

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ~~lucknow~~ BENCH

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

N. K. Shrivastav.....Applicant(S)

Versus

..... ~~Chicu~~ of ~~Adil~~.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B.C. Filed ~~Waded & delivered~~

Signature of S.O.

16/02/2011

Signature of Deal. Hand

22/6/2011

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

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

Name of the parties

Nanu Kishore Srivastava Applicant.

Versus.

Union of India Respondents.

Part A.B.C.

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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~~ 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.

11
AF
-: 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)

MEMBER (A).

Ch

VICE-CHAIRMAN.

Dated: February 26, 1990.

PG.

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

25
A35

The Divisional Personnel Officer
N Rly Lucknow.

Annexure No. 10

Through Proper channel
Sub:- 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 booked to Chaudhuri in 2nd chance in the year 1972, 1974, 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 APW in the year 1965 & I booked for Training at CH in the year 1st June 1969 & but unfortunately I have not succeed and again booked to CH for Promotion Course of APW-GII in II chance in the year 1982 and passed in 1982 and Promoted as PWI Gr-III-Spl SLW w.e.f 10-3-1983 and working continuously at present I am working as PWI Gr-III SLW under PWI-RDL with full satisfaction of my superiors.

So many ~~intelligent~~ intelligent Candidates are Selected as PWI-GII after 1965 and Passed Candidates booked to 275/CH for Training after passing. They have been promoted and seniors to me due to administration fault

There for I request you to kindly fix up my Seniority accordingly.

Thanking you for instant action.

Yours faithfully
Nand Kishore Srivastava
PWI Gr-III-SLW 0/11/88

Copy to the Divisional Railway Manager and Divisional Superintendent Engineering Engineer (Coordination) N.R.-L.Kor for kind information and necessary action please.

N.K.S.
N.K.S.
Date

Date of Recd. 1-1-92
Date of Recd. 1-1-92

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 1 of 1992 (L)

APPLICANT(s) Nand Kishore Srivastav

RESPONDENT(s) U.O.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Y
2. a) Is the application in the prescribed form ?	Y
b) Is the application in paper book form ?	Y
c) Have six complete sets of the application been filed ?	Y
3. a) Is the appeal in time ?	Y
b) If not, by how many days it is beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation Vakalatnama been filed ?	Y
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Y 2.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Y
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	Y
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Y (by Excerpts)
c) Are the documents referred to in (a) above neatly typed in double space ?	Y
8. Has the index of documents been filed and pagging done properly ?	Y
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Y
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	Y

(AP)

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application with Annexures filed ? *yes*
 a) Identical with the Original ?
 b) Defective ?
 c) Wanting in Annexures
 None of the above ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given address the registered address ? *yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

16. Are the translations certified to be true or supported by an affidavit affirming that they are true ? *NA*

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 ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *yes*

19. Whether all the remedies have been exhausted. *yes*

Answer

Order-sheet AB

OA No. 1/90 (2)

29.1.90

Hon. Justice K. Nath, V.C.
Hon. K. J. Rawal, A.M.

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

AM
A.M.

AB
V.C.

~~O.M.D.~~
P.M.S. 6/3/90 M.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 1-1-80
Date of Receipt by Post 1-1-80

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 1980

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

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

...Applicant

Vs.

- 1- Union of India through General Manager,
Northern Railway, Baroda House, New-Delhi.
- 2- Divisional Personnel Officer, Northern
Railway, Hazaratganj, Lucknow.
- 3- Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow.
- 4- Divisional Superintendent 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. party
to declare and fix his proper

(A)

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

Date of Filing 1-1-90
Date of Receipt by Post (L)

Deputy Registrar (J)

Application no.

of 1990 (L)

Sri Nand Kishore Srivastava

....Applicant

Versus

Union of India and others

....Respondents

I n d e x

Slho.	Description of documents	Pages
1.	Writ Application	I-15
2.	Vakalatnama	26

filed today

1/1/90

mail for 29/1/90
On 29/1/90

Jan. 1, 1990

Qamrul Hasan
(Qamrul Hasan)
Advocate
Counsel for the applicant

Alo

seniority amongst permanent way Mistri and, thereafter in permanent way Inspector and direct the opp. parties to give him promotion with retrospective effect ~~exx.~~ 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, ~~Muradabad~~ Muradabad while they could ~~sent~~ for training in the years 1972, 1974 and 1975 on towards as it happened. They had no authority 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, ^{arbitrarily} 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 IIInd N.R., Lucknow. did not follow the principles of natural justice . The authority ~~exx~~ 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.



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Therefore, he is legally entitled to get his due seniority and promotional benefits 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, ^{Bara} 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 categories have to go under training for specified period of Training School and passing of promotion courses is prerequisite for promotion.

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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 cast.

4 -4 :- That during the years I970-I980, the training ~~way Inspectors~~ of Permanent/(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 I969 alongwith the following persons:-

- 1- 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 separately for Training Courses in the year I970 by giving them second chance (without affording the second chance to the applicant) . True copy of the Gazett dt.

N.D.

AB

5.

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.

1- Sri Sheeltha 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 Personnal 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 15~~ of/ this application from a perusal of the aforasaid 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 catogery.

PN

Att

6.

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

4- 10:- 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 Superintendent Officer, Northern Railway, Lucknow, by his order dt. 15/2/79 had promoted him to officiate as ^{dt.} 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 two failed candidates of the year 1969 namely Ramesh Kumar and Sri M.A.Jafri, posted as Gangman in the year 1970 at Partapgarh, were 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.

N.M.R

(A5)

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 I4 ~~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 I970 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 I970.

4- I4:- That the applicant in support of his claim is annexing a letter of Sri S.S.R. Yadav dt. I8/3/71 addressed to AE-IIInd Northern Railway, Lucknow as Annexure-5 to this application. This letter proves that a great in justice has been done in the matter of promotion . In this letter, the APO had written that the applicant be deemed to have actually appeared inx the Sub Test and he should be allowed a suitability test for post or permanent way Mistri But~~xx~~ no favourable action in the year I971 was taken by the concerning authorities.

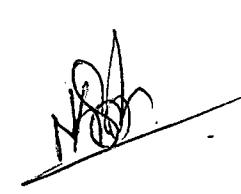
4-I5:- That it is pertinent to mention that after a lapse of mine, ten years the applicant was sent



RAK

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) is/mentioning ~~themselves~~ 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 sent for promotional training course of PW Ist Grade-IIIrd from 3/6/82 to 2/II/82 alongwith another person Sri R.K.Pandey. A true photostat copy of the letter dt. 2/283 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 ~~not~~ including the applicant.



(A17)

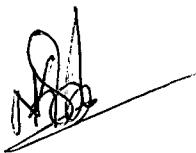
9.

4-17:- That the applicant is also annexing a letter dt. I/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.

4-18 :- 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- 19 :- 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.



APJ

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 personsnamely Sri Ramesh Kumar and Sri M.A.Jafri for suitability Test in the year 1970 andadjust 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 ~~ext~~ seniority w.e.f. 1972 because juniors candidates became senior due to the negligence of administration. A true photostat copy of the representation dt. ~~30/5/88~~ 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.

N.D.

APC

II.

A true photostat copy of the second representation dt. 8/II/88 is filed as Annexure-I0 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 ^{or} ~~or~~ 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-I0), 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



(P.M.)

i.e. I970 and I976 when the same class of persons were promoted on higher post of Permanent Way Mistri as well as Permanent Way Inspector 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 I969) were sent for Suitability Test (posted at Pratapgarh) to Divisional Railway, Manager, Northern Railway, Lucknow which they passed in the year I970 and were promoted on higher post of Permanent Way Mistri while his name was sent by Authority concerned in the same



(A2)

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 I982 ^{or} upto/for Training course, he ~~has~~ not lost only seniority of I969 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.

DR
MCC

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I4.

F)- Because loss of seniority and pay of PWM scale to applicant since 1970 when equally similar candidates were adjusted/promoted on the said posts, 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 final decision 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.02 402-456 (GPO)

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

II- List of Annexures

1- Annexure -I

2- Annexure - 2

3- Annexure - 3

4- Annexure - 4

5- Annexure - 5

6- Annexure - 6


NMO

P2G

I5.

- 7- Annexure - 7
- 8- Annexure - 8
- 9- Annexure - 9
- 10- Annexure - 10
- II- Annexure - II

Verifications

I, Nand Kishore Srivastava, aged about 51 year
S/o Sri Nimali Prasad Srivastava, the applicant...

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

.....
..... are true to my personnal knowledge and those of paras
Paras. 1, 2, 3, 4-20, 4-22, para 3
..... 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

Qasam
(Qamrul Hasan)
Advocate
Counsel for the Applicant.

Before the Central Administrative Tribunal
Circuit Bench, Lucknow.

16



महोदय

वकालतनामा

Sri Nand Kishore Srivastava.....

Applicant

टिकट

वादी (अपीलान्ट)

Union of India & Others

Respondents

बनाम

प्रतिवादी (रेस्पान्डेंट)

नं० मुकद्दमा

सन्

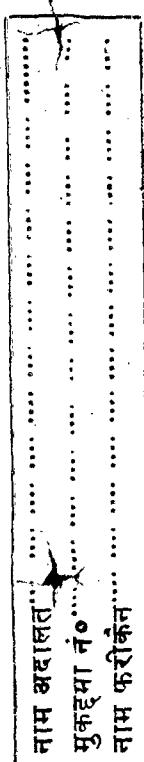
पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से थी

QAMRUL HASAN वकील

Mohd. Fateh Uddin एडवोकेट



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 रूपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया 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 में 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 उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
Nand Kishore Srivastava
30/12/89

हस्ताक्षर Nand Kishore Srivastava
Affidavit

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना — — — — सन् १६ ई०

स्वीकृत

A216

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

Application no. | of 1990 (C)

Sri Nand Kishore SrivastavaApplicant

Versus

Union of India and othersRespondents

I n d e x

<u>Sl.no.</u>	<u>Description of documents</u>	<u>Pages</u>
I.	Annexure-P(Letter by which 9 persons sent for training course	16
2.	Annexure-2(Photostat copy of Gazett. dt.I6.2.70, which contains failed candidates names.	17
2-A	Annexure-2A(Order 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.I5.2.79	19
5.	Annexure-5(Photostat copy of letter dt.I8.3.71) 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.I/6/82)	23
9.	Annexure-9(Photostat copy of Representation dt.30.5.88)	24
10.	Annexure-10(Photostat copy of representation) dt.II.8.89	25
II.	Annexure-II (Representation dt.I3.I.89)	26

Jan. 1, 1990

Q. H.
(Qamrul Hasan)
Advocate

Annexure I

Northern Railway

True copy

No 242 E/II D/AC/APW/1

The Assistant Engineer
Northern Railway

Lko (1) Lko (2) BSB/ FD/ SGN/ RBL/ PBT

Reg:- Promotional course for the post of APW/1
from 2-6-69 to 1-11-69

The under quoted staff are required to attend the promotional course for APW/1's post at the Zonal Training School Chandigarh 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 Shauvin Ahmad OFF PSC BSB
(2) " Ram Kishore Panday Gangman/ PDA
(3) " Laxmi Narain OFF PSC HO/LKO
(4) " Ramesh Kumar OFF PSC / 544
(5) " Nand Kishore Gangman/ BSBK -
(6) " Ram Kumar " / UCR Pass
(7) " Ram Ray " / BSB
(8) " M. A Zafar " / BSB
(9) " Raj Nath Panday " / 544 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 Offr.

cf forwarded to

CC

The Pwts Lko, BSB, BSBK, UCR, JNU,
The Principal Zonal Training school Chandigarh
The G.M (P) H.R. New Delhi
in reference to his letter No 754E/3-III-III (FTR)
dated 9/5/69 for information and necessary
action please.

Recd
J.W.

Before the Central Administrative Tribunal
 Addl. Bench Allahabad, Lucknow Bench, Lucknow
 Application No. _____
 Sri Nand Kishore Srivastava ...Applicant
 V/s.
 Union of India & Others ...Respondents
 Annexure No. _____

NORTHERN RAILWAY GAZETTE

FEBRUARY 16, 1970/MAGHA 27, 1891

No. 61.

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

S. No.	Name	Divn.	Result	Merit	S. No.	Name	Divn.	Result	Merit
1.	P. R. Kanode	DLI	Passed	III	33.	S. Rajendra Pd.	DLI	Passed	XVI
2.	Mujan Singh	JU	Failed		34.	Om Prakash Mishra	DLI	Passed	X
3.	Narain Singh	JU	Passed	XIII	35.	S. N. Pandey	LKO	Failed	
4.	Ram Autar	LKO	Failed	In (Transferation only)	36.	Ganga Dhar	DLI	Failed	
5.	K. N. Srivastava	LKO	Failed		37.	Prem Nath	FZR	Failed	
6.	Anup Singh	FZR	Failed		38.	Yash Pal	MB	Failed	
7.	Harnath Singh	JU	Passed	IX	39.	S. Kishan	MB	Failed	
8.	Tel Singh	JU	Passed	VII	40.	N. C. Bhardwaj	MH	Passed	
9.	Bhadwar Singh	JU	Passed	XV	41.	Raja Ram	MB	Passed	XXII
10.	Yashwant Singh	ALD	Passed		42.	Ram Swarnp	MB	Passed	XXI
11.	Ju Lal Singh	ALD	Passed	VIII	43.	Ram Sewak	MB	Passed	V
12.	Raj Narain Dass	FZR	Passed	XVIII	44.	R. K. Pandey	FZR	Failed	
13.	S. C. Dheepar	BKN	Passed	XXI	45.	Vishwa Nath	MB	Failed	
14.	Harnan Singh	BKN	Passed	XXII	46.	Prem Chand Sharma	MB	Failed	
15.	Mahabir Singh	BKN	Passed	XXIII	47.	V. N. Saxena	MB	Failed	
16.	R. S. Tewari	ALD	Failed		48.	C. L. Sharma	MB	Failed	
17.	Ram Lal	DLI	Passed	VIII	49.	Danai Dass	MB	Failed	
18.	Ananda Ram	JU	Passed	XIV	50.	M. A. Zafri	LKO	Failed	
19.	Krishan Ram	JU	Passed	XXIV	51.	Makhan Lal	MB	Failed	
20.	Ram Chaud	FZR	Failed		52.	Dilgamber Pd.	MB	Failed	
21.	Ram Singh	FZR	Passed	VI	53.	Yashpal Singh	MB	Failed	
22.	Ram Nath Pandey	LKO	Passed	XXI	54.	Chander Bhain	MH	Passed	
23.	Pawan Kumar Anand	BKN	Passed		55.	Som Nath	ALD	Failed	
24.	Ram Dhan	DLI	Failed		56.	D. P. Yadav	BKN	Failed	
25.	Thakur Singh	FZR	Failed		57.	R. K. Srivastava	LKO	Failed	
26.	R. K. Saha	FZR	Passed	XI	58.	Laxminarain	LKO	Failed	
27.	Satish Kumar	ALD	Passed	VII	59.	S. K. Joshi	BKN	Failed	
28.	R. D. Misra	LKO	Passed	XXI	60.	Sai Pal	BKN	Passed	
29.	S. K. Tewari	FZR	Passed		61.	Horam	DLI	Failed	
30.	Raj Bhandar	DLI	Failed		62.	Govinda	DLI	Failed	
31.	Gulzar Singh	FZR	Passed	I	63.	Nand Kishore	LKO	Failed	
32.	Devi Deva	FZR	Passed	X	64.	Shambu Autar	LKO	Failed	
33.	Gopal Chandra	LKO	Passed	X	65.	Ram Raj	LKO	Failed	
34.	R. B. Krishan	DLI	Passed	XI					

No. 62

Result of T- 1(Prob. A.S)

S. No.	Name	Divn.	Result	No.	Name	Divn.	Result	Merit
1.	Sri Shyam Kumar Sharma	JU	Passed	12.	Bhan Singh	FZR	Passed	X
2.	Kulwati Lal	DLI	Passed	13.	Yea Mitra Arya	MB	Passed	VIII
3.	Shuddi Lal Bala	FZR	Passed	14.	Tribhuvan Nath	JU	Passed	XXIV
4.	Surbhakar Pal	JU	Passed	15.	Bhavinay			
5.	Kuldeep Singh			16.	Prem Narain Upadhyay	JU	Passed	XXVIII
6.	Debjit Singh Barar	FZR	Passed	17.	Jagjit Singh Lall	DLI	Passed	XII
7.	Brijendra Misra	DLI	Failed	18.	Ranthey Suman Gurta	FZR	Passed	XIX
8.	Chandru Atant	DLI	Passed	19.	Syed Zulfiqar Hussain	MB	Passed	XXX
9.	Shyam Kumar	FZR	Passed	20.	Sabih Ali Khan	FZR	Passed	XVI
10.	Abdul Azizuddin	FZR	Passed	21.	Kakumuddin Ansari	DLI	Passed	VII
11.	Farooq Chaitan	FZR	Passed	22.	Jitendra Kumar	DLI	Passed	XXI
12.	Shivender			23.	Sakenu			
13.	Subh Singh Gill	MB	Failed	24.	Burjali Chandra	MB	Passed	XIX
14.	Ravi Prakash Singh	DLI	Passed	25.	Srivastava			
15.	Mahabir Pd.	JU	Passed	26.	Pyare Lal Verma	DLI	Passed	XXIII
16.	Phulbhai			27.	Ram Nath	MB	Passed	XI
17.	Abdul Kurnar	FZR	Failed	28.	Shyam Narain Misra	DLI	Passed	XXII
18.	Sharma			29.	Rajiv Kumar Saxena	DLI	Passed	XXI
19.	Abdul Zabbar Khan	JU	Passed	30.	Itrij Pal Singh	DLI	Passed	XIV
20.	Kekan Kumar	JU	Passed	31.	Krishan Lal	JU	Passed	XXIX
21.	Subash Chandra	JU	Passed	32.	Janardan Lal	MB	Passed	X
22.	Ram Narain Misra	FZR	Passed	33.	Srivastava			
23.	Chandra Kishore	JU	Failed	34.	Ram Krishan Misra	JU	Passed	XXV
24.	Misra			35.	Subhash Chander	JU	Passed	X
25.	Malloj Singh	DLI	Failed	36.	Kalkar			
26.	Doyal			37.	Santosh Kumar	JU	Failed	
27.	Subodh Pal Singh	DLI	Passed	38.				
28.	Mohd Wasir Khan	JU	Failed	39.				

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
Vs.
Union of India & Others ...Respondents
Annexure No. 2-1

17A

A27

il Sapdt office
(knor)

o 754E/II/D/APP/12
ated 6-5-20

Assistant Engineer-II
Northern Railway Lucknow

Sub: Seniority position of S/srn Laxmi
Narain and Nand Kishore as P.M. Mkt

S/srn Laxmi Narain and Nand Kishore who
had been officiating as Material checker were revert
as gru man vide this office letter NO 754E/II/D/11
22-1-20 have represented to this office that They
would have been promoted as key man and their
mate, had They not been promoted as material ch.
Their claim may please be examined and if it is
found that persons junior to them on the seniority list
gru man have already been promoted as keyman/mt.
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 to
for promotion as P.M.M. if considered eligible.

Divil Personnel Office
Lucknow

Attested
Anil

#2

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

To

The Post M. Rly

Bara Banki

Sir

Re:- Resumption of duty
at Bara Banki

I have reported my duty
at your office on 4/8/70 F.N.
Vide A.B.N.-L/KW II letter No.
4/E dated 3/8/70

Yours faithfully
Nand Kishore
Gyan under
P.W.D. B.M.

Recd

4/8/70

(APG) 4

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

W.B.-1770/17-P.B. 77-2,50,000 P.

श्री नन्द किशोर स्रिवास्तवा/प.ल. 17-7
दर्शक द्वारा दिलाई गई दस्तावेज़

पश्चिम रेलवे NORTHERN RAILWAY

No. 752 E/11/PA/DWm Darsi Subdt's Office
Lucknow Dt 15/4/79

Notice:

Sri Nand Kishore - who is serving under
P.W.I/444 is promoted to officiate as D.W.M
in Gr. B-380-560 and posted under A.E.H/
Sikandarpur against work charged Post
Sanctioned for 4 months Estimation No 111-76

The promotion of Sri Nand Kishore as
D.W.M in grade 380-560 is purely temporary
on ad-hoc basis and will not confer upon
him any right for such promotion over his
Senior.

This has the approval of D.E.H-5, D.S.E-1

Sri D.P.O/H.C.O

Sd —

Chander Lal
For Sr. D.P.O/Personal Officer

Lucknow

Category

- 1 - A.E.H/524
- 2 - D.E.H/Lucknow
- 3 - D.S.E-1P - Lucknow

MR

Mr. Kishore
Date

(A30) 26

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

Divisional Supply Office
Lucknow:

S.S.R. Yadav

A.P.O.I

File No 754 E/II DA/APWI

Dated 10-3-71

My dear Komal

Sub:- Seniority Position of S/Shri L.N. Misra
and Nand Kishore as Kaman

Reff your D.O. No 41 E - 1168 of 19/2/71

Since S/Shri L.N. Misra and Nand Kishore
could not be called for suitability test as Kaman
male along with others in their due turn for promotion
through error File 105-135 A-s which was higher
grade than that of those employees passed
in interview of APWI. They should be deemed
to have been actual or appeared this sub-
test on this due turn thru seniority and they
should be allowed a suitability test
for P.W.M. on that basis. Thus

A.C.H. - II - L.K.O.

Reh

Attest

Reh

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

(5)

प्र२/इ/पी-॥८। दि० 24-6-८।
 प्रधानाचार्यको प्र० के ० प्रत्योधी मुंले रेलवे प्रवाप्तक उ०रे
 किष्पः-पी-॥ प्राप्त्यक्षम ०/८-६-८। ८/१७-११-८।

उपरोक्त प्राप्त्यक्षम मे प्राप्त्यक्षराक्षिया
 केवल कार सरव्या हीने के लाररा प्राप्त्यक्षम जारी नहीं
 रक्तवा जा सकता। अतः निम्न Training को द्वारा
 दि० 24-6-८। AN को अपने २ वार्यालयों मे उपायिति
 देने हेतु वापस किया जाता है इस केन्द्र मे आने परी
 लारीव प्रत्येक के समझ अंकित है।

(१) श्री प्रभु	APW	रजिस्टर	बीका० 15/6/८।
(२) श्री राम किशोर पांडे	M.Clerk	रायबेरली	लाल० 17/6/८।
(३) श्री नन्द किशोर	PWM	सुनतानपुर	खरग० 18/6/८।
(४) श्री चम्पा राम	PW	हड्डला	इलाह० 20/6/८।

—sd—

(जौ. दास) २५/६
 कुर्ते प्रधानाचार्य

Attest,
Ch.

(P32/22)

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

52/10-11
10/520/2/83

उत्तर रेलवे/NORTHERN RAILWAY

लै. प्रल. 19 'G.I. 19.
रात्रि 99-44/Cont. Off. Large

Dated 2-2-83.

Principal,
Zonal Training School,
Chandausi.

The D.R.M/ N. Rly.
Lucknow.

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

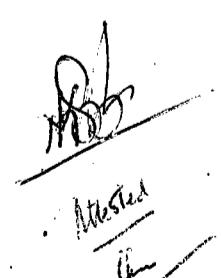
Reff:- Your letter no 754 E/ID/PWM dated 31-1-82

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 52/10-11 dated 2/12/82.

However the same is again sent herewith as

Enclos:- NAME Passed
(1) Sri K. K. Pandey OTG. M.C. Passed
(2) Nand Kishore PWM Passed.

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


Attested

(233)

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
Application No. of 1989
Sri Nand Kishore Srivastava ...Applicant
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Union of India & Others ...Respondents
Annexure No. 8

Northern Railway

E/2/82

(2)

Office of the Pwi-I
N.Rly. Sullampur

Dt. 01.6.82

To
Principal

ZTS/ Chandauli

Subj:- Pwi-Cr-III Promotional course from 3-6-82 to 2-11-82.

of Zonal Training school Chandauli

Ref:- DRM/Lko's Letter No 754/E/ID/Pwm Dt- 26.5.82

In terms of DRM/Lko's Letter No 754/E/ID/Pwm Dt-26.5.82

Sri Nand Kishore Pwi under me is spared on date and directed to attend the above Pwi-Cr-III Promotional course from 3-6-82 to 2-11-82 at Zonal Training school Chandauli.

Other Particulars of the above named 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 Month 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

राज्यपाल
राज्य परिवारक - प्रधान
राज रेल, सुलतानपुर

1- AEN - SLN

2- Shri Nand Kishore Pwi

राज्यपाल
राज्य परिवारक - प्रधान
राज रेल, सुलतानपुर

Attest
By

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

ASU

STATE रेलवे
NORTHERN RAILWAY

जी०प्ल० 19/G.I.-19-
प्रताल 99-प्रा/Genl. 99-Large

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

Through Proper Channel.

Sub- 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 APWI Panel which were held in the year 1965 and I was booked for training of APWI(r) Course to ATC/Chandauli in the year 1969 as per my No. 12. Out of 16 selected candidates but unfortunately I could not clear the course.
2. Again I was booked for training of APWI(r) Course in the year 1962 and got it cleared.
3. I promoted as APWI/Gr.III/पा/w.e.f.10 to March 1963. Since I am working continuously with entire satisfaction of my Superior and now I am working as PWI/Gr.III/पा/w.e.f.10 under PWI/hudauli.
4. 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 ATC/CH in 1972, 73, 75, 76 etc. I must have been clear the course of APWI(r) 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 booked me in the year 1962 without any selection of APWI(r) 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 inanticipation.

Yours faithfully,

(Nand Kishore Srivastava)
PWI/Gr.III/Bohowal under
PWI/hudauli. 30.5.88

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

Before the Central Administrative Tribunal
Addl. Bench Allahabad, Lucknow Bench, Lucknow
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Annexure No. 11

26

ANNEXURE

विभाग 19/G.I.-19-

जनरल 99-वडा/Genl. 99-Large

प्रीति प्राप्ति
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 APNI (P) ~~course~~ Training course at 275/CH in the year 1969 but unfortunately I could not clear the course. Again I was booked for Training course of PII-Gr-II course in the year 1982 and get it clear ~~on~~ chance no 2nd chance was given wef 1970 to June 1982.

It is therefore lastly requested that your honour may kindly be pleased to fixup 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 leagally intitled to get and promotion may also be given to me treating me senior wef 1970 and other reliefs which maybe deemed just and proper.

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

Yours faithfully
Nand Kishore Srivastava
P.I.I-Gr-III-SLkd
under P.I.I-RDL

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

13/11/89

NK
R.D.S.
D.S.E.

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 Library.

I am not well due to fever
and unable to put any 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