

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~ :01/90.....of 20.....

N. K. Shrivastava Applicant(S)

Versus

..... Respondent(S)

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Certified that the file is complete in all respects.

Signature of S.O

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 1 of 1990 (4)

Name of the parties _____

Nand Kishore Srivastava

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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AS

-: 2 :-

3. It is further said that in the year 1981 the applicant was again called for training to be followed by a test and having attended the training he was declared passed in 1982. On this basis, the applicant's claim is that he should be treated to be promoted as PWM from 1970 and PWI from 1976, when others belonging to his batch and having failed with him were ultimately successful after being able to avail~~ed~~ an opportunity of training and test thereafter.

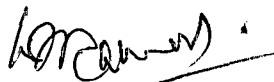
4. This petition was filed on 1.1.1990. The plain question is whether this claim can be considered to be within the period of limitation prescribed by the law? The learned counsel for the applicant says that the failure of the respondents to send the applicant for training is a lapse on the part of the respondents for which the applicant could not suffer. We do not know what the respondents could say to this case, but assuming it to be so, the silence of the applicant over all these years for the alleged failure of the respondents to send the applicant again for training stands in the way of a remedy which he could get in respect of his alleged rights. After all, in 1981 he was sent for training and declared successful in 1982. Not only it should have been necessary for the applicant to raise a grievance when in or about the year 1970 his other colleagues were called for training and he was ignored, but even after he had been called in the year 1981, he should have raised a grievance. It is only about 7 or 8 years after he was declared successful at the training test for PWI that he has approached the Court of Law for redress.

22

Ab

-: 3 :-

5. The earliest representation, which the applicant claims to have made in this respect, is of the year 1988 (Annexure '9', dated 30.5.1988). We do not think that the applicant may be permitted to open this kind of stale cases. The petition is accordingly dismissed in limine.


MEMBER (A).


VICE-CHAIRMAN.

Dated: February 26, 1990.

PG.

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A35

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. _____ of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs. ...Respondents
Union of Indian & Others
Annexure No. 10

The Divisional Personnel Officer
N Rly Lucknow.

~~Annexure 10~~

Through Proper Channel
Subj:- Fixation of Proper Seniority
Ref:- My representation dt 30.5.88

Respected Sir,

Respectfully I beg to say that my name has been omitted in the seniority list resulting I could not be booked to Chandauli in 2nd chance in the year 1972, 74, 75, 76, 77, 78, 79, 80 etc so that I am suffering in my promotion as per my seniority.

The detail Particulars given as under
myself was selected for the promotion, as P.W.II in the year 1965 & I booked for training at CH in the year 1969 June 1969 same but unfortunately I have not succeed and again booked to CH for Promotion Course of P.W.III in 2nd chance in the year 1982 and Passed in 1982 and Promoted as P.W.II Gr-III - Spl SLN wef 10-3-1983 and working continuously at present. I am working as P.W.II Gr-III SLN under P.W.I - R.D.L with entire satisfaction of my superiors.

So many Candidates are selected as P.W.III after 1965 and Passed Candidates booked to ZTS/CH for training after passing. They have been promoted and senior to me due to administration fault.

Therefore I request you to kindly fix up my seniority accordingly.

Thanking you for anticipation.

Yours faithfully,
Nand Kishore Srivastava
P.W.II Gr-III - SLN 01/11/88

Copy to the Divisional Railway Manager and Divisional Superintending Engineer (Coordinator) NR-Lko for kind information and necessary action please.

Received
Ch

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

AI

1-1-92
h

Registration No. 1 of 1999 (L)

APPLICANT(S) Nand Kishore Srivastava

RESPONDENT(S) State of U.P.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	Yes
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	
c) Has sufficient case for not making the application in time, been filed ?	Yes
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes 2,50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes (by Counsel)
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paging done properly ?	Yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application ?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No

(P)

Particulars to be Examined

Endorsement as to result of examination

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

yes

yes

NO

yes

yes

NA

yes

yes

yes

cinohy

Order-sheet

(13)

OA No. 1/90 (2)

29.1.90

Hon. Justice K. Nall, V.C.

Hon. K. J. Raman, A.M.

On the adjournment-application
of the learned counsel for the applicant
list this case for admission on 26.2.90.

KJR

A.M.

R

V.C.

~~0 N/A~~
Dm/Sw
6/3/90m.

V Deputy Registrar (J)

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

OA 1 of 1990 (L)

Application No. of 1988

Nand Kishore Srivastav aged about 51 years,
S/o Sri Nirmali Prasad Srivastava, r/o
village-Shahpur, Post Ram Sanehighat,
Tahsil Ram Sanehighat, Barabanki.

.....presently posted
as permanent way Inspector, Grade-III N.R.,
So hawal under P.W.I Grade-I Rudauli,
District Barabanki. ...Applicant

Vs.

- I- Union of India through General Manager,
Northern Railway, Baroda House, New-Delhi.
- 2- Divisional Personnel Officer, Northern
Railway, Hazratganj, Lucknow.
- 3- Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow.
- 4- Divisional Superintending Engineer
(Co-ordination) Northern Railway, Lucknow.

...Respondents

Particulars of orders against which the application
is made

- I - order
 - II- Date
 - III- Passed by
- The instant application
is being preferred by applicant
in this Hon'ble Tribunal for
issue of mandamus to opp. part
to declare and fix his proper



(AB)

In the Hon'ble Central Administrative Tribunal,
All India Bench, Allahabad,
Circuit Bench,
Lucknow.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 1-1-90
Date of Receipt by Registrar (J)

Deputy Registrar (J)

Application no. 1

of 1999

Sri Mand Kishore Srivastava

....Applicant

Versus

Union of India and others

....Respondents

I n d e x

Slho. Description of documents	Pages
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1. Writ Application	1-15
2. Vakalatnama	16

Filed today

1/1/90

noted for 20/1/90
Adv. Hasan
21/1/90

Jan. / , 1990

Hasan
(Qamrul Hasan)

Advocate
Counsel for the applicant

seniority amongst permanent way Mistri and , thereafter in permanent way Inspector and direct the opp. parties to give him promotion with retrospective effect ~~xxx~~. i.e. 1970/1976 when his colleagues were given promotion on higher post from the post of Gangman, for example Sri Ramesh Kumar and Sri M.A.Jafri .

I- Subject in Brief :- The action of respondents 2, 3 and 4 is discriminatory, arbitrary, illegal and violative of principles of natural justice on the ground that the applicant after 1969 was not sent for training course to Zonal Training School, chandausi, Northern Railway, ~~Muzza~~ Muradabad while they could ~~sent~~ for training in the years 1972, 1974 and 1975 on towards as it happened. They had no aurohority under law to allow to colleagues of the applicant namely Sri Ramesh, Kumar, and M.A.Jafri (who were posted as Gangmen under Assistant Engineer, Northern Railway in Partapgarh in 1970)/for suitability test to D.R.M, Lucknow and in that Test they were declared passed and promoted as P.W.M. at Partapgarh but the Asstt. Engineer IInd N.R., Lucknow. did not follow the principles of natural justice . The aurohority ~~xx~~ concerned booked the applicant for training promotional course of P.W.I Grade-III in the year 1982 which he passed in such circumstances, he could pass the training course 16 years before for example in the year 1972, 1974 and 1975 onwards if his name would have been sent for training course.

ALL

3.

Therefore, he is legally entitled to get his due seniority and protional bebefits w.e.f. 1970 as well as consequential benefits, including difference of arrear of salary.

2. Jurisdiction of the Tribunal :- The applicant declares that the subject of the order against which the applicant seeks redressal is within the jurisdiction of the Tribunal.

3. Limitation:- The applicant further declares that the application is within limitation prescribed under section 21 of the Administrative Tribunal Act 1985 .

4. Facts of the case:-

4 - 1 - That the applicant entered in the service of the Northern Railway as Gangman on 2nd August, 1956 and posted under P.W. I, Northern Railway, ~~Barr~~^{Bar} Barabanki , under the supervision and control of the Asstt. Engineer, II Northern Railway, Lucknow .

4- 2 + That there is a provision provided in chapter II of the Railway Establishment Rule and Labour Laws relating to Recruitment and Training of Railwaymen . The class IV employees (Group -D) are recruited locally by the Railway Administration. The non-gazetted staff of certain catogeries have to go under training for specified period of Training School and passing of promotion courses is prerequisite for promotion.

(A12)

4.

4- 3: - That in the case of applicant class IV staff has been allowed three chances to pass the promotional examination at the cost of administration and further a chance for Training can only be availed by the staff at their own cost.

4 -4 :- That during the years 1970-1980, the training of Permanent/^{way Inspectors} (hereinafter referred to as PW I) used to be held at Zonal Training School, Chandausi, Northern Railway, Muradabad.

4-5 : - That the applicant was sent for training courses of PW I for the period 2/6/69 to I/II/69 in the year 1969 alongwith the following persons:-

- I- Sri Shamim Ahmad
- 2- Laxami Narain
- 3- Ram Avtar
- 4- Sri Ram Kishore
- 5- Sri Ram Raj
- 6- Sri M.A.Jafri
- 7- Sri Raj Nath
- 8- Sri Ramesh Kumar

A true photostat copy showing the names of the above persons, including the applicant name is filed as Annexure-I to this application.

4 -6 -: That the following persons who were holding the post of Gangmen were also sent seperately for Training Courses in the year 1970 by giving them second chance (without affording the second chance to the applicant) . True copy of the Gazett dt.

A13

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February 16, 1970 which contains the a name of the failed candidates & namely Sri S.N.Pandey is filed herewith as Annexure-2 to this application.

- I- Sri Sheelta Prasad (Sl. No. 33)
- 2- Sri R.D.Misra (Sl.No. 28)
- 3- Sri S.N.Pandey (Sl. No. 37)

4- 7:- That the applicant had been given promotion on the post of Material checker on 21/7/63 in a local arrangement and posted in the District Barabanki under P.W. I, Northern Railway Barabanki.

4 -8 :- That a letter of Divisional Personnel Officer (O.P. no. 2) Northern Railway was issued on 6/5/70 in respect of the seniority position of the applicant and Nand Kishore. A true photostat copy ~~which is Annexure-2 A to~~ of/ this application from a perusal of the aforesaid letter, it will show that the applicant was reverted from the post of Material Checkers to the post of Gangman on 22/1/70 . By this letter, it has come in evidence that had the applicant as well as Laxami Narain not being promoted as Material Checkers they would have been promoted as Keyman/Mate as well as they would have been allowed as proforma promotion to the appropriate category.


17/06

(116)

6.

4 -9 :- That on 4/8/70 the applicant had reported to PW.I , Northern Railway Barabanki for duty, true photostat copy of which is Annexure-3 to this application.

4- IO:- That the applicant was again made as Material checker instead of Keyman/Mate and posted at Kumbh, Mela under IOW Paryag, Allahabad.

4-II:- That it is significant to note that instead of sending the applicant for promotional Training Course, the Divisional Suprintendant Officer, Northern Railway, Lucknow, by his order dt. 15/2/79 had promoted him to officiate as ^{P.W.M.} P.W.M in the scale of Rs. 380-560 and posted him under Assistant Engineer Northern Railway, Sultanpur in a temporary capacity. A true photostat copy of the same is filed as Annexure-4 to this application.

4-I2 :- That it is pertinent to mention that the twofailed candidates of the year 1969 namely Ramesh Kumar and Sri M.A.Jafri, posted as Gangman in the year 1970 at Partapgarh, were ~~ex~~ sent for suitability Test by the Assistant Engineer Northern Railway Partapgarh to Divisional Manager, Northern Railway Lucknow , who were declared passed in the suitability Test for the post of p.w.m.

NSR

4 -I3:- That the applicant is unable to understand as to why the applicant was treated differently amongst the same class of persons /category . He had also at the relevant time legal claim in view of Article 14 ~~xx~~ of the Constitution of India. for suitability test which was taken by the Divisional, Railway Manager, Northern Railway, Lucknow. (O.P. no. 3). At this stage, it is to be stated that Asstt. Engineer, Northern Railway II posted in the year 1970 did not act fairly and he did not send applicant's name for suitability test and as such he was caused prejudice in not getting promotion in the year 1970.

4-I4:- That the applicant in support of his claim is annexing a letter of Sri S.S.R. Yadav dt. 18/3/71 addressed to AE-IIInd Northern Railway, Lucknow as Annexure-5 to this application. This letter proves that a great injustice has been done in the matter of promotion . In this letter, the APO had written that the applicant be deemed to have actually appeared in the Sub Test and he should be allowed a suitability test for post or permanent way Mistri But no favourable action in the year 1971 was taken by the concerning authorities.

4-I5:- That it is pertinent to mention that after a lapse of nine, ten years the applicant was sent

(AK)

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for Training Course in June 1981 alongwith three other persons . A true photostat copy of the letter dt. 24/6/81 written by the Principal training school, Chandausi to Divisional Railway, Manager, Northern Railway (Bikaner, Lucknow and Allahabad) ^{Annexure-6} is mentioning ~~three~~ their-in that on account of only four training students, the training work could not be started and, therefore, they are being directed to return back to their offices. A true photostat copy of the letter dt. 24/6/81 is annexed herewith as Annexure-6 to this application.

4-I6:- That subsequently the applicant was again~~st~~ sent for promotional training course of PW Ist Grade-IIIrd from 3/6/82 to 2/11/82 alongwith another person Sri R.K.Pandey. A true photostat copy of the letter dt. 2/2/83 written by Principal to the Divisional Railway Manager (O.P. no. 3) is filed herewith as Annexure-7 to this application . It may be noted that the Principal of Zonal Training School, Chandausi acted according to his own sweet will overlooking the interest and claim of the Trainees, as in the year 1981, he did not afford training to four candidates and in the year 1982 he allowed two persons to pass the Training course ~~st~~ including the applicant.

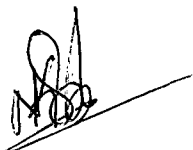
N.S.

4-I7:- That the applicant is also annexing a letter dt. 1/6/82 of PW I Ist Northern Railway Sultanpur who had spared the applicant for training under the order of D.R.M., Northern Railway, Lucknow, dt. 26/5/82, as Annexure-8 to this application.

4-I8 :- That the applicant was discriminated in the matter of promotional training course as one Ramesh Kumar was afforded the opportunity in the year 1975 and was promoted in the year 1976 on the post of PWI-Grade-IIIrd, As a result of it the applicant was made junior to him as he was sent for promotional training course in June 1982. The said person was had no better claim than the applicant.

4- I9 :- That in view of late Promotional Training Course, he was promoted as PW I- Grade-IIIrd (Special) w.e.f. 10.3.1983 instead of promoting him in the year 1970/1975.

4- 20:- That due to in-action and administrative error of the department (opp. parties 2 to 4), the applicant has suffered loss of seniority and pay, which warrants interference by this Hon'ble Tribunal.



(A/B)

10.

4-21:- That despite unblemished record of service, the junior Gangmen/Mates after getting Training Course at Chandausi became seniors to him and got higher post.

4-22:- That there was no reasonable basis for the opp. parties 2 to 4 to select and pick out two similarly situated persons namely Sri Ramesh Kumar and Sri M.A.Jafri for suitability Test in the year 1970 and adjust them on higher; promotional posts of PWM while applicants claim was put in dark, which action indicates arbitrariness and discriminatory and, therefore, he has been caused prejudice in the matter of promotion.

4-23:- That on 30.5.88 the applicant made his representation to the Divisional Personnel Officer (O.P. no. 2) requesting him to consider his representation and make fixation of his ~~sd~~ seniority w.e.f. 1972 because juniors candidates became senior due to the negligence of administration. A true photostat copy of the representation dt. ~~30/5~~ 30/5/88 is being filed as Annexure-No.-9 to this application.

4-24:- That subsequently the applicant again sent his second representation dt. 8/II/88 to the O.P. no. 2 writing his attention that candidates junior to me were booked for promotional training course due to administrative fault and as result, the applicant seniority has affected, hence the seniority may kindly be fixed.

MOB

II.

A true photostat copy of the second representation dt. 8/II/88 is filed as Annexure-IO to this application-

4- 2I:- That when the authority concerned did not take any representation question of fixation of seniority and the pay of the higher grade, the applicant ^{as} requested that promotion may be given to him w.e.f. 1970. A true photostat copy of the representation dt. 13-I-89 is filed as Annexure- II to this application.

5. Details of remedies :- The applicant made representations dt. 30.5.88 (Annexure-9), representation dt. 8.II.1988 (Annexure-IO), and representation dt. 13.II.1989 (Annexure-II) to Competent Authorities, and they have not been disposed of by them.

6. Matters not previously filed or pending in other courts.

7. Reliefs Sought :-

A)- Necessary orders may kindly be issued to respondents no. 2 to 4 to fix applicant's seniority amongst Permanent Way Mistri and thereafter in Permanent Way Inspector.

B)- To pass orders or directions to opp. parties to promote applicant with retrospective effect

NOI

(42)

I2.

i.e. 1970 and 1976 when the same class of persons were promoted on higher post of Permanent Way Mistri as well as Permanent ~~Inspector~~ Way/~~Mistri~~ and in view of the matter he may be granted difference of arrears of salary of that post alongwith consequential benefits accrued from time to time.

C)- To pass such other appropriate orders in favour of the applicant which this Hon'ble Tribunal may deem fit and proper.

D)- To award cost of application.

8 - G_R_O_U_N_D_S

A)- Because the opp. parties 2 to 4 have acted arbitrarily and caused prejudice to applicant on the ground that the two persons namely Sri Ramesh Kumar and Sri M.A.Jafri (failed candidates of Training Course 1969) were sent for Suitability Test (posted at Pratagarh) to Divisional Railway, Manager, Northern Railway, Lucknow which they passed in the year 1970 and were promoted on higher post of Permanent Way Mistri while his name ^{was} sent by Authority concerned in the same

[Signature]

A21

13.

year and, therefore, he could not get promotion on post of PWM.

- B)- Because the opp. parties 2 to 4 have no authority under law to pick out persons in whom they were interest and to adjust them, overlooking legal claim of other similarly situated Gangmen/Mates like applicant.
- C)- Because seniority creates civil rights for being included in zone of consideration for promotion and due to not sending his name 1982 ^{ch} upto/for Training course, he ~~has~~ not lost only seniority of 1969 Badge candidates but has been suffering financial loss every month.
- D)- Because promotions on the post of Permanent Way Mistri could not be made without determining seniority of Gangmen/Mates, while loss of seniority has been held to be penal in consequences.
- E)- Because there has been serious failure on the part of departmental Authorities in not following Railway Establishment Manual regarding giving of relating to 3 chances of promotional Training Course to Railway Gangmen/Mates.
- [Handwritten signature]*

A22

I4.

F)- Because loss of seniority and pay of PWM scale to applicant since 1970 when equally similar candidates were adjusted/promoted on the saidposts, is an administrative error for which he can not be made to suffer, for no fault of him.

G)- Because that eligible persons have fundamental right to be considered for promotion.

9. Interim order if any prayed for pending finaldecision of this application.

Pending Final decision of the application seek for the issue of following :-

(a)- The respondents may be directed to consider representations sympathically and grant him immediate relief for which he is entitled according to law.

10. Particulars of the Indian Postal Orders in respect of the applicant.

A)- Indian Postal order dt. Dec., 20, 1989
No-02 402-956

B)- issued by ^{General} ~~Amhabad~~ Post Office, Lucknow. (GPO)

II- List of Annexures

- I'- Annexure -I
2- Annexure - 2
3- Annexure - 3
4- Annexure - 4
5- Annexure - 5
6- Annexure - 6

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I5.

- 7- Annexure - 7
- 8- Annexure - 8
- 9- Annexure - 9
- 10- Annexure - 10
- 11- Annexure - 11

Verifications

I, Nand Kishore Srivastava, aged about 51 year
S/o Sri Nirmali Prasad Srivastava, ~~the~~ ^{the} applicant

.....
....., do here verify that
paras. 1 partly, 4-1 to 4-19, 4-21, 4-23, 5, 6, and 9, 10.....

.....
are true to my personal knowledge and those of paras
Principal, 2, 3, 4-20, 4-22, para-8.
.....are believed by me

to be true on the basis of legal advice and we have
not suppressed the material facts.

Lucknow :Dated
Dec-30, 1989
Jan, 1, 1990

Nand Kishore Srivastava
Signature of the Applicants

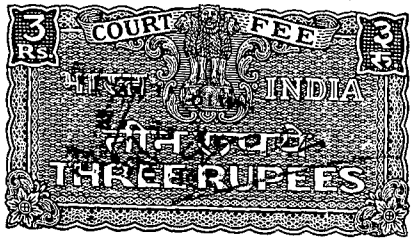
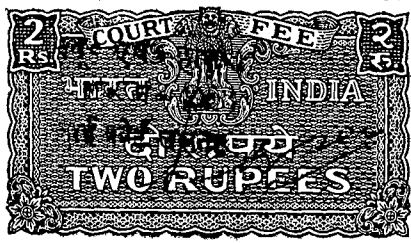
Hasan
(Qamrul Hasan)
Advocate
Counsel for the Applicant.

Before the Central Administrative Tribunal
Circuit Bench, Lucknow.

16

अदालत श्रीमान

महोदय



वकालतनामा

Sri Nand Kishore Srivastava

Applicant

टिकट

वादी (अपीलान्त)

Union of India & Others

Respondents

बनाम

प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

वकालतनामा
QAMRUL HASAN वकील
Mohd. Fateh Uddin महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
20/12/89

11/1/90

हस्ताक्षर Nand Kishore Srivastava
Applicant

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १६ ई०

स्वीकृत

A24

In the Central Administrative Tribunal, Addl. Bench, Allahabad,

Circuit Bench, Lucknow.

Application no. 1 of 1990 (4)

Sri Nand Kishore Srivastava

.....Applicant

Versus

Union of India and others

....Respondents

I n d e x

<u>Sl.no.</u>	<u>Description of documents</u>	<u>Pages</u>
I.	Annexure-2(Letter by which 9 persons) sent for training course	16
2.	Annexure-2(Photostat copy of Gazett.) dt.16.2.70, which contains failed candidates names.	17
2-A	Annexure-2A(Ordery dt 6. 5. 1970)	17A
3.	Annexure-3(Photostat copy of appln.reporting) for duty.	18
4.	Annexure-4(Photostat copy of promotion order) dt.15.2.79	19
5.	Annexure-5(Photostat copy of letter dt.18.3.71) of Sri S.S.Yadav	20
6.	Annexure-6(Photostat copy of letter dt.24.6.81) written by Principal	21
7.	Annexure-7(Photostat copy of letter dt.2.2.83) of Principal	22
8.	Annexure-8(Photostat copy of PWI dt.1/6/82)	23
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II.	Annexure-II (Representation dt.13.1.89)	26

Jan. 1, 1990

(Qamrul Hasan)
Advocate

Annexure

16
A25

Northern Railway

True copy

NO 242 E/II D/A (APW)

The Assistant Engineer
Northern Railway

LKO (I) LKO (II) BSB/FD/SM/PRM/PRH

Reg:- Promotional course for the Post of APW
from 2.6.69 to 1.11.69

The Under noted staff are required to attend the promotional course for APW's post at the Zonal Training School Chandauri commencing on 2.6.69 for a period of five months. Please arrange to spare them in time so they attend the training course from the scheduled at delhi.

- | | | |
|-----|----------------------|-----------------|
| (1) | Shri Shamim Ahmad | Off MC BSM |
| (2) | " Ram Kishore Pandey | Gangman/PRG |
| (3) | " Laxmi Narain | Off MC HQ/LKO |
| (4) | " Ramesh Kumar | Off MC / SMG |
| (5) | " Nand Kishore | Gangman / BSM - |
| (6) | " Ram aur | " / UCR Pass |
| (7) | " Ram Raj | " / BSB |
| (8) | " M. N Zafar | " / BSB |
| (9) | " Raj Nath Pandey | " / SMG Pass |

This should be treated as most urgent and special step should be taken to ensure the attendance of the above said staff advising this office.

Please acknowledge receipt

Sd
for Civil Personal Officer
LKO

cf forwarded to

The PWs LKO, BSB, BSM, UCR, JNU,
The Principal Zonal Training School Chandauri
The G.M (P) N.R. New Delhi
in reference to his letter NO 754E/3-III-III (ETD)
dated 9/69 for information and necessary
action please.

Attested
per

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow

Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant

Union of Indian & Others ...Respondents
Annexure No. 2

NORTHERN RAILWAY GAZETTE

FEBRUARY 16, 1970/MAGHA 27, 1891

No. 61

Result of APW's (Promotion Class (P-11) app

S. No.	Name	Divn.	Result	Merit	S. No.	Name	Divn.	Result	Merit
1.	P. R. Kandoor	DLI	Passed	III*	35.	S. Rajendra Pd.	DLI	Passed	XVI*
2.	Mudan Singh	JU	Failed		36.	Om Prakash Mishra	DLI	Passed	X
3.	Narain Singh	JU	Passed	XXII*	37.	S. N. Pandey	LKO	Failed	
4.	Ram Anwar	LKO	Failed		38.	Ganga Dhar	DLI	Failed	
			(Transition only)		39.	Prem Nath	FZR	Failed	
5.	K. N. Srivastava	LKO	Failed		40.	Yash Pal	MB	Failed	
6.	Anwar Ali	FZR	Failed		41.	Sri Kishan	MB	Failed	
7.	Harnath Singh	JU	Passed	IX*		N. C. Bhargava	MB	Passed	
8.	Tej Singh	JU	Passed	VII*	43.	Raja Ram	MB	Passed	XXII*
9.	Bandwar Lal	JU	Passed	XVI*	44.	Ram Swarn	MB	Passed	XXI*
10.	Zachariah	BKN	Passed	XXIV	45.	Ram Sewak	MB	Passed	V
11.	Jia Lal Singh	ALD	Passed		46.	K. K. Pandey	FZR	Failed	
12.	Raj Narain Dass	ALD	Passed	VII*	47.	Vishwa Nath	FZR	Failed	
13.	S. C. Dhanraj	FZR	Passed	XXVIII	48.	Prem Chand Sharma	MB	Failed	
14.	Hardeo Singh	BKN	Passed	XXI*	49.	V. N. Saxena	MB	Failed	
15.	Mahabhi Singh	BKN	Passed	XXIII*	50.	C. L. Sharma	MB	Failed	
16.	R. S. Tewari	ALD	Failed		51.	Bhupat Dass	MB	Failed	
17.	Band Lal	DLI	Passed	VIII*	52.	M. A. Zafr	LKO	Failed	
18.	Ananda Ram	JU	Passed	XIV	53.	Makhan Lal	MB	Failed	
19.	Krishan Ram	JU	Passed	XXIV	54.	Digamber Pd.	MB	Failed	
20.	Ram Chand	FZR	Failed		55.	Garhi Singh	MB	Failed	
21.	Ranj Singh	FZR	Passed	VI*	56.	Hoshwar Singh	BKN	Failed	
22.	Raj Nath Pandey	LKO	Passed	XXI*	57.	Chander Bhan	JU	Passed	XXVII*
23.	Pawan Kumar Anand	BKN	Passed		58.	Som Nath	ALD	Failed	
24.	Ram Dhan	DLI	Failed		59.	Dhan Singh	MB	Failed	
25.	Thakur Singh	FZR	Failed		60.	D. P. Yadav	BKN	Failed	
26.	R. K. Saha	FZR	Passed	XI*	61.	R. K. Srivastava	LKO	Failed	
27.	Satish Kumar	ALD	Passed	VII*	62.	Laxmi Narain	LKO	Failed	
28.	R. D. Misra	LKO	Passed	XXI*	63.	R. K. Joshi	BKN	Failed	
29.	S. K. Gokh	FZR	Passed		64.	Sai Pal	BKN	Passed	
30.	Raj Bhandar	DLI	Failed		65.	Hojam	DLI	Failed	
31.	Qutub Singh	FZR	Passed	I*	66.	Govinda	DLI	Failed	
32.	Devendra	FZR	Passed		67.	Nand Kishore	LKO	Failed	
33.	Satish Pd.	LKO	Passed		68.	Shankar Anand	LKO	Failed	
34.	H. B. Kishore	DLI	Passed	XI*	69.	Ram Raj	LKO	Failed	

No. 62

Result of T-1 (Proby. Asst)

S. No.	Name	Divn.	Result
1.	Shiv Kumar Sharma	JU	Passed
2.	Kulwant Lal	DLI	Passed
3.	Shudh Lal Badra	FZR	Passed
4.	Surbhakar Pal	JU	Passed
5.	Kuldeep Singh	FZR	Passed
6.	Jaidev Singh Barar	FZR	Passed
7.	Brijendra Misra	DLI	Failed
8.	Chandra Anant	DLI	Passed
9.	Shyam	FZR	Passed
10.	Farooq Uddin	FZR	Passed
11.	Suba Singh Gill	MB	Failed
12.	Ravi Prakash Singh	DLI	Passed
13.	Mahabir Pd.	JU	Passed
14.	Phoolrang	FZR	Failed
15.	Ashok Kumar	FZR	Failed
16.	Sharma	JU	Passed
17.	Ashok Zohar Khan	JU	Passed
18.	Kishan Kumar	JU	Passed
19.	Subash Chandra	JU	Passed
20.	Ram Narain Misra	FZR	Passed
21.	Chandra Kishore	JU	Failed
22.	Misra	JU	Failed
23.	Madan Sudan	DLI	Failed
24.	Dayal	DLI	Failed
25.	Surendra Pal Singh	DLI	Passed
26.	Mohi Waris Khan	JU	Failed

Result of T-2 (Proby. Asst)

S. No.	Name	Divn.	Result	Merit
1.	Bhan Singh	FZR	Passed	X
2.	Yea Mitun Arya	MB	Passed	VIII
3.	Tribhuvan Nath	JU	Passed	XXIV
4.	Srinivastava	JU	Passed	XXVIII
5.	Prem Narain Upadhyaya	JU	Passed	XII
6.	Jagjit Singh Lall	DLI	Passed	XIX
7.	Rathay Sudam Gupta	FZR	Passed	XXX
8.	Syed Zahid Hussain	MB	Passed	XVI
9.	Sahib Ali Khan	MB	Passed	VII
10.	Kalam-uddin Ansari	FZR	Passed	XXI
11.	Jitendra Kumar	DLI	Passed	XX
12.	Saxena	MB	Passed	XXIII
13.	Hurish Chandra	DLI	Passed	XI
14.	Srivastava	DLI	Passed	XXII
15.	Pyare Lal Verma	MB	Passed	XXI
16.	Ram Nath	DLI	Passed	XXIII
17.	Shyam Narain Misra	DLI	Passed	XXI
18.	Ravi Kumar Saxena	DLI	Passed	XIV
19.	Trij Pal Singh	JU	Passed	XXIX
20.	Krishan Lal	JU	Passed	XXV
21.	Janardan Lal	MB	Passed	X
22.	Srivastava	JU	Passed	X
23.	Ra. n Krishan Misra	JU	Passed	X
24.	Subhash Chander	JU	Passed	X
25.	Kulkarni	JU	Failed	
26.	Santosh Kumar	JU	Failed	

nil Supdt office

(known)

754E/IE/DA/PWM2

dated 6.5.20

Assistant Engineer-II
Northern Railway Lucknow

Subj: Seniority position of S/Shri Laxmi
Narain and Nand Kishore as P.W. Male

S/Shri Laxmi Narain and Nand Kishore who
had been officiating as material checker were reverted
as gang man vide this office letter no 754E/IE/DA/MC
22-1-20 have represented to this office that they
would have been promoted as key man and then
mate, had they not been promoted as material checker.
Their claim may please be examined and if it is
found that persons junior to them on the seniority list
gang man have already been promoted as key man / M.
They should be allowed proforma promotion to the
appropriate category and utilized accordingly. To
date from which they would have been promoted as
key man / mate, but for their promotion as material
checker should be advised to this office immediately.
That they may be called to appear for the suitability test
for promotion as P.W. if considered eligible.

Sd/-
Dist Personnel Officer
Lucknow

Attested
Arora

128

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 3

To

The P.W. N. RLY
Bara Bank

Sir

Re: - Resumption of duty
at Bara Bank.

I have reported my duty
at your office on 4/8/70 P.M.
vide AEN-LW II letter NO
4/E dated 3/8/70.

Delid
4/8/70

yours faithfully
Nand Kishore
Srn under
P.W. N. RLY

Recd

4/8/70

5/8

Recd

129

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. _____ of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 4

N.B.—1774/17—P.B., 17—2,00,000 P.

वि. सं. १७७४/१७. १७-१
अथवा १७७४/१७. १७-१

उत्तर रेलवे NORTHERN RAILWAY

NO. 52E/11/D/A/DWM

Joint Superdt's Office
Lucknow dt 15.4.79

Mobility

Sri Nand Kishore - mobility in under
PW/HH is promoted to officiate as PW
in Gr. 380-560 and posted under AEM/
Sultanpur against work charged Post
Sanctioned for 4 months Estimated No 111-76

The promotion of Sri Nand Kishore as
PW in grade 380-560 is purely temporary
on adhoc basis and will not confer upon
him any right for such promotion after his
Senior.

This is the approval of DEM-5, DSE-5 &

SRIDDA/HCO

Sd —

Handwritten

For Sr. Joint Personnel Officer

Lucknow

Copy to

1- AEM/SLD

2- DEM/Lucknow

3- DSE-5 - Lucknow

[Handwritten signature]
Attested
Date

130

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 5

Divisional Supdt. Office
Lucknow:

S.S.R. Yadav

A.P.O. I

L. NO 754 E/II DA/APW

Dated 10-5-71

My dear Sirs,

Subj: - Seniority Position of S/Shri L.N. Misra
and Nand Kishore as k man

Ref: your D.O. NO 4/E-1168 of 19/7/71

Since S/Shri L.N. Misra and Nand Kishore could not be called for suitability test as k man mate along with others in their due turn for promotion through error Ps 105-135 A-5 which was higher grade than that of these employees passed in interview of k man. They should be deemed to have been actual - appeared in sub. test on this due turn this seniority and they should be allowed a suitability test - for promotion on that basis. This

ACN-II-LKO

Attested

Am

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 6



(5)

प्रति/पी-॥॥०१ दि० 24-6-81
प्रधानाचार्य के प्र० के० चन्दोषी मंडल रेलवे प्रबंधक उ०
विषय:- पी-॥ पाठ्यक्रम 18-6-81 के 17-11-81
बीका० लख० इलाहाबाद

उपरोक्त पाठ्यक्रम में प्राशिक्षारक्षि च० के
केवल चार सरव्या होने के कारण पाठ्यक्रम जारी नहीं
रक्खा जा सकता। अतः निम्न T.P.M. को आज
दि० 24-6-81 AN को अपने 2 कार्यालयों में उपस्थिति
देने हेतु वापस किया जाता है इस केन्द्र में आने की
तारीख प्रत्येक के समक्ष अंकित है।

- | | | | |
|--------------------------|----------|-----------|---------------|
| (1) श्री प्रभु | APWA | रजियापुर | बीका० 15/6/81 |
| (2) श्री राम किशोर पांडे | M. Clerk | रायबरेली | लख० 17/6/81 |
| (3) श्री नन्द किशोर | PWM | सुबतानपुर | लख० 18/6/81 |
| (4) श्री चम्पा राम | PWA | हैदरा | इलाहा 20/6/81 |

—sd—
(जे० दास) 24/6
मुख्य प्रधानाचार्य


Attest


182/22

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 7

52/P-11
10 52/P-11

①

जी. एल. 19 GL 19.
नं. 99-441/Cont. On Large
Dated 2.2.83.

उत्तर रेलवे/NORTHERN RAILWAY

Principal,
Zonal Training School,
Chandausi.

The DRM / N. Rly.
Lucknow.



Sub:- PWI Gr III Promotional course from
3-6-82 to 2-11-82.


Ref:- Your letter no 754 E / II D / PWM dated 31-1-82

In reference to your above quoted letter
it is to inform you that the result of the above
course has already been sent to you under
this office letter no 52/P-11 dated 2/12/82.

However the same is again sent herewith as
under:-

NAME	Result
(1) Sri K. K. Pandey Offg. MC	Passed
(2) " Nand Kishore PWM	Passed.


Attested



Principal 2/2/83
Zonal Trg. School,
Chandausi

A323

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. _____ of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs. ...Respondents
Union of Indian & Others
Annexure No. 1

Northern Railway

E/2/82

(2)

Office of the PwI-I
N.Rly Sultanpur

DI- 01.6.82

To
Principal

ZTS/ Chandausi

Subj: - PwI-Gr III Promotional course from 3-6-82 to 2-11-82
of Zonal Training School Chandausi

Ref: - DRM/LKO's Letter No 754/E/ID/PWM DI-26-5-82
xxx

In Terms of DRM/LKO's Letter No 754/E/ID/PWM DI-26-5-82

Sri Nand Kishore Offg. PwM under me is spared on
date and directed to attend the above PwI-Gr III Pro-
motional course from 3-6-82 to 2-11-82 at Zonal Train-
ing School Chandausi.

Other Particulars of the above name employee as under

1- Grade = 380-560 (Rs.)

(A) Present Pay = 416/-

2- Date of Birth = 12-3-37

(A) Present age = 45 years 2 Months 18 days.

3- He is due two set Pass and Six sets of Pro during
the current year

4- Other allowance - NIL

Copy to Information

नयन प्रसाद
रेल पथ निरीक्षक - प्रथम
वर्ग रेलवे, मुक्तानपुर

1- AEN - SLN

2- Shri Nand Kishore PwM

नयन प्रसाद
रेल पथ निरीक्षक - प्रथम
वर्ग रेलवे, मुक्तानपुर

अतिरिक्त

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989

Sri Nand Kishore Srivastava ...Applicant
Vs.

Union of Indian & Others ...Respondents
Annexure No. 9

उत्तर रेलवे
NORTHERN RAILWAY

जी०एल० 19/G.L.-19-

जनरल 99-महा/Genl. 99-Large

To,
The Divisional Personnel Officer,
N. Railway, Lucknow.

Through Proper Channel.

Subj: Fixation of Proper seniority.
.....

Respected Sir,

Respectfully I beg to say the following few facts for your kind consideration.

1. That I was selected as APWI in the selection of APWIs Panel which were held in the year 1965 and I was booked for training of APWI(P) Course to ZTS/Chandauli in the year 1969 as per my C.No.12. Out of 16 selected candidates but unfortunately I could not clear the course.
2. Again I was booked for training of APWI(P) Course in the year 1982 and got it cleared.
3. I promoted as APWI/Gr.III/-PI/ w.e.f.10 in March 1983. Since I am working continuously with entire satisfaction of my Superiors and now I am working as PWI/Gr.III/-PI under PWI/hussuli.
It is my request to fix up my seniority w.e.f.1972 because several candidates who are junior to me now became senior than me due to negligence of administration. If I would have been booked to ZTS/CH in 1972,73, 75, 76 etc. I must have been clear the course of APWI(P) and I would also get the promotion alongwith the Late Candidates who were passed the course in 1972-73. I was still to get 2nd chance for training as the administration looked at in the year 1982 without any selection of APWI(P) Course.
5. Now I would request to my honourable officers kindly look into the matter and consider the case in my favour.
6. I shall be highly obliged for your kind honour and sympathetic order please.

Thanking you for intimation.

Yours faithfully,

(Nand Kishore Srivastava)
PWI/Gr.III/Sonwal under
PWI/hussuli. 30.5.88

Copy to The Divisional Railway Manager and Divisional Superintending Engineer (Co-Ordnation) N.R., Lucknow for kind information and necessary action please.

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of Indian & Others ...Respondents
Annexure No. 11

26

150

~~ANNEXURE~~

जी.आर. 19/G.I.-19-

जनरल 99-बड़ा/Gent. 99-Large

उत्तर रेलवे
NORTHERN RAILWAY

TO

The Divisional Railway Manager
Northern Railway - Lucknow

Through Proper channel

sub:- Fixation of Proper Seniority and Pay in higher grade

Ref:- My representation dated 30.5.88 & 8-11-1988

Respected Sir,

Respectfully I beg to say that I was booked for APW (P) ~~Course~~ Training course at ZTS/CH in the year 1969 but unfortunately I could not clear the course. Again I was booked for Training course of PW-Gr-III in the year 1982 and get it clear ~~with chance~~ no 2nd chance was given wef 1970 to June 1982.

It is therefore lastly requested that your honour may kindly be pleased to fix up my seniority wef 1970. In the circumstances as prayed above to pay me all the arrears of salary benefits and other amoluments to which I am legally entitled to get and promotion may also be given to me treating me senior wef 1970 and other reliefs which may be deemed just and proper.

I shall be highly obliged for your kind honour and sympathetic orders please.

yours faithfully
Nand Kishore Srivastava
PW-Gr-III - SLW
under PW- RDL

Copy to the DPO-MR-Lko and DSE-Coordination
MR-Lko for kind information & necessary action
please.

13/11/89

[Signature]
Nand Kishore Srivastava

copy

QAMRUL HASAN
Advocate

Chamber & Resi. :
349, DR. MOTI LAL BOSE ROAD
(MACHLI MOHAL)
LUCKNOW-226 001

Ref. No.

Date.

Illness

My Lord,

Today Application No 1 of 1989
Nand Kishore Srivastava Vs Union of India
and others is fixed for admission before
the Hon'ble Tribunal.

I am not well due to fever
and unable to put my appearance today
and, therefore, the case be adjourned and
some other day may kindly be given
and oblige.

29-1-90

Qamrul Hasan
Advocate
Counsel for the Appellant