#### FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TR	RIBUNAL, Luckeura-BENC
OA/TA/RA/CP/MA/PT/#	£./.:t.2of 20
Sachida nand ans-	Applicant(
Versus	
UOI.808.	Respond
INDEX SHEET	
Serial No. DESCRIPTION OF DOCU	
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2 - Francia aderapeets at 2-11-200	0) HE 10 117
3 - Cupy of felitions.	As to A25
4 - Pawer	926·
5. Enclosures Annexand	A27. to A.7
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8 - MA 10 310/90 for application.	966.to.
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Signature of S.O.	Signature of Deal. Hand
John S. Commission of the Comm	Niken

### THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

ORIGINAL APPLICATION NO.147/1990. this the day of 02.11.2001.

#### HON'BLE MR. A.K. MISRA, MEMBER ADMINISTRATIVE HON'BLE MRS. BHARATI RAY, MEMBER JUDICIAL

Sachidanand, S/o Sri Sunder Sharma.

Gurbax Singh,
 S/o Sri Pritam Singh.

3. Vasudev,

S/o Sri Kamal Kumar.

Address for service of all notices:-C/o Rajendra KumarShukla, resident of 31/3 Purani Labour Colony, Aishbagh, Lucknow.

... Applicants.

By Advocate:-Sri Som Kartik, B/H for Sri L.P. Shukla.

#### Versus.

Union of India, through the General, Manager, Northern, Railway, Boroda, House, New Delhi.

- 2. Dy. Chief Mechanical,
  Engineer (W),
  Carriage & Wagon,
  Workshop, N. Railway,
  Alambagh, Lucknow.
- 3. The Assistant,
  Personnel Officer (M),
  Carriage & Wagon,
  Workshop, N. Railway,
  Alambagh, Lucknow.

... Respondents.

By Advocate: - Sri Praveen Kumar B/H for Sri And Srivastava.

#### ORDER (ORAL)

#### BY MISRA, MEMBER (A).

on behalf of respondents Learned counsel produced before us order dated August, 1991 showing that all the three applicant's have been appointment as Khalasi and accordingly, it is stated that the O.A. has become infructuous. A perusal of the relief clause shows that the applicant's have also prayed for their seniority over thoses persons who are junior to the applicant's where placed on the Panel dated 02-02-1990 (Annexure-3 to the O.A.).

2. It is accordingly directed that the respondents shall fix the seniority of all the three applicant's as per rules if the same have not already been done. The O.A. is disposed of as above. Copy of the order giving appointment to all the three applicant's have been placed on record. Cost easy.

Bhrat Rs.
MEMBER (J)

MEMBER (A).

Dated:-02-11-2001. Lucknow. Amit/.

8 9-52 yes some of D. Warigh 1810 93 No Silmy 4, 31.00 ad/ Zarthle اصطاءادد Hon'ble MAK. Mison Am 0,2 Monible mus schati Ray, JM This case is afjound For opplical En BIN for En L.P. without date. like for adjn. order of Gr. Member ust for heaving on 2.11.2001. Case is Submitted En 30.10 roelfar training as requested the courselfer responded of 100 m. A.K. hina . A.M. Donton. Bharati Ray, JA.

2. Forkartik, VIt for & Li. Rukla. Le por appereant. C. J. Kun an, B/Hfor Li Anif Rivastan, Lh for respondents. Hom Heard and diskted separately.

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Replacemention No. 147 of 1989 (())

APPLICACT(A) Southern Commencer (Spanish Commencer)

#### Particulars to be examined

- 1. Is the appeal competent?
- 2. a) Is the application in the proscribed form ?
  - b) Is the application in paper book form ?
  - c) Have six complete sets of the application been fixed ?
- 3. a) Is the apreal in time ?
  - b) If not, by how many days it is beyond time?
  - c) His sufficient case for not making the application in time, been tiled?
- 4. Has the document of authorisation/ Vakalatnama been filed?
- Is the application accompanied by 8.D./Postal Order for Rs.50/-
- Hos the certified copy/copies of the order(s) against which the application is made been filed?
- 7. i) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
  - Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?
  - c) Fre the documents referred to in (a) above nearly typed in double sapee ?
- 8, Has the index of documents been filled and pageing done properly?
- Fav. the chromological details of representation made and the out come of such representation been indicated in the application?
- 10. Is the matter raised in the application pending before any court of Liw or any other Bench of Tribunal?

#### Endorsement as to result of examination

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of examination

#### ertuculars to be Examined Endorsement as to r is the application/duplicate op, spare copies signed ? And expra copies of the application with Annexures filed ? a) Resortical with the Original ? ' Jafa¢5∴vs ? () Hanting in Annoxures das.\_\_\_\_pagesNos\_\_\_\_\_**?** House the file size covelopes No reasing full addresses of the muonamuenas boen filed ? 94, are the given address the Logistured address ? 00 the parties seased in the copies tally with those indicated in the application y Arc the branslations certified NA to be tune or supported by an Allicavin affilming that they are true f Are the facts of the case mentioned in item no. 6 of the 17. application ? a) Conciso ? b) (Inder distinct heads ? ව) Numbered consectively 🖪 d) Typed in deable space on one side of the paper ? Have the particulars for interim order prayed for indicated with rcasums ? 1/5 Whother all the remedies have 19. been exhausted.

dinush/

114/193 Hon Mr Justice K. Nach, vo. (1) 3-4-90 we have heard the learned comme for the applicant. It is fromthe out that although the Panel contined in Annexare-3 Eduled 2-2 % is specifically described to be in accordance with the mesit of Kholasis, the applicants who are al serial Nov. 11, 29 & 46 ET the Panel, here not been given appointment, although persons lower in fortion them have been given appointment as stilled in paragraph 6(27) & 6(28) of this application. This is to be in contrarention of the orders of the Mon Supreme : "12) and of this Tribunal is OA 84, Is show cause why this firming not be allowed; in harris Put up for admission/orlows may be al sposel of finally D wited 1C1 O1 18/26 5 CR pending.
Notrees were wheel to the reports. on 11-590 · Neilhe reply nor any unsimed of cour has been much bene. S. FA

(17) July

How blower. Justice K. Hath, VC.

Sri A-il Brivestava, counsel for the respondents requests for time. Two weeks time is allowed to file CA. RA may be filed within one week thereafter. Listed before Dy. Registrar on 27-8-1990 for listing it for hearing.

(1.41.6)

(v.c.)

No CA filed.
Submitted to beauty
fr D.P. 23/0/92

through their La. Cotuned,

6.? Sought- adjournment

fix 14.9.90 for tily C.R.

27-8.00

27/2190

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This case is signwent to 18/9/90 =

This case is signwent to 18/9/

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Both the Parties are Diesent. Applicant desired the best tree weeks time for filing Reformation. Of is possessent the has filed counter today. Hence the case is distend for filing counter by 10 10-90 306

Wire Dadandank ndia Lathera (C.C.) Hiera

26/4/40

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCK YOU BENCH, LUCKHOW

	Sachidanand & others	Applicants
	Jersus	
	Union of India & others	Respondents
	FORM -I	
	APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.	
	For use in Tribunal's office :	
ed for	Date of filing	
5192 Mar -	Union of India & others  FORM -I  APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.  For use in Tribunal's office:	
20/4190	Registration No.	-

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

1

0.A. No. 147 of 1990 (L)

Sachidanand & others ........... Applicants

Versus

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

#### INDEX

S1. No.	Description of papers	Page Nos.
1.	Application.	·· 1-16
	nexure No.1- Circular dated 19.10.1987 P.S. No. 9408.	·· 17 -
3. Ann	nexure No.2- Order dated 8.9.1988 Hon'ble Supreme Court.	••18-
Kha	nexure No.3- Notice No.DCME/704/ alasis dated 2.2.1990 of panel 149 temporary khalasis.	19- 23
5 <sub>⋄</sub> Рош	90	°°24

मिन्परा नन्

Place : Lucknow.

Sig. of the applicant.

Date: April ,1990.

Circuit Wo. 43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH. LUCKNOW

O.A. No. 147 of 1990 (L)

#### BETWEEN

Sachidanand & others ...... Applicants
A ND

Union of India & others ..... Respondents

#### DETAILS OF APPLICATION :

1

- 1. Particulars of the applicants :
  - (i) Name of applicants :
  - (ii) Name of the father:
- Sachidanand
   S/o Sri Sunder Sharma
- 2. Gurbax Singh
  S/o Sri Pritam Singh
- 3. Vasudev
  S/o Sri Kamal Kumar
- (iii) Designation and office in which employed .. Nil.
- (iv) Address of office .. Nil.
- (v) Address for service of ... C/o Rajendra Kumar all notices

  Shukla, resident of 31/3 Purani
  Labour Colony,
  Aishbagh, Lucknow.

- 2. Particulars of the respondents:
  - (i) Name and/or designation 1. Union of India of the respondents . through the Ge Manager, North
    - Union of India
      through the General
      Manager, Northern
      Railway, Baroda
      House, New Delhi.
    - 2. Dy. Chief Mechanical
      Engineer (W),
      Carriage & Wagon
      Workshop, N.Rly.,
      Alambagh, Lucknow.
    - 3. The Assistant
      Personnel Officer(W),
      Carriage & Wagon
      Workshop, N.Rly.,
      Alambagh, Lucknow.
  - (ii) Office address of the respondents.

⇔do⇒

(iii)Address for service of all notices.

-do-

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

Hizyzidez

- (i) Order No.
- (ii) Date
- (iii)Passed by
- .. DCME/704/Khalasis
- .. 2.2.1990
- Officer, Northern
  Railway, Carriage &
  Wagon Shops, Alambagh,
  Lucknow.

(iv) Subject in brief

The application is
directed against the
formation of panel of
149 temporary khalasis
in grade of %.750-940
(RPS) as declared on
2.2.1990 on the basis
of the selection conducted from 1.1.1990 to
29.1.1990 by the Asstt.
Personnel Officer,
Northern Railway,
Carriage & Wagon Shops,
Alambagh, Lucknow.

4. Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

5. Limitation :

The applicants further declare that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

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6. Facts of the case :

The facts of the case are given below :-

6(1) That the present application is directed against the exclusion of the applicatis from the appointments made from the panel of 149 temporary

khalasis in grade %.750-940 (RPS) declared on 2.2.1990 while persons junior to them in the said panel have been given appointments in contravention of the order of the Hon¹ble Supreme Court dated 8.9.1988 and of this Hon¹ble Tribunal dated 27.9.1989 in 0.A. No. 84 of 1989.

- for formation of a panel of casual labour/
  khalasis by letter dated 19.8.1983 by respondent
  No.3.
- on the basis of the aforesaid letter dated

  19.8.1983 and after the due process of selection
  they were successful and were brought on the
  panel of 187 successful candidates by notification dated 22.5.1984.
- 6(4) That instead of making appointments of the candidates on the aforesaid panel dated 22.5.1984 the said panel was arbitrarily cancelled by order dated 3.1.1985 by respondent No.2 without disclosing any reason or prior notice or affording any opportunity to show cause against the proposedl cancellation.

सिच्दिर्। तन्र

6(5) That simultaneously on the same date of cancellation of the said panel i.e. 3.1.1985 another notice was issued inviting applications to empanel 127 persons as khalasis.

That the applicants being aggrieved by the cancellation of the panel dated 22.5.1984 and on 3.1.1985 inviting applications on the same date to empanel 127 khalasis, some of the applicants filed writ petition No.590 of 1985 in the Hon'ble High Court at Lucknow. The majority of the applicants also filed an application before this Hon'ble Tribunal as 0.A. No. 500 of 1986. The respondents postponed the interview to be held from 22.7.1985 to 3.8.1985 by letter dated 27.7.1985.

Administrative Tribunal Act, 1985, writ petition No. 590 of 1985 - Mohd. Ashfaq and others Vs. Union of India and others, stood transferred to this Hon'ble Tribunal u/s 29 of the said Act.

6(8)

That respondent No.2 issued another Notification dated 5.5.1986 inviting applications to form a panel of 250 khalasis in Carriage & Wagon Workshop. Against the aforesaid notification dated 5.5.1986 an application was moved by the applicants in the above writ petition No. 590 of 1985 for staying the selection of khalasis on the basis of the aforesaid notification. No order on the said application could be passed as the writ petition stood transferred to this Hon'ble Tribunal and the stay application is still pending for disposal.

Alzazidez



The applicants also made a representation to the opposite party No.2 endorsing a copy thereof to the General Manager, Northern Rly., that since they have been selected and empanelled they are to be given appointment first.

6(9)

That the respondents to their counter affidavit to the above writ petition No. 590 of 1985 have taken the plea that the panel of casual khalasis on daily wages during 31.1.84 to 31.12.1990 was formed on 22.5.1985. However, in view of the ban on filling up of the vacancies as notified by the Railway Board vide their letter No.E(G)84/HC-2-1 dated 15.3.1984, the entire panel, including the applicants. could not be engaged as casual labour. was further stated that in the meantine direction was also received from the Railway Board vide their letter No.E/NG/11-84/CL/43 dated 36.1984 as circulated vide G.M.P's letter dated 6.7.1984 Printed Serial 8547 that the strength of casual labours as existing on 1.1.1984 should be frozen and this strength of casual labours be absorbed in regular service against vacancies arising from time to time. On this basis the stand taken in the counter afficavit was that the panel of casual khalasis dated 22.5.1984 became irregular and was cancelled.

सन्दिशनर

6(16) That the aforesaid factual position does not disentitle the applicants duly selected and



brought on the panel of casual khalasis from being absorbed as regular khalasis after due screening on completion of 120 days continuous service as casual labour in accordance with the rules. The action of the respondents dated 22.5.1984 after more than 9 months by notice dated 3.1.1985 was wholly illegal, arbitrary and malafide and amounts to discriminating the applicants in matter of appointment. It is also in contravention of the policy as laid down in the Directive Principles under Part -IV of the Constitution of India.

- 6(11) That the interviews of candidates were held in a clandestine manner and underhand manner and accordingly a panel dated 12.9.1986 was formed of 120 persons to the exclusion of the applicants. The applicants were thus deprived of their chances of appointment as khalasis. Many of them in the meantime became overage and therefore ineligible in accordance with the rules.
- for appointment of khalasis during up a panel for appointment of khalasis during the pendency of the writ petition No.590 of 1985 in the Hon'ble High Court and application No.500 of 1986 was arbitrary, malafide and discriminatory with a view to jeopardiee the applicants' chances for appointment as khalasis.
  - 6(13) That this Hon ble Tribunal by its judgment and order dated 24.11.1987 dismissed the



Registration 0.2. No. 500/86 alongwith 0.2. No. 206/87.

- 6(14) That in the aforesaid judgment and order dated 24.11.1987, rejecting the applicants' claim, this Hon'ble Tribunal accepted an altogether different stand taken by the respondents.
- of (15) That the selection of the applicants on the post of casual labour was said to be irregular inasmuch as outsiders through the Employment Exchange were not considered for the same.

  This stand of the Railway Administration was wholly untenable in the facts and circumstances of the case and was taken up as an after thought and which was not taken up in the counter affidavit to writ petition No. 590 of 1985, which has been transferred to this Hon'ble Tribunal and registered as T.A. No.1705/87 (Mohd. Ashfaq and another vs. Union of India and others) and is till pending before this Hon'ble Tribunal.

सिच्य र्व नन्दे

That by circular No.220-E/0-21(E-IV) dated 16/19.10.1987 printed sl. no. 9408 regarding employment of sons and wards of Railway Employees in class IV category it has been clearly laid down while endorsing an earlier circular dated 28.9.1984, p.s. No.8601-A on the same subject that such sons/immediate dependents of railway employees be given preference. The earlier circular dated

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28.9.1984 provided that their applications may be received direct without going through the agency of Employment Exchange. It was clearly laid down that such sons/immediate dependents for recruitment in class IV category who are nearing retirement be given preference. A photostat copy of the circular dated 16/19.10.1987 P.S. No. 9408 is being filed as Annexure No.1 to this application.

Anneexure-1

aforesaid circular dated 16/19.10.1987 P.S.

No. 9408 from this Hon ble Tribunal in order to mislead it in passing the judgment and order dated 24.11.1987 regarding employment of sons and wards of railway employees in class IV category.

सिच्यिया नन्द

6(18)

That the stand taken by the Railway Administration in not drawing up the panel of casual khalasis but only of regular khalasis on account of the ban is inconsistent and legally untenablealthough the bar imposed by the Railway Board is not applicable in the facts and circumstances of the present case of applicants. This technical plea was raised in order to exclude the applicants from being considered for regularisation as khalasis from the subsequent panel of khalasis drawn up by the respondents illegally and malafide during the pendency of the writ petition No.590/85 and application O.A. No. 500/86 before this Hon'ble Tribunal.

That in any case the applicants in accordance with the rules on screening after 120 days continuous service are entitled for regularisation. Thus the applicants, by illegal and arbitrary cancellation of the panel by order dated 3.1.1985, were deprived of their chance of appointment as khalasis and subsequent recruitments of khalasis are wholly illegal, arbitrary, malafide and discriminatory from which the applicants were excluded and in the meantime most of them also became overage.

6(20) That an S.L.P. was filed in the Honible

Supreme Court against the judgment and order dated 24.11.1987 passed by this Hon'bla

Tribunal. By its order dated 8.9.1988, the Hon'ble Supreme Court, on the basis of state-

ment made by the learned Addl. Solicitor General, ordered that the bar of age would

not be made against any of the applicants

when a fresh panel is prepared. This concession as made by the Addl. Solicitor General shall

operate in respect of the consecutive adver-

of the fact that the applicants have already

been in panel and that panel bas been cancelled

without giving notice to them. A photostat

copy of the order dated 8.9.1988 of Hon'ble Supreme Court is being filed as Annexure No.2 to

this application.

सिच्य राजन्र

Annexure-2

6(21) That on the basis of the aforesaid order, the applicants preferred a representation dated  $5 \cdot 1 \cdot 1989$  to the respondents.

- 5(22) That in spite of the aforesaid order on the basis of the statement made by the Addl.

  Solicitor General on behalf of the respondents, the respondents are determined to deprive the applicants, from consideration and appointment as khalasis.
- have been invited for drawing up a panel of 150 persons for filling up the post of khalasis in Carriage & Wagon Workshop, the same for which the applicants were selected and empanelled. In this notice the applicants have also been allowed to submit their applications on the basis of the order dated 8.9.1988 passed by the Hon'ble Supreme Court. The applicants accordingly submitted their applications and were called for interview.
  - That the selection test for which the applicants were subjected on the basis of the notice dated 8.9.1989 inviting applications for drawing up a panel of 150 khalasis was the same to which they had already been subjected earlier. They were required to lift a gunny bag weighing  $37\frac{1}{2}$  kg. and were also asked a few questions orally by way of an interview. This process of selection was adopted when the applicants were brought on the panel of 187 successful candidates by notification dated 22.5.1984 and which was subsequently cancelled on 3.1.1985 as already stated above. The process of selection

माच्यरानन्द

6 (24)

in the present case was, therefore, the same and this process of selection has been adopted for drawing up successive panels of khalasis by the respondents.

6 (25) That this Hon'ble Tribunal by its order dated 27.9.1989 in O.A. No. 84 of 1989 had directed that till further orders 81 posts of khalasis respondents shall remain unfilled. The/appkicanks moved an application for vacating the aforesaid interim order dated 27.9.1989 and this Hon ble Tribunal by its order dated 2.2.1990 vacated the interim order and directed that the respondents may proceed to form the panel in furtherance of the advertisement dated 8.9.1989 bearing in mind the observations of the Hon ble Supreme Court as also the applicable provisions in respect of sons and dependents of the working railway employees. The applicants being sons and wards of the railway employees thus covered by the Railway Board's circular dated 16/19.10.1987 printed serial No.9408.

That by notice dated 2.2.1990, the same data on which this Hon'ble Tribunal vacated the interim order, a panel of 149 persons selected as temporary khalasis in grade Rs.750-940 (RPS) was announced. A photostat copy of the notice dated 2.2.1990 of panel of 149 temporary khalasis is filed as Annexure No.3 to this application.

मिच्ययान्य

<u>Annexure⊶3</u>

khalasis 9 persons were selected for appointment in terms of the directions of the Hon'ble Supreme Court dated 8.9.1988. They include applicants Sachidanand serial No.11, roll No. 250, ticket No.78 B, Gurbax Singh serial No.22, roll No. 1050, ticket No.107 L and Vasudev serial No.46, roll No.179, ticket No.911 A. Apart from the applicants, 6 more persons were selected and placed on the panel and they are indicated at serial Nos. 12, 21, 44, 45, 47 and 89.

That despite the applicants' higher position in the panel, which has been drawn up in accordance with merit, that is, at serial No.11, 22 and 46 they have not been given appointment as temporary khalasis in grade Rs.750-940 (RPS) although persons lower to them in the merit position in the panel have been appointed. This is in direct violation and defiance of the orders of the Hon'ble Suprame Court dated 8.9.1988 and the orders of this Hon'ble Tribunal dated 27.9.1989 in O.A. No.84 of 1989.

for the denial of appointment to the applicants despite their selection and placement in the panel while appointing persons placed lower to them in the merit position in the same panel dated 2.2.1990 is arbitrary and amounts to discrimination in violation of Articles 14 and 16 of the Constitution of India.

HI-2421-12

to appoint the applicants and others in terms of the order of the Hon'ble Supreme Court dated 8.9.1988 and accepting their applications and requiring them to participate in the selection was a mere eye wash intended to mislead the applicants and others similarly placed in defiance of the order of the Hon'ble Supreme Court dated 8.9.1988 and the order of this Hon'ble Tribunal dated 27.9.1989 in C.A. No. 84 of 1989.

That the applicants, who have already been selected and brought on the panel of 187 successful candidates by notification dated 22.5.1984, have also a right to be appointed on the basis of the Railway Board's circular dated 16/19.10.1987 printed serial No.9408 regarding employment of sons and wards of railway employees in Class IV category.

#### 7. Reliefs sought:

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

(i) To set aside the appointments of persons junior to the applicants on the basis of the panel
No.DCME/794/Khalasis dated 2.2.1990 (Annexure
No.3) and excluding the applicants altoghether.

मच्यिदानन्द

- (ii) To grant all consequential reliefs to which the applicants are entitled in the facts and circumstances of the case.
- (iii) To allow the application with costs.
- 8. Interim order, if prayed for :

The applicants seek issue of the following intarim order :--

The operation of the panel dated 2.2.1990 of 149 temporary khalasis be stayed pending disposal of the application.

- 9. Details of the remedies exhausted:
  The applicants declare that they have availed of all the remedies available to them under the relevant service rules, etc.
- 10. Matter not previously filed or pending with any other court:

The applicants further declare that they had not previously filed the matter regarding which this application has been made and nor any such application, writ petition or suit is pending before any court of law or any other authority or any other Bench of the Tribunal.

## HITE GI dog

- 11. Particulars of postal order in respect of the application fee :
  - 1. Number of Indian Postal Order 8 62 4/454
  - 2. Name of the issuing post office figh or Branch
  - 3. Date of issue of postal order 26/4/9

Details of Indax :--12.

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

1%. list of enclosures: As per index.

#### In verffication :

I, Sachidanand, aged about years, son of Sri Sunder Sharma, resident of

do hereby verify that the contents from 1 to 13 paras of this application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Dated : April ,1990.

Place : Lucknow.

Alvuzierz
Sig. of the applicant.

Viceob jothul

the Contral administrative Toubunal THE THE Luciensw Bench Luctured FEIGH



वकालतनामा

Sachidanand 80th-Ath

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बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुदद्दमा

पेशी की ता० सन

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री 🔑 L.P. Shakla , Aelvoca 😉

C-700 Mahanager Ludonoù

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रदनोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया दसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक वरें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि

.. । खलाफ फैसला है नर वकाल पर न होगी। इसलिए यह व प्रमाण रहे और समय पर काम आवे। अधि

हस्ताक्षर

साक्षी (गवाह)

दिनांक

महीना ५

साक्षी (गवाह)

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOWBENCH, LUCKNOW

0.A. No. 140 of 1990 (L)

ChandraKumar Pandey & others ..... Applicants

#### Versus

Union of India & others ..... Respondents

#### <u>List of Enclosures</u>

S1.	Description of documents relied upon.	Page	Nos
1.	Chart showing the seniority position and the date of adhoc appointments respectively of applicants 1 to 17.	17 -	18
2.	Order dated 8.10.1985 drawing up the provisional panel of serving graduates on the posts of senior clerks.	•• 19 -	
3.	Order dated 13.4.1988 appointing respondents 3 to 18 as provisional and adhoc Head Clerks.	·· 20-	
4.	Result of regularisation test on the posts of senior clerks dated 22.6.1988.	•• 21-	23
5.	Copy of the applicants representation dated 7.1.1989.	•• 24 -	30
5.	Applicants representation dated 23.2.1989 to respondent No.2 to circulate the list of seniority of the ministerial cadre.	•• 31-	
7.	Promotion order dated 10.1.1989 proting respondents 21 to 23 as Head Clerks.	·• 32-	

Order dated 1.3.1989 promoting respondents 24 to 29 as Head 8. Clerks.

•• 33 -

Order dated 1.3.1990 treating respondents 3 to 18 as confirmed Head Clerks even prior to the 9. date of their provisional appointment as Head Clerks.

.. 34 - 39

Date : April 26,1990.

Modd Ilyas
Sig. of the Applicant.

Place : Lucknow.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW.

0.A.No. of 1990

Union of India & others Chandra Kumar Pandey & others. . . . . . . . . . . . Applicants. · · · · · · · · Respondents •

# ANNEXURE-No.

8*_	7.	5	Å	*	۳	N		& 1 • NO • I
Shri T.L.Srivastava S/O 3hri Jagdish Pd.Ertx Shivastav a.	Smt.Saroj Bala Soni W/O Shri B.W.Soni	Shri Sarvan Kumar Rai, S/O Maka Shri Wahatam Rai,	Shri Shitala Pd.Pandey S/O Late Ham Sadal Pandey	Shri Dinesh Chandra Srivastava,5/0 Late Dayashanker Brivastava	Shri Parsu Ram Singh S/O Late Mahabir Pd.	Shri T.N.Shukla S/O Late Shyambahari Shukla	Shri Chandra Kumar Pandey Mardan Khera, Near Nagar S/O Late Jagannath Pd. Mahapalika School, LKO. Pandey.	e I
Mohalla Gopal Puri Alambagh, Tucknow.	567/196 Anand Magar, Alambagh, Lucknow.	II-164 J Rest Camp Colony N.Rly. Charbagh, Lucknow.	C/O Ravindra Kumar Yadav Vill. Wehdi Khera(RDSO) Alambagh, Lucknow.	555 Ch/194 Ram Nagar, Alambagh, Lucknov.	Vill. Bishan Pur, PO. Bachharawan, Distt.Rae-Barely	555 Ch/111, Ram Nagar, Alambagh, Lucknow.	Mardan Khera, Near Nagar Mahapalika School, LKO.	Names & Father's Residence A
35 ¤	35 "	32 %	υ 	36 ¤	53 ¤	55 n	53 Years	Approx.
13,12,83	12.9.83	11,8,83	11.4.84	19.4.83	19.4.83	19.4.83	3 Years 19.4.83 38	Adhoc Prom- otion dt. in Sr.Clerk
113 Conid(2) & Advocate	99 Allocations	97 m. 1 d. 11	89	支	8	53	38	Seniority Position in Jr.Clerk

**									
S.No.	9. Shri Satendra Kumar II-492 G, V.G.Rly.Colony S20 Bulak Pd. Singh Alambagh, Lucknow.	10.	-1 -1 -	<b>™</b>	ψ. • • • • • • • • • • • • • • • • • • •	<del>1</del>	<b>5</b>	6 6 7	17.
•No• Naue & Father's Name Residence .	Shri Satendra Kumar Spo Bulak Pd. Singh	Shri Om Prakash Singh, 91-A Sleeper Grous/O Shri Bhrigu Nath Singh Alambagh, Lucknow.	Shri Sachendra Prasad Naik S/O Shri Jokhan Pd.Naik.	Shri Kashi Pæasad S/O Late Bindeshwary	Shri Vijay Shankef Singh S/O Shri Madan Gopal Singh	Shri Samiullah S/O Late Safiullah	Shri Nar Singh S/O Shri Wathura Singh	Shri Wohd.Iliyas S/O Wohd.Idris,	Shr1 Arun Kumar Sinha S/O Late S.N.Sinha
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Re	II-492 G, V.G.Rly.Colony Alambagh, Lucknow.	91-A Sleeper Ground Colony Alambagh, Lucknow.	Near Ish Shishu Mandir, (Bahadur Khera)Alambagh, LKO.	C-34 Alambagh Police Station Colony, Lucknow.	567/95 Anand Wagar, Alambagh, Lucknow.	S-3-B Langara Phatak, Alambagh, ∟ucknow.	II-19B 40 Quarter, Rly.Col. Alambagh, Lucknow.	II-160 H Rest Camp Charbagh, Lucknow.	149/331, Hari Wagar, Lucknow.
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Advocate

ins ( and read Idominus + Sealine T. J. bland hucking Beatly Liebburg ( ) H No S1990(L) - Millionts (mum & I ndin & one Northern Railway. Office of the Dy.C.O.S./AMV Office order No. B/ 262
Dated: /5 Oct. 85

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

Clerks.

S.No. Name. Merit No. Shri Mahadeo Pal, Sr. Clerk (SDC/ANV)

" Krishan Kumar, -do- (AMV)

Ram Tahal Tewari -do- (") 2. ( \$5 F З. 4. ri S.K. Srivastava, Clerk (AMV) 98 5. Om Shanker Verma -do-6. Sudhir Kumar, Sr.Clerk ( m ) Sunii Kumar Singh, Clerk (CB) Osc. đ Ħ And I Kumar Gupta, -do-K.K. Shrivastava, -do- (CB)
S.C. Tripathi, -do- (AMV)
B.L. Prajapati, -do- (AMV) `10. 187 11. Ħ Hausila Pd. Singh, Sr. Clerk (SDC/AMV)
R.K. Gautam, Clerk (AMV)
G.L. Bajpai, Clerk (AMV) 189 Ħ 12. 193 13. G.L. Bajpai, Clerk(AMV)
Smt. Mehar Fatima, Sr. Clerk(AMV)
Shri Girja Shanker (SC) -do-(AMV)
N.K. Shrivastava, Clerk(CHB) 202 14. 205 15. 211 16. 17. **₹ 224** 

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

1. Shri Mahadeo Pal. 2. 3. Krishna Kumar. Ħ Ram Tahal Tewari. 4. Sudhir Kumar. 5, Hausila Pd. Singh. 6. Smt. Mehar Fatima.

Shri Gurja Shanker (SC)

The following are appointed to officiate as Sr. Clerk on Pay & 330/-in scale R. 330-560 (RS) wee.f. U8.10.85 and retained in their Sections/

Shri S.K. Shrivastava, Clerk/AMV.

3.K. Singh, Clerk (DSL/CB).

K.K. Shrivastava, Clerk/CB.

B.L. Prajapati, Clerk/AM V.

G.L. Bajpai, Clerk/AMV. Bhr1 1. (2)/Om Shanker Verma, Clark/AMV.
(4) Anil Kumar, Clark/AMV.
(6) 8.C. Tripathi, Clark/AMV.
(8) R.K. Gantam, Clark/AMV.
(10) N.K. Shriva taya. 3.

Sor De Controlles et estate

Copy to the following. (1) The CM(P) MOLE. It is certified that Show Gal. Bajpai was appointed as Clerk in Mis Office prior to 31 10 80 (2) The BAO(W)/b.Rly./AMV & CB. (3) The DCOS/CB ACOS/ETD/CMB 1005/DEL and ACOS/MGS & VYM. (4) The Section Incharges Contemped; (5) Hd/Bills/ Leave & Pass. (6) The parties concerned

Mohd. Flyces

In the Contral Administrative T. 9. bland hereking Bealth Allektion \* Chandra Klamas Pandry Foliers —
1 change of India, 5 ors O. A No off pastice Ami 3

#### NORTH BRN RAILWAY:

Office of the, Dy. Controller of Stores, N. Railway, Alambach/Lucknow.

Office Order Nc.E/ 77
Dated: /3 April, 1988

The following employees are appointed to officiate as Head Clerk on provisional and adhoc basis with immediate effect on Pay Rs.1400/~ P.M. in Scale Rs.1400-2300 (RPS). This will confer on them no claim of seniority or promotion in preference to those who may be considered senior to these staff after finalisation of the Court Case:-

Shri Mahadeo Pal, SDC/GD/AMV. K.K. Sharma, Ram Tahal Tewari Sr.Clerk/AMV. 3. Kam Tahal Tewari Sr. Clerk/AMV. Sunil Kumar Sings do do -do 11 -do-11 Om Shanker Verma -do-TPP/AMV 6. Ħ Sudhir Kumar -do--do-7. Sunil Kumar Singh -do-DSL/CB-LKO. Anil Kumar Gupta, SDO/AMV. Kaushal Kishore Sr.Clerk-CB, Depot. Srivastava. 10. Suresh Chandra Sr.Clerk/AMV. Tripathi. ( II. 'n Banwari Lal Prajapati Sr. Clerk/AMV. 12. " Haunsla Pd. Singh SDC/AMV. 13. " Girja Shanker Sonkar Sr.Clerk/TPP/AMV. 14. " Narain Kumar Sr.Clerk-BTD/CNB. Sr.Clerk/AMV. 15. Bmt. Veena Vohra 16. Sri A.K Malviya Sr.Clerk (TPP)/AMV.

for Dy. Controller of Sto res, NRly. Alambagh/Lucknow. Copy to the following :-

The S.A.O.(W)/AMV & CB-Lucknow.
The D.C.O.S./NRly. Charbagh, Lucknow.
The A.C.O.S./DSL-CB.Lucknow. 2.

3.

The A.C.O.S./ETD-CNB, VYN & MGS.
The ASPS/(TPP)/AMV,

The Section Incharges concerned. The Parties concerned.

Cocy Coty 3

#### MORTHERN RAILMAY

greice order 10.1/172

D ted "22-8-1088.

rade is 1200-2040 (RPS) held in this office on 21.7.88 and roots, the following employees has passed the test. This is provisional and is subject to the decision in the court cales.

#### GE. BIAL

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2. Shri D.P. Pandey Clerk-CB
S. Shri Gur Bachan Singh offg. Sr. Clerk (Adhoc) TPP/AMV
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3. Shri Brij Lath

4. Shri S. Karmakar

5. Shri Ram Gulam Yadav

6. Shri Radhey Shrom
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   C. Shri Radhey Shyam
7. Shri Pagna Lal Seth
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  8. Shri Bal Kishore
9. Shri C.K Pandey
                                                             -do-
                                                             -do-
                                                             -do-
   10.Shri K.N. Malvia
   11. Shri Walshan Lal
                                                            -do-
                                                      Offg. DSK/III (Adhoc) CB
   12. Shri Puttu Lal Offg. DSK/III (Adhoc)
13. Shri Rama Shanker I Offg. SDC/(Adhoc)/AMV
14. Shri R. D. Saxena -do- -do-
15. Shri L. N. Sharma Offg. Sr. Clerk (Adhoc)
   15. Shri L. N. Sharma Offg. Sr. Clerk (Adhoc)/AMV
10. Shri Ram Shanker II Offg. DSK/III (Adhoc)CNB.
   7.Shri Radhey Lal
                                                       Offg.Sr. Clerk (Adhoc)/AMV
Offg. SDC (Adhoc)/AMV
    18.Shri J.B.Shukla
10.Shri C.N.Tripathi
20.Shri Sankata Pd.
21.Shri T.N.Shukla
22.Shri R.S. Pandey
23.Shri Mohd. Yamin
24.Shri V.N.Asthana
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                                                       -do-
                                                       Offg.Sr. Clerk (Adhoc)/CB
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                                                       -do- Adhoc DSL/CB
Offg.SDC (Adhoc)/AMV
Offg. Sr. Clerk (Adhoc)/AMV
    25. Shri Parasu R.m Singh Offg. DSK/TTI (Adhoc)/CB. 20. Shri Mohan Lal -do- 4. CCCC it ANV 27. Shri Sadhu Ram Pandey -do- "SEN/C/CNB.
 27. Shri Sadhu Ram Pandey -do- "SEN/C/CNB.
28. Shri 1. S. Pandey offg. Sr. Clerk (Adhoc)/Alambagh.
29. Shri Sohan Lal Offg. Sr. Clerk (Adhoc)/AMV
    30. Shri Chandra Pal 'ingl. Offg. 'DC (Adhoc)/AMV
31. Shri Kailash Pandoy Offg. Sr. Clerk " "
32. Shri Rachha Ram -do-DSL (Adhoc)/AMV
    33. Shri Shiv Kumar Misra I Offg. DC (Adhoc)/LMV.
    34. Shri K.D. Triputhi
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   35. Shri D. C. Srivastava Offg. Sr. Clerk (Adhoc)/CB
36. Shri Shiv Behari Offg. DSK/III (Adhoc)/AMV
37. Shri Shiv Ram
—do— (Adhoc)/CIII.
38. Shri Sheetla Pd. Pandey Offg. Sr. Clerk/Cb (Adhoc)
39. Shri Ayazuddin Siddique Offg. DSK/III/CNB.
40. Shri H. S. Mauriya Offg. Sr. Clerk(Adhoc)/AMV
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    41. Shri Vecrendra Rai
                                                                 -do-
    42. Shri S.K. hai -do-
43. Shri Zulfiyar Hussain -do-
44. Shri Smt. Enroj bala Soni-do-
45. Shri Karve Romesh Singh -do-
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Mohd Heyus

Advocate

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Shri M.P. Verma Offg. Sr. Clerk (Adhoc)/AMV
Shri Tripurari Lal Srivastava Offg. SDC (Adhoc) AMV
Shri V.K. Verma Offg. EEU (Adhoc)/AMV /Sr. Clerk.
Shri Chootey Lal Singh Offg. Sr. Clerk (Alnoc)/MMW GNB
Shri Mohd. Qaisar Siddigni Offg. Srl Clerk(Adhoc)/DSL-CB
Shri Sacandra Fumar Offg. SDC (Adhoc)/MMV.
Shri Om Prakash Shugh Offg. Sr. Clerk (Adhoc)/DSL-CB
Shri Om Prakash Shugh Offg. Sr. Clerk (Adhoc)/DSL-CB
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                        Shri Zubed Ashad Quidwell -do- -do- "Shri A.K. Daniel Offg. Sr. Clork (Adhoc)/VYN. Shri D.K. Srivastava Offg. Sr. Clerk (Adhoc)/VYN. Shri S.P. Naik Offg. Sc. Clerk (Adhoc)/ANV Shri Lalta Pd. Offg. Offg. St. Clerk (Adhoc) MV Shri Lalta Pd. Offg. Sr. Clerk (Adhoc) MV Shri K.C. Joshi Cifg. Sr. Clerk (Adhoc) WW Shri Maz Ahmad -do- -co- /WZN. Shri Shri Pd. Sinch Offg. Spc -co- /WZN.
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Shri Ramji Pal -do- -do- /GN

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March Comment

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#### 5 · C ·

- Shri Jawahar Lal II Offg. HC (adhoc 'AMV Shri Kampu Pd. "Sr.Clerk" Loc Stri Manny Ham Offg. DSV/III (adhoc / VEN. Srri Slyam Sander Offg. PG (adhoc // C3. Shri Jap Johan Lal Offg. HC (adhoc // AMV Shri Buai Lal Offg. HC (adhoc // AMV Shri Buai Lal Offg. HC (adhoc // AMV Shri Buai Lal Offg. HC (adhoc // AMV) Loc )/ AMV
- 30

- Siri Ram Nath Offg. HC (Adhoc)/AMV.
- -do-Shyd I. K. Sharma -do-/CMB
- Stri Luri Nath Ram -do--do - /AMV •

- Description of the second of t
- 18. Sate limit Balla Gabbot san--do- /AAV
- 20. Shri Ram Lakhan Cirg. Sr. Cherk (Adhoc) SEN (C)/CNB.
- The following employees have fadled in the test.

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- Shri Rama Mand Yadava Offg. Sr. Cl. A (Adioc) TPP-AMV Siri to; Bubliur Kingh Ourg. DEM/311 (Adioc) VYM.
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- Frei Challestra Kurar Gupta Offg. Sp. Chark (altoe)/CNB. G.

### 8. C.

1. Shri Padam Lal Offg. HC (Adhoc // Charbagh.

1755cm --- 55.22

for Dy. Controller of Stores, 11.1 - Alambagh/Lucknew. 1

Copy to the following for information :-

- 1) The SAO (W.MAMYLOB.
  2) The DOS /CD-ANC
  3) The JOYS/MCL-CL, LTD-CNB, DSL-VYN-MGS.
  4) The Grand Local Amginesia (C.M.Kappar
  5) The ASPS/MCD-ANY.

- The Pention Incoarges and the concerned staff.

Mohd : fly45 Machine Copy

Advocate

To

The General Manager, Northern Railway, Headquarter Office, Baroda House-New Dalhi.

## Through Proper Channel

sir,

Reg: Seniority - Promotion as Head Clerk.

We the applicants beg to submit as under:

1. That we the some applicants were appointed as Khallasi under the control of District Controller of Stores, now Deputy Controller of Stores, Northern Railway, Alembagh, Lucknow during the year 1957 or thereafter. We the some undersigned, were completed more than 15 years of service as Khallasi.

- 2. That the Class IV and Lover Class III employees are entitled for promotion to Class III viz.

  EXEMPTE Clerks, Ticket Collectors, Truin Clerks and Commercial Clerks to the extent o 331% of the yearly vacancies and a panel may e formed for one year requirements.
- That prior to 1972 the selection for promotion from class IV to Class III was conducted by the Divisional Superintendent, now Divisional Railway Manager, Northern Railway, Haratgan, Lucknow, taking into account the vacancies of all the offices of Division, Work shop and Stores etc. to fill up vacancies from class IV to class III.
- That the Railway Board's imposed ban on creation of ministerial posts and recruitment,

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Blokd: Hyds L. P. S. W. M. Advance

Por contract

keeping in view to shortage of staff in Ministerial cadre, the Railway Boards issued directions to fill up under ban posts to the extent of 60% from Class IV to Class III and on compassionate ground. The District controller of Stores, now Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow, promoted some class IV staff to class III in the year 1972 on addoc basis and since then we the undersigned are working in Ministerial side. We also passed the selection for promotion from class IV to Class III in the gear 1977. Certain posts against which no class IV employees were promoted and lying wacant were filled in from the candidates awaiting for appointment on compassionate ground

That as per channel of promotion all the posts 5. of clerk grade I (Senior Clerk) were being filled in from the clerks grade II (Lower Division Clerk) after passing the prescribed suitability test. In this connection the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow has issued a Notice No. 247-E dated 15, 2, 1982 to hold a suitability Test on 4, 3, 1982, accordingly Test was held on 4-3-1982 but of S/Sri Pankaj Kumar Pandey, Triloki Nath Tewari and Sankatha Prasad junior to Sri Ram Siromani Pandey, Were called to appear in the suitability test for promotion as senior clerk, though they were promoted from class IV to class III in the month of October, 1978, i.e. much after Sri Ram Siromani Pandey.

> .m., ..., ... ومنك والمحتم

Mohel Hyle

- 6. That the aggrieved Sri Ram Siromani Pandey had taken shalter of the court of Law and obtain a Stay Order from the Hon'ble High Court, Lucknow Hench, Lucknow. The Hon'ble High Court had issued the directions to include the name of the Petitioner Ram Siromani Pandey) and the result should be declared.
- 7. That in the meantime, the Railway Boards have issued the direction to fill up 20% posts of Senior Clerks through direct recruitment by the Railway Service Commission, vide letter No. Pc-III/81/UDC/7 dated 18.6.1981.
- 8. That the recruitment of Senior Clerks to the extent of 20% could not be made through Railway Service Commission, Allahabad as such, we the undersigned were promoted as Senior Clerk on adhoc basis according to seniority in the month of March, 1983 and since then we are working as Senior Clerk without any break pending suitability test.
- Office, Baroda House, New Delhi invited applications to hold a selection to fill up the posts of senior clerks to the extent of 20% in 1985. We the undersigned had no requisite qualifications as such could not applied. The said test was conducted in the year 1985 and successful employees were promoted as Senior Clerk.
- 10. That the petitioners which were under trial in the Hontble-High Court, Lucknow Bench, Lucknow were

Mohdiflyas !!



transferred to the central Administrative Tribunal, Allahabad in the month of July, 1987 and registered as 626(7)/1987, 627(1)/1987.

- 11. That the Hon'ble Central Administrative Tribunal Allahabad Quashed the office order No. XXX E 41 dated 18.3.80 and issued directions to hold a fresh suitability test for promotion as Senior Clerk. The said witability tests have been conducted in the July, 1938 and the result thereof declared on 22.8.1988. We the applicant declared successful to promotion as Senior Clerk.
- That we the undersigned were promoted as Semior Clerk in the month of March, 1983 and since then we are working as Semior Clerk continously. The suitability test could not be conducted due to stay order of the court, thus we are entitled for confirmation on completion of two years service as Semior Clerk on the basis of suitability test conducted in the month of March, 1982.
- 13. That the vacancies of Graduate clerks grade

  13. 30-560 (k) have been filled in 1985, thus they are

  13. not entitled to get seniority over and above the

  13. employees working as Senior clerk since 1983 in Terms

  13. of correction slip No. 121 of Indian Railway Establishment Manual. In the said correction slip it is clear

  13. in regard to fixation of seniority of the direct

  14. recruited persons, wherein it is laid down that where

  15. the quota fixed for direct recruitment in a particular

  16. year is not (ful filled due to unavoidable ressins, the

Mohd Hyas The Copy

(28)

short fall may be made good in the following year with out giving retrospective benefit for purpose of seniority.

That we the undersigned are at the verge of retirement and if the semiority is not being given from 1983 we shall be retired from service as Semior Clerk, thus we will not be entitled for full benefit during the old age and it will also be violation of social security.

- Railway, Alambagh, Lucknow has called the obtions for further aveneu of promotions viz. Ministerial and Non-ministerial vide Notice No. 360-E dated 19.8.88 and he has excercised our options for future promotions in ministerial side. Our cases for promotion as Head Clerk have not been considered and further options have been called from the senior clerks promoted against Graduate Quota, 19 works up.
  - against graduate quota during the year 1985 and have been promoted as Head clerk vide office Order No. E/77 dated 13.4.1988 on adhoc basis. It has further come to our notice that the remaining senior clerks promoted against graduate quota are also going to be promoted as Head Clerk early.
  - 17. That the seniority list of clerks Lover Grade (Grade II) and tenior clerks (Grade I) have not been

Mohd Hyris L. P. M. R.L.A. Advocate

notified from 1982 which against the instructions laid down in Printed Serial Number 6000. The Hon'ble Tribunal had also issued directions to issue the semion ty list in terms of para 302 of Indian Railway Establishment Manual, but nothing has been done so fare

In view of the facts and drcumstances tated above, we the undersigned request for the following reliefs :

- The Seniority list for senior clerks and Lower Division Clerks be published before the promotion **a**) of Head Clerks
- We the undersigned be given seniority from the date We are originally working as Senior Clerk. **b**)
- We the undersigned be promoted as Head flerk prior to the direct recruited clerks (Senior flerk) as they are junior to us in terms of correction slip.

  No. 121 of Indian Railway Establishment Manual.

  You are grantled to fill the pass of complex clerk of your conficulty. c

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Mohd Hyus District Copy

Mohd Advocate

Only to The Controller of Stores, Head Quarter's Office, Baroda House, New Delhi, for information and needful action.

Copy in advance to the General Manager, Northern Railway, Baroda House, New Delhi, with the request that the necessary instructions may kindly be issued to the Deputy Controller of Stores, Alambagh, Lucknow for our seniority and promotion as Head Clerk.

Yours faithfully,

(it Aginho , Alt Sinhe Estence Vinv My Gay 1 Mach Suight R. A Placetinger 196 oly K. D. Tiper-(24) S. P. racie S. P. Nacie 24. Ringsmal Kachnesdinan 26. Strizance HS. Manzys

To

The Dy. Controller of Stores, N.Rly. Alambagh Luckuow.

Respected Sir,

Reg:- Publication of seniority list.

We the applicants be; to submit as under:-

- (1) That the Railway Boards have issued instructions for the upgrading in ministerial cadre which were applicable from Ol. 1. 1984.
- (2) That as per Bailway Boards letter the post of O.S.

  A.S., Hd. Clerk, Sr. Clerk, and Clerks were got vetted by accounts and accordingly the orders for promotions were made in 1986.
- (3) That the promotion in ministerial cadre were madein 1986 but the seniority list have not been publish according to grade -wise . As per direction of Railway Boards the seniority list within three years should have been publish.

Therefore it is requested that the seniority list of the ministrial cadre may kindly be circulated immediately so that we may find out our correct postion in the seniority list.

THANK 'B

Dated: 10 : 10 : 1 dif

Yours Faithfully

Amontage Alle Sylven

Mohd: Hyas

### NORTHERN RAILWAY:

Office of the, Dy. Controller of Stores, N. Railway, Alambagh/Lucknow.

Office Order No.E/6

Dated: /o -1-1989

The following arrangements are ordered w.e.from 26.12.188. The mrrangments are provisional and subject to Court decision. They have opted for promotion in ministerial

- Shri Ram Gulam Yadav, Sr. Clerk who was allowed seniority vide Office Order No.E/10 Dated: 21.1.188, is appointed to officiate as Hd. Clerk on pay Rs.1,380/- + Rs.60/-(0.P) = Rs.1,440/- P.M. in Scale Rs.1400-2300(RP).
- S/Shri Kamta Prasad (SC), A.K. Adhicary (S.C.), Anil Kumar, I, (S.C.) and J.C. Soren(S.T.) Sr.Clerks are appointed to officiate as Hd.Clerk on pay Rs.1,400/- P.M. in Scale Rs.1400-2300(RP).
- Shri Rajesh Pratap Singh, Smt. Nasreen Khan and Shri Vidya Prakash Dixit, Graduate Clerks, appointed prior 3. (3) to 22-8-188 are appointed to officiate as Hd. Clerks on pay Rs.1,400/- P.M. in Scale Rs.1,400-2300(RP).

for Dy. Controller of Stores, N.Rly. "lambagh/Lucknow."

Copy to the following :-

1. The S.A.O.(W), N.Rly. Alambagh & Charbagh, Lucknow.
2. The H.C./Bills, Alambagh, Lucknow.
3. The Parties Concerned.

4. Section Incharges Concerned.

Raj.10/1/89

Mohal Hyas Copy

Lines NIA

Advocate

Tithe Central Administrative T. J. blund hecknow Bender Leckling Chardra Klemas Pondey Edies O. H No Longer of India Ears

Morthern Railway.

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

0/order No. E/ 4 6 Dated: 01.3.1989

The following arrangements are ordered w.c.f. 01.3.89. The arrangements are provisional and subject to Court decision. They have opted for promotion in Ministerial side.

- 1. S/ShriSunil Kumar Chaturvedi, Sr. Clerk BTD/CNB, Abhai Kumar Srivastava, Brijesh Singh, Ram Chandra Yadav, Avinash Chandra, Lal Ji Tripathi and Radhey Shyam, Sr. Clerks, Alambagh are appointed to Officiate as Hd. Clerk on pay Rs. 1400/- p.m. in B091e Rs. 1400-2300 (RPS).
- Shri Gur Bachan Singh, Sr. Clerk T.P.P./AMV 1s appointed to Officiate as Hd. Clerk on pay R. 1440m & 40/- (OP) = 1480/- p.m. in scale Rs. 1400-2300 (RPS).
- Shri S. Karmaker, Sr., Clerk Diesel, Alambagh is appointed to Officiate as Hd. Clerk on pay Rs. 1470/- + 50/- (OP) = 1520/-p.m. in son 10 Rs. 1400-2300 (RPS).

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

Capy to the following for information :-

The S.A. Q. (W) /AMV.

2. The ACOS/RID/CNB and ASPS/TPP/AMV.

3. Hd. Olerk Bills, Alambagh, Lucksow.

4. Hd. Clerk Leave & Pass/AMV.

5. O.S. (L), O.S. (G), Sr. DSK/GD & CRS.

6. Parties concerned.

Mohdillyas Alleriation

Off co Order No /SS

DATED:

The following provisional arrangements are ordered with effect from the dates as noted against each.

- (1) he sployeds who were regularised as Sen or Clerk weed.

  19,4.86 interms of G.M.(P)/NDLS letter No.961E/III/7/88.

  CRMU/E-Union of 18.10.89 and accordingly office order No. E/
  350, dtd 15.11.89 was issued by this office, are allowed spl
  pay and appointed to officiate as Hd.Clerk from back dates
  mentioned against each as shown in the list though they have
  been promoted as Head Clerk at later stage.
- (2) The penior clerks (serving Graduates) are also allowed splopay and promoted from back dates as shown in the list though they were promoted as head Clerks from 13.4.88 and after wares. Their promotion back date is due, to regularization of Senior Clerks (Adhoc promotess) and back dateing is due to seniority despute.

NOTE:-

- (1) The remaining per sons regularised vide para 2 of officer order No. E/350 dt 15.11.89 will be allowed proforma fixation /promotion after wards on regularisation of few seniors whose case is under reference with Hd.Qrs.Office as these posts are filled by directly recruised seniro clerks and others.
  - (2) above promotions are provisional and subject to discussion in court cases.

1-3-50 For Dy. Co. troller of Sto es valemba gh/Lucknowe

Copy to: The fallowing for information & n/act on please.

(1)\_..O(W)/NR/..MV&CB。

(2) DUOU/UB, AUCE/MGU, UID/UNBO, ASPS/TPP

(3)HC/Bills,/AMV/CB.

(4)Br.S.cy.NRMU/URMU/AMV.

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For Py.Controll r of corrs,

\_Nanly.alambagh/Irokaca.

10-00。

In the Central Administrative Tribunal, Circuit Pench, Lucknow.

O.A. No. 147 of 1990 (L)

Sachchida Nand and others

.... Applicants

Versus

Union of India and others

.... Respondents.

Fixed For 18.9.90

# SHORT COUNTER REPLY OF BEHALF OF RESPONDENTS NO. 1 -3

I, Rajiv Chandra, working as Deputy Chief Mechanical Engineer (W), Carriage and Magon Shors, Northern Railway, Alambagh, Lucknow, do hereby solemnly affirm and state as under:-

1. That the applicant official above-named is respondent No. 2, himself, as such he is fully conversant with the facts and circumstances of the applicant's case and has been authorised by the other respondents to file this Short Counter Reply on their behalf also.

प सुर्वे पारिता किया का (१०००) भागाव वर्षे का विकास अवस्थान ने देव, अस्त्रानाम, स्टान्ट

Contd...2

The deday

- That the answering respondent are filing 2. thats Short Counter Reply which in the opinion of the answering respondent would be sufficient for disposing of this case.
- That the answering respondent crave З. leave of this Hon'ble Tribunal to point out that all the applicants who have filed this original application are over aged and the necessary papers were sent to the competent authority for their age relaxation.
- 4. That as per directions of the Hon'ble Supreme Court the competent authority duly accorded his approval to the relaxation in upper age limit beyond the age of 28 years of the applicant who were found qualified in the said selection.
- 5。 That all the above process and due to administrative reasons the relaxation in the upper age limit in respect of the applicants took sometime which was not deliberate or intentional.

6 gn That it is, however, clarified that the regular appointments of the applicants and ग्य मुख्यं राज्यितः अधिकान पना**री एवं** काल डिट्स 🕫 📞 दाब्बन्सम् १५ 🔻

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all other candidates will be made on the basis of the said panel and their seniority position will be determined on the basis of their seniority position in the said panel and not on the basis of the date of their joining duties.

7. That in case of the applicants also, irrespective of the date of their joining duty their seniority be made and given strictly as per their merit position in the said panel.

Lucknow.

Dated: 18-9-90

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

I, the official above named do hereby verify that the contents of para 1 of this short counter reply is true to my personal knowledge and thos of paras 2 to 24 of this short counter reply are believed by me to be true on the basis of records and legal advice.

Lucknow.

Dated: 18-9-90

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ू उठरेठ, वार्यालय उप सुठ्यांठईजीठाठ्या सवारी और मात डिक्या वारकाला सालपान HEUT: Stufforms /704/21015 0/-8-9/ लखनक, दिनां : @A147/90 iotufau diS.

विषय :- वेतलमान स० १५० - १५० मि.वे। में वेतल स० १५० प्रतिनार । सरमान्य म । पर अन्यान् विषय पर अस्थाई वियोगित ।

वेतनमान ६० म्डप्-निपासं वि. में अस्थाई निर्देश — ने प्र हेत वियुक्ति का जो प्रस्ताव इस कार्यालय के लियुक्ति प्रस्ताव के पत्र संक उन्मिन्स्मिनी निका दिवां २१ - १ द्वारा आप को मेजा गया था, को स्वीकार दिए जाते पर वेतनसान स्० न्हा निष्ठ हिं वे। वेतन स्० निष्ठ प्रतिसाह + यामा-हय मत्ते पर अस्थाई के पद पर आप की निष्ठित की जाती है और दिनांक वित्तमान रिकत पर ्रिक्शिक्षण में आपको तैवात विया जाता है

। वियुक्ति अधिकारी

का अपूर्व का हस्ताधर बीधे विदेश गरी है। वह दूपया अपने पहुंचने की रिपोर्ट करेंगे और इस कार्यासय सब ज्वाईड फार्ग पर िए अपने हस्तान्य हे भिलान परी। उन्होंने अपनी चिप्तिया परीना दिनाँउ ा-ी-ी ने ट्रियों में पास विधा और उननी जहम तिथि १ न - 59

प्राथी का अमुका हस्तावार. .

प्रतिलिपि विस्वित्तिका को युवसार्थ एवं आवश्यक कार्यवासी हेतु प्रेजित :-2. सहायक अधीक्व/वेतल चित

 सहायक अफी अक्रस्य पात उ. वर्ष्टि तेषा अधिकारी !कारबाबा!, आतमयाग-तष्वक ।

क्रिपां प्रिंग प्राप्त एस०सी०सी० ( ८, छ.८७).

उप मुड्य यात्रिज अभियंता । जर्म। अप्तमयम्बन्स्यन्त्राज्ञाः

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िया । उत्राचा वमुवा हस्तावार बीचे दिया गया है।

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ा वमुवा हस्तावर । √11030\080131\

89-200-6-2-91

उ०रे०, कार्यातय उन मु०यां०ईजी०१०में। तवारी और भात डिब्बा कार्जाता आतमबाम रंडया : प्रेशां (कार्ड १२ ) भारती । त्रा तकतक, दिवां : ८ र १ / ाज्यांत्व में।. .

विजय :- वेतवमात ६०७७ १८ १५० । मं वेतब ६० २०० - प्रतिमाह +सामान्य मत्ते प्रअन्ति क्ष्यार् पर अस्थाई वियुचिते ।

ासं. वे। में अस्थाई (तृ जानी वियुक्ति जा जो प्रताव इस जासंवय के वियुक्ति प्रताव के पत्र संकार मिला मिला 11. त्यामी कर दिवाठ -1-में द्वारा आप जो मेगा बया था, जो स्वीजार विशे बादे पर वेत बमाव ५० ७० ५५ थि. वे। वेत ब ५० ७० प्रतिमाह + धामा-ह्य मत्ते पर अस्थाई ने पढ़ पर आप नी बियुक्ति नी बाती है और दिवाही से वर्तमाह वें अपको तैवात किया जनके िरक्षत पर उनाराया

हरताधर

। वियुचित अधिकारी। मी जा पर है। है के पहुँचत जी रिपोर्ट करेंगे और इस कार्यातय सेन जवाईंड कार्स पर किए अपवे हस्ताचर हे मिलास ठरेंगे। उन्होंने अपनी चिक्तिया परीक्षा दिलांक 7 -3+/ जो ट्याम में पास विया और उसकी जनम तिथा /2-5-60

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प्रतिलिप जिस्ति कित जो प्रवार्थ एवं अनवश्यक कार्यवाही हेतु प्रेष्टित :-2. सहायठ अधी का वेतन विल

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4. प्रयाव लिपिक/पास

5. एस०सी०सी० उनार्विता

उप मुख्य यात्रिज अभियंता । जर्भ। अग्तमवाग-लख्तअ दिवांच

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संदर्भ आपका पत्र सं0 दिवाँ िया । उद्या तमूदा हस्ताधर बीचे व्या गया है। स्री

> हस्ताधर और पदवास सम्बंधित वरिष्ठ अधीबस्य

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उ०रे०, इायांत्य उर मु०यां०इंजी०१०र्भ! सवारी और भाल डिल्वा ठारखाता आतमयाग तखतक, दिवांच : 🎊 🤝 ंडया : निम्निष्ट दो निम्निष्ट ाग्यात्य में।

विजय :- देत्रसमात ६०७ ३० - १० माने वेश में वेत्रत ६० ३० - प्रतिमाह भागात्य सहते प्रशानिकान्ति व पर अस्थाई वियुक्ति ।

वेत्रसमात स्० = क्रान्ति । सं. वे। में अस्थाई व्यक्ति वियुक्ति ठा जो इस्ताव इस व्ययंतिय वे वियुक्ति प्रस्ताव वे पत्र संव अन्ति विवास व्या का दिवार १३ - व्या हारा धाप जो केना मया था, जो स्थीवार विष् जाते पर वेतवमान ह0 हैं। वेत पर आप की नियुक्ति की जाती है और दिनाई दे वर्तमान रिखात पर अन्य किया में आपने तैवान वियो अन्ता है।

हस्ताधर वियुक्ति अधिवारी। ।।

शी जारू पूर्व अपने कर्ग और इस जायातय सर्व जवाईड फार्न पर जिए अपने हस्ताधर हो निताल ठरेंगे। उन्होंने अपनी चिक्तिया परीक्षा दिलांक किन्य को तन्त्र श्रीती ने पास किया और उत्तकी जनम तिथि /2-की-27 प्राथी का बमुबा हस्तावर . . . वास्त्र ३००

प्रतिकाप विस्वतिवित जो युवतार्थ एवं आवश्यक वार्यवासी हेत् प्रेणित :-सहायक अधी क्ट्र/संसय पाल
 सहायक अधी क्ट्र/वेतल चित

विरष्ठ तेवा त्वारी इतार्याथाः, भातस्याप-तयत्रः !

5. एस०सी०सी० विस्तान

4. प्रचात न्ति प्रदर्गां स डे जन्मी। मृत्यान विकेश

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संदर्भ आपठा पत्र सं० दिवाँ िया। उद्या दम्बा हरताचर वीचे व्या ग्या है।

> हरताखर और पदवाम सम्बंधित वरिष्ठ अधीवस्थ

र वम्दा हस्तावर ।

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

Misc. Application No. 310 of 1990 (1)
In Re:

0. A. No. 147 of 1990 (L)

Sachidanand & others ..... Applicants

Versus

Union of India & others ..... Respondents

Application under Rule 4(5)(a) of the Central Administrative Tribunal Procedure Rules, 1987.

The applicants most respectfully beg to submit as under :-

- 1. That the above application is directed against the exclusion of the applicants from the appointments made from the panel of 149 temporary khalasis in grade Rs.750-9\$\$ (RPS) declared on 2.2.1990 while persons junior to them in the said panel have been given appointments in contravention of the order of the Hon'ble Supreme Court dated 8.9.1988 and of this Hon'ble Tribunal dated 27.9.1989 in 0.A. No.84 of 1989.
- That for the facts and circumstances stated in the above application and the nature of relief prayed for therein, the applicants have a common cause of action and common interest in the subject matter of the above application. They may, therefore, be permitted to join together and file a single application on a single application fee.

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WHEREFORE it is most respectfully prayed that this Hon'ble Tribunal may be pleased to permit the applicants to join together and file a single application.

### Verification

I, Sachidanand, son of Sri Sunder Sharma, resident of do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and belief and I have not suppressed any material facts.

Date: April ,1990.

माच्या दा मन्द

Plade : Luoknow.

Sig. of the applicant.

Varban part Shark