees. If the Allahabad Bench had not considered the effect of the Circular dt.30-1-1987 of the Railway Board, the review-applicants ought to have either preferred a Review Application before the Allahabad Bench or challenged it in a proper court of law. Since that decision has become final, the respondents in this Review Application applicants in the main T.A. cannot be denied the benefit which similarly situated persons have received by virtue of the decision of the Allahabad Bench.

In the circumstances, we do not find any reason to review our order dt.16.1.1989 in the main case, T.A.157/66. The Review Application is accordingly dismissed.

bc/- G. Venkat Rao,
Deputy Registrar (Judl)
sd/- Section Officer (Judl)

(Copy)

- To:
1. The Secretary, Union of India, Ministry of Railways, New Delhi.
 2. The General Manager, South Eastern Railway, Calcutta.
 3. One copy to Mr. M. Panduranga Rao, Advocate Hyd.
 4. One copy to Mr. P. Venkatarama Reddy, SC for Mys., Hyd.
 5. One spare copy.

- 1- Ram Mohan (Tilam)
- 2- Krishna Kumar Sharma
- 3- Ganga Shanker
- 4- An Shankar Verma
- 5- Mahadev Patel
- 6- Surendra Chandra Tripathi
- 7- दीपिका प्रसाद सिंह
- 8- सुनील कुमार सिंह
- 9- N.K. Srivastava
- 10- G.L. Bujari
- 11- श्री अमर सिंह
- 12- A.K. Gupta
- 13- Sanil Kumar Srivastava
- 14- K.K. Srivastava
- 15- Ramcharan Lal Prasad

Amst 2
who

9/7/90

Before CAT Allahabad.
Mahadeo Pal & others vs Union of India.

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

A78 A10 60

Registration O.A. No. 1151 of 1988

Chandra Madhav Prasad & ors..... Applicants

Vs.

Union of India & ors Respondents

Hon' Mr. K. Chayya, A.M.

This application has been filed under section 19 of the Administrative Tribunals Act No. XIII of 1985, with a prayer to issue direction to respondents to fix the pay of the applicants on proforma basis with effect from 1-10-1980 or from the date of their entry into service on the basis of the Railway Boards' letter No. PC III/81/UPG/7 dated 18.6.1981. Their further prayer is that the orders of this Tribunal in Registration No. 132 of 1986 should be applied to their cases also.

2. The case of the applicants is that they are all Junior Clerks working in the Eastern Railway at Mughalserai in grade II scale of R.260 - 400. Except applicant No. 4 who was appointed on 12-8-1976, the others were appointed on different dates during 1980 to 1983. They were eligible for selection to the higher grade I in scale of R.330 - 560 in the 13 1/3% quota reserved for serving graduates. They appeared for the examination conducted by Railway Service Commission limited to the departmental candidates and were declared successful in the said examination and empanelled. Consequently their pay in the higher grade was fixed w.e.f. 30-1-1985 on proforma basis, current payable from 5-1-1987. Their plea is that by virtue of Railway Board's letter No. PC/III/81/UPG/7 dated



1. Ram Bahadur Tripathy
2. Krishan Kumar Sharma
3. Ganga Shanker
4. Anshanker Verma
5. Mahadeo Pal
6. Surendra Chandra Tripathi
7. दीपिका प्रसाद सिंह
8. सुनील कुमार शर्मा
9. K.K. Srivastava
10. G.C. Bhatnagar

...2/-

11. Gopal Chandra
12. A.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Chandra Singh

18.6.1981 and 31.7.1981, they are entitled for proforma upgradation w.e.f. 1980. They represented to the authorities in this regard, but no orders were passed. Some of their colleagues included in the same panel along with the applicants moved this Tribunal and in Registration No. 132 of 1986 obtained favourable orders to fix their pay on proforma basis w.e.f. 1-10-1980.

3. According to respondents the pay was fixed correctly, since some of the applicants were appointed after 1980, they are not entitled for up gradation w.e.f. 1-10-1980. They conceded that the judgment of this Tribunal in Registration No. 132 of 1986 was complied with, proforma fixation of pay was done w.e.f. 1-10-1980. But, these orders are confined only to the applicants in that petition and would not apply to others.

4. Heard the arguments of both the parties and perused the documents on record. The learned counsel for the applicant cited the case decided by Calcutta Bench of the Tribunal in T.A. No. 1301 of 1986 (C.R. 8729(W) of 1981) dated 4.8.1989 and also the case decided by Hyderabad Bench in T.A. No.157 of 1986 (W.P.No. 16062 of 1984) dated 16.1.1989. In the above cases the petitions were allowed and the applicants were given the benefit of proforma fixation w.e.f. 1-10-1980.

5. In Registration No. 132 of 1986 of this Tribunal the entire issue relating to proforma fixation of pay arising out of orders of Railway Board in PC/III/81/UPG/7 dated 18.6.1981 was discussed. It was observed that the spirit of Railway Board's letter dated 18.6.1981 was that the upgradations were to be made from 1-10-1980 though they were to be effective from the date the qualified candidates took over the charge of higher grade.



- | | |
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| 1- Ram Tahal Tilgani | 9. Nik. Srivastava |
| 2. Krishan Kumar Sharma | 10. G. L. Bhatnagar |
| 3. Ganga Shanker | 11. Ganga Shanker |
| 4. An. Shankar Verma | 12. K. Gupta |
| 5. Mahadev Patel | 13. Sunil Kumar Srivastava |
| 6. Suresh Chandra Tripathi | 14. K. K. Srivastava |
| 7. H. H. Singh | 15. Banwari Lal Rajgopal |
| 8. A. A. M. H. | |

Their pay had to be fixed proforma basis keeping the dated 1-10-1980 in view. It was held that fixation of pay on the basis of para 2 of the Railway Board's letter dated 12.6.81 from 1-10-80 is valid and justified. The facts in this case are also similar and I am of the view that the applicants are entitled for the same benefits on par with their other colleagues who were applicants in O.A. No. 132 of 1986. Since the applicants No.4 was in service prior to 1980, he should be given proforma fixation w.e.f. 1-10-1980. The other applicants are entitled for this benefit from the date of their joining the service. The respondents are directed to fix the pay of the applicants accordingly, within a period of two months. The application is allowed as above. Parties to bear their own costs.



(sns)

December 8, 1989

Allahabad.

St/
MEMBER (A)

TRUE
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4-1-90

(SHEKHAR KUMAR)
SECRETARY
Central Administrative Tribunal
Allahabad.

Amr
The
Shikha
9/7/90

1. Ram Bahadur Tripathi
2. Krishan Kumar Sharma
3. Ganga Shanker
4. Anshu Kumar Verma
5. Mahadeo Patel
6. Suresh Chandra Tripathi
7. Hitesh Prasad Singh
8. Sunil Kumar Singh
9. N.K. Srivastava
10. G.L. Bhatnagar
11. G. K. Singh
12. P.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Ramcharan Lal Bajajapati

A82
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departmental candidates and were declared successful in the said examination. They were put in the panel for appointment as grade I Clerks. Their names appear at serial Nos. 10, 11 and 21 (Annexures- 1 & 5) to the respective applications) They were appointed to the higher grade i.e. Rs.330 - 560 w.e.f. 30.1.1985. Their claim for proforma upgradation w.e.f. 1-10-1980. They present difficulties in this regard, but no orders were

Before CAT Allahabad.
Mahadeo Lal & others vs Union of India.

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

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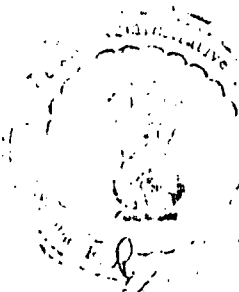
- (1) Registration O.A. No. 1155 of 1988
Anil Kumar Khare Applicant
Vs.
Union of India & ors Respondents
- (2) Registration O.A. No. 1122 of 1986
Srailesh Kumar Srivastava and other .. Applicant
Vs.
Union of India and ors Respondents

Hon' Mr. K. Ohayya, A.M.

The above applications have been filed under section 19 of the Administrative Tribunals Act No. 2 of 1985, with a prayer to issue direction to respondents to fix the pay of the applicants on proforma basis with effect from 1-10-1980, in accordance with the Railway Boards' letter No.PC.III/81/UPG/7 dated 18.6.1981. The further prayer is that the Respondents should be directed to implement the orders of this Tribunal in Registration No. 132 of 1986 in their cases also.

2. Since the facts in these two cases are similar and issue is common, I propose to dispose them of by common order.

3. The applicants are all graduates who joined service in the Eastern Railway prior to 1-10-1980 in Grade II scale of Rs.260 - 400. They were eligible for selection and upgradation to the posts of Senior Clerk in scale of Rs.330 - 560 in the 13 1/3% quota reserved for serving graduates. They appeared for the examination conducted by Railway Service Commission limited to the



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|----------------------------|----------------------------|
| 1. Kamalchand Tilsari | 12. A.K. Gupta |
| 2. Krishna Kumar Sharma | 13. Sunil Kumar Srivastava |
| 3. Gurja Shanker | 14. K.K. Srivastava |
| 4. Anshu Kumar Verma | 15. Banerji Lal Prajapati |
| 5. Mahadeo Lal | |
| 6. Suresh Chandra Tripathi | |
| 7. दीपिका प्रसाद सिंह | |
| 8. सुनील कुमार (MSE) | |
| 9. N.K. Srivastava | |
| 10. G.L. Bhatnagar | |
| 11. G.L. Bhatnagar | |

A82
64

departmental candidates and were declared successful in the said examination. They were put in the panel for appointment as grade I Clerks. Their names appear at serial Nos. 10, 11 and 21 (Annexures- 1 & 5) to the respective applications. They were appointed to the higher grade i.e. Rs.330 - 560 w.e.f. 30.1.1985. Their claim is for proforma upgradation w.e.f. 1-10-1980. They presented to the authorities in this regard, but no orders were passed. Aggrieved with the unhelpful attitude of the Respondents, some of their colleagues (who were applicants in O.A. No. 132 of 1986) moved this Tribunal for redressal of their grievance and secured favourable orders. The Respondents implemented the orders of the Tribunal and gave them the benefit of proforma fixation of pay in the higher grade, w.e.f. 1-10-1980.

4. The facts in these applications are not in dispute. The respondents contend fixation of pay in respect of these applicants was done as per rules correctly. They concede that the benefit of proforma fixation of pay in the higher grade was done in respect of the applicants in O.A. No. 132 of 1986 as they had obtained the orders of the Tribunal. But, these orders are confined only to the applicants in that petition and would not apply to others.

5. Heard the arguments of both the parties and perused the documents on record. Since the basis of the claim of the applicants is by virtue of Railway Board's letter No.PC.III/81/UPG/7 dated 12.6.1981, it would be necessary to go through the said order. The relevant paras are at para 1(ii) and paragraph 2. They read as under :

1. "(ii) 13-1/3% of the total posts of senior Clerks in scale of Rs.330-560 will be filled by

1. Ram Gopal Tiwari
2. Krishan Kumar Sharma
3. Girja Shanker
4. Anshanker Verma
5. Mahadev Patel
6. Suresh Chandra Tripathi
7. हरिहर प्रसाद त्रिपाठी
8. श्रीराम प्रसाद त्रिपाठी
9. N.K. Srivastava

10. G.L. Bapji
11. G.L. Bapji
12. A.K. Gupta
13. Sunil Kumar Srivastava
14. K.K. Srivastava
15. Bhanu Lal Prajapati

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amongst the Graduate Clerks already serving in the lower Grades after allowing them the age relaxation already in force. These vacancies will be filled up by a competitive examination to be held by the Railway Service Commission. In the event of graduate Clerks not being available from amongst the serving employees to fill this quota, the residual vacancies will be filled up by direct recruitment through the Railway Service Commission over and above the 20% quota referred to in (i) above.

X X X X X

2. These orders will take effect from 1-10-1980 but no arrears shall be payable on this account. The pay of an employee appointed to the upgraded post may be fixed proforma from 1-10-1980 but the actual payment of emoluments in the higher post shall be allowed only from the date he takes over charge of the upgraded post. This has the sanction of the President.

It would appear that there is no ambiguity whatsoever in this. One fails to understand why this could not be made applicable to all those who are entitled by virtue of selection by the Railway Service Commission and employment thereafter.

6. The learned counsel for the applicants cited the case decided by Calcutta Bench of the Tribunal in T.A. No. 1301 of 1986 (C.P. 8729(W) of 1981) dated 4.8.84 and also the case decided by Hyderabad Bench in T.A. No. 157 of 1986 (W.P.No. 16062 of 1984) dated 16.1.1980.

In the above cases the petitions were allowed and the applicants were given the benefit of proforma fixation w.e.f. 1-10-1980.

7. In Registration No. 132 of 1986 of this Tribunal the entire issue relating to proforma fixation of pay arising out of orders of Railway Board in PG/III/81/UPG/7 dated 18.6.1981 was discussed. It was observed that the spirit of Railway Board's letter dated 18.6.1981 was that the upgradations were to be made from 1-10-1980 though they were to be effective from the date the qualified candidates took over the charge of higher grade.

1. Ram Mohan Tiwari
2. Kishan Kumar Sharma
3. Gurja Shanker
4. Anshaker Verma
5. Mahadev Pal
6. Surendra Chandra Tripathi
7. हरिजन प्रसाद सिंह
8. गुणमोहन गुप्ता
9. Nik. Srivastava

10. G.L. Bhatnagar
11. G. L. Bhatnagar
12. P.K. Gupta
13. Sanil Kumar Srivastava
14. K.R. Srivastava
15. Bhanu Chandra Prasad

A84
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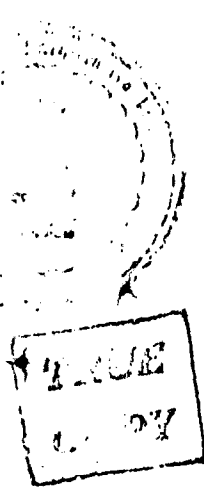
Their pay had to be fixed proforma basis keeping the date 1-10-80 in view. It was held that fixation of pay on the basis of para 2 of the Railway Board's letter dated 18.6.1981 from 1-10-1980 is valid and justified.

8. The facts in these cases are also similar. There is no reason as to why the applicants should be denied of the benefit given to similarly placed cases in pursuance of decisions of this Tribunal in earlier cases.

9. The applicants are serving graduate clerks, they have completed successfully in the Railway Board Commission Examination and their names were included in the panel for up gradation of the post. Under the circumstances, I am of the view that their claim for the benefit under para 2 of the Railway Board's letter referred to above is legitimate, valid and justified. Differential ^{treatment} payment, if any, would amount to discrimination.

10. For the reasons stated above, the applications are liable to succeed and accordingly they are allowed.

11. The respondents are directed to fix the pay of the applicants in these two cases on proforma basis with effect from 1-10-80. Parties to bear their costs.



20/11/89
(11/11/89)

MEMBER(A)

(sns)

December 15, 1989
Allahabad.

10/11/89
4-1-90

1. Ram Lal Tiwari
2. Krishna Kumar Sharma
3. Ganga Shanker
4. An Shanker Verma
5. Mohan Lal
6. Surjit Chandra Tripathi
7. Hiteshwar Prasad Singh
8. Sunil Kumar Singh
9. N.K. Srivastava
10. G.L. Bhatnagar
11. G.L. Bhatnagar

- (P2) - A.K. Gupta
13. Sumit Kumar Srivastava
14. K.K. Srivastava
15. Ramchandra Lal Prajapati

Handwritten signature and initials.

12/25/91

Sent
Keep on record

AB5
24/7
24/7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

...

R e p l y

(On Behalf of Respondent Nos. 1 & 2)

In

Registration No.550 of 1990

Mahadeo Bal and others Applicants.

Versus

Union of India and others Respondents.

(District : Lucknow)

...

I Jagdish Narain, presently posted as Assistant
Personnel Officer in the Office of Deputy Controller
of Stores, Northern Railway, Alambagh, Lucknow
Most Respectfully Submits as Under;

1. That I have gone through the contents
of the applicant filed under Section 19 of the
Administrative Tribunals Act, XIII of 1985 along
with the annexures and as such is in a position
to give the reply of the same.

2. That in reply to the contents of
paragraph no. 1 of the application , it is submit
that the selection for the post of Senior Clerks
against graduate quota was held by Head Quarter

Received
Alambagh
9/4/91

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office Northern Railway, Baroda House and finalised in 1985 and as such persons placed on panel against quota of this office were promoted as S/ Clerks from 8.10.1985 since all persons placed on panel were not on rolls on 1.10.1980 as such question of fixation from 1.10.1980 does not arise.

3. That the contents of paragraph no.2 of the application being matter of record, calls for no comments.

4. That in reply to the contents of paragraph no.3 of the application, the contents of paragraph no.2 of the instant counter are reiterated with a submission that the present application is excessively time barred as the subject matter of the present petition relates to 1.10.1989, 18.6.1981 & 31.7.1981.

5. That the contents of paragraph no. 4 (1) of the application is being matter of record, calls for no comment except that the date of appointment of Sri G.L. Bajpai, applicant no.14 is 31.7.1981¹⁹⁸².

6. That the contents of paragraph no. 4 (1) of the application being matter of record, calls

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for no comments . However, it is clarified that the boards order dated 18.6.1981 and 31.7.1981 were communicated vide G.M.(p) New Delhi, letter No. 561/E/255-98 Genl (pc)/PP-II dated 25.1.1981 and 18.8.1981 respectively.

7. That the contents of paragraph no. 4 (i) of the application are not admitted in the form they stand . In reply thereto, it is submitted that in para II of Boards letter dated 18.6.1981 there is provision of filling 13 1/3% of posts from serving graduates working in Lower Grades through competitive examination to be held by Rly. Service Commission. Here it is to mention that this order is applicable from 1.10.1980 for those who were available since [✓] few of applicants were not available on 1.10.1980 as such, they can not be given proforma fixation from 1.10.1980. Moreover, selection was finalised in 1985 and many persons who were not available on 1.10.1980 have been placed on higher merit in panel of 1985 as such proforma fixation was not due and allowed in this way they were not promoted on upgraded post from 1.10.1980.

8. That the contents of paragraph no

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4 (iv), 4(v) & 4(vi) of the application being matter of record, calls for no comments.

9. That in reply to the contents of paragraph no. 4 (vii) of the application, it is submitted that the applications from the eligible staff of serving graduate clerk grade Rs. 260-400 for the post of Senior Clerk in the grade of Rs. 330-560 against reserved quota of serving graduates employees were called to appear in the selection schedule to be held on 2.6.1985 at Baroda House, New Delhi on 16.5.1985.

Accordingly, the applicants appeared in the aforesaid selection and after qualifying in the aforesaid selection were directed to appear in the viva-voce test schedule to be held on 16.8.1985. After being brought on the panel of Senior Clerks (Serving Graduate Quota), the applicants were appointed to officiate as Senior Clerk, on regular basis w.e.f. 8.10.1985.

10. That the contents of paragraph no. 4 of the application are not admitted in the form they stand. In reply there to, the contents of paragraph nos. 7, 8, & 9 of the instant counter

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reiterated with a submission that after being brought on the panel of Senior Clerk (Serving Graduate Quota) the applicants were appointed to officiate on regular basis vide letter dated 15.10.1985, but in view of position explained in para 3 of letter No. P CIII/81/UPG/7 dated 18.6.1981 the question of up gradation or proforma fixation does not arise. The photo copy of the letter dated 18.6.1981 is being enclosed herewith and is marked as Annexure -C^I to this counter affidavit.

11. That the applicants are required to put strict proof ~~of~~ of the averments made under paragraph no. 4 (ix) & 4 (x) of the application. However, in referency to letter dated 4.4.1989 of NRMU a recognised Union of Stores Branch, North Railway, Alambagh, Lucknow. The matter was taken up in the P.M.M. meeting held on 30.3.1989 and accordingly the union was advised vide letter No. 961 E/NRMU/PMU/ dated 8.7.1989. The type copy of the letter dated 8.7.1989 along with the photo copy of printed Serial No. 9176 issued vide letter No. 561 E/255-98 General (P.C.) Part-II dated 19.2.1989 is attached herewith the letter and are marked as Annexures CA-II & CA-III to the counter.

(10-8-89)

12. That the contents of para graph no. 4 (xi)

& 4(xii) of the application being matter of record calls for no comments. However, it is clarified that the case of Surendra Kumar, Sandhya and others Vs. Union of India and others stands on different footings, than the present case and and further the review application had also been rejected on Technical grounds which will be of no help to the applicants as the case of the applicants is to be examined in term's of printed Serial No. 9176 which specifically provides that the applicants are not entitled to have the benefit of upgradation or proforma fixation.

13. That the contents of paragraph no. 4 (xiii) of the application being matter of record, calls for no comment. However, in view of the averments made under paragraph nos. 7, 9, 11 & 12 of the instant counter, the applicants are not, at all entitled to claim any parity of the judgments pronounced by the Hon'ble court as they stand on different footings. Suitable reply will be given at the time of hearing.

14. That the contents of paragraph no. 4 (xiv) of the application are repeatation of earlier paras which had been suitably replied in the preceding para.

15. That the contents of para 4(xv)(xvi) &(xvii)

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of the application are vague misconceived hence, are emphetically denied. In reply thereto, the contents of para 11 of the instant counter are reiterated with a submission that the applicants were already advised through their recognised union and as such, no further direction is required on the time barred application.

16. That for the facts and circumstances, stated above, the applicantsⁿ are not, at all, entitled to invoke the jurisdiction of this Hon'ble Tribunal.

17. That none of the ground taken by the applicants in the instant application are tenable under the law and the applicants had failed to come forthwith any cogent ground for the interference of the Hon'ble Tribunal, in the matter. The all actions taken by the answering respondents are in conformity with the various rules and instructions issued by the Railway Board and are in no way inconsistent with the judgments pronounced by the Hon'ble Courts. The action taken by the railway administration can not be termed against the constitutional guarantee as enshrined under Art. 14 of the India Constitution.

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18. That the applicants are required to put strict proof of the averments made under paragraph nos. 6 & 7 of the application.

19. That on the facts and circumstances stated above, the applicants are not at all, entitled to claim any relief as prayed under para 8 (i) (ii) & (iii) of the petition.

20. That the contents of paragraph nos. 9, 10, 11, & 12 of the application being matter of record, calls for no comment.

VERIFICATION

I the deponent named above, do hereby verify that the contents of paragraph 1 to X are true to my personal knowledge; and the contents of para 2 to 20 to are true on the basis of record kept under the official custody of the Railway Administration and legal advice; which I believe to be true.

Signed and verified at Lucknow

Dated : 16/5/91

10-5-91
Deponent.

Through: Prashant Mathur, Advocate)
Counsel for the Respondent Nos. 1 & 2.

ANNEXURE-CA-I

GOVT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

A93

No. PCIII/81/UPG/7

New Delhi, at 18.8.81

The General Managers,
All Indian Railways,
CLW, DLW, ICF, MTT (Railways) Calcutta,
Wheel & Axle Project, Bangalore.

(As per standard mailing list pt.I).

Sub : Restructuring of the Cadre of Ministerial
Staff of Departments other than Personnel.

The Ministry of Railways have had under consideration the question of restructuring of the Ministerial cadre of Non-accounts Departments other than Personnel in the wake of upgradations done in the case of Personnel Department vide their letter No. PCIII/80/UPG/21 dated 10.11.80. As a result of agreement reached with the staff side in the result of agreement reached with the staff side in the Departmental Council(JCM), it has now been decided as under :-

- (i) There shall be direct recruitment of graduates to the posts of Senior Clerks in scale E. 330-560 to the extent of 20% of the total strength. The direct recruitment will be made through the Railway Service Commission.
- (ii) 13.1/3% of the total posts of Senior Clerks in scale E. 330-560 will be filled from amongst the Graduate Clerks already serving in the lower grade after allowing them the age relaxation already in force. These vacancies will be filled up by a competitive examination to be held by the Railway Service Commission. In the event of graduate Clerks not being available from amongst the serving employees to fill this quota, the residual vacancies will be filled up by direct recruitment through the Railway Service Commission over and above the 20% quota referred to in (i) above.
- (iii) Consequent upon induction of direct recruitment of graduates at the level of Senior Clerks, the gradewise percentage distribution of posts in the Ministerial Cadre will now be as under :-

Category	Scale of pay(E)	Percentage
Office Supdt.	700-900	2.0%
Chief Clerk	550-750	7.0%
Head Clerk	425-700	13.0%
Senior Clerk	330-560	57.5%
Clerk	260-400	20.0%

2. These orders will take effect from 1.10.80 but no arrears shall be payable on this account. The pay of an employee appointed to the upgraded post may be fixed proforma from 1.10.80 but the actual payment of emoluments in the higher post should be allowed only from the date he takes over charge of the upgraded post. This has the sanction of the President.

.....2/-

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3. All vacancies of Senior Clerks (M.330-560) existing as on 30.9.1980 should be filled up in accordance with the orders in force prior to the issue of this letter. All vacancies arising on or after 1.10.1980 shall be filled in accordance with the proportion prescribed herein.
4. The staff of the Personnel Department will be governed by instructions contained in this Ministry's letter No. PCIII/80/UPG/21 dated 10.11.80 except that the level of direct recruitment in scale M.330-560 in Personnel Department also will be 33.1/3% and will be recruited in accordance with para 1(i) & (ii) above.
5. This has the sanction of the President.
6. Hindi version will follow.

Sd/-
Jt. Director, Establishment
Railway Board.

Copy to :-

FA&CAO, All Indian Railways,
CLW, DLW, ICF,

No. PCIII/81/UPG/7

New Delhi, dt. 18.6.81

Copy (with 40 copies spares) to the A.O.A.I. (Railways)
New Delhi.

Sd/-
For Financial Commission,
Railways.
New Delhi, dt. 18.6.8

★ No. PCIII/81/UPG/7

Copy (With 25 spares) forwarded to :-

1. General Secretary, N.F.I.R., 3, Chelmsford Road, New Delhi.
2. General Secretary, A.I.R.F., 4, State Entry Road, New Delhi.

Copy to all Members for the National Council,
Departmental Council and Secretary, Staff Side, National
Council, 0, Ashok Road, New Delhi.
3. E(I) Branch.

For Secretary, Railway Board.

11. Endnt. As usual.
As per standard mailing list (pt II, III, & IV).

TRUE COPY ATTESTED

Asst. Secy. to Officer,
Northern Railway,
New Delhi.

ANNEXURE - C A - II

उत्तर रेलवे
NORTHERN RAILWAY

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Copy of Letter no. 961 E/NRMU/PNM Dtd. 8-7-89
submitted to the Branch Secretary, NRMU/Stores Br.,
Mtl., Alambagh, Lucknow.

SUB: P.N.M. meeting held on 30-3-89

Ref: Your letter no. NRMU/4/89-90 dtd.
4-4-89

In reference to your above cited letter it
is to inform you that as per Rly. Board's letter
no. PC-11/87/CRG/3/5 dtd. 30.1.87 circulated
vide GM(P) MDS letter no. 561-E/255-98- General
(PC) Pt. 2 dtd. 18-2-87 (P.S. 9176) (copy enclosed)
the Sr. clocks promoted against Senior Graduate
qu. are not entitled for any promotion or payband
fixation w.e.f. 1.1.80.

Yours faithfully,
SD _____

Jr. Dy. Controller of Stores,
NRMU, AMU, Lko.

26/10/80

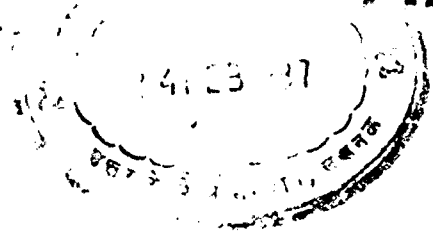
उत्तर रेलवे
लुधियाना

TRUE COPY ATTESTED



ANNEXURE - CA-III

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उत्तर रेलवे

प्रधान कार्यालय
बडादा हाउस
नयी दिल्ली।

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पत्र संख्या- 561ई/255-98 जनरल (पीसी.) पार्ट-ना.

दिनांक. 18.2.87.

1. समस्त मंडल रेल प्रबंधक.
2. समस्त मंडल लेखा अधिकारी.
3. समस्त अतिरिक्त मंडल अधिकारी.
4. उप मुख्य कार्मिक अधिकारी (प्र.का.)
5. वरिष्ठ कार्मिक अधिकारी (आर.पी.)
6. वित्त सहायक एवं मुख्य लेखा अधिकारी.

बडादा हाउस.
नयी दिल्ली।

क्र.सं. 9176

विषय- लिपिक वर्गीय कर्मचारियों के संवर्ग का पुनर्गठन।

रेलवे बोर्ड के पत्र संख्या- पी सी-111/ 87/ सी टी सी-1/1 दिनांक. 30.1.87 की प्रतिलिपि उपर्युक्त विषय पर सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है। दिनांक. 31.7.81 और 5.1.82 की प्रतिलिपियां इस कार्यालय के समसंघक पत्र दिनांक. 18.8.81 और 19.2.82 द्वारा क्रमशः सभी संबंधित कार्यालयों को भेजी जा चुकी है।

उपरोक्त उल्लिखित रेलवे बोर्ड/पत्र सं० पीसी-111/81/यूपीजी/7. संलग्न/ यथोक्त.

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(जी.डी.मत्तर्वेदी).
होते सहायक (का.)

FIC/SE

प्रतिलिपि:-

1. महा सचिव, एज.आर.एम.यू. 12 चेम्सफोर्ड रोड, नयी दिल्ली.
2. महा सचिव, यू.आर.एम.यू. 166/2 पंचकुल्या रोड, नयी दिल्ली।

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भारत सरकार, रेल मंत्रालय, रेलवे बोर्ड के पत्र संख्या-पी सी-111/87/सी टी सी-1/1 नयी दिल्ली- दिनांक. 30.1.87 की प्रतिलिपि :-

विषय- उपरोक्त.

संदर्भ- इस मंत्रालय का दिनांक. 31.7.81 और 5.1.82 का संख्या पी सी-111/81/यूपीजी /7..

इस रेलों के यह स्पष्टीकरण मांगा है कि उन सेवारत कर्मचारियों को किस तारीख से लाभ दिया जाये जिन्हें बोर्ड के दिनांक. 31.7.81 के पत्र सं०- पी सी-111/81/ यूपी जी/7 के अनुसार।

12/11/87 तक 15/11/87 के पत्र सं०- पी सी-111/81/ यूपी जी/7 के अनुसार।
अंको 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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-2-

- सीमित विभागीय परीक्षा के माध्यम से स्नातक कोट में 330-560 रु. के वेतनमान वाले पदों पर नियुक्त किया गया था ।
- 2. यह स्पष्ट किया जाता है कि 260-400 रु. के वेतनमान में सेवारत स्नातक लिपिक जिन्हें इस समय पर विचारित अनुदेशों के अनुसार आयोजित प्रतियोगी परीक्षा के आधार पर अपग्रेड दिये गये पदों पर वरिष्ठ लिपिक (330-560 रु.) के स्तर में पदोन्नत किया गया था उन्हें इस मंत्रालय के दिनांक. 31.7.81 के पत्र संख्या- पी सी-ना / 81/ यू.पी. जो/7 के पैरा 3 में यथा- विचारित पदोन्नत किये जाने की तारीख से ही अपग्रेडेशन का लाभ दिया जा सकता है । दूसरे शब्दों में 1.10.80 से वेतन विचारण प्रोफ़ार्मा का लाभ इन सेवारत स्नातक लिपिकों के लिए उपलब्ध नहीं होगा क्योंकि यह पुर्नगठन रिक्रियों में सीधे भर्ती किये गये वरिष्ठ लिपिकों के लिए उपलब्ध नहीं है। इन दोनों मामलों में . पुर्नगठन उस तारीख से प्रभावी होगा . जिस तारीख से इन उम्मीदवारों को 330-560 रु. (1200-2040) के वेतनमान में वरिष्ठ लिपिकों के पदों पर नियुक्त किया गया है ।
- 3. कृपया पावती दें ।

.....

Copy of Railway Board's letter No. FCIII/87/CTC-I/I dt. 30-1-87. from Dy. Director, Pay Commission, Railway Board to the General Managers, All Indian Railways, CLW, DLW AND ICF and others.

- Restructuring of cadre of Ministerials staff.

Ref:-This Ministry's letters No. FCIII/81/UPG/7 dt.31-7-81 and 5-1-82.

Some of the Railways have sought clarification as to the date from which benefits should be granted to serving employees who were appointed to posts in scale Rs.330-560 against graduate quota through limited departmental examination in terms of Board's letter No. FCIII /81/UPG/7 dt.31-7-81.

2. It is clarified that the serving graduate clerks in scale Rs. 260-400 promoted as senior clerk (Rs.330-560) against the up-graded posts on the basis of the competitive examination held as per instructions on the subject can get the benefit of upgradation only from the date they were promoted as such, as laid down in para 3 of Ministry's letter No. FCIII/81/UPG/7 dt.31-7-81. In other words, the benefit of proforma fixation of pay from 1-10-80 will not be available to these serving graduate clerks just as it is not available to senior clerks recruited directly against the restructured vacancies. In both these cases, restructuring would be effective from the date such candidates are appointed to the posts of Senior clerks scale Rs.330-560 (RS) (1200-2040).

3. Please acknowledge.

...

(8)

E. V. /
Gimmar Sharma

999

-2-

in TA No 1301 of 1984 (C.R 5729) (w) of 1985
the clerks ~~were~~ who were appointed as juniors clerks
on or before 1/10/80 are entitled to the proforma
fixation from 1/10/80 and the junior clerks who
were appointed after 1/10/80 are entitled to proforma
fixation from the date of their appointment in the
grade of senior clerk . It has wrongly been stated that
all the applicants were not on rolls on 1/10/80 as
such question of fixation ^{of pay} ~~is~~ from 1/10/80 does not
arise.

3. That the contents of para 3 of the counter
needs no comment .

4. That the contents of para 4 ~~are~~ of the
counter statement are denied . It is stated that the
application has been filed for getting the provisions
of Railways Boards letter dated 13/6/81 and 31/7/81
implemented . As such the question of limitation
does not arise . Apart from here the applicants had
been representing their case for implementation of
Boards provisions but no response was given till the
date of filing the case before the Honble Tribunal .

5. That the contents of paragraphs 5 and 6
of the counter statement needs no comments.

6. That the contents of para 7 are wrong

1/- A.K. Singh
1/- A.K. Gupta

श्री सुधीर कुमार
श्री सुरेश चन्द्र त्रिपाठी

श्री प्रमोद सिंह
श्री सुरेश चन्द्र त्रिपाठी
श्री सुधीर कुमार
श्री सुधीर कुमार
श्री सुधीर कुमार
श्री सुधीर कुमार

① अनाथ/अनाथ
② H.P. Singh
③ H.K. Sharma
④ श्री सुधीर कुमार
⑤ श्री सुधीर कुमार

and denial and those of para 4 (ibi) of the application are reiterated. It is reasserted that as per judgement of the Honble CMT of Calcutta the junior clerks who were on rolls ~~xxx~~ on 1/10/80 will be given the benefit of proforma fixation from 1/10/80 and those who have been appointed after 1/10/80 will be given benefit of fixation from the date of their appointment as junior clerks.

7. That the contents of para 8 of the counter statement needs no comments .

8. That the contents of para 9 ~~are~~ of the counter ~~statement~~ are admitted,

9. That the contents of para 10 of the counter statement are denied and those of para 4c (Viii) of the application are reasserted . It is reiterated that as per provisions of Railways Board letter dated 18/5/81 the applicant are legally entitled for proforma fixation of their pay from the date of their appointment .

10. That the contents of para 11 of the counter statement are denied and those of para

4 IX to X are reiterate^d . It is reasserted that the applicants were not given any reply even after many ~~the~~ representations .

11. That the contents of para 1 2 of the counter statement are denied and those of para 4 (XI) to 4 (XIII)

A101

- 4 -

are reasserted . It is stated that the judgement in case of S.K. Sandhya and others versus Union of India stands on the same footing on which the instant case of the applicants has been filed, the judgement will itself speak that the Board's letter dated 18/6/81 from provides the benefit of proforma fixation of pay from 1/10/80 . After issue of the printed serial no 9176 many Central Administrative Tribunals have held that the Graduates quota employees after being selected for senior clerks are legally entitled to fixation of his pay from 1/10/80 . It is stated that Board's letter dated 18/6/81 and 31/7/81 have been approved and sanctioned by the president of India . Board's ambiguous clarification will not simply abrogate the provision of the above letters. The contents of the Board's clarification are also contradictory.

12. That the contents of para 13 are denied and those of para 4 (xiii) of the application are reasserted . It is reiterated that the applicants are legally entitled to the relief claimed as per various judgements annexed with the application .

13. That the contents of para 14 are denied and those of para 4 (xiv) are reiterated .

14. That the contents of para 15 are vehemently

① लमवार/नारायणप्रसाद

② सुधीर कुमार

③ सुरेश चन्द विदानी

④ मनमोहन सिंह

⑤ विमल कुमार

⑥ सुधीर

⑦ राजेश कुमार

⑧ Anshu Kumar Sharma

⑨ विमल कुमार

⑩ M. P. Singh

⑪ निरंजन (2) शोभा कर्मा

⑬ K.K. Srivastava

⑭ M.K. Singh

⑮ A.K. Gupta

VERIFICATION

We all the applicants do hereby verify that the contents of para 1 to 1 of the statement are true to the personal knowledge of the applicant and belief based on perusal of records and legal advice all of which the applicants believe to be true. No part of it is false and nothing material facts have been concealed and so help me GOD.

Applicants.

- (1) लालचंद/लालचंद प्रजापति
- (2) लक्ष्मीचंद बज्जाल
- (3) सुरेशचन्द्र त्रिपाठी
- (4) Manoj Kumar Reddy
- (5) श्री. लालचंद
- (6) लालचंद
- (7) लालचंद
- (8) Krishna Kumar Sharma
- (9) लालचंद
- (10) H. P. Singh
- (11) गिरिजशंकर
- (12) लालचंद
- (13) K. K. Sharma
- (14) N. K. Singh
- (15) A. K. Gupta

Applicants

(50)

Dy Registrar
Central Administrative Tribunal
Lucknow

Honorable Sir,

With regard it is submitted
that I need a copy of your
~~last~~ decision of original applica-
tion no. 550 of 1990 of Mahadev
Lal and others versus union of
Judges and others as I have
also filed a similar case in
CAT / New Delhi.

I would be very grateful
if your hon. mem will arrange
to issue me a copy. Don't fee of
Rs. 500 in the shape of postal orders and
enclosed.

Yours faithfully,
At three

Dated 16-1-95

(At last Sir)

9 PC Re s/c

475/115

Received
6/1/95
Address 746, Sunderbani
Bhadrabad

Ramesh Kumar Saxena

M. A. L. L. B.

ADVOCATE HIGH COURT,
ALLAHABAD

35/4, BUTLER MARKET, GEORGE TOWN
JAWAHAR LAL NEHRU ROAD,
ALLAHABAD.

High Court Consultation Room No. 1

On first Floor

Date _____ 1952

To

The President of the High Court
Allahabad, Allahabad

Sir,

Subject - C.A. No. 555 of 1952
Munshi Ram Lal

I am an applicant in the above
appearing as counsel for the applicant.
but due to my illness I am unable
to appear and request the court to
appoint a substitute.

An order of appointment for the
counseling of the court is hereby
in accordance to the court order.

Yours faithfully

Date 4-1-52

Ramesh Kumar Saxena
A. Saxena

A105

N.R.

VAKALATNAMA

G.V.B.

Before
In the Court of

Central Administrative Tribunal
Allahabad Bench

O.A. No. 550 of 1990.

Plaintiff
Defendant

Mahadeo Pal & others

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

Union of India

Respondent

The President of India do hereby appoint and authorise Shri

Prashant Mathur, B.A.

Advocate 2-B, Munir Road, Allahabad

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India; to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri

Prashant Mathur

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the.....19..

Dated 1-12-1990 198

Designation of the Executive Officer

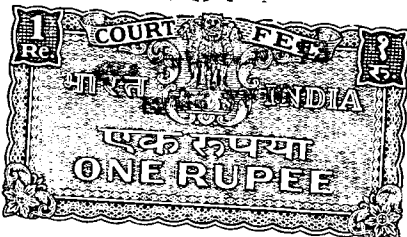
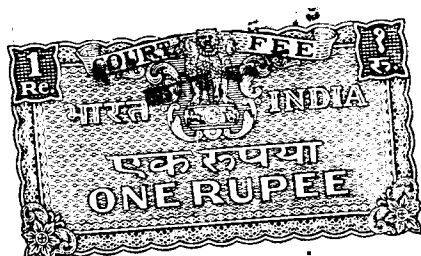
प्रशांत मथुरा
अवकाश निदेशक
अवकाश निदेशक, आकाशवाणी
अवकाश

महोदय

Charitra K.umar and others

प्रतिवादी [रेस्पॉन्डेन्ट]

वक्रालतनामा



प्रतिवादी (रेस्पान्डेन्ट)

११ की ता०

१८

40

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla Advocate

and On Pralraj Mai Tripathi, ^{एडवोकेट} ~~अ~~ ^{महोदय}

नाम अद्यावत्.....
मुकद्दमा नं० नाम.....
फरीकन.....बनाम.....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या बिपक्षी (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 रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिए प्रमाण रहे और समय पर काम आवे ।

[illegible]

(2) $\frac{1}{x^2} = x^{-2}$

(3) परमेश्वरमार्ग
हस्ताक्षर

(9) 142524 203044 203044 203044

(5) 21/01/2017 41024-41032

साक्षी (गवाह)

1000

महोनी

(a) J. K. K. K.

(10) On Breakfast Surph

(11) 175 9 5 (718 4/10/2)

साक्षी (गवाह)

दिनांक

Accepted.
Hans J. Matthews
Ph.D.

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name. Telegraphic address: — "SUPREMECO"

No.

SUPREME COURT
INDIA

57/22/5
Dated New Delhi, the 30th August, 1994
18/ Sept

FROM

A.S. NAICKER, B.A., LL.B.,
ASSISTANT REGISTRAR

TO

The Deputy Registrar
Central Administrative Tribunal, Lucknow Bench, Lucknow.
U.P.

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO. 13547 OF 1994

with

INTERLOCUTORY APPLICATION NOS. 1 & 2
(Applications for condonation of delay in filing SLP and
for stay by Notice of Motion with a prayer for an ex parte
Order)

Union of India & Anr.

...Petitioners

vs.

Mahadeo Pal & Ors.

...Respondents

Sir,

I am directed to forward herewith for your information, record and necessary action a certified copy of the Order of this Court dated 8th August, 1994 passed in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,

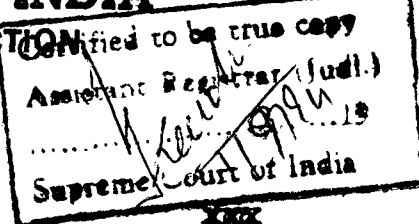
ASSISTANT REGISTRAR

J.S.
Pl. Submit
before Hon'ble
Bench constituting
the Stay Show
by Hon'ble Supreme
Court of India.

2/2/95

435

IN THE SUPREME COURT OF INDIA

~~CRIMINAL~~ CIVIL APPELLATE JURISDICTION

533207

No

of

Xxx

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 13547 OF 1994
 (Petition under Article 136 of the Constitution of India from
 the Judgment and Order dated 25th February, 1993 of the
 Central Administrative Tribunal (Lucknow Bench) Lucknow in
 Original Application No. 550 of 1990)

WITH

INTERLOCUTORY APPLICATION NO. 1
 (Application for condonation of delay in filing the Special
 Leave Petition)

AND

INTERLOCUTORY APPLICATION NO. 2
 (Application for stay by Notice of Motion with a prayer for
 an ex parte Order)

1. Union of India
Through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. Deputy Controller of Stores,
Northern Railway, Alambagh, Lucknow.

...PETITIONERS

VERSUS

1. Mahadeo Pal
2. Krishna Kumar Sharma
3. Ram Tahal Tewari
4. Sunil Kumar Srivastava
5. Om Shankar Sharma
6. Sudhir Kumar
7. Sunil Kumar Singh
8. Anil Kumar Gupta
9. Suresh Chand Tripathi
10. Bansala Prasad Singh
11. B.L. Prajapati
12. N.K. Srivastava,
All Head Clerks, under the Deputy Controller of Stores,
Northern Railway, Alambagh, Lucknow.
13. Girija Shankar,
Assistant Superintendent, Office of the Deputy
Controller of Stores, Northern Railway, Alambagh, Lucknow.
14. G.L. Bajpai, DS.K.II, Office of the Deputy
Controller of Stores, Northern Railway, Alambagh,
Lucknow.

..2/-

15. K.K. Srivastava, Head Clerk
Office of the Deputy Controller of Stores,
Northern Railway, Alambaga, Lucknow.

...RESPONDENT

8TH AUGUST, 1994

CORAM:

HON'BLE MR. JUSTICE R.M. SAHAI
HON'BLE MR. JUSTICE N.P. SINGH

For the Petitioners: Mr. N.N. Goswami, Senior Advocate
(Ms. Binu Tanta ^{Advocate} and Mr. C.V.S. Rao, ^{Advocate} with him) *h* *h*

THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATIONS FOR CONDONATION OF DELAY IN FILING SPECIAL LEAVE PETITION AND FOR STAY above-mentioned being called on for hearing before this Court on the 8th day of August, 1994, UPON hearing counsel for the petitioners herein THIS COURT while directing issue of Notice to the Respondents herein to show cause why delay in filing Special Leave Petition be not condoned and special leave be not granted to the Petitioners herein to appeal to this Court from the Judgment and Order above-mentioned DOTH ORDER that pending the hearing and final disposal by this Court of the application for stay after notice, the operation of the Judgment and Order dated 25th February, 1993 of the Central Administrative Tribunal, Lucknow Bench, Lucknow in Original Application No.550 of 1990 be and is hereby stayed;

AND THIS COURT DOTH FURTHER ORDER THAT this Order be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble SHRI MANEPALLI NARAYANARAO
VENKATACHALIAH, Chief Justice of India at the Supreme Court
New Delhi dated this the 8th day of August, 1994.

Scd/-
(K.C. Sethi)
DEPUTY REGISTRAR

A107

N.R.

VAKALATNAMA

G.V.B.

Before
In the Court of

Central Administrative Tribunal, Circuit bench, Lko

550/90

Plaintiff
Defendant

Mahadeo Pal &
Others.

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

U.O.I.

Respondent

The President of India do hereby appoint and authorise Shri.....
Rly. Advocate, Pan Damba, Lucknow

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri.....
Rly. Advocate, Pan Damba, Lucknow
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19..

Dated.....198..

Designation of the Executive Officer

S. O. (J) to keep it with file
and put up before Hon'ble
Court for orders
on the date fixed
D. R.

(1)
C
207

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

319
329

NOTICE OF MOTION

Misc Petition 1437 of 91
in O.A./T.A. 550 of 1990
M. D. P. & Others Applicant/Appallant.
Versus Union of India Respondents/Defantial

Take notice that the court will be moved by the order
signed on 4 is already fixed the day of 9 1991
at 10.30 O'clock in the forenoon or so soon these after the
noticed on their occassion can be heard.

the object of the motion is hereby indicated by

A copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
that following orders

Dated this the 3 day of 9 1991

Signature T. S. Pandey

Advocate of petitioner
Applicant/Appallant
or

Petition/Defandent in not

Advocate on record for the opposite party
Respondent/Defendant.

Received
C.M.
J. K. Singh
3/9/91

C
208

Pal & others 11

73.

U.S. F.I. in the states 100

Re. Sirr, i pass by, Asst. Clerk, Asst. Sec. of State
(24), Northern Railway, Chicago, Ind. Applicant.

The applicant trust respectfully requests that it be referred:-

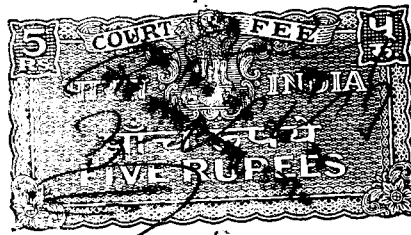
1. That it is a matter of public record that said petitioners serving Grand Jurors in the District Court of the Eastern District of Missouri, before the Honorable United States District Judge, and that, all persons on the same has been registered as C. A. N. 530 of 1930.
2. That it is a matter of public record that the petitioners have asked the relief sought in said petition as 1930 persons they have been admitted as black while I was working as clerk from 1972.
3. That I am affected person in the petition as I am a party in this case. That the petition is not maintainable until unless the affected of 1 years are not a party in the petition as I am.

Therefore it is requested that the review of the case
by kindly be resumed for a further date with the directives
that the applicant take the party to the effective persons
otherwise I may kindly be given the right to file an application
for consideration as a respondent.

113

Date: 3 - Sept. '1991

KS Randle



209

अभिभाषक पत्र (वकालतनामा)

समक्ष : उच्च न्यायलय इलाहाबाद

रजिस्ट्रेशन/वाद संख्या

220

सन १९८०

महादेव पाल

प्रार्थी

बनाम

प्रतिवादी/
रेस्पान्डेंट

मैं हम २ माह के २ माह के पार्लियामेंट शुभ सुवर्ण २ माह के पार्लियामेंट
पुस्तक में लगे हैं, ३५ अंश विद्यार्थी ३५ अंश
उपरोक्त प्रकरण में हम अपनी ओर के पक्ष समर्थन हेतु आलम बाग लाहौर,

३३-१ कुमार उषा ह्याय राखण दे

242, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

को निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक एवं (वकील) नियुक्त करते हैं और यह स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी, वाद स्वीकार पत्र, विवाद पत्र, पुनरीक्षण एवं परिशोधन प्रार्थना-पत्र (रिव्यू/रिवीजन) शापथ्यिक कथन (हलफनामा), प्रवर्तन पत्र (दरखास्त इजराय), मूजवात अपील निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि, लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथ्यिक पुष्टिकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्य धन को अपनी हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करे तथा उसका समर्थन करे तथा तसदीक करे, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा सुलहनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करे अथवा प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः अथवा सयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको सर्वथा स्वीकार होगी। अगर निश्चित शुल्क अथवा किसी अन्य रकम का कोई भी अंश किसी समय भी हमारी ओर पावना रहे, तो उन्हें अधिकार होगा कि वह हमें कोई नोटिस दिये बिना ही हमारी ओर से मुकदमें की पैरवी न करें। वंसी दशा में उनका हमारे प्रति कोई उत्तरदायित्व न होगा। यदि वे किसी अन्य कार्य में व्यस्त रहने के कारण मेरे मुकदमें की समय पर पैरवी न कर सकें और मुकदमा एकतरफा हो जाय तो भी उनका उत्तरदायित्व न होगा। उक्त सज्जन को जब और जितनी फीस अदा करूंगा/करेंगे उसकी पक्की रसीद प्राप्त कर लेंगे और पक्की रसीद के अभाव में उक्त सज्जन की फीस की कोई अदायगी न समझी जायगी।

अतएव यह अभिभाषक-पत्र लिख दिया और अपने पास इसकी एक प्रति रख लिया जिससे कि समय पर काम आये ।

स्वीकृत

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स्वीकृत

दिनांक

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

4/12/92 (4)

NO.CAT/CB/LKO/JUDL 3316

DATE : _____

REGISTRATION No. 550/90 OF 199 (L)

C
19

Applicant(s)

Mahadeo pal & others

Respondent(s)

Union of India & others

① Sri P.K. Kashyap, Advocate, Bar Association
C.A.T, 23-A, Thon hill Road, Allahabad.

"List on 5-1-93 for hearing & disposal
before S.M. Bench."

23-11-92

Please take notice that the applicant above has presented an application a copy of _____ thereof is enclose herewith which has been registered in this Tribunal and the Tribunal has fixed _____ day of _____ to show Cause as to why the Petition be not admitted. Counter may be filed within _____ weeks. Rejoinder, if any to be filed within _____ weeks thereafter.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the XXX seal of the Tribunal this day of _____ 199

FOR DEPUTY REGISTRAR

(MANISH)

C
211 (5)

Before the Central Administrative Tribunal
Allahabad.

...

Application

In

Case No. 550 of 1990.

Behardeo Lal & others. ... Applicant.

Verus.

Union of India. ... Respondents.

It is submitted on behalf of the applicant
as under :-

1. That the above case was admitted on 10-12-90. This Hon'ble court passed the order for final hearing of the case after 15 days from the date of admission. The applicants were directed to serve the notice of the case personally to the Railway Counsel. On the same date of admission and in the court as per direction of Hon'ble Vice Chairman, the copy of the petition was served to ~~Mr. J. K. Bhatnagar~~ Railway Advocate who ~~did not~~ ~~file the counter for several months.~~

2. That the Railway Advocate served the counter statement on 9-4-1991 to the Counsel in of the applicant. Rejoinder statement has also been filed.

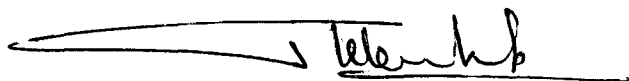
C 212 (7)

-: 2 :-

3. That this Hon'ble court has decided several such cases and other CAT have also decided several cases of this nature on the same issue. The applicants are suffering recurring losses.

Prayer.

It is, therefore, respectfully prayed that this Hon'ble court may be pleased to fix the date for final hearing in the above case.



Counsel for the applicants.

Dated.

26/6/91

ALLAHABAD

10

The Deputy Registrar,
General Administrative Tribunal,
Allahabad-Bench,
Allahabad

Current Administrative National
All-nations Bank

C.A.No. 557-51/996.....OF 19

T.A. No. OF 19

Plaintiff, Petitioner and other Applicant/Petitioner.

Defendant/Respondent.

1. Decided on/Pending date fixed-----Pending
2. Documents of which copy is required, serial:-
(a) original Application
(b) _____
(c) _____
(d) _____
3. Reasons for obtaining such copy.-----For record
4. Whether applicant is a stranger-----No
5. Ordinary/Urgent-----
6. Date of application-----3-9-91

Sir,

Kindly supply me certified copy of the documents noted above-mentioned case, Necessary Court fee stamps has been affixed.

Yours faithfully

Allahabad. 3-2-19
Dated: 3-2-19

Name: _____

Address: DC-51 DSH N. Ry

Chas. Hoff, Kcor under Dy (18)

For Office Use

7. Accepted/Rejected.

Cashier

Dy.Registrar/Registrar

Deposit Rs. 19-00 Rupees

18 Nineteen only.

For..12.1945 No of Pages)Pages

as copying fee.

Dated: _____

Dated: ~~.....~~ ^{Sept} 91 (Judicial Admin-
istration)

9
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202

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD Bench.

Registration O.A. No. 1405 of 1980

S.D. Tripathi and others ... Applicants.

Versus

Union of India
and others ...

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

The applicants, 35 in numbers, by means of this application have prayed that the respondents may be directed to act in accordance with the orders contained in Railway Board's letters dated 10.11.1980 and 18.6.1981 and to proforma fix the applicants pay and assign seniority to them w.e.f. 1.10.1980 or from the date of their joining the Railways and further the respondents may be directed to give all consequential benefits to the applicants treating them as senior clerks in the Grade of Rs. 330-560 w.e.f. 1.10.1980 or from the respective dates of joining the Railways. These applicants were appointed in Allahabad and Moradabad Divisions of the Northern Railway as Clerks in the Grade of Rs. 260-400 on various dates i.e. between 1979 to 1983. As a result of restructuring in the Railways, the Railway Board's issued an order on 10.11.1980 in which it was directed that in order to bring about qualitative improvement in the functioning of the personal Department, the president has given his consent for introducing direct recruitment of graduates at the level of senior clerk in the scale of Rs. 330-560. For the personal department 20% of the total strength of the cadre of senior clerks was ordered to be filled in direct recruitment of graduates

(10)

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203

in the said cadre. The grievance of the applicant is that although, such a proforma fixation has been done in various cases in the name of various persons but the applicant has been discriminated and even though, the representations have been filed, but no heed to the same was paid, and he was informed that the same matter is also pending before the Central Administrative Tribunal, Allahabad Bench and when the same is decided, action would be taken. The Tribunal has already decided the matter. In this connection reference has been made to the case of Surendra Kumar Sandhya and others Vs. Union of India and others (O.A. No. 132 of 1986) decided by a Bench of this Tribunal on 29.10.1986. In this case the applicant has been filed by the similarly placed employees of the Eastern Railway who were also claiming of the benefit of the same Railway Board's order. The application was allowed and it was held that in pursuance of the Railway Board's letter dated 18.1.1986, the upgradations were to be made from 1.10.1980 though they were to be effective from the date the qualified candidates took over charge of the higher grade post. Their pay had to be fixed proforma keeping the date 1.10.1980. This was the date of upgradation and as mentioned above no arrears were to be paid, and consequently, the respondents were directed for proforma fixation of their pay on the basis of para-2 of the Railway Board's letter dated 17.6.1981 from 1.10.1980. The same matter came up for consideration before one of us (Hon. Mr. K. Olayya, A.M.) in Registration O.A. No. 11941 of 1988 decided on 5.12.1989 in which similar view has been taken after placing reliance on the said Surendra Kumar Sandhya's case and similar other cases decided by other Tribunal.

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- 3 -

2. Accordingly, this application is also allowed and the respondents are directed to fix the pay of the applicant on the basis of para-2 of the Railway Board's letter dated 18.6.1981 from 1.10.1980 on the proforma basis and his seniority will also be assigned w.e.f. the said date. The application is disposed of with the above directions. Parties to bear their own costs.

Member (A)

Vice-Chairman

6.7.1992

(n.u.)

TRUE
COPY

(Sd/-)

General Manager
Amambad

12
C
202

Government of India
Ministry of Railways
(Railway Board)

No. PCIII/80/UPG/21

New Delhi, dt. 18.6.1981

The General Managers,
All Indian Railways,
CIW, DIW, IPR, LIP (Railways) Calcutta,
Wheel & Axle Project, Bangalore.

Sub: Restructuring of the Cadre of Ministerial
Staff of Departments other than Personnel.

The Ministry of Railways have had under consideration the question of restructuring of the Ministerial Cadre of Non-accounts Departments other than Personnel in the wake of upgradations done in the case of Personnel Department vide their letter No. PCIII/80/UPG/21 dated 10.11.1980. As a result of agreement reached with the staff side in the Departmental Council (JCM), it has now been decided as under:-

- (i) There shall be direct recruitment of graduates to posts of Senior Clerks in scale Rs.330-560 to the extent of 20% of the total strength. The direct recruitment will be made through the Railway Service Commission.
- (ii) 17.5% of the total posts of Senior Clerks in scale Rs.330-560 will be filled from amongst Graduate Clerks already serving in the lower grades after allowing them the age relaxation as in force. These vacancies will be filled through competitive examination to be held by the Railway Service Commission. In the event of Graduate Clerks not being available from amongst the serving employees to fill this quota, the residual vacancies will be filled up by direct recruitment through the Railway Service Commission over and above the 20% quota referred to in (i) above.
- (iii) Consequent upon induction of direct recruitment of Graduates at the level of Senior Clerks, the gradewise percentage distribution of posts in the Ministerial Cadre will now be as under :-

<u>Cadre/Grade</u>	<u>Scale of Pay</u> Rs.	<u>Percentage</u>
Office Supdt.	700-900	2.5%
Chief Clerk	550-750	7.0%
Asst. Clerk	425-700	13.0%
Senior Clerk	330-560	57.5%
Clerk	260-400	20.0%

दिनांक 22-12-90

सरकारी कार्यालय
न्यायालय सी.एस.टी. इलाहाबाद (3)
विषय: - रजि. नं 440 सन्-90

206

राम चन्द्र

बनाम

यूनियन आफ इण्डिया

क.स. 1.10.
ह.स. 1.10.

दिनांक 22-12-90

सेवा में,

श्रीमान,

उपनिबन्धक महोदय,

महोदय,

विषय: -
गोपनीयता का
संरक्षण
दिनांक 22-12-90

उपरोक्त वाद में मिस्त्र का
मुआयना करना बहुत जरूरी है।
अतः आप आफिस को निर्देश
देने कि उपरोक्त वाद को
मिस्त्र का मुआयना करा दें।

दिनांक 22-12-90

(रजि. नं 440)
(रजि. नं 440)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

C.N. APPLICATION NO. (437) of 1931 on the date fixed

In original application No. 650 of 1930

Mahadeo Pal & others

Applicants

vs.

Union of India and others

Respondents

Ram Shriram Pandey, Head Clerk, Asstt. Controller of Stores
(D&S), Northern Railway, Garhbagh, Lucknow Applicant.

The applicant most respectfully and humbly submit as under:-

1. That it has come to my knowledge that Shri Mahadev pal and others serving Graduate Clerks have filed an application before the Honorable Central Administrative Tribunal, Allahabad and the case has been registered as O.A. No. 650 of 1930.
2. That it has come to my notice that the petitioners have asked the relief about the seniority from 1930 whereas they have been appointed as clerk while I was working as clerk from 1972.
3. That I am effected person and the petitioner have not made me a party in this case. Thus the petition is not maintainable until unless the effected employees are not being made party in the above noted case.

Therefore it is requested that the hearing of the case may kindly be adjourned for an other date with the directives that the applicant make the party to the effective persons otherwise I may kindly be given opportunity to file an application for empanelment as a respondent.

APPLICANT

Dated: 3 - Sept. '1931

R. Pandey
(RAM SHRIRAM PANDAY)

(15)
C
201

Copy of Board's letter no.E(NG)I-80 SR6/9 dt.4.2.81
addressed to this office and others and copy to others.

.....

The Ministry of Railways are pleased to direct
that the Indian Railway Establishment Manual (Second
Edition) may be amended as in the advance copy of correction
Slip No.121 sent herewith.

Da/As above.

.....

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
INDIAN RAILWAY ESTABLISHMENT MANUAL
ADVANCE CORRECTION SLIP NO.121.

Chapter I - Section 'B' Sub-section I - General

Add the following as Sub-para to rule 102 -

The quota for direct recruitment, wherever
prescribed will be relevant only at the recruitment stage
and will have no relevance for fixation of seniority which
will be assigned by application of normal rules. Where quota
fixed for direct recruitment in a particular year is not
fulfilled due to unavoidable reasons, the shortfall may
be made good in the following year without giving retros-
pective benefit for purpose of seniority.

Note: The above provision will take effect from
1.8.1960 except that the cases already decided
otherwise will not be reopened.

(Authority: Ministry of Railways (Railway Board's letter
No.E(NG)I-80 SR6/9 dated 4.2.1981)

16

2.4.93

IN THE HON'BLE C.A.T., ALIHAHAD, LUCKNOW BENCH, LUCKNOW.

OA: 550/90(L)

C 199

Mahadev Pal & others Applicants

Versus

Union of India & others Respondents.

Decided on 25.2.93

Sub: Application for Inspection of File.

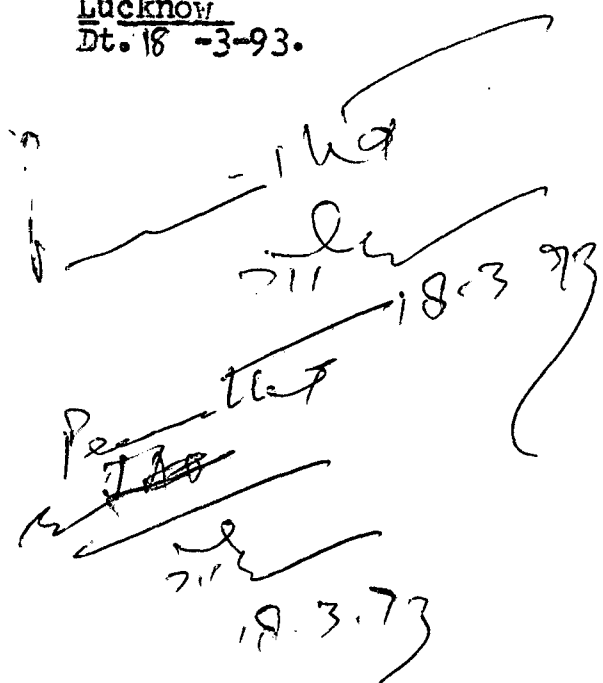
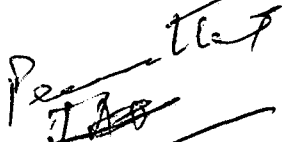
My Lord,

The above said O.A. has been decided by this Hon'ble Court on 25.2.93. In the same O.A. prior to decision of this case the applicant had prayed for Arraying - necessary party. The applicants want to see the order if any passed on the application.

It is therefore most respectfully prayed the applicant be allowed to inspect the file for further action in the interest of Justice.

Lucknow
Dt. 18-3-93.


(T.L. Srivastava)
Applicant.


- 169
211
18.3.93
Per 
18.3.73

F.F.
18/3/93
AE

37
C 200

Copy of Board's letter no. E(NG)I-80 SR6/9 dt. 4.2.81
addressed to this office and others and copy to others.

.....

The Ministry of Railways are pleased to direct
that the Indian Railway Establishment Manual (2nd cond
Edition) may be amended as in the advance copy of correction
Slip No. 121 sent herewith.

Da/As above.

.....

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
INDIAN RAILWAY ESTABLISHMENT MANUAL
ADVANCE CORRECTION SLIP NO. 121.

Chapter I - Section 'B' Sub-section I - General

Add the following as sub-para to rule 102 -

The quota for direct recruitment, wherever
prescribed will be relevant only at the recruitment stage
and will have no relevance for fixation of seniority which
will be assigned by application of normal rules. Where quota
fixed for direct recruitment in a particular year is not
fulfilled due to unavoidable reasons, the shortfall may
be made good in the following year without giving retrospec-
tive benefit for purpose of seniority.

Note: The above provision will take effect from
1.8.1960 except that the cases already decided
otherwise will not be reopened.

(Authority: Ministry of Railways (Railway Board's letter
No. E(NG)I-80 SR6/9 dated 4.2.1981)

M/No 31/93

in

CA 550/90

placed in all offices

VE

(By and others)

Central Administrative Tribunal
Allahabad Bench

115
C
198

I N D E X

Registration No. 71552 of 1990.

Mahuloo Pal & others

Applicant

VRS

U.O. 1203 (N.Rty)

Respondents.

S1. No.	Particulars of document(s)	Page No.
1.	Check List	
2	Order Sheet	
3	Misc. App'l. No 1437/91 <u>alongwith</u> vakalatnamu. Sr. M.K. Upadhyay	3
4	(i) Copy of Petition alongwith vakalatnamu (compilation-I)	17
	(ii) Compilation -II →	17 to 66
5	Counter Affidavit →	13
6	Rejoinder Affidavit →	6
7	Expedite App'l. 1052/91 →	3

O.A. 550/90

All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name. Telegraphic address — "SUPREMECO"

D. No. 3553/94/X/SC/XI

SUPREME COURT
INDIA

Dated New Delhi, the 17th June, 1996. 19

FROM The Registrar(Judicial),
Supreme Court of India,
New Delhi.
TO *Additional*
The Registrar,
Central Administrative Tribunal,
Lucknow Bench, Lucknow.

CIVIL APPEAL NO.4744 OF 1996.

Union of India & Anr.

...Appellants.

Vs.

Mahadeo Pal & Crs.

...Respondents.

Sir,

In continuation of this Registry's letter of even number dated the ^{11th} ~~2nd~~ April, 1996, I am directed to transmit herewith for necessary action a certified copy of the Decree dated the 12th March, 1996 of the Supreme Court in the appeal above-mentioned.

Please acknowledge receipt.

Yours faithfully,

for Registrar(Judicial)

*So (Judl)
Pl. take n.a.*

*24/7 80 Raj Narayan,
IDC
Pl take n.a.,
163
24-7-96*

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Certified to be a true copy

Assist. Secy. (I)

CIVIL APPEAL NO. 4744 OF 1996

17-6-1996
Supreme Court of India

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 13547 OF 1994.
(Petition under Article 136 of the Constitution of India from the
Judgment and Order dated 25th February, 1993 of the
Central Administrative Tribunal, Lucknow Bench, Lucknow in O.A.
No.550 of 1990).

Union of India & Anr.

...Appellants.

Vs.

Mahadeo Pal & Crs.

...Respondents.

91929

(For full cause title please see Schedule 'A' attached herewith).

12th March, 1996.

CORAM:

HON'BLE MR. JUSTICE K.RAMASWAMY
HON'BLE MR. JUSTICE G.B.BATTANAIAK

For the Appellants: M/s. A.D.N.Rao, A.K.Sharma, C.V.R.Rao
and V.N.Patil, Advocates.

For the Respondents: Mr. Anjan Ghosh, Advocate.

The Petition for Special Leave to Appeal above-mentioned
alongwith connected matters being called on for hearing before
this Court on the 23rd day of February, 1996, UPON perusing the
record and hearing counsel for the appearing parties above-
mentioned, the Court took time to consider its Judgment and the
matter being called on for Judgment on the 12th day of March, 1996,

...2/-

- 3 -

regular promotion, after completion of the process to order promotion, is the date for the promotees. Inter se seniority is alternative, i.e., promotee first and direct recruit would be below him and the same would continue in the order of merit in the respective lists and the roster maintained by the Railway Administration. In other words promotee would be senior to direct recruits.

It is seen that such of the graduate Clerks though appointed as Grade II Clerks after October 1, 1980 by process of selection through open competitive examination or limited recruitment by departmental examination were upgraded under the aforesaid rules, they would not get the promotion with effect from the pro forma date of October 1980 but only from the date of their actual appointment as Grade II Clerks, notionally as Grade I Clerks since their appointments are after October 1, 1980. The inter se seniority of the 20% direct recruits on the one hand and limited recruitment graduate Grade II Clerks and promotee on the other, shall be determined in accordance with para 302 of the Railway Establishment (Volume 1) in the manner indicated above.

We have yet another source who claim parity with others. They are ad hoc appointees de hors the rules. They are the appellants in C.A.Nos. @ SLP Nos.2473-77/95. Admittedly, they were appointed de hors the rules. Therefore, they can get seniority not from the date of their initial appointment but from the date on which they are actually selected and appointed in accordance with the rules and their appointment and seniority would take effect from the date of selection after due completion of the process and they would be junior to in-service as well as direct recruit-candidates. The inter se seniority should be reckoned accordingly.

It would be clear that the directions in various letters of the Board should be worked out in the above manner and the seniority should be determined accordingly."

AND THIS COURT DOETH FURTHER ORDER that there shall be no costs of this appeal in this Court;

AND THIS COURT DOETH LASTLY ORDER that this ORDER be punctually observed and carried into execution by all concerned

WITNESS the Hon'ble Shri Aziz Mushabber Ahmadi, Chief Justice of India, at the Supreme Court, New Delhi, dated this 12th day of March, 1996.

Edp
(R.P.DUA)
JOINT REGISTRAR

[Signature]

CA 4744/96

Schedule A
2

IN THE SUPREME COURT OF INDIA

(CIVIL APPELLATE JURISDICTION)

C.A. NO. 4744 OF 1996

13547

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. OF 1994

IN THE MATTER OF:

1. Union of India

Through the General Manager,

Northern Railway,

Baroda House,

New Delhi.

2. Deputy Controller of Stores,

Northern Railway,

Alambagh,

Lucknow.

.....Petitioners. Appellants

Versus.

1. Mahadeo Pal

2. Krishna Kumar Sharma

3. Ram Tahal Tewari

4. Sunil Kumar Srivastava

5. Om Shankar Sharma

6. Suchir Kumar

7) Sunil Kumar Singh

8) Anil Kumar Gupta

cont../-

8

5

- 9) Suresh Chand Tripathi
- 10) Bansala Prasad Singh
- 11) B.L. ~~Prajapati~~ Prajapati
- 12) N.K. Srivastava,
All Head Clerks, under the
Deputy Controller of Stores,
Northern Railway, Alambagh,
Lucknow.
- 13) Girija Shankar,
Assistant Superintendent
Office of the Deputy
Controller of Stores,
Northern Railway,
Alambagh, Lucknow.
- 14) G.L. Bajpai,
DS.K. II,
Office of the Deputy
Controller of Stores,
Northern Railway,
Alambagh, Lucknow.

cont../-

15) K.K. Srivastava
Head Clerk,
Office of the Deputy
Controller of Stores,
Northern Railway,
Alambagh, Lucknow.

.....Respondents.

PETITIONER UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA FOR SPECIAL LEAVE
TO APPEAL FROM THE JUDGMENT DATED
25.2.1993 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL, LUCKNOW BENCH, LUCKNOW, IN
ORIGINAL APPLICATION NO. 550 OF 1990.

.....

TO

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICE OF THE
SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED.

CONT.../-

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4744 OF 1996.

Union of India & Anr. ...Appellants.

Vs.

Mohamedo Pal & Ors. ...Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.
D.A.No.550 of 1990.

DECREE DISPOSING OF THE APPEAL
WITH NO COSTS.

Dated this the 12th day of March, 1996.

Mr. S.V. Subba Rao,
Advocate on record for the Appellants.

Mr. Anil Chosh,
Advocate on record for the Respondents.

SEALED IN MY PRESENCE

17/6/96

REGD. A.L.

D.NO. 3553/94/81

SUPREME COURT OF INDIA

DATED: 11th April 1996

FROM:

THE ASSISTANT REGISTRAR
SUPREME COURT OF INDIA

TO:

THE REGISTRAR
HIGH COURT OF JUDICATURE,
ALLAHABAD

The Additional Registrar
Central Administrative
Tribunal, (Lucknow Bench)
Lucknow

CIVIL APPEAL NO(S) 41744 OF 1996
(from High Court Judgment and Order/Decree dated 25th February
and 1993 in Original Application No. 557 of
1996)

Union of India and others

...APPELLANT(S)

VERSUS

Mahadeo Pal & others

...RESPONDENT(S)

Sir,

In Pursuance of Order XIII, Rule 6, S.C.N. 1966, I am
directed by their Lordship of the Supreme Court to transmit
herewith a Certified copy of the Judgment/~~Order~~ dated the
12th March 1996 in the appeal above-mentioned.

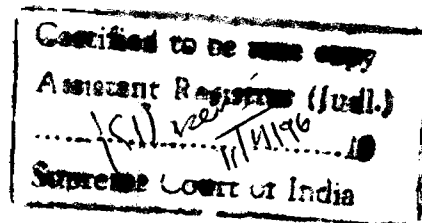
The Certified copy of the decree made in the
said appeal and the Original Records if any will be sent
later on.

Yours faithfully,

(Signature)
ASSISTANT REGISTRAR

So (Judg)
re-print up
before made
court for kind
prusal then
original recd.
X

19/4 (2) 19.4.96



IN THE SUPREME COURT OF INDIA

75626

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. ⁴²⁶⁵ OF 1996
[Arising out of SLP (C) No.5177 of 1991]

Smt. Anuradha Mukherjee &
Ors. etc. etc.

... Appellants

Versus

Union of India & Ors. etc.

... Respondents

WITH

CIVIL APPEAL NOS. 4745, 4744, 4800, 4815, 4723-27 AND 4814/1996
[Arising out of SLP (C) Nos. 15119/93, 13547/94,
14571/93, 1818/94, 2473-77/95, 3930/93]

J U D G M E N T

K. Ramaswamy, J.

Leave granted.

These appeals by special leave filed by some of the employees and by the Union of India, arise from the orders of Calcutta, Allahabad, New Delhi and

posts were made available to the in-service graduate Grade II Clerks to compete for those vacancies in their quota. Existing graduate employees in the Personnel Department, subsequently extended to Accounts Department and other Departments, were also permitted to compete for direct recruitment quota and age qualification was relaxed. It was decided that Seniority of directly recruited Senior Clerks vis-a-vis those promoted to the Grade would be determined with reference to the date of entry into the Grade.

By letter dated June 18, 1981, the Board had decided to fill up 13.1/3% of the posts of Senior Clerks from in-service graduate Clerks [Grade II] by competitive examination to be held by the Railway Service Commission. In the event of their non-availability it was decided to fill up the residue vacancies by direct recruitment along with 20% direct recruitment quota from open market. The orders issued thereunder were made effective from October 1, 1980 but no arrears are payable on that account. The pay of the employees so appointed was decided to be fixed pro forma from October 1, 1980 but the actual payment of emoluments as Senior Clerks was allowed from the date of their actually taking over the charge in that post.

(11)

1980 made available by order dated June 18, 1981 were directed to be filled up from amongst the in-service graduate Clerks [Grade I] in the manner indicated in para 1 [ii] of the letter dated June 18, 1981. In other words, out of 57.5% of the vacancies, 13-1/3% vacancies would be available to the in-service graduate Clerks [Grade II] for recruitment by competitive examination by Railway Service Commission. The unfilled vacancies would be thrown open to candidates from open market. Para 2 [iii] of this letter indicates that 10% vacancies thereof would be filled up by direct recruitment through Railway Service Commission. The balance 10% vacancies having arisen on October 1, 1980 against direct recruitment quota were decided to be filled up by promotion of Clerks [Grade II] on the basis of seniority-cum-suitability as per the then existing procedure. 13-1/3% plus 10%, i.e., 23-1/3% of the vacancies were to be filled up from amongst the in-service graduate Clerks [Grade II] by recruitment through limited departmental examination. In other words, recruitment of graduate in-service Grade-II Clerks as Grade I Clerks through Railway Service Commission was dispensed with. 10% of the vacancies out of 57.5% were to be filled up by direct

should be filled up by existing graduate Junior Clerks [Grade II] by limited competitive examination by Railway Service Commission. The balance vacancies by promotion of non-graduate Clerks [Grade II] on the principle of seniority-cum-suitability. Vacancies existing on and from October 2, 1980 should be filled up in the manner indicated in para 2 [iv] of their letter dated July 31, 1981, i.e., 20% of vacancies by direct recruitment while graduate Clerks [Grade II] who are still available are eligible to compete in open competition on the principle of seniority-cum-suitability but not on pure merit like open market candidates. It was made applicable to all ministerial staff, Junior Clerks [Grade II] in all non-Personnel Departments also but not to Accounts Department.

In the letter dated August 10, 1983 the Board has stated that pursuant to the order dated June 18, 1981 the promotion of personnel as Senior Clerks would be effective from October 1, 1980 but no arrears were payable on that account. However, they clarified that the "pay of the Railway servants appointed to the upgraded post was fixed pro forma from 1.10.1980 but actual payment of emoluments in the upgraded posts was allowed only from the date they actually took over

determined with effect from October 1, 1980 or from the date of taking actual charge of the posts, the above letters do not deal with that controversy.

The inter se seniority of the candidates is regulated under para 302 of the Railway Establishment [Volume I - Revised Edition, 1989] which reads as under:

302. Seniority in initial recruitment grades. - Unless specifically stated otherwise the seniority among the incumbents of a post in a grade is governed by the date of appointment to the grade. The grant of pay higher than the initial pay should not, as a rule, confer on railway servant seniority above those who are already appointed against regular posts. In categories of posts partially filled by direct recruitment and partially by promotion, the criterion for determination of seniority should be date of regular promotion after the process in the case of promotee and the date of joining the working post after due process in the case of direct recruit, subject to maintenance of inter-se seniority of promotees and direct recruits among themselves. When the dates of entry into a grade of promoted railway servants and direct recruits are the same, they should be put in alternate positions, the promotees being senior to the direct recruits, maintaining inter-se seniority of each group.

NOTE: In case the training period of a direct recruit is curtailed in the exigencies of service, the date of joining the working post in case of such a direct recruitment shall be the date he would have normally come to a working

(14)

[5] For the vacancies which had arisen after October 2, 1980, 13.1/3% and 10% were reserved for graduates Clerks, [Grade II] subject to their availability. They would be recruited on the principle of seniority-cum-suitability. If no suitable in-service candidate is available the balance vacancies will be filled up along with 10% vacancies by candidates from open market. 80% vacancies will be available to non graduates, seniority-cum-suitability being the principle for promotion of non-graduate Clerks, [Grade II] also.

[6] As one time measure, recruitment through Railway Service Commission was dispensed with and limited recruitment by departmental competitive examination would be conducted for selection of the graduate Grade II Clerks.

[7] All in-service graduate Clerks, [Grade II] appointed to Grade I scale would get only pro forma promotion as Grade I Clerks from October 1, 1980 without any monetary benefits except for the purposes of pension. They are entitled to emoluments with effect from the date they actually took over the charge. It would be available for computation of pensionary benefits. The inter se seniority would be as per para 302 i.e., the date of seniority in the

15

the 20% direct recruits on the one hand and limited recruitment graduate Grade II Clerks and promotees on the other, shall be determined in accordance with para 302 of the Railway Establishment [Volume I] in the manner indicated above.

We have yet another source who claim parity with others. They are ad hoc appointees de hors the rules. They are the appellants in C.A. Nos. SLP Nos. 2473-77/95. Admittedly, they were appointed de hors the rules. Therefore, they can get seniority not from the date of their initial appointment but from the date on which they are actually selected and appointed in accordance with the rules and their appointment and seniority would take effect from the date of selection after due completion of the process and they would be junior to in-service as well as direct recruit-candidates. The inter se seniority should be reckoned accordingly.

It would be clear that the directions in various letters of the Board should be worked out in the above manner and the seniority should be determined accordingly.

Before parting with these appeals, we place

reach proper decision expeditiously.

The appeals are disposed of accordingly but,
in the circumstances, without costs.

.....J.
[K. Ramaswamy]

.....J.
[G.B. Pattanaik]

New Delhi,
March 12, 1996.