

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT162.....of 20-70 (2-28)

M. S. Usmani

Applicant(S)

Versus

U. O - S. A. S. -

Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1-	Order Sheet	2A - A2
2-	Jud. Date 23-2-93 -	8A - A8
3-	S.L.P -	4A - A4
4-	O.A Copy with Annex	50A - A50
5-	OA 28/70 Order Sheet	2A - A2
6-	O.A - Copy Complete	150A - A150
	A - file -	216 - Page

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

OA - 162/90

C.W

28/98 -

11-6-2012

needed 2 days

for 02/07/2012

131
28/11
NORTHERN RAILWAY

Headquarters Office,
Baroda House, New Delhi

No. 522-E/64-XI/E1B

Dated: 5/7/91

The Divl. Railway Manager,
Northern Railway,
Lucknow.

Sub: Item No. 204/88 of GM's PNM with
NRMU.

Ref: Your letter No. 757-E/5-1/SM-YM/
Channel of promotion dated 22.10.90
and 4.7.91.

....

The matter has been examined and the
decision in this connection already communicated
under this office letter of even number dated
11.4.88 and 15.9.89 holds good.

Sel
for General Manager (P)

The:

(743)

Deputy Registrar
Central Administrative Tribunal
Lucknow

Sir,

Sub: Issue of Copies of Judgement
in OA 162/90 & 28/90 Dated
23.2.93.

Kindly issue 2 Copies of above
Judgement to the Undersign, an
Applicant in the case.

Thanks.

Sincerely yours

(Sd/-)
M. S. USMANI
S/o Shahnaz Ali
Applicant No 1
in OA 162/90

copy issued
to day 22/6/93
20/6/93
21/7/93

J.S.

21

0836693378/-
049032995

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

14-5-90

Registration No. 162 of 1990 (C)

APPLICANT(S) M. S. Uomani & another

RESPONDENT(S) U.O. & LHR

Particulars to be examined

Endorsement as to result of examination

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

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

Particulars to be Examined

Endorsement as to result of examination

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

b
b

No

b
b

NA

b

b

b

Signature

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

On the request of learned
counsel for the applicant, the case may be
listed for admission on 17/5/90.

Dec
J.M.

100
A.M.

590 Hon. Mr. K. Nath. V.C.
Hon. Mr. K. J. Raman. A.M.

Put up tomorrow. (18.5.90).

A.M.

V.C.

O.A. No. 28 of 90

Dated: 7.12.1992.

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

Hon'ble Mr. K. Obayya, Member (A)

The learned counsel for the applicant seeks and is allowed two weeks further time to file rejoinder-reply. List this case for ~~adms~~ hearing on 5.1.1993, on which date, the ~~smayl~~ be heard and disposed of finally, even if in absence of the counsel for the parties. No adjournment will be given on the next day.

A.M.

V.C.

(rka)

5-1-93 Hon Mr Justice U.C. Srivastava, VC
Hon Mr K. Obayya, Member

Heard in part today,
Continue tomorrow counsel
is not present for some
reason or the other.
Hearing will continue
tomorrow

Am

W
V

Central Administrative Tribunal Circuit Bench
at Lucknow

O.A. No 162/93 L, C.A. No 28/93 L
MS. Laxman vs. V.O.I (N.Hy) Esthan

06/1/93 Present: Honble Mr Justice V.C. Srivastava VC
and Honble Mr K. Chagga AM

Present: P.K. Khare Advocate } learned counsel
for petitioner/plaintiff
Sri P.S. Mehra Advocate
Sri K.P. Srivastava Advocate

Present: Sri A. Bhargava Advocate learned
counsel for respondent.

Argument heard. Judgment Reserved.

AM.

VC

23.2.93

Present: Mr Justice V.C. Srivastava
Present: Mr K. Chagga AM

Judgment pronounced today
with my own Court

AM

VC

22.9.93 A letter D No. 2940/93(XI)
dated 6.9.93 2 Asstt. Regi-
strars S.C. 2 India has been
received regarding SLP No.
12019 and 12020 2/1993

Memorandum S.C. has framed the
order on 30.8.93

"Post held by the
petitioners herein which was
the subject-matter of dispute
before the Central Administ-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

L.A. NO 762 / 90 (L) 199 (L)

L.A. NO _____ 199 (TL)

Date of Deceasion _____

M. S. Homania & Co
Advocate for the
Petitioner(s)

Petitioner.
Advocate for the
Petitioner(s)

V E R S U S

Shri H. K. Sharma & Co

Respondent.

Shri D. N. Bhatnagar & Co

Advocate for the
Respondents

C O R A M

Hon'ble Mr. *Justice V. K. Singh, Jc*

Hon'ble Mr. *H. D. Singh, Jm*

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

U
Vice-Chairman / Member

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 162/90

M.S. Usmani and others

Applicants.

versus

Union of India & others

Respondents.

(2) O.A. No.28/90

D.K. Khare and others

Applicants.

versus

Union of India & others

Respondents.

Shri P.K. Khare,

Shri P.S. Mehra

Shri K.P. Srivastava Counsel for Applicants.

Shri Arjun Bhargava Counsel for Respondents

Coram:

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

Hon. Mr. K. Obayya, Adm. Member.


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

In these two cases, the facts and the question of law involved is the same, as such they are being disposed of together; The relief claimed in the above two cases is also common. The applicants have prayed that the order passed by the General Manager(P), N.R. New Delhi dated 15.9.89 and the order dated 26.12.89 passed by the Senior Divisional Personal Officer, Lucknow reverting the applicants from the post of Station Masters/Traffic Inspectors grade Rs 1600-2660 to the post of Assistant Station Master grade Rs 1400-2300 placing them below all the Assistant Station Masters

who were empanelled as such on 23.11.83 having effect from 1.8.83 in the grade of Rs 1400-2300 be quashed, and the policy decision regarding the implementation of exparte decisions taken at P.N.M. as communicated by the General Manager(P), N.R. by letter dated 7.6.84 be also quashed. The applicants have prayed these reliefs on the ground that the exparte order reverting them is illegal, arbitrary and violative of Article 311(2) of the Constitution of India as they have been singled out and similarly placed persons have not been reverted. According to the applicants, they were in the panel of Station Masters under the 10% reservation quota for serving graduates and were promoted in the higher grade and have been reverted as Assistant Station Masters which is a different category twisting their right. A decision was taken at the level of P.N.M. and on the basis of the same, behind the back of the applicants which is violative of principles of natural justice, in as much as they were not heard, more so ~~with~~ when such demands, made earlier, were rejected and in demand the Union should not have been made a basis of such actions of the department of at least one set of employees.

2. Some of the applicants were recruited as A.S.M. in the scale of Rs 330-560. Applicant No. 2 was placed on the panel of the grade of Rs 1400-2300 against the reservation quota of 10% for serving graduates, although they were selected as Station Masters against 10% graduate quota and promotion in higher grade of Rs 1600-2660 for filling up vacancies of Traffic Inspector and Section Controller in the grade of Rs 455-700 and vide letter dated 7.4.78 10% of the vacancies


were to be kept reserved in all the five streams namely Station Master, Asstt. Station Master, Asstt. Yard Master, Traffic Inspector and Section Controller in the grade of Rs 455-700 and for preparation of panel for the 10% vacancies in all the five streams were to be formed on each division, and applications from amongst the non-ministerial Transportation class III were invited from serving graduates who were below the age of 35 years on 31.7.82 for selection and written test as well as viva voce of the ~~xxxxxxxxxx~~ candidates was held and on the basis of this selection provisional panel for the posts of Traffic Inspector, Station Master and Section Controller was announced vide letter dated 27.9.83 which included 10 candidates but subsequently an enlarged panel was announced by letter dated 12.8.87 after getting approval of de-reservation from the competent authority. The services of the empanelled staff were regularised from the date they were working on the post and only condition for permanent retention in the panel was subject to the work being satisfactory. Those, whose names were empanelled in the panel, were imparted training as required and thereafter they were recruited as Station Masters in the year 1984-85. According to the applicants, the seniority was given to them from the date of joining in the category of Station Master in the grade of Rs 455-700(RS) in accordance with



para 302 of the Railway Establishment Manual.

Thereafter they were promoted as Station Masters and Traffic Inspectors. It was thereafter, some demand was made by the Northern Railway Men's Union which was earlier rejected. Again this issue was ~~raised~~ raised in the P.N.M in which a demand was made for reversion of the Station Masters falling within 10% graduate quota and thus the aforesaid manipulation was done at the instance of the union behind the back of the applicants, to which they were not party and the demand was given effect to. According to the applicants out of 16 % kept in the panel of 10% quota, 11 % which included the applicants were earmarked for Station Master and Traffic Inspector were reverted.

3. From the pleadings, it appears that the promotion orders from group C and D were made in the restructuring of the Group C and D. In compliance of the order dated 29.7.83 fixing proforma seniority from 1.8.83 and dispute regarding seniority was raised and it was settled in the manner which was provided in the restructuring of the cadre from 1.8.83 and staff would be placed in the revised grade in the higher grade with the benefit of proforma fixation of seniority from 1.8.83. The Railway Board's order dated 29.7.83 provided that for the purposes of promotion will be on the basis of scrutiny of service record without holding any viva voce test i.e. 10%



graduate quota will not arise. It was thereafter, the applications were invited, reference to which has been made by the applicant.

4. In view of the restructuring, the selection procedure, which was prevalent was modified to the extent of written test or viva voce to be conducted. From the notification it appears that the qualification of any post in the cadre of A.S.M. and S.M. cadre was not changed, but according to the applicant, the cadre of A.S.M. and S.M. were separate in the Northern Railway and the qualification of A.S.M. and S.M. was not ~~change~~ ^{para} changed and the provisions of Railway Board/312 were not made against 10% quota ~~against~~ which was initiated earlier before the restructuring order was received.


5. Restructuring of the Railway Board provides two alternatives. In the first alternative cadres of Station Master and Assistant Station Masters were amalgamated ~~and~~ for each grade while in the second alternative both the cadres were provided separate percentage.

6. According to the respondents, the applicants who were placed in the grade of Rs 455-700 as a result of restructuring and according to the respondent staff empanelled for various categories namely, Station Master/Assistant Yard Master/Traffic Inspector/Section Controller in the grade of Rs 455-700 against 10% Graduate quota, were assigned seniority from the date of joining the categories for which they were earmarked.

✓

Their seniority was assigned in the respective cadres from the date of joining in accordance with the provision laid down under paragraph 302 of Indian Railway Establishment Manual and the graduate quota was not recruited to undergo training for a period of 3 years like Traffic Apprentice recruited from open market.

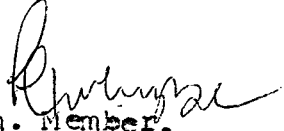
7. As a result of restructuring the promotion orders were issued on 26.11.83 of various station masters in the pay scale of Rs 455-700. In compliance of the Railway Board order dated 29.7.83, fixation of ^{proforma} seniority from 1.8.82 was done and the seniority has been given from 1.8.1983. Subsequently a dispute regarding the fixation of seniority was raised which was settled vide printed serial No. 9340 mentioning that the restructuring of the cadre will be made with reference to sanctioned cadre strength as on 1.8.1983 with the benefit of proforma fixation from 1.8.1982. The applicant's name did not figure in that. The Railway Board order dated 29.7.83 provided that whenever in terms of the revised classification the posts which were hitherto classified as 'selection' are now to be treated as 'Non selection' posts. The ^{part of} unoperated/~~panel~~ prepared for such posts as on 1.8.1983 will lapse and the posts will be filled according to the changed classification, and the cases of selection shall be finalised and promotions also




made on or before 31.7.1983 and such selected and promoted persons shall rank senior to the persons selected, and promoted according to the provisions of the Board's order, but even thereafter a panel was prepared after 31.7.1983 and all 10% graduate quota promotees having pay scale of Rs 455-700 though the 10% graduate quota cadre was to be placed in the cadre of Assistant Station Master (Rs 455-700), Section Controller (Rs 470-750) Traffic Inspector Rs 455-700 and Assistant Yard Master (Rs 455-700). At that time the strength of Assistant Station Masters was 335 and the strength of Station Masters was only 13, but the 10% graduate quota's promotees were not placed in the cadre of Assistant Station Masters though there were a large number of vacancies. Thus, it appears that the applicants were placed in the Station Master cadre and according to the respondents, the applicants were placed in the Station Master Cadre in violation of provisions of para 302 of Railway Establishment Manual II. In was in these circumstances in the P.N.M meeting the matter was decided and before deciding the matter, the applicants were allowed time to make representation. It is thus to be seen that ~~the~~ so far as the seniority of respondents is concerned, the contention which has been raised by the applicants over the respondents is obviously not correct.

8. We had occasion to deal with this question also in the case of 'Girija Dutt Pandey vs Union of India and others' (O.A. No. 1703 of 1987) decided on 5.8.92, which case, we have dismissed. The instant case also is in line with the same. In this case also the applicants penal

position was not correct. The contention on behalf of the applicant that they could not have been reverted and their reversion order is violative of Article 311 of the Constitution of India, is not correct as it is only what was erroneously done, has been rectified, merely because discussion took place that could not be taken to mean that it is because such decision was given in the P.N.M. meeting. The fact that the date of joining of applicants is later than the entry into the higher grade of the answering respondents, the applicants are not entitled to get any reliefs and seniority etc. Accordingly the application deserves to be dismissed and the same is accordingly dismissed. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 23 Feb 1993.

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

D. No. 2948/93/AI

SUPREME COURT INDIA

Dated New Delhi, the 6th September, 1993 19

FROM

THE ASSISTANT REGISTRAR
SUPREME COURT OF INDIA

TO

✓ THE DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH AT LUCKNOW

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVI) NO. 12019 AND
12020 OF 1993

WITH
INTERLOCUTORY APPLICATION NOS. 1 AND 2
(Applications for stay by Notice of Motion with a prayer
for an ex parte Order)

M.s. Usmani, Malivganj Lucknow Petitioners
& Ors.

Versus.

Union of India & Anr. Respondents

Sir,

I am directed to forward herewith for your information,
record and necessary action a Certified copy of the Order of this
Court dated 30th August, 1993 passed in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR.

श्रीमाना रीर
हृदय पत्रिका
24/9/93
7/1/94
श्रीमाना रीर
पत्रिका
24/9/93
7/1/94
श्रीमाना रीर
पत्रिका
24/9/93
7/1/94

Kof
7/1/94
22-7

The Deputy Vice-Chancellor
Central Administrative
Ludhiana Bench

Copies issued
today on payment of
200/-
26/11/93

Reg. furnishing of photo copy
of O.A No 162/90, M.S Usmani
vs Muz and 2819 of D K Khay
and also vs Muz.

The applicants respectfully
submit that the photo copies
of the original applications No 162/90
M.S Usmani and also vs Muz numbering
pages and O.A No 2819 of D K Khay
and also vs Muz, and also numbering
pages 20 are required for inclusion
with supreme court cases filed by
the applicants. These cases were
decided on 22/11/93.

Recd
Copy
24/11/93

J.S.
21/11
22/11

Order was made on 7/24 D 72260 to 67
withy Lal Bakh Port amounting to 20/- each.
(Total Rs 40)
The amount dated 17/11/93
and

- Received
90/- Postal order
- ① 806/132259/51
 - ② 724/072240/20
 - ③ 724/072261/20

Postal order no B D 6 132259 for Rs 20/-
withy Lal Bakh Port
dated 17-11-93 and enclosed
is the amount requested for
the photo copies. My kind regards
are sent with this.
17-11-93

K. Bhargava
Advocate.

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL APPELLATE JURISDICTION

462947

No. hof h

Certified to be true copy

Assistant Registrar (Judl.)

Supreme Court of India

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 12019 AND 12020 OF 1993

(Petitions under Article 136 of the Constitution of India from the Judgment and order dated 23rd February, 1993 of the Central Administrative Tribunal & Lucknow Bench Lucknow in Original Applications Nos. 162 and 28 of 1990.)

WITH

INTERLOCUTORY APPLICATIONS NOS. 1 AND 2

(Applications for stay by Notice of Motion with a prayer for an ex parte Order)

1. M.s Usmani aged 49 years, S/o Hashmag Ali T.I. Planning, N.R. Lucknow, R/o 92 Naseer Villa Astabal Charbagh, Malivganj-Lucknow.
2. S.J. Singh, aged 39 years S/o P.N. Singh, T.I. Corporative Palanning, N.R. Lucknow R/o of Bishma Narain Inter College, Lucknow.
3. Ratnakar Pandey aged 40 years S/o T.N. Pandey SM Khelaraser, N.R.L.Y. R/o Ashok Homeo Pharmacy Mohalla Sadawati District, Azamgarh U.P. (Petition in S.L.P. arising out of O.A. No. 162/1990(L))
4. D.K. Khare aged 44 years S/o Vujai Bahadur Singh SM Harchandrapur D, N.R. Rai Bareli, R/o T.I Rly Colony, Harchandrapur, Rai Bareli.
5. G.P. Srivastava aged 44 years S/o S.B.L. Srivastava SM N.R. Lucknow R/o Village-Harchandrapur Distt. Rai Bareli.
6. J.R. Maurya, Aged 49 years S/o Bihari Maurya, T.I. Janunpur N.Rly R/o Rlu. Colony, Jaunpur.
7. R.P. Singh Aged 43 years, S/o Jadunath Singh T.I. Tanda N.R. R/o Railway Colony Tanda/Faizabad.
8. S.S. Singh Aged 49 years S/o Baba Bu-x Singh SM Darshan Nagar, N.R. R/o Railway Colony, Darshan Nagar, Faizabad.
9. Javed Ahmed Aged 38 years S/o Sri Mannan Ahmad SM Varanasi N.R. R/o D50/114, Kajipura Kalam Siddiqui Nai Sadak, Varanasi.
10. Parvez Ahmad S/o Shukruddin Siddiqui R/o Bareli Aged 37 years, R/o T/I Railway Colony N.R. Rai Bareli.
11. A.K. Sinha aged 45 years S/o Sri J.N. Sinha SM NR Lucknow R/o 105, Masakganj Lucknow.

(Petition in S.L.P. arising out of O.A. No. 28/1990(L))

...PETITIONERS

VERSUS

1. Union of India through the General Manager Northern Railway, Baroda House New Delhi.
2. Divisional Railway Manager Northern Railway Hazratganj, Lucknow.
3. Senior Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow.
4. Bharat Raj Singh aged 54 years S/O R.S. Singh SM Labina, Jampur.
5. Rai Shankar Prasad Aged 50 years S/O Narad Rai ASM Varanasi
6. Prithvi Raj Singh 52 years. S/O Hanuman Singh, SM Jampur.
7. Rajendra Singh, aged 51 years, S/O Sheetal Singh, SM Prayag Ghat, Allahabad.

...RESPONDENTS

30TH AUGUST, 1993

CORAM:

HON'BLE MR. JUSTICE S. RATNAVEL PANDIAN
HON'BLE MR. JUSTICE R. M. SAHAI

For the Petitioners: Mr. U. R. Lalit Senior Advocate
(M/s. M. Afzal and R. D. Upadhyaya
Advocates with him)

THE PETITIONS FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 30th day of August, 1993 UPON hearing counsel for the petitioners herein THIS COURT while directing issue of Notice to the Respondents herein to Show Cause why Special Leave be not granted to the Petitioners herein to appeal to this Court from the Judgment and Order above-mentioned BOTH ORDER that pending the hearing and final disposal by this Court of the applications^h for stay after notice the status quo as obtaining between the parties^h on this the 30th day of August, 1993 with regard to the posts held by the petitioners herein which was the subject matter of dispute before the Central Administrative

Tribunal, Lucknow Bench at Lucknow in Original Applications Nos. 162 and 28 of 1990 shall be maintained;

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

WITNESS the Hon'ble SHRI MANEPALLI NARAYANARAO VENKATACHALIAH, Chief Justice of India at the Supreme Court, New Delhi dated this the 30th day of August, 1993.

Sd/-
(B.S. JAIN)
JOINT REGISTRAR.

In

O.A. NO.162 of 1990 (L)

Hon'ble Mr. Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Prayer for permission to make the application jointly is allowed.

Admit and connect with O.A. NO.28 of 1990.

Counter may be filed within 4 weeks, rejoinder, within 2 weeks, thereafter. In the matter of interim relief issue notice and list for orders on 1.6.1990.

Sd/-
A.M.

Sd/-
V.C.

rrm/

Hon' Mr P.C. Jain, A.M.

Hon' Mr J.P. Sharma, J.M.

OR
Notices were issued
on 21-5-90. to the O.Ps.
O/c is attached.

No unexamined reports
ever have been return
back.

S. F. O.
30/5/90

1/6/90

We have heard Shri P.C. Khare, learned counsel for the applicant on the question of interim relief. The impugned order dated 26.12.89 (Annexure-A-19) shows that the applicants were given a show cause notice and one month's time to submit their representations against the proposed reversion order. The application does not disclose whether any representation has been made by the applicants, and if so, on what date, and further whether the representation was disposed of or is still pending for disposal. ^{copy NO} ^{copy sent} A copy of such representation has been filed. The learned counsel prays for one week's time to file a supplementary affidavit in this connexion. Time prayed for is allowed. List this case on 23-7-90 for directions on the prayer for interim relief.

Shri Arjun Bhargava Counsel appears for the respondents. The respondents may file their reply as already directed vide order dated 18.5.90. The applicants may file rejoinder, if any, within 2 weeks thereafter.

J.M.

A.M.

OR
He for the
parties has not
compliance the
Court's order dt
1.6.90
S. F. O.

19/5/90

In the Central Administration Tribunal
Bunch duck

OA 162/90

H. Usman


vs

Suma of the 8 of

In the above noted case, the
Hpf is under preparation and will
take some time to file.

It is then for prayer that some
time further be allowed to file
Hpf.

D 16/9/91


Ar
Cen for.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Central Administrative Tribunal
Circuit Bench
Date of Filing 14/5/93
Date of Receipt by Post

162/90 (W)

pl
V Deputy Registrar

M.S.Usmani and

others.

...

Applicants

Versus

Union of India and

Others.

...

Respondents

FORM-I

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1955.

Date of Filing

Registration No.

In P.K. Khare, Advocate
" P.C. Khare Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

O.A.No. 162 of 1990(L)

M.S.Usmani and others

Applicants

Versus

Union of India and
others.

Respondents

I N D E X

Sl.No.	Particulars	Pages
1.	Application	1 to 23
2.	<u>Annexure-1</u> , True copy of promotional channel chart dated 7.4.76,	24-26
3.	<u>Annexure-2</u> , True copy of the letter dated 31.7.82.	27
4.	<u>Annexure-3</u> , True copy of letter dated 27.9.83.	28
5.	<u>Annexure-4</u> , True copy of letter dated 12.8.87.	29
6.	<u>Annexure-5</u> , True copy of order dated 19.11.84.	30-32
7.	<u>Annexure-6</u> , True copy of order dated 10.6.85,	33
8.	<u>Annexure-7</u> , True copy of the promotional chart dated 14.11.83.	34-36
9.	<u>Annexure-8</u> , True copy of the promotion orders dated 10.4.87 of the petitioners.	37
10.	<u>Annexure-9</u> , True copy of the promotion order dated 4.9.87.	38
11.	<u>Annexure-10</u> , True copy of promotion order in the grade of Traffic Inspector.	39

1	2	3
---	---	---

12. Annexure-11, True copy of the minutes of the 68th meeting.
13. Annexure-12, True copy of the Agenda item No.204/88.
- 14.9 Annexure-13, True copy of the minutes of agenda item No.204/88.
15. Annexure-14, True copy of letter dated 15.9.89.
16. Annexure-15, True copy of printed sl.No.9340.
17. Annexure-16, True copy of the letter dated 17.7.89.
18. Annexure-17, True copy of the item No.33 of GM's PNM
19. Annexure-18, True copy of letter dated 28.4.86.
20. Annexure-19, True copy of letter dated 26.12.89.

40-41

42-43

44

45

46-47

48-49

50

51-52

53

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

O.A.No. 162 of 1990 (2)

M.S.Usmani and Others. Applicants

Versus

Union of India and
Others. Respondents

DETAILS OF APPLICATION.

I.Particulars of the Applicants:

- i) Name of Applicants : 1) M.S.Usmani, aged about 47 years son of Sri Hashmat Ali, Traffic Inspector of Lucknow Division, Northern Railway r/o 92 Naseer Villa, Astabal Charbagh, Molviganj, Lucknow.
- ii) Name of father:
- iii) Designation and office in which employed:
- iv) Office Address:
- v) Address for service of notice:
- 2) S.J.Singh, aged about 36 years son of Sri P.N. Singh, Station Master of Lucknow Division, Northern Railway, resident of Bishnu Narain Inter College, Campus, Naval Kishore Road, Lucknow.
- 3) Ratnakar Pandey, aged about 37 years son of late Sri T.N.Pandey,

P.T.
Shiv
14/5/90
received 14/5/90
of P.K. Kaur
14/5

Spencer
Singh
(C) 11/5/90

.2.

Station Master of Lucknow
Division, Northern Railway resident
of Ashok Homoe Pharmacy Mohalla
Sadawati, district Azamgarh, U.P.

II. Particulars of the respondents:

1. Union of India through the General
Manager, Northern Railway, Baroda House
New Delhi.
2. Divisional Railway Manager,
Northern Railway Hazratganj,
Lucknow.
3. Senior Divisional Personnel
Officer, Northern Railway,
Hazratganj, Lucknow.

III. Particulars of the order against which the
application is made.

The application is being moved to challenge the
validity of the order dated 15th Sept. 1989 passed by
the General Manager (Personnel) Northern Railway, New
Delhi and consequently the order dated 26th Dec. 1989
passed by the Senior Divisional Personnel Officer,
Northern Railway, Lucknow which attempts to revert the
applicants from the post of the Station Master/
Traffic Inspector, grade Rs. 550-750(RS)/1600-2660(RPS) to
the post of the Asstt. Station Master, in the grade of
Rs. 455-700(RS)/1400-2300(RPS) and placing the applicants
below all the Asstt. Station Masters who were allegedly
empanelled as Asstt. Station Master on 23.11.83 in grade
of Rs. 455-700(RS)/1400-2300(RPS) with retrospective
effect i.e.w.e.f. 1st of August 1983. The impugned
order however, had been communicated to the applicants
in the 1st week of April 1990 and the same is attempted
to be implemented notwithstanding the fact that the

*Procedural
Straight*
(C) 1990

.3.
said
operation of the ~~stay~~ order has also been stayed by
this Hon'ble Tribunal.

IV. 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 Hon'ble Tribunal.

V. Limitation:

That the applicants further declare that the application is within limitation prescribed under Section 21 of the Administrative Tribunal Act 1985. It further needs clarification that the impugned order has not yet been implemented but the order was served in the last week of April 1990.

VI. Facts of the Case:

The facts of the case are furnished hereunder:

1.A That the applicant No.1 was initially appointed as Asstt. Station Master on 1st of October 1964 in the grade of Rs.150-240(AS). The applicant No.1 thereafter stood selected as Station Master grade-455-700(RS)/1400-2300 (RPS) pursuant to 10% reservation to the serving graduates vide order dated 27th September 1983. The applicant No.1 is working on the said post vide order dated 19th Nov. 1984. The applicant No.1 further stood promoted as Traffic Inspector grade 550-750(RS)/1600-2660(PS). The applicant No.1 was selected as Traffic Inspector in the grade ,aforesaid, vide order dated 29th April 1987. The applicant No.1 again stood selected for Secondment to Iraq Rail India Technical Economic Services vide order dated 16th June 1988. The applicant No.1, therefore

C. Prasad
Esq.
(1-2-91)

was sent on duty to Iraq where from he returned on 25th April 1990. The applicant No.1 therefore, has joined the Divisional Office of the Northern Railway on 26th April 1990. The applicant No.1 is still awaiting the place where he is to be posted.

1-B The applicant No.2 was initially appointed as Asstt. Station Master on 1st of October 1977 in the grade of Rs.330-560(RS). The applicant No.2 was placed on pannel of the grade 455-700(RS)/1400-2300(RPS) against the reservation quota of 10% available to the employees who have got education upto the graduation. The applicant No.2 thus has succeeded to avail the Selection post on 27th September 1983. The applicant No.2 joined on working post after availing the training on 27th Nov. 1984. The applicant No.2, therefore, stood promoted as Station Master ,grade 550-750(RS)/1600-2660(RPS) pursuant to the order dated 10th April 1987. The applicant No.2 therefore, availed the rights and is working on the said post w.e.f. 31st of May 1987. The applicant No.2 was selected for secondment to Iraq for duty by Railx India Technical and Economic Services vide order dated 16th June 1988. The applicant No.2 stood relieved in the last week of April 1990 and as such joined the duties on 3rd May 1990 in the office of the Divisional Railway Manager, Northern Railway, Lucknow. The applicant No.2, therefore, is awaiting for his placement on duty as Station Master.

1-C That the applicant No.3 was initially appointed as Asstt. Master vide order dated 1st of October 1977 in the grade of Rs.330-560(RS). The applicant No.3 stood promoted as the Station Master in the grade of Rs.455-700(RS)/1400-2300(RPS) pursuant to 10% reserva-

*For Review -
Straight
(C-77) 4103*

Chhoti aur
Badi

ANNEXURE-1

3. That since the panels for the aforesaid 10% vacancies in all the five streams were to be formed on each division the Divisional Personnel Officer, Lucknow by letter dated 31.7.82 invited the applications from amongst the non-ministerial Transportation Class-III staff who were graduates

and were below the age of 35 years on 31.7.82 for selection. Accordingly written tests for this combined departmental selection were held on 2.1.83 and 17.4.83 and viva voce of the successful candidates was held on 29.6.83. On the basis of this selection a provisional panel for the posts of Traffic Inspector, Station Master and Section Controller was announced by letter dated 27.9.83. A photostat copy of the letter dated 31.7.82 inviting applications is filed as ANNEXURE-2 and the letter dated 27.9.83 announcing the provisional panel is filed as ANNEXURE-3 to this application.

ANNEXURE-2

ANNEXURE-3

4. That the panel dated 27.9.83 consisting of 10 candidates was provisional. Subsequently an enlarged panel was announced by letter dated 12.8.87 after getting approval of de-reservation from the competent authority. The services of empanelled staff were regularised from the date they were posted against the working post. The only condition laid down for the purpose of retention on the panels was subject to the work being satisfactory. A photostat copy of the enlarged panel dated 12.8.87 is being annexed as ANNEXURE-4 to this application.

ANNEXURE-4

5. That the aforesaid panel was drawn up in accordance with the printed sl.No.6196 of the General Manager(P) Northern Railway. The incumbents of the panels were given pre-requisite training course at zonal Training School, Chandausi. The applicants 1 and 2 on the successful completion of the training were given their posting as Station Master in the grade of Rs.455-700(RS) w.e.f. 19th of Nov. 1984 and the applicant No.3 was similarly put on training and was afforded the same pay scale but he was posted vide order dated 10th June 1985. The photostat copy of the

A. Parthasarathy
Shankar
(C.M.A. 4103)

.7.

aforesaid orders pursuant to which the applicants were directed to take the charge as Station Master, referred hereinabove are being annexed as ANNEXURES-5&6 to this application.

ANNEXURES 5& 6

6. That accordingly the applicants were assigned the seniority in the category of Station Master in grade Rs 455-700(RS) from the date of joining to the relevant working post in the cadre in accordance with para 302 of the Indian Railway Establishment Manual. The applicants continued to discharge their duties to the entire satisfaction of their superiors. The applicants, therefore, had become further entitled for promotion in the higher grade of Rs.550-750(RS)/1600-2660(RPS) as Station Master or Traffic Inspector, as referred hereinabove in accordance with the provisions of the proposed channel of promotional chart dated 14th November 1983. A copy of the proposed promotional chart dated 14th November 1983 is being annexed as ANNEXURE-7 to this application. The photo copies of the promotion orders of the applicants for the post of Station Master and Traffic Inspector in the grade of Rs.550-750(RS)/1600-2660(RPS) are being annexed as ANNEXURES 8,9, and 10 to this application.

ANNEXURE-7

ANNEXURES 8 to 10

7. That after the promotion of the applicants as Station Master/Traffic Inspector in grade of Rs. 1600-2660 (RPS) the divisional body of Northern Railway Men's Union(N.R.M.U.) made a demand by Agenda Item No.289 of 68th permanent negotiating Machinery(P.N.M.) meeting wherein they sought to invoke the pro rata principle of filling up the posts of Station Master in grade Rs. 550-750(RS)/1600-2660(RPS) i.e. by regulating the promotion of Station Masters and Assistant Station Masters of grade Rs.455-700(RS)/1400-2300(RPS) in the ratio of 1:17. This demand

Y. R. R. R.
S. R. R.
T. R. R.

.8.

of the union was rejected by the Divisional Railway Manager, Lucknow on the grounds that the pro rata principle was not applicable in the changed circumstances and for the purpose of promotion to the post of Station Masters in grade of Rs. 550-750(RS) 1600-2660(RPS) the provisions of proposed channel of promotional chart were being strictly followed. The aforesaid rejection was treated as final. A true copy of the minutes of the 68th P.N.M. meeting rejecting the union's demand is filed as ANNEXURE-11 to this application.

ANNEXURE-11

8. That despite the rejection of the demand of N.R.M.U. vide Agenda item No.289 of 68th P.N.M. meeting which was treated as final the Central body of the M.R.M.U. again raised this issue in the P.N.M. meeting at the General Manager's level under Item No.204/83 demanding that promotions in the category of Station Masters in grade of Rs. 550-750(RS)/1600-2660(RFS) should be regulated on pro rata basis. A true copy of the Agenda item No.204/83 is being annexed as ANNEXURE-12 to this application.

ANNEXURE-12

9. That it appears that during the deliberation in the Permanent Negotiation Machinery Meeting(PNM) at the General Manager's level the union demanded the reversion of the Station Masters falling within 10% graduate quota and this item was directly brought under the Implementation Committee meeting specially when the union's contention had to be examined by the administration. The result therefore, is that the aforesaid manipulation was done at the instance of the union which persuaded and pressurised the administration to consider it notwithstanding the fact that there existed no such representation at the said P.N.M. and

For Record
Shauq
Central

. 9.

all the decisions in terms of this P.N.M. were taken at their back without affording them any opportunity whatsoever. It may also be submitted that these proceedings at the General Manager's level were initiated at a much belated stage notwithstanding the fact that the applicants had already been promoted to the next grade of the Station Master and Traffic Inspector i.e. Rs. 550-750(RS)/1600-2660(RPS). The copy of the minutes of the General Manager's P.N.M. on item No. 204/88 is being annexed as ANNEXURE-13 to this application.

ANNEXURE-13

10. That the Northern Railway Mens Union thus prevailed over the administration and pressurised it to take the decision that the Station Masters who were placed on the panel of 10% quota on 27th Sept. 1983 would be placed below to the Asstt. Station Masters in the grade of Rs. 455-700(RS)/1400-2300(RPS) and who were born on the panel of Asstt. Station Master on 23rd Nov. 1983 under the ~~grade of Rs. 455-700(RS)~~ cadre re-structuring w.e.f. 1.8.83. The decision of the General Manager's P.N.M. item No. 204/88 was implemented by letter of the General Manager(P) Northern Railway dated 15.9.89. A true copy of the aforesaid letter dated 15th September 1989 is being filed as ANNEXURE-14 to this application. The reading of the said letter will show that the aforesaid decision has attempted to interfere with the rights which had already been vested with the applicants and as such the aforesaid order appears to have been made to implement it with retrospective effect.

ANNEXURE-14

11. That the aforesaid decision was communicated by the General Manager vide its letter dated 15th

*For Record -
Shri Singh
(C. M. A. 410)*

September 1989. This letter therefore, resulted to the reversion of the applications and it also refers to the printed sl.No.9340 according to which the seniority of the incumbents borne on the panel of restructuring was to be computed from 1st of August 1983. The consequence therefore, is that the printed ~~xxx~~ serial has been mis-interpreted in as much as it relates to the panel drawn up with respect to the same category of posts. Accordingly this principle was followed when the graduate quota staff after being brought on the panel dated 27th Sept. 1983 was assigned seniority in the cadre of Station Masters in the grade of Rs. 455-700(RS) below the Station Masters borne on the panel dated 16th October 1983 of restructuring with effect from 1.8.83. The result therefore, is that the applicants have come and were put in the panel dated 27th Sept. 1983 subsequent whereof the other part has come w.e.f. 16th October 1983 but by the aforesaid order and the letter dated 15th September 1989 the incorrect meaning was given as a result whereof the applicants borne on panel of Station Masters are attempted to be reverted with retrospective effect placing below the panel of the Asstt. Station Masters dated 23rd Nov. 1983. This reversion is deemed to be w.e.f. 1st of August 1983. The copy of the printed serial number 9340 is being annexed as ANNEXURE-15 to this application. It therefore, needs mention that the cadres of the Station Master and the Asstt. Station Master are altogether different therefore, it would not be fair and reasonable to treat both the incumbents to a single cadre as a result whereof the punishment is being afforded to revert the applicants pursuant to the aforesaid decision.

ANNEXURE-15

[Handwritten signature]
[Handwritten signature]
(C. N. N. 4103)

12. That it seems that the aforesaid letter dated 15th September 1989 is based on item No.204/88 of the General Manager's P.N.M. with Northern Railway Mens Union and further refers to the letter No.757-E/5-1/SM/YM/Channel of promotion dated 17th July 1989 of Divisional Personnel Officer, Lucknow. The aforesaid letter dated 17th July 1989 sent by the Divisional Personnel Officer, Lucknow clearly explained the position to the Headquarter. It was therefore, apointed out that the contention of the Northern Railway Mens Union was un-tenable as the seniority ~~xxxxxxx~~ of the Station Master of the graduate quota was strictly in accordance with the provisions under Para 302 of the Indian Railway Establishment Manual which in fact required no interference or to give a different meaning. It therefore, seems that the panel of the Station Masters in the grade of Rs. 455-700 ^{was} (RS)/announced on 16.10.83 and was given effect to from 1st of August 1983. This was kept above the graduate quota staff who were placed on the panel of 27.9.83 and were assigned seniority in the cadre of Station Master in the grade of Rs. 455-700(RS) from the date of joining the cadre. It was therefore, further pointed out that the panel formed earlier will rank senior to panels formed later but this will only be applicable in a particular grade/cadre/post and not in respect of the panels in a different category, i.e. the Asstt. Station Master cadre cannot be mixed with the persons who stood promoted and posted in the cadre of Station Master. It is therefore, submitted that the panel of the Station Master to which the applicants belong is ^{different} clearly the/category than the Asstt. Station Master and as such it would be unfair to place the applicants, who belong to the category of Station Masters, below to the panel of Asstt. Masters w.e.f. 1st of Aug. 1983.

C. P. B. B. B.
Stark
(copy) 4105

This view therefore, taken by the respondents ~~are~~ is wholly illegal, arbitrary and without jurisdiction except the fact that the earlier view taken by the Divisional Personnel Officer was wholly justified. The true copy of the letter dated 17th July 1989 of the Divisional Personnel Officer, Lucknow is being annexed as ANNEXURE-16 to this application.

ANNEXURE-16

13. That it is worthwhile to state here that while the aforesaid item No. 204/88 of N.R.M.U. was being discussed at the General Manager's level, another recognized union namely-Uttara Railway Mazdoor Union (U.R.M.U.) object to the said demand on 6.6.88 and requested the railway administration not to take a wholly one sided decision in the matter. It was pointed out by the U.R.M.U. that the N.R.M.U. had concealed facts and their demand was based on mis-representation and as such the matter should be resolved in a joint meeting with both the unions. The railway administration on this objection of the U.R.M.U. had assured that one sided decision would not be taken. A true copy of the objections made by the U.R.M.U. on ~~86~~ 6.6.88 vide item No. 38 of the P.N.M. at General Manager's level is filed as ANNEXURE-17 to this application.

ANNEXURE-17

14. That in terms of the letter dated 7.6.84 by the General Manager(P), Northern Railway regarding decisions of the P.N.M. meetings it has been decided that decisions taken at the P.N.M. level must be implemented forthwith. If there is any objection from the other recognised union, it should be investigated but the decision taken with one recognised union should not be stayed or pending. If,

Approved
Shy
(Cm) 4105

however, it is found that there is any strength in the counter argument and the decision already taken deserves to be modified then a joint meeting with both the recognised unions will be arranged and in case a joint decision is arrived at the same will be implemented otherwise administration's decision will be taken at the General Manager's level. A true copy of the General Manager(P)'s letter dated 7.6.84 as circulated by letter of D.R.M./Lucknow dated 28.4.86 is filed as ANNEXURE-18 to this application.

15. That in terms of the aforesaid policy decision vide General Manager(P), Northern Railway letter dated 7.6.84 which is also applicable at the divisional level, it is evident that the one sided decision taken under pressure of N.R.M.U. is bound to be implemented despite objections by another union i.e. U.R.M.U. This decision, to implement the one sided decision taken at P.N.M. meeting is wholly illegal, arbitrary and amounts to discrimination in violation of Article 14 and 16 of the Constitution of India. The said policy decision to implement ex-parte decision taken at P.N.M. as communicated by General Manager(P)'s letter dated 7.6.84(Annexure-15) deserves to be quashed.

16. That on receipt of letter dated 15.9.89 by the General Manager(P), Northern Railway the Senior Divisional Personnel Officer, Lucknow issued letter dated 26.12.89 to give effect to the decision taken at the General Manager /P.N.M. to revert the applicants to the post of Asstt. Station Master in grade of Rs. 455-700(RS)/1400-2300(RPS). The said letter also points out that the applicants will be

Chandra
Sharma
(CMA) 4/10/89

placed in the category of Assistant Station Master in grade of Rs.455-700(RS) i.e. below the Assistant Station Masters who were ~~ex~~ empanelled as such on 23.11.83 having effect from 1.8.83. A photostat copy of the letter of Sr. Divisional Personnel Officer, Lucknow dated 26.12.89 is being annexed as ANNEXURE-19 to this application.

ANNEXURE-19

17. That the reversion of the applicants who were brought on the panel of the Station Masters in grade of Rs.455-700(RS) on 27.9.83 and who have been subsequently promoted on the posts of Station Master and Traffic Inspectors in grade of Rs.550-750(RS)/1600-2660(RPS) to the lower category of Assistant Station Masters in the grade of Rs.455-700(RS)/1400-2300(APS) and below all those Assistant Station Masters who were empanelled on 23.11.83 is wholly illegal, arbitrary and without jurisdiction in violation of Article 311(2) of the Constitution of India and also discriminatory in matter of service in violation of Article 14 and 16 of the Constitution of India, on the basis of a wholly one sided decision taken at the P.N.M.meeting at General Manager's level at the back of the applicants in which they were neither represented nor any opportunity of hearing was provided to them at any stage whatsoever in violation of principles of natural justice.

18. That out of 16 persons brought in the panel against 10% graduate quota, 11 persons, including the applicants were ear-marked for the post of Station Master, 3 for the post of Section Controller and one each for the post of Assistant Yard Master and Traffic Inspector. By impugned orders dated 15.9.89 passed

For Roneau
Shrugh
(C 77a) 4105

by the General Manager(P) Northern Railway, New Delhi and Senior Divisional Personnel Officer, Lucknow dated 26.12.89, only the persons ear-marked for the post of Station Master and subsequently promoted for the ~~post xxxxxxxx~~ higher grade are sought to be reverted while those ear-marked for the post of ~~Station~~ Section Controller, Assistant Yard Master and Traffic Inspector are excluded. This also amounts to discrimination in as much as the applicants similarly placed and brought on the panel of 10% graduate quota on the basis of same selection and thereafter assigned seniority in their respective categories in terms of para 302 of Indian Railway Establishment Manual have been singled out for reversion with retrospective effect who were empanelled as Assistant Station Master on 23.11.83 having effect from 1.8.83 in grade Rs. 425-700(RS)/1400-2300(RPS).

19. That the applicants also draw the attention of this Hon'ble Tribunal that together with the applicants a number of the employees appeared in the test at the time of selection to the different posts falling under 10% quota. The applicants and 13 others stood selected but the other persons were not un-successful to avail the rights to be conferred to them under 10% graduate quota. Now the persons who have been un-successful in the said test have turned round and they attempted through union to get themselves treated equivalent with the applicants who should be put below to those persons who have been un-successful at the time of selection. The said union therefore, had pressed that the said category should be put over the level of the applicants who had succeeded to confine themselves in 10% quota meant for serving graduates. It is therefore,

Handwritten signature and text:
C. Prasad
D. Singh
C. Prasad Singh

submitted that this has been an unfair step on the part of those persons through union. It is also believed that such factual position was not brought before the appropriate authorities of the administration or ~~xxx~~ in any view of the matter the said authorities have not properly applied their mind and had not put such question to apply principle of estoppel. It needs mention that one month's time is given to the applicant to submit their application but in view of the fact that the applicants were put on duty to Iraq the availability of one month's time could not be availed. The fact has already been indicated hereinabove. It may further be submitted to this Hon'ble Tribunal that such matter has come up before this Hon'ble Tribunal vide petition No.OA 28/90(L). The said matter therefore, has proceeded with by this Hon'ble Tribunal which has also been placed to stay the operation of the said impugned order.

i) That though the operation of the aforesaid order has been stayed but the impugned order is attempted to be implemented in terms of the General Manager's letter dated 7th June 1984 regarding the implementation of one sided decision taken at the P.N.M. meeting. The decision therefore, is attempting to revert the application. Such view and the order therefore, is without jurisdiction and unjustified. The said order appears to have been made in violation of principle of natural justice and also without having authority to give the different meaning to the rules application to the applicants.

20. That notwithstanding the respectful submissions made hereinabove the applicants also seek the leave of this Hon'ble Tribunal to submit that criteria

For the applicant
[Signature]
[Signature]
11/01

pursuant to which the reservation was afforded on the basis of qualification ~~xxx~~ was wholly justified. ~~and~~ This criteria was laid down by the application of mind with the expectation that the better qualified persons shall stand in a better condition to serve the administration. The right therefore, afforded to these persons was not liable to be put under challenge through the union which unfortunately, does not encourage the progress of education and therefore, it confined itself to avail the priority of such persons who belong to the below category and also do not possess better education. The demand therefore, made by the union does not only amount to be the un-reasonable but is based on no foundation except that the encouragement is being afforded to the lesser qualified persons. The petitioners therefore, feeling aggrieved against the aforesaid action and the decision of the respondents prefer this petition on the following amongst other

G R O U N D S

- a) Because the order to revert the applicants taken exa-parte at the back of the applicants at the General Manager/P.N.M.level and implemented by the order of General Manager(P)/Northern Railway dated 15.9.89 and the consequential order dated 26.12.89 of Senior Divisional Personnel Officer, Lucknow reverting the applicants to the post of Assistant Station Master grade Rs.455-700(RS)/1400-2300(RPS) and placing them below the panel of Assistant Station Masters grade Rs.455-700(RS) as on 1.8.83 is wholly illegal, arbitrary and without jurisdiction.
- b) Because the reversion of the applicants from the post of Station Master/Traffic Inspector in

Approved
Laugh
TC 11/01

grade Rs. 550-750(RS)/1600-2660(RPS) to the post of Asstt. Station Master in grade Rs. 1400-2300(RPS) and placing them below the position of 1.8.83 is in violation of the constitutional protection available to the applicants under Article 311(2) of the Constitution of India without following the procedure prescribed therein.

- c) Because the applicants have been singled out for reversion while others similarly placed have been excluded which amounts discrimination in violation of Article 14 and 16 of the Constitution of India.
- d) Because the applicants having been brought on the panel of Station Masters in grade of Rs. 550-750(RS) on the basis of selection under 10% graduate quota and subsequently promoted in the higher grade as Station Master/Traffic Inspectors, have been reverted as Assistant Station Master which is a different category nullifying their rights accrued to them on the basis of the process of selection and subsequent promotion.
- e) Because the decision taken at the level of General Manager/P.N.M. on the basis of demand raised by N.R.M.U. at the back of the applicants without affording them any opportunity whatsoever is in violation of the principles of natural justice.
- f) Because an earlier demand raised by the N.R.M.U. at the Divisional level had already been rejected.
- g) Because the opposite parties have illegally

C. P. Ramesh
Shah
CC 11/10/83

acted under pressure of N.R.M.U.

- h) Because the policy decision communicated by the General Manager/(P)/Northern Railway, New Delhi by letter dated 7.6.84 to implement even one sided decision at P.N.M. is wholly illegal and arbitrary and discriminatory in violation of Article 14 and 16 of the Constitution of India.
- i) Because at the time of when the benefit of 10% serving graduate was being afforded then a common test/examination was held and in that test all the entitled persons were appeared but the applicants and 13 other persons could succeed in the said test/exam and the rest could not get through the said test thus these unsuccessful persons have no right to turn round and to again claim the seniority over the persons have been successful in the test/exam. The consideration of this view thus is bad and erroneous.
- j) Because when there was a provision of 10% quota for serving graduate and when this provision has not been withdrawn then there arises no question to violate such provision and even in respect of those persons who have already been empanelled under the said reservation quota for serving graduates. The action thus on the part of the respondents to nullify the aforesaid provision without any proper order of notification is absolutely illegal and void.

Parasuram
Sharma
Chauhan

VII. Details of remedy exhausted:

That in the facts and the circumstances stated in para VI above it is stated that the applicants have no other alternative efficacious and speedy remedy available to them, hence this application.

VIII. Applicants further declare that they have not previously filed any application, writ petition regarding the matter in respect of this application which has been made before any court of law or any other authority and any other Bench of the Tribunal.

IX. Reliefs Sought:

In view of the facts mentioned in para VI above the applicants pray for the following reliefs:

- i) That this Hon'ble Tribunal may be pleased to quash the order passed by the General Manager(P)/ Northern Railway, New Delhi dated 15.9.89 (Annexure No.14) and the consequential order dated 26.12.89(Annexure-19) passed by the Senior Divisional Personnel Officer, Lucknow reverting the applicants from the post of Station Masters/ Traffic Inspector grade Rs. 1600-2660(RPS) to the post of Assistant Station Master grade Rs. 1400-2300 (RPS) placing them below all the Assistant Station Masters who were empanelled as such on 23.11.83 having effect from 1.8.83 in grade of Rs. 455-700(RS)/ 1400-2300(RPS) after summoning the record from the Respondents.
- ii) That this Hon'ble Tribunal may be pleased to quash the policy decision regarding implementation of ex-parte decisions taken at P.N.M. as communicated by the General Manager(P), Northern Railway

Parmanand Singh
(for the applicants)

by letter dated 7.6.84(Annexure-18) after summoning the record.

iii) Any other relief deemed just and proper in the facts and the circumstances of the case may also be granted.

iv) Cost of this application may also be awarded to the applicants.

X. Interim Order:

In view of the circumstances of the case the applicants pray that the operation of the order dated 15.9.89 passed by the General Manager(P), Northern Railway, New Delhi and the consequential order dated 26.12.89 passed by the Senior Divisional Personnel Officer, Lucknow reverting the applicants from the post of the Station Master and Traffic Inspector to the post of Assistant Station Master and fitting them below all Assistant Station Masters empanelled on 23.11.83 and given effect from 1.8.83 be stayed pending disposal of the application.

XI. Particulars of postal orders in respect of application fee:

1. Number of Indian Postal Order: 802-414/89
2. Name of the issuing post Office High Court Bench
3. Date of issue of postal order 14.5.90
4. Post office at which payable

XII. List of enclosures:

1. The channel of promotional chart dated 7.4.76 evolved by the General Manager(P), Northern Railway, New Delhi

Signature
Shy
(C) 1/1/90

2. Divisional Personnel Officer, Lucknow's letter dated 31.7.82 inviting applications Annexure-2
3. Letter dated 27.9.83 announcing the provisional panel Annexure-3
4. Letter dated 12.8.87 announcement of enlarged panel Annexure-4
5. Posting orders dated 19.11.84 Annexure-5
6. Posting orders dated 10.6.85 Annexure-6
7. Proposed channel of promotional chart dated 14.11.83 Annexure-7
8. Promotion orders for the post of Station Master grade Rs. 1600-2660(RPS) dated 10.4.87 Annexure-8
9. Promotion orders for the post of Station Master grade Rs. 1600-2660(RPS) dated 4.9.87 Annexure-9
10. Promotion orders for the post of Traffic Inspector grade Rs 1600-2660 (RPS) dated 18.4.88 Annexure-10
11. Minutes of 68th P.N.M. Meeting rejecting the union's demand Annexure-11
12. Agenda item No.204/88 of General Manager's P.N.M. with the Borthern Railway Mens Union Annexure-12
13. Minutes of agenda item No.204/88 of General Manager's P.N.M. meeting with the M.R.M.U. Annexure-13

C. Parmanand
Sharma
(C.M.A. 4105)

14. General Manager(P),Northern
Railway letter dated 15.9.89 Annexure-14
15. General Manager (P),Northern
Railway Printed Serial No.9340 Annexure-15
16. Divisional Personnel Officer,
Lucknow letter dated 17.7.89. Annexure-16
17. Item No.38 of General Manager's
P.N.M. meeting with the U.R.M.U. Annexure-17
18. Divisional Railway Manager,Lucknow
letter dated 28.4.86 circulating
G.M.(P),N.Rly,letter dated 7.6.84 Annexure-18
19. Senior Divisional Personnel Officer,
Lucknow letter dated 26.12.89 Annexure-19

VERIFICATION

I, M.S.Usmani,aged about 47 years son of
Sri Hashmat Ali working as Station Master/Traffic
Inspector and presently joined in the office of the
Divisional Railway Manager, Northern Railway ,Lucknow
do hereby on solemnly affirmation state that the contents
of paras I to XII of this application are true to
my personal knowledge and belief and that I have
no suppressed ny material fact. The under signed
has also been authorised to sign on behalf of the
other applicants.

Dated:Lucknow the
14th day of May 1990

(Signature)
Shauigh
(M.S.Usmani)

(Signature)
(M.S.Usmani)
Applicant No. 1
(Signature)
(J. J. Singh)
Applicant No 2
(Signature)
(Ratnakar Pandey)
Applicant No 3

Northern Railway.

No. 752E/1B/5/1

Divl. Supdt.'s Office,
Lucknow dt. 4.76.

1. Sr. DCS/DOS/DSO/AOS(G)
2. HPO/APO II/APO I/APO(PC).

Sub:- Channel of promotion charts of Transportation Staff.

A copy of channel of promotion charts of Transportation categories received under GH(P) HDLS's letter No. 757E/102/HD dt. 7.4.76 is enclosed for information please.

for Divl. Personnel Officer/Lucknow.

DA/ as above.

Copy of letter sent to above.Sub:- As above.

The tentative channel of promotion charts of Transportation staff were circulated under this office letter of even No. dt. 27.11.74. The views recd. from the Divns. and recognised labour have been considered and necessary changes have been made in the revised channel of promotion charts sent herewith for implementation.

These channels have the approval of GOS & CPO.

Please acknowledge receipt.

25/4.

Approved
[Signature]

CC: [unclear]

Allored
[Signature]
[Signature]

25

Channel of Promotion chart of Station Masters and Asstt. Station Masters.

Prob. ASMs
through
RSC - 50%

Signaller
260-430(RS)
after passing
P-2 course.
25%

Switchmen Gr. 260-430(RS)
Levermen, Cabinmen grade
220-300(RS) after passing
P-21 course . . . 25%

A.S.M. Gr. 330-560(RS)

Seniority-cum-Suitability

A.S.Ms Gr. 425-640(RS)
Seniority-cum-Suitability
S.M. Gr. 425-640(RS)

Selection and after passing
P-16 course.

A.S.M. Gr. 455-700(RS)

Station Masters Gr. 455-700(along with S.Ms Gr. Rs. 455-700) upto 80%

Seniority-cum-suitability and
after passing -16A course.

Station Masters Gr. 550-750(RS)

Selection.

Station Supt.
Gr. 700-900(RS).

- Notes:-
1. Jithmen, Levermen, Cabinmen who have studied upto 8th standard and have passed the necessary departmental test and are not above 48 years of age will be considered against 25% Posts of ASMs Grade Rs. 330-560(RS). Where there are no switchmen the excess over 10% may be added to the direct recruitment quota and filled by proxy ASMs out of 25% allotted to switchmen etc. at least 10% must be filled by switchmen in division where the category of switchmen is not existing the quota 10% reserved for switchmen will be given to signallers (Ref. P.S. 6476).
 2. (a) 15% posts at ASMs/S.Ms in Grade Rs. 455-700(RS) will be reserved for signallers, levermen and cabinmen who have passed the necessary departmental test and are not above 48 years of age and are in the category of switchmen where the category of switchmen is not existing the quota 10% reserved for switchmen will be given to signallers (Ref. P.S. 6476).
 - (b) 10% theposts of ASMs/S.Ms in Gr. Rs. 455-700(RS) will be reserved for class III non-ministerial staff on the basis of competitive examination and qualified in the prescribed course.
3. S.Ms/ASMs Grade Rs. 425-640(RS) are also eligible for promotion as section controllers grade Rs. 470-750(RS) after selection and passing P-15 course against 30% quota as Traffic Inspr. Grade Rs. 455-700(RS) after selection and qualifying P-16.
 - provided they are below 50 years of age and as Yard Masters/Asstt. S.Ms Gr. Rs. 455-700(RS) against 10% quota after selection and passing P-16 course.

Appendix 'A'

C. Prasad
Stamps
CC man

Subst
10/11/10

ANNEXURE-2

Northern Railway.

No. 752E/5-1/Selection/10%.

Divisional Office,
Lucknow Dt. 21/7/82.

ACS/Yard- LKO, BSB.
 SS/LKO-BEB-PD, PBH, SLN, PRG.
 All Station Masters on LKO Division.
 CHC/LKO. Dy. CHC/ Lobby LKO.
 SCNI/ Lobby/MCS.
 TI/LKO, BSB, PD, PBH, SLN, PRG, RRL,
 Divl. Secy. NMU- Near Guard's Running Room CE/LKO.
 Divl. Secy. URMU- T-10-CB/LKO.
 SWL/Union.

Sub:- Selection for the post of SM/AM/ANM
 Gr. 455-700/SCNL Grade 470-780 against 10%
 graduate quota.

It has been decided to hold a selection for the post of
 SM/AM/ANM-Grade 455-700 & SCNL Grade 470-780 against 10%
 graduate quota from amongst non-administrative transportation
 Class III staff who are graduates and are below 35 years
 of age on 21.7.82.

Staff who are desirous should submit their applications
 on the proforma given below so as to reach this office by
 21.8.82 positively.

PROFORMA.

1. Name.
2. Designation. (a) Substantive.
(b) Ofg.
3. Station of Posting.
4. Grade. (a) Substantive.
(b) Ofg.
5. Date of Birth.
(Copy of High School Certificate
to be attached.)
6. Date of appointment.
7. Qualification.
(Copy of Bachelor's Degree to
be attached).
8. Whether S/C or S/T.

This should be given wide publicity placing a copy of the
 same on the Notice Board of your office/ Station. The staff should
 P.T.O.

C. P. Rao
Shah
T. C. Nayak

Attested
Shah
Amis

ANNEXURE-3

Divisional Office,
Lucknow. Dt. 27.9.83.

No. 752B/5-1/Selection/10%.

SM/LKO, SI/ELIA, BSI, ICP,
SM/LKO,
CHC/LKO,
By CHC/Lobby LKO,
TI/INO, PSE, PD, FPH, EMI, PSE, RBL.

Sub:- Selection for the post of SMs/ASMs/AIMs/TIs/
SCNIs in grade Rs. 455-700(RS) against 10%
graduate quota.

As a result of the selection held for the above posts
on 2.2.83, 17.4.83 & 29.6.83, the following staff found suitable
for the posts shown against each have been placed on the pro-
visional panel of 10% graduate quota in accordance with
their merit position in respective categories:-

T.I.

S.No.	Name	Designation.	Category earmarked.
1.	Shri R.P.Gupta	ASM/LLJ.	T.I.
STATION MASTER.			
2.	Shri M.S.Usmani	ASM/MLJ	S.M.
3.	Shri Rajendra Pd. Singh	ASM/BKSA	S.M.
4.	Shri J.R.Maurya	ASM/ED	S.M.
5.	Shri S.S.Singh	LR/ASM/LKO	S.M.
6.	Shri S.S.Singh	ASM/DELO	S.M.
7.	Shri D.K.Kharey	ASM/HCP	S.M.
8.	Shri Gyan Prakash Srivastva	ASM/IEH.	S.M.

Section Controller.

9.	Shri Vinod Kumar	TNC/LKO	SCNL.
10.	Shri Krishna Pd.(SC)	TNC/BSB	SCNL.

The above staff should note that the retention of their
names on the panel is subject to their work remaining satisfactory during
the currency of the panel and qualifying P-29A & B courses. Mere fact
that their names have been placed on the panel is no guarantee that
they will be offered the post for which selected.

Above staff are required to pass P-29 A/B course for which it
should be taken notice & they should be ready to attend ZTS/CI
for above course as & when arranged.

(K.K.Mehta)
for Divil. Personnel Officer
Lucknow.

RK

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

NORTHERN RAILWAY.

No:752-E/5-1/Selection/10%

Divisional Office,
Lucknow, dated 12-8-87.

Sr. DOS, Sr. DSO, Dy. CHC LKO.
SSs, BSB, LKO, SLN, KEI, PRG.
SMs, BWI, KKAH, ANT, APG.
TIs, BSB, SLN, PRG, FD, RBL, PBH, SLN.

Sub:- Selection for the post of SMs/ASMs/ayms/TIs and SCNLs
in grade Rs. 455-700/470-750(RS) against 10% graduate
quota.

In continuation of this office letter of even number
dated 27.9.83 consequent on receipt of de-reservation of 4(SG)
posts and 2 (ST), the following staff, found suitable for the
posts shown against each have been placed on the provisional
panel of 10% Graduate quota in accordance with their merit
position in respective categories.

Station Masters.

1. Shri Ratnakar Pandey, ASM/ANT working at RG-SM-BWI in grade
Rs. 455-700(RS). KEI
2. Shri Javed Ahmed, ASM/BSB, working as ~~TI Safety Gr.~~ SM/BSB,
Rs. 455-700(RS).
3. Shri Perwez Ahmed, ASM/PRG, working as TI Safety Gr. Rs. 455-700.
(RS)
4. Arun Kumar Sinha, ASM/APG working as SM, KKAH in grade
Rs. 455-700(RS).

Section Controller.

1. Shri A.K.Verma, TNC/LKO working as SCNL, LKO gr. Rs. 470-750(RS).

Assistant Yard Master.

1. Shri Rajeshwari Pd. Dwivedi, ASM/SLN working as AYM/SLN in
grade Rs. 455-700(RS).

The services of the above empanelled staff are regularised
from the date they have been posted against working posts in
grade Rs. 455-700/470-750(RS).

The above staff should note that the retention of their
names on the panel is subject to their work remaining satisfactory
during the currency of the panel and of qualifying P-29 A & B
Courses.

Handwritten signature
Divisional Personnel Officer,
Lucknow.

Copy to :-

1. Divl. Secy., NRMU, Lucknow.
2. Divl. Secy., URMU, Lucknow.

Handwritten signature
C. P. Singh

Handwritten signature
C. P. Singh

Handwritten signature
A. K. Verma

ANNEXURE - S

30

No.757-E/5-1/SMYM/Restructuring

Dt.19.11.84

The following promotions, transfers and postings are hereby ordered:-

SL. No.	Names of staff	Present design. Grade & Sta.	New Design. grade and station of posting.	Remarks.
1.	S.P.Gupta Empanelled for the post of SS/700-900	TI/Safety/LKO Gr.700-900	He is retained as TI/Safety in Gr.Rs.700-900(RS)temporarily and allowed proforma position in the gr.-I SS/700-900 w.e.f.1.8.82 against up grade post.	
2.	S.D.Kharbanda empanelled for the post of SS 700-900(RS)	TI/Safety/LKO Gr.455-700 and Gr.700-900 under orders of against posting as SM/ upgraded KKAH in Gr.500-post(Vacancy) 750.	RG/SS/DMW/ Gr.700-900	On promotion posted as Rg.Temporarily subject to final adjustment as per entitlement in April/May/84.
3.	R.K.Srivastav empanelled for the post of SS/Gr.700-900	Dy.CYM/LKO Gr.700-900	SS/GGJ- 700-900/RS (Vacancy).	Being posted by virtue of empanelment.
4.	K.N.Mahrotra	Sr.ASM/LKO Pay drawn in Gr.700-900	SS/AJ 700-900 (S.H.Naqvi.	In part super session of notice of even No.dt. 16.3.84 as per his own request.
5.	D.N. Varshnev	Rg/SS/SLW 700-900(RS)	SS/LLJ 700-900 (Vice Sri Lkhan Lal)	On his own request as per priority He will join in the last week of Dec./84.
6.	A.M.Tripathi	Sr.ASM/LKO Pay drawn in Gr.700-900	Rg/SS/AY 700-900 (Vice Shri S.B.Tandon.)	In part supersession of notice of even No no.dt.16.3.84 as per his own request on priority. He will move in last week of Dec 84.
7.	Jatendra Singh	SS/PLP 700-900	SS/VYN 700-900 (Vacancy)	On administrative grounds with
<u>'B' CADRE OF SM GRADE RS.550-750</u>				
1.	S.H. Naqvi	SM/AJ 550-750	SM/URB 550-750 (Vacancy)	As per request at on priority.
2.	Lakhan Lal	SM/LLJ 550-750 <i>Attested</i>	SM/JFG Vice Shri Mahabir Lal retiring on 21.12.84	As per request on priority.He will move to join at JFG in lat work on 8.

[Handwritten signature]
C. M. A. 11/11/84

[Handwritten signature]
Anand

1

2

s/Snr1

(B) CADRE OF SM GRADE Rs. 550-750

1. S. H. ...

SM/AJ
550-750- S. SM/UPB
550-750
(Vacancy)

As per request on priority.

2. Lakman Lal

SM/LLJ
550-750SM/JFG
550-750
(Vice Sn.
Mamabir Lal
retiring on
31.12.84.)

As per request on priority. He will move to join at JFG in last week of Dec./84.

3. S.B. Tandon

Rg. SM/AY
550-750Rg. SM/SLW
550-750
(Vice Snr1
D.N. Vaisnavey)

As per own request on priority. He will move to join at SM in last week of Dec./84.

4. R.S. Tiwari

Rg. SM/SLN
550-750SM/KEPR
550-750
(Vacancy).

As per own request on priority.

5. L.N. Sonkar

SM/KVG
550-750SM/HCF
550-750

-do- -do-

6. R.S. Srivastava
(P-16 qualified)ASM/LKO.
455-700SM/APG
550-750
(Vacancy)

On promotion as SM Gr. 550-750.

7. Jemuna Pd. (SC)
(P-16 qualified)ASM/CPB
455-700Rg. SM/CPB
550-750
(Vacancy)

On promotion as SM/550-750(ES).

(C) CADRE OF SM GRADE Rs. 455-700(Rs).

The following staff having been empanelled for the post of SM/455-700(Rs) against 10% graduate quota and having qualified in P-29 B Course from ZTS/CH are appointed to officiate as SM Gr. Rs. 455-700(Rs) and posted as under:-

1. M.S. Usmani

ASM/MJL
455-700SM/UTR
455-700
(Vacancy)

By temp. down grading the post to Gr. Rs. 455-700 subject to adjustment in March/April/85.

2. S.S. Singh

ASM/SLRP
455-700Rg. SM/MFKA
455-700

Temporarily posted as per his choice subject to adjustment in March/April/85.

3. J.R. Maurya

ASM/FD
455-700SM/RZN
455-700

Posted temp. SM subject to adjustment in March/April/85.

3/Snr1

32

4. ✓	R.P. Singh	ASM/BKSA 425-640	SM/MRPH 455-700	Posted temporarily subject to adjust- ment in March/ April/85.
5. ✓	D.K. Khosla	ASM/LKO 425-640	RG/SM/RMNR 455-700	-do- -do-
6. ✓	G.P. Srivastava	ASM/LKO 425-640	Rg. SM/SLN 455-700	-do- -do-
7. ✓	S.J. Singh	ASM/LKO 425-640	Rg. SM/BSL 455-700	-do- -do-

(2) The following x SMS Gr. Rs. 425-640 (Pr. re-structured) and pending for the post of ASM/455-700 in the wake of re-structuring are put to work as SM Gr. Rs. 455-700 (RS) temporarily at stations not'd against each. Their utilisation as SM Gr. Rs. 455-700 (RS) is purely temporary subject to final adjustment. They may be replaced any time to accommodate their seniors:-

1.	D.S. Lal	ASM/455-700 x SM/NBP	SM/NBP 455-700	Posted against vacancy.
2.	C.L. Mishra	ASM/455-700 x SM/BSE	SM/CH 455-700	-do- -do-
3.	C.S. Pd.	ASM/455-700 x SM/BNM	SM/KKAH 455-700	-do- -do-
4.	Mond. Islam	ASM/455-700 x SM/KJA	SM/KJA 455-700	Posted against vacancy as per his request.
5.	J.N. Singh	ASM/455-700 x SM/Rg/BKSA	Rg. BKSA 455-700	-do- -do-
6.	S.N. Dwivedi	ASM/455-700 x SM/SHNG	SM/RUM 455-700	Posted against vacancy.
7.	G.N. Varma	ASM/455-700 x SM/BCN	SM/NHN 455-700	Vice Snr1 N.K. Ojha.
8.	M.P. Shukla	ASM/455-700 x SM/HCP	SM/KVG 455-700	Vice Snr1 L.N. Sankar on his own request.
9.	Santoo Lal (SC)	ASM/455-700 x Rg./DMW	Rg./SM/NHN 455-700	Vice vacancy.
10.	R.D. Ram	ASM/455-700 x Rg/LOT	SM/LHZ 455-700	-do- -do-

....4/-

[Handwritten signature]
[Handwritten signature]

[Handwritten signature]
[Handwritten signature]

NORTHERN RAILWAY.

No:757-E/5-1/SM-SS/GP-Ad/85.

Divisional Office,
Lucknow, dated 16-6-85.NOTICE.

In continuation to this office orders of even number dated 10.5.85, 20.5.85 and 30.5.85 the following transfer/promotion orders are hereby issued to have immediate effect:-

Sl. No.	Name	PRESENT.			Transferred/ promoted as			Remarks.
		Post	Sta- tion	Grade	Post	Sta- tion	Grade	
	S/Shri							
1.	Bhagirathi	SM	RG/SAW	550- 750	SM	CHH	550- 750	On request.
2.	J.N.Chaubey	SM	SON	455- 700	SM	RG/SAW	455- 700	-do-
3.	J.R.Maurya	SM	RZN	-do-	SM	RG/BTP	-do-	-do-
4.	C.L.Misra	ASM	BSE	-do-	SM	MFL	-do-	-do-
5.	Lal Bahadur	SM	SEH	-do-	SM	SLPR	-do-	-do-
6.	R.D.Ram	SM	AHZ	-do-	SM	KEHE	-do-	-do-
7.	Santoo Lal	SM	RG/NHN	-do-	SM	YDA	-do-	-do-
8.	C.S. Prasad	SM	KKAH	-do-	SM	BTGD	-do-	-do-
9.	G.P.Srivastava	SM	RG/GLN	-do-	SM	BKKS	-do-	-do-
10.	S.N.Dwivedi	SM	SHSG	-do-	SM	CHBS	-do-	-do-
11.	S.S.Singh	SM	RG/MFKA	-do-	SM	RZN	-do-	-do-
12.	A.N.Chauhan	ASM	PBH	-do-	SM	KDE	-do-	-do-
13.	Ram Nath	ASM	GLN	-do-	SM	RG/GLN	-do-	-do-
14.	G.P.Singh	SM	SYW	-do-	SM	LMN	-do-	-do-
15.	G.N.Verma	SM	NHN	-do-	SM	RG/NHN	-do-	On Admn. ground.
16.	Gopal Ram	SM	DND	-do-	SM	PFU	-do-	-do-
17.	J.N.Singh	SM	RG/BKSA	-do-	SM	SVZ	-do-	-do-
18.	S.N.Shukla	SM	RG/PPM	-do-	SM	BYKA	-do-	-do-
19.	S.J.Singh	SM	RG/BSL	-do-	SM	BQP	-do-	-do-
20.	Birju Ram	ASM	JNU	-do-	SM	NIH	-do-	-do-
21.	S.H.Ansari	ASM	BEK	-do-	SM	BWI	-do-	-do-
22.	M.C.Singh	ASM	JNU	-do-	SM	BSB	-do-	-do-
23.	R.K.Singh	ASM	MFKA	-do-	SM	AHZ	-do-	-do-
24.	V.N.Pandey	ASM	FD	-do-	SM	RG/BTKD	-do-	-do-
25.	Keshar Nath	ASM	AY	-do-	SM	LBA	-do-	-do-
26.	H.K.Shukla	ASM	CPB	-do-	SM	JPD	-do-	-do-
27.	Ratnakar Pandey	ASM	MFL	425-	SM	RG/BWI	-do-	On promotion.
28.	Javed Ahmad	ASM	KEI	640	SM	SYW	-do-	-do-
29.	Arun Kumar Sinha	ASM	LKO	-do-	SM	KKAH	-do-	-do-
30.	Farvez Ahmad	ASM	PRG	-do-	SM	UBN	-do-	-do-

NOTE:- (1) KKAH, MFL, SYW, MRPH, RG. NHN, RG.BTP, RG.BMNR, RG. SAW, BSB are down graded temporarily from Rs. 40-750 (RS) to grade Rs. 455-700 (RS) and filled from staff of grade Rs. 455-700. (RS).

p.t.o.

A.K. BHADURI
CPTS.Head Quarters Office
Baroda House, New Delhi.

39

D.O. NO 757 E/61-XVII (EIB) DT. 14. 11. 83.

My dear Raghoo Ram;

Sub: Channel of promotion chart of Traffic Staff

As a result of restructuring of cadre of Station Master/ASM's, yard staff etc, it has become necessary to review the existing channels of promotions of Traffic Staff. The existing and proposed channels of promotions charts are enclosed. There is a general demand that there should be no inter-polation of categories in any of the cadre.

Keeping this in view comments on the proposed channel of promotion charts may be sent to the Under signed by 25. 11. 83.

Yours Sincerely,

sd/-

(AK. BHADURI)

DA/AS above

Sri _____

Sr DCS

Copy forwarded for information and similar action to Sri Raghoo Ram, D.P.O NRE, Lucknow.

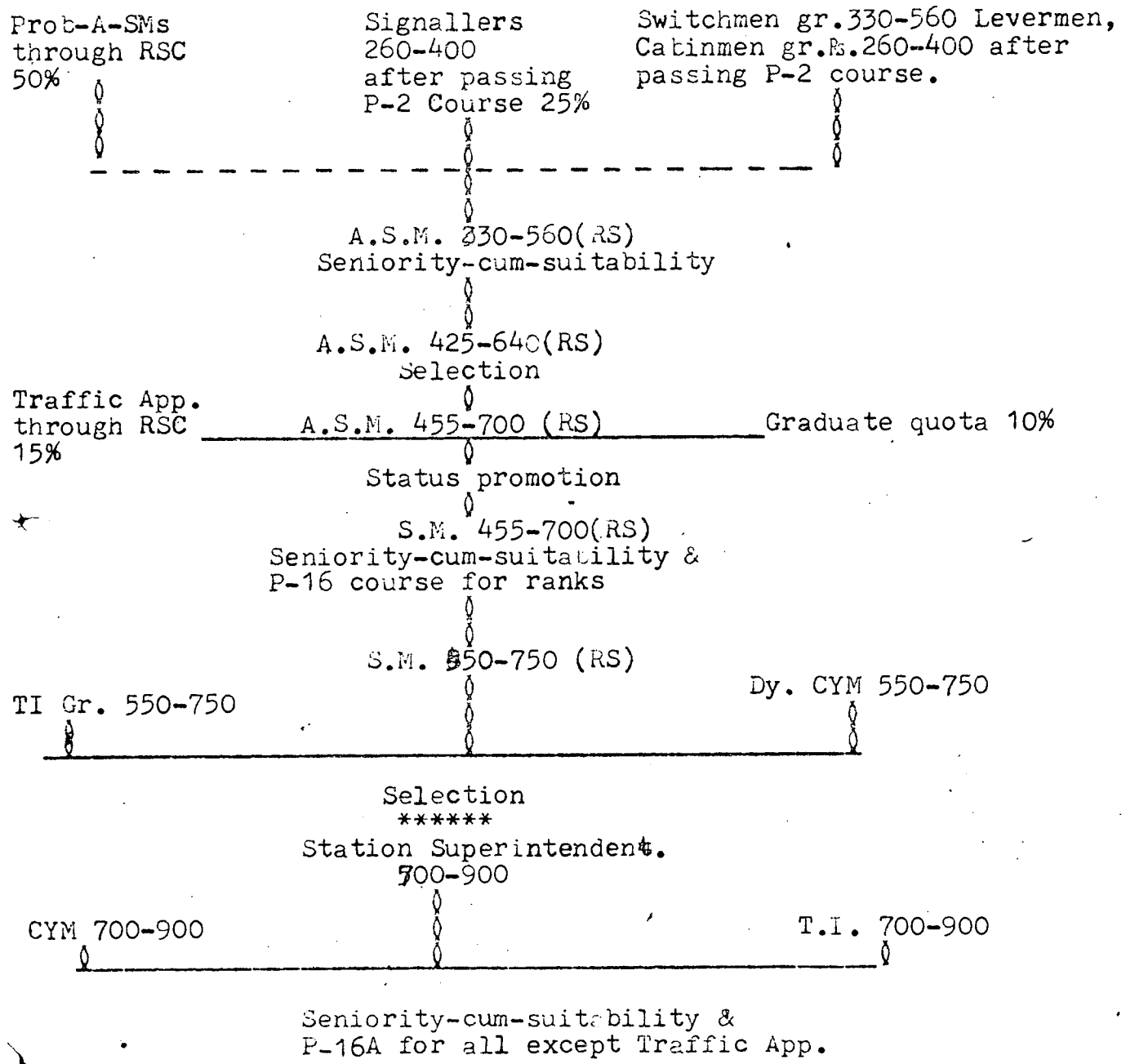
C. Parashar.

S. Singh

T. C. Mani

Received
J. K. Singh
Adm. Secy

Proposed Channel of Promotion Chart of SMs/ASMs



SS	Gr.	840-1040
TI	Gr.	840-1040
CYM	Gr.	840-1040

C. P. R. R. R.
Shing
(C. P. R. R. R.)

Alfred
Shing
Armen

Channel of promotion to the post of Traffic Inspectors.

Traffic Insp. Gr. R. 452-640 on JU & EKN & ASMS Gr. 425-640 25%	Shunting Master 425-640 Gr. 20%	Hd. TNCs 425-640 10%	Guards 330-560 10%	Hd. Signallers ITF grade 425-640 10%	Traffic App. through RSC 15%	Deptt. Test 10%
---	---------------------------------	----------------------	--------------------	--------------------------------------	------------------------------	-----------------

Selection & after passing P-16 Course & below 50 yrs. of age.

S.M./ASM 455-700 below 50 yrs. 20%	Traffic Insp. grade 455-700 60%	SCNL 450-700 below 50 yrs. 15%	W.M.I. Gr. 455-700 5% below 50 yrs.
------------------------------------	---------------------------------	--------------------------------	-------------------------------------

Seniority-cum-suitability.

S.M.s 550-750 below 50 yrs.	Traffic Inspector Gr. R. 550-750	Dy. CYM 550-750
-----------------------------	----------------------------------	-----------------

Selection & P-16 A

S.S. 700-900	Traffic Insp. Gr. 700-900 Seniority-cum-suitability	Dy. CYM 700-900
--------------	---	-----------------

T.I. Gr. 840-1040
S.S. Gr. 840-1040
CYM Gr. 840-1040

Note: On Delhi Divn. where there were no posts of WMs Gr. R. 455-700, the channel to the post of T.I. Grade R. 550-750(RS) will be as under:

T.I.s Gr. 455-700 = 60%	SM/ASMS 455-700 = 25%
SCNL 470-750 below 50 yrs. age = 15%	below 50 yrs. of age.

[Handwritten signatures and initials]

[Handwritten signature]

NORTHERN RAILWAY.

No: 940-E/5-1/SM-87

Divisional Office,
Lucknow, dated 10.4.87.NOTICE

A. Following transfer/promotion orders are hereby issued to have immediate effect:-

Sl. No.	Name	Present Desig.	Grade	Station	Transferred/promoted to Desig.	Grade	Station	Remarks
1.	S/Shri C.L. Misra	SM	1600-2660	TLKH	RG	SN	1600-2660	DND On request
2.	Vijendra Singh	SM	-do-	JGJ	SM	-do-	-do-	PHV -do-
3.	Gopal Ram	SM	-do-	NBP	SM	-do-	-do-	PRF -do-
4.	K.L. Sharma	SM	-do-	ULN	RG	SM	-do-	SLW -do-
5.	J.N. Singh	SM	-do-	BKSA	SM	-do-	-do-	SKNR -do-
6.	D.P. Shukla	SM	-do-	RMNR	RG	SM	-do-	CPB -do-
7.	Arjun Pd.	SM	-do-	PHV	SM	-do-	-do-	JGJ -do-
8.	R.N. Ram	SM	-do-	BRPT	RG	SM	-do-	RSP -do-
9.	Lal Bahadur	RG SM	-do-	BK	SM	-do-	-do-	RES -do-
10.	V.C. Misra	SM	-do-	GANG	SM	-do-	-do-	BTP -do-
11.	Jagdish Singh	SM	-do-	SAGR	SM	-do-	-do-	GANG On Adv
12.	S.K. Sharma	SM	-do-	JTU	SM	-do-	-do-	POF ground
13.	Jamuna Pd.	RG SM	-do-	CPB	SM	-do-	-do-	LKO -do-
14.	A.N. Nirmal	RG SM	-do-	RMNR	SM	-do-	-do-	BKSA -do-
15.	Kamla Prasad	RG SM	-do-	MFKA	SM	-do-	-do-	CDRL -do-
16.	R.K. Verma	SM	-do-	ARP	SM	-do-	-do-	PQN -do-
17.	Mohd. Islam	SM	-do-	HGH	SM	-do-	-do-	TLKH -do-
18.	R.N. Dubey	SM	-do-	HMN	SM	-do-	-do-	JTU -do-
19.	Kedarnath	SM	1400-2300	LBA	SM	-do-	-do-	SYW on Promo
20.	M.S. Usmani	SM	-do-	LKO	SM	-do-	-do-	LKO tion.
21.	R.P. Singh	SM	-do-	KTRE	SM	-do-	-do-	RMNR -do-
22.	J.R. Maurya	SM	-do-	MIH	SM	-do-	-do-	BRPT -do-
23.	S.J. Singh	SM	-do-	BQP	SM	-do-	-do-	SAGR -do-
24.	S.S. Singh	SM	-do-	DELO	SM	-do-	-do-	DELO -do-
25.	D.K. Khore	SM	-do-	SPH	SM	-do-	-do-	SPH -do-
26.	G.P. Srivastava	SM	-do-	BKKS	SM	-do-	-do-	RMNR -do-
27.	V.N. Pandey	SM	-do-	SRP	SM	-do-	-do-	ULN on request promotion

B. Refusal of the following SMs grade Rs. 1400-2300 are hereby accepted from the date shown against each. They will be debarred for promotion for one year from the date of refusal or staff promoted during this period will rank senior to them.

1.	Sh. G.P. Singh	SM	1400-2300	LMN	date of refusal	1.3.87.
2.	Sh. M.P. Shukla	SM	1400-2300	KVG	date of refusal	29.1.87.

This has the approval of competent authority. Movement should be advised promptly.

[Signature]
Divisional Personnel Officer,
Lucknow.

Copy to:- Sr. DOS, Sr. DSO, DOS, Sr. DAO/LKO.

SSs- LKO, BSB, BBK, MFKA, ARP, HGH, HMN, SIW, Supdt. 'Pay Bill' DRM/LK
SMs- TLKH, NBP, JGJ, ULN, BKSA, RMNR, PHV, BRPT, GANG, SAGR, JTU, CPB, DND, SKNR, RES, BTP, POF, CDRL, PQN, LBA, KTRE, MIH, BQP, DELO, SPH, BKKS, SLRP, PRF, SYW. All TIs on LKO Division.

Divl. Secy., URMU, T-10, Parcel Office, Charbagh, Lucknow.

Divl. Secy., NRMU, Near Guard's Running Room, Charbagh, Lucknow.

[Signature]
Stamps
(C) (a) (u)

[Signature]
Alleged
J.P. Kumar
Kumar

Northern Railway

No: 940E/5-1/SM-87/Loose.

Divisional Office;
Lucknow, Dt/- 4.9.87NOTICE

The following transfer/promotion orders are hereby issued to have immediate effect.

S.No.	Name	Design.& Station.	Grade	Posted at Design.& Station.	Grade	Remarks.
<u>S/Shri</u>						
1.	G.P.Sharma	SM/AKT	1600-2660	SM/AHZ	1600-2660	On Admn. ground.
2.	G.P.Srivastava	RG SM/RMNR	-do-	SM/LKO	-do-	On request.
3.	S.J.Singh	SM/SAGR	-do-	SM/LKO	-do-	-do-
4.	A.N.Chauhan	SM/KDF	1400-2300	SM/MOF	-do-	On Promotion.
5.	Santoo Lal	SM/TQA	-do-	SM/PQN	-do-	-do-
6.	Ratnakar Pandey	RGSB/BWI	-do-	SM/JLL	-do-	-do-
7.	Javed Ahmad	SM/BSB	-do-	SM/BSB	-do-	-do-
8.	Perwez Ahmad	TI/Safety	-do-	SM/LKO	-do-	-do-
9.	Arun Kumar Singh	Gr II SM/KKAH	-do-	SM/KKAH	-do-	-do-

1. Item No.4 Shri A.N.Chauhan, SM/KTF has been promoted on Adhoc basis.

This has the approval of competent authority. Movement should be advised promptly.

[Signature]
Divisional Personnel Officer
Lucknow.

- Copy to: *[Signature]* 4/9
1. Sr.DOS, Sr.DSO, DOS.
 2. SS/BSB, LKO, AKJ
 3. SM/AHZ, RMNR, SAGR, MOF, PQN, JLL, KKAH, KDF, TQA, BWI.
 4. Supdt. Bill.
 5. Sr.DAO.
 6. Divl. Secy. NIMU.
 7. Divl. Secy. URMU.
 8. To LKO, BSB, FD, SLH, RBL, PRG, PBH, RRI-LKO

D/*

[Signature]
D/

[Signature]
D/

Annexure - 10 37

NORTHERN RAILWAY

No. 757E/5-1/TJ Selection II
Dated: 23.04.87

Divisional Office,
Lucknow.

NOTICE

A. As the result of suitability test for the post of Traffic-Inspector in grade Rs. 1600-2660, The following two candidates have been found suitable and are placed on this select list in order of their seniority.

1. S/Shri M.S.Usmani, SM/LKO
2. " R.D.Jaiswal, SCNL/LKO

B. Consequent on the placement of above named staff on the select list for the post of Traffic-Inspector in grade Rs. 1600-2660, S/Shri M.S.Usmani, SM/LKO and R.D.Jaiswal, SCNL/LKO are promoted and posted as Traffic-Inspector PH& RBL respectively in grade Rs. 1600-2660.

In case they refuse promotion they should submit their unequivocal refusal in writing and they will be debarred for promotion for one year from the date of refusal.

This has the approval of competent authority .

Movement should be advised promptly.

[Signature]
Divisional Personnel Officer,
Lucknow.

[Signature]
23/4

Copy to:

1. Sr.DOS, 2. Sr.DSo, 3. DOS, 4. Sr. DAO
5. SS/LKO, 6. CHC/LKO 7. Supdt (Bills)

✓ 8. Dealer- E5-2.

9. Divl. Secy. NRMU.

10. Divl. Secy. URMU

[Signature]
[Signature]

[Signature]

[Signature]
[Signature]
[Signature]

61. Item No.289
68th PNM
AP0-II/SE-V

Promotion as S.M. Gr. 550-750

prior to re-structuring promotion of ASM/SM Gr.455-700 were made on pro-rata basis to the post of SM Gr.550-750. Since ASM gr.455-700 have more service than SM Gr.455-700 the Union suggests that for the purpose of promotion as SM gr.550-750 length of service of ASM/SM in gr.425-640 be taken into consideration.

The fact is that the prior to restructuring ASMs were 45 and SMs were 62 and thus ratio of 3:4 was being maintained. Now the strength of ASM is 235 and SMs is 21 thus there will be a ratio of 17:1 and therefore union's suggestions be accepted.

It is also requested that seniority list after restructuring on 1.8.82 be issued so that people may know about these further promotion position.

REPLY:

As present this Division is strictly following the provisions enunciated in the proposed channel of promotion chart of traffic staff received under HQ letter No. 757E/61-XVIII(EIB) dated 14.11.83.

Contd....

Chandrasekar
Staff
CC/TA/...

Alb...
Sp...
Ad...

GM PNM ITEM NO.204/88

Sub: Unlawful promotion to Station Masters Grade 1600-2660 vide DRM's letter No.940E/5-1/SM/87 dated 10.4.87 in Lucknow Division.

An objection was raised against out of turn and unlawful promotion of persons selected in graduate quota under S.No.s 20 to 25 in promotion L/No.940E/5-1/SM-87 dt. 10.4.87 vide item No.87 of 73rd DRM/PNM held on 23.6.87, on the basis of their seniority in restructuring panel which was formed on a later date on 27.9.83 superceding those who were born on restructuring panel of 1.8.82.

The reply given by DRM/LKO in the light of HQrs letter No.757E/85-V-11-4(EIB)dt.28.8.84 stating that those promoted vide letter No. 940E/5-1/SM-87 dated 10.4.87 as S.M. in grade K.1600-2660(R)S were working as Station Mas Gr.K.455-700(Panel formed on 27.8.83) were due seniority from 1979 since the vacancy existed from 1979 and therefore no decision against Hqr. orders could be given by Divl.Rly.Manager. The reply of DRM is not convincing on the following grounds:-

The avenue of promotion of SM/ASM is as under :-
A.S.M.(330-560)

SM(425-640)

ASM (425- 640)

455-700(By selection)

SM(455-700)

ASM(455-700)

75% Ranker

75% Ranker

10% Graduate quota

10% graduate quota

15% RTA

15% RTA

SM(550-750)

By seniority on priorata basis

(700-900) SS by selection.

The above channel reveals that for promotion of SM grade 550-750 seniority in gr.455-700 is the determining factor.

PAR 314 of F.M.states as under:-

"In selection posts the seniority of the employees is determined according to the merit on the panel. The employees selection in the earlier panel will be considered, senior to those born on subsequent panels, even though the later may be continuously offtg.in the selection post as a local arrangement from a date ~~prior~~ prior to the date of promotion of the former or the later may be substantively senior to the former"

It is surprising that in Lucknow Division those empanelled on 27.9.83 have been made senior to those born on panel on 1.8.82.

(2)

The contention of HQrs letter No. 757E/85-V-II-IV (EIB) dated 28.8.84 under the pretext of which this unlawful promotions is given is that those selection vide graduate quota may be adjusted against the posts of Station Master (455-700) available from 1979. It does not mention anywhere that those selected as S.M. (455-700) will rank senior to those panelled as ASM/CNL/AYM (45-700) since it is a combined seniority post. Further para 321 of E.M. may be consulted which states as under:-

" When a post (selection as well as non-selection) is filled by considering staff of different seniority units the total length of continuous a review in the same or equivalent grade held by the employees shall be the determining factor without, however, disturbing the inter-se-seniority of staff belonging to the same seniority unit."

The channel of promotion clearly shows that grade (550-750) non-selevation is to be filled from different seniority units of 455-700 but the administration disturbed the inter-se-seniority by promoting the persons of later panel working as S.M. over those born on former panel but working as ASM in the same grade, thus the spirit of this rule has been disregarded.

The contention of the administration that those selected on the panel of graduate quota on 27.9.83 were due seniority from 1979 as the vacancy existed since 1979 is absolutely wrong as the seniority is assigned from the date of selection and not from the date from which the vacancy existed, (Railway Board's decision may kindly be read in this light).

It is also regretted that the calculation of the posts for 10% graduate quota as SM is also wrong and is in excess of the vacancies that occurs this effect the prospects of promotion of the rankers.

This issue was realised in the Divisional PPM but the Unions contention was not accepted.

It is therefore urged that persons promoted in grade 1600-2660 (RPS) (Old grade 550-750) vide DRM/LKO letter No. 940E/5-1/SM-87 dated 10.4.87 from S.No. 20 to 25 by ~~reverting~~ reverted so that senior-most persons may not be slaughtered due to their unlawful promotion.

C. P. Ramesh
Sharma

CC/MC 4/10/85

Allison
J. Khan
Adm. Sec.

GM/PNM Item
No.204/88

Unlawful promotion to station Master's Grade Rs. 1600-2660 vide DRM's letter No.940E/5-1/SM/87 dated 10.4.77 in Lucknow Division.

Necessary instructions have been issued to DRM/LKO to take action in terms of the instructions contained in para 302 of the Indian Railway Establishment

.....

Manual, Second Edition according which the seniority of the staff in the categories of posts partially filled by direct recruitment and partially filled by promotion, criterion for determination of seniority is the date of joining the working post in the case of direct recruitment and date of promotion in the case of promoted.

Accordinglyⁱⁿ the present case of Station Masters DRM/LKO has been advised that the seniority of the Station Masters should be determined from the date they joined the working post after completion of their training which has not been done by his division.

The Union pointed out that prior to restructuring viz. 1.8.89 ASM Gr.Rs.455-700 were given promotion on pro-rata basis in Lucknow Division. There was a ratio of 4:3 i.e. 4 SM and 3 ASMs in grade Rs. 455-700(RS) After restructuring this ratio became 1:16 which has not been followed even through channel of promotion has not been reversed. All those promoted in excess of their quota after 1.8.82 be reverted & the ratio of 1:16 referred to above be strictly maintained. Persons have been wrongly promoted in this manner as ASMs and they have also been promoted as TIs. This may be examined. (Implementation)

Handwritten signature
Shri

Handwritten signature
(C) 11/11/88

Handwritten signature
Alleshi
Shri
Adm

NORTHERN RAILWAY

No:522/E/64/TX/TIB

Headquarter's Office,
Baroda House,
N. Delhi.

Dt. 15.9.83.

The Divl. Railway Manager,
Northern Railway,
Lucknow.

Sub:- Item No.204/83 of GM's PNM with NRMU

Ref:- Your letter No.757-M/5-1/GM-YM/Channel of
promotion, dated 17.7.83.

It is ~~revealed~~ revealed from your letter referred to above that ASMs grade Ps. 455-700(RS) promoted on 1.8.83 under the restructuring scheme have not been assigned seniority as per instructions circulated in P.S.No.9340 where-as Station Master grade 455-700(RS) empaneled against 10% graduate quota on 27.9.83 and joined in 1984 have been assigned seniority above those ASMs promoted against restructuring of cadre.

This action of Division is not correct because staff empaneled earlier to those empaneled subsequently.

No doubt ASMs grade Ps. 1400-2300(RPS) is a feeding cadre for SMS grade Ps. 1400-2300(RPS) but in the present case the criteria laid down in Printed Serial No.9340 and Para 302 of IREM II REVII Edition can not be ignored.

Sd/-
for General Manager (P)

Copy to SPO(Union).

C. J. J. J.
Sharma

C. J. J. J.

Allored
Allored
Allored

उत्तर रेलवे

पत्रांक: 561ई/85-367/ई3-1/183ए.

मण्डल कार्यालय/लखनऊ
दिनांक: अगस्त, 87.

R10-87

लखनऊ मण्डल पर सर्व सम्बन्धित,
लखनऊ मण्डल के सभी अधिकारी,
लखनऊ मण्डल के सभी वरिष्ठ आधीनस्थ,
कार्मिक शाखा के सभी सम्बन्धित,
मण्डल सचिव- एमओआरओएमओयू एवं यूओआरओएमओयू ।

मुद्रित क्रमांक: 9340.

विषय: - ग्रुप "ग" तथा "घ" के कुछ संवर्गों की पुनर्संरचना ।

रेल मुख्यालय के पत्र संख्या पी.सी.-111/87/ए.पी.सी./1 दिनांक 13.7.87 की प्रतिलिपि जो महा प्रबन्धक, कार्मिक, उत्तर रेलवे, बड़ौदा हाउस, नई दिल्ली, के पत्र संख्या 561/255-98 अंतराल 1 पी.सी.1 पार्ट-111, दिनांक 30.7.87 मुद्रित क्रमांक 9340 के अन्तर्गत प्रेषित है कि प्रतिलिपि इसमें निम्न सहित सूचना/ मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है ।

संलग्नक/ यथावत ।

आ.ओ.आ.ओ.आ.

कुल वरिष्ठ मण्डल कार्मिक अधिकारी

उत्तर रेलवे

लखनऊ

C. Paramee

Shig

C. N. A. पांडे

Allison
J. Khan
Adm. Sec.

9340

47

Copy of Central Railway's letter No. HPR/778/PC-III/TDP(1)/III
Dated 29.1.87.

.....

Sub: Restructuring of certain Group 'C'
and Group 'D' Cadres.

Ref: Ministry of Railway's letter No.
PC-III/80/UPG/19 dated 29.7.83.

1-1-1-1-1-

A reference is invited to para 2 of Ministry's letter quoted above. It has been mentioned in this letter that restructuring of the cadres will be made with reference to sanctioned cadre strength as on 1.8.83 and that the staff who would be placed in the revised grades, in terms of these orders, would be eligible to draw pay in the higher grade from 1.8.83 with the benefit of ~~xxxxxx~~ proforma fixation from 1.8.82.

2. The question has arisen whether the seniority that is to be assigned in the restructured cadre should be assigned w.e.f. 1.8.83 or w.e.f. 1.8.82 the date from which the benefit of proforma fixation is given. This Railway has taken the view that since restructuring has been ordered with reference to the cadre strength on 1.8.83 the seniority would be assigned to the eligible staff w.e.f. 1.8.83 only in the upgraded posts, although benefit of fixation is given on proforma basis ~~xxxxxxxxxx~~ retrospectively from 1.8.82. One of the recognised Unions holds the view that benefit of seniority is also admissible to such employee w.e.f. 1.8.82.

3. This question has been brought into sharp focus vis-a-vis the direct recruit Traffic Apprentices who came on to working post during the period from 1.8.82 to 1.8.83, whether the direct recruits would become junior to the persons posted to the restructured post w.e.f. 1.8.83 with the benefit of proforma fixation from 1.8.82.

4. I shall be grateful if you will kindly advise whether it is the intention of the Ministry that staff who have been placed in the higher grade arising out of restructuring orders in terms of the abovementioned letter should also be given seniority from 1.8.82.

With kind regards,

Yours sincerely,

sd/-

(P.F. SRIVASTAVA)

P. P. Srivastava

Shugh

C. N. (110)

*advised
J. P. Singh
Adm. Sec.*

NORTHERN RAILWAY

40

JASWANT RAI
D.P.O.Divisional Office,
Lucknow, Dt/- 11/17.7.89

D.O.No:757-E/5-1/SM-YM/Channel of Promotion.

My dear Bhggwan Das,

Sub: Item No.204/88 of GM's PNM with NRMURef: GM(P) letter No.961E/101/Impl/NRMU/Pt.II/
E Union dated 31.5.89.

Kindly refer to this office D.O.letter of even no.dated 1.3.88 and 3.8.88(copy enclosed for ready reference) wherein it was ~~clearly~~ clearly indicated that the pro-rata principle was not be applied in the matter of promotion of S.M. in Gr.Rs.550-750(RS)/1600-2660(RPS) after implementing the restructuring. So far the assignment of seniority of Station Masters, borne on the panel of 10% graduate quota, is concerned they were allowed seniority as Station Master Gr.Rs.1400-2300 (RPS) from the date of joining in the cadre of Station Master in terms of para 302 of IREM. Subsequently, these SMS, who were borne on the panel of 10% graduate quota & who were protected in terms of HQ's letter No.757E/85-V-II-IV EIB dt. 28.8.84, were promoted as Station Master in gr.Rs. 550-750(RS) 1600-2660(RPS) in accordance with the provisions of proposed channel of promotional chart of SMS/ASMs received under GM(P) lette No.757-E/61-XVIII EIB dt.14.11.83, The Avc which was invogue prior to the receipt of restructuring was found to be unworkable in view of the fact that the feeder post for the post of Station Master in Gr.Rs.455-700(RS) was abolished in the cadre of restructuring. Further more, the surplus Station Masters of Gr.Rs.425-640(RS) were also to be protected as Station Master in grade Rs.455-700(RS) in terms of instructions contained under GM(P) letter No.757-E/85-V-II-EIB dated 9.3.88. There would have been serious violation of natural justice if pro-rata would have been made applicable in order to regulate the promotion of Station Master in grade 550-750(RS)/1600-2660 (RPS). The elaborate reply and illustrations cited under this office letter of even no. dated 1.3.88 will explicitly ~~for~~ ~~xxxxx~~ reveal that prorata principle was not at all to be given effect for filling up the vacancy of Station Master Gr.550-750 (RS) from 2.8.83 & on wards. It is also worthwhile to reiterate that provisions of proposed promotional chart, which was received under letter No.dt.14.11.83, was followed with the consent of Divl.Secy.NRMU under their item No.289/68th of Divl,PNM meeting. In the light of aforementioned factual position, the comments on each para of minutes recorded under item No.204/88 on 21/22.4.89 are furnished below:-

Para 1. In the restructuring of Station Masters/Asstt.Station Masters which was made effective from 1.8.83, two alternatives were available under Bd's letter dt.29.8.83 Since the cadre of SM/ASM, on this Zonal Railway, was separate, this Rly.Admn.had preferred to choose a tentative .

Approved
Shygh
TC 7/11/89
Allesant
of 11/11/89
AN

Resultantly, the posts of Station Master in Grade Rs 425-640 (RS) was abolished. The surplus SMS of grade Rs. 425-640 (RS) who were sufficiently senior to the existing ASMs of Gr. Rs. 425-640 (RS) were placed on the panel of ASM grade Rs. 455-700 (RS) & were assigned seniority over existing ASMs of Gr. Rs. 425-640 (RS). This fact can be verified from the Annexure-1 of this office letter of even no. dt. 1.3.88. This action of this office was automatically legalised with the issue of GM(P)'s letter No. dated 9.3.84. Accordingly, these protected SMS of Gr. 425-640 (RS) who were brought on the panel of ASM in Gr. Rs. 455-700 (RS) were promoted as Station Master in Gr. Rs. 455-700 (RS) after 2.8.83 & onward. This even/situation had, in fact, precluded this Railway admn. for resorting to the pro-rata principle. Besides this office, HQ's office too had visualised the repercussions & accordingly the proposed channel of promotional chart dated 14.11.83 was evolved and as such the pro rata principle became redundant. Moreover, the Divl. Secy. NRMU had also treated item No. 289 of 68th PNM as final, which was in connection with the application of pro rata principle. It is, therefore incorrect to say that the cadre of ASM/SM in grade Rs. 455-700 (RS) was combined.

Para 2 It is absolutely incorrect to say that after restructuring the lowest grade of SM namely Gr. Rs. 425-640 (RS) & 455-700 (RS) were merged with ASMs Gr. Rs. 455-700 (RS). In fact only SMS grade 425-640 (RS) was abolished & the existing grade of ASMs/SMs i.e. grade Rs. 455-700 (RS) had been keeping separate identity. This situation is still available.

Para 3 This has already been explained under forgoing para 1. In this connection Annexure 1 & 2 and citation given under this office letter of even no. dt. 1.3.88 may kindly be connected.

It is being mentioned repeatedly that the staff borne on the panel of SM in gr. 455-700 (RS), against 10% Graduate quota, was assigned seniority from the date of joining the working post in terms of Para 302 of IREM. And as such, these SMS cannot be placed below the ASM of grade Rs. 455-700 (RS) - owing to the fact that both the cadres viz SM/ASM in grade Rs. 455-700 (RS) 1400-2300 (RPS) are separate. In the revised Avc, received under GM(P) letter No. dated 22.7.88, ASMs of grade Rs. 1400-2300 (RPS) have been shown as feeder post for the post of SM in grade Rs. 1400-2300 (RPS).

With regards,

Yours sincerely,

Sd/-

(Jaswant Rai)

C. P. R. R. R.

Shingh

(C. P. R. R. R.)

*Alloved
J. P. R.
Adm. S.*

ANNEXURE-17 50

Extract of Opening speech Item No.38 of GM's PNM with the URMU held at Headquarters Office on 6/7.6.88. Minutes circulated through letter No.961-E/101/O/NRMU/88/Op.Sp. dated 26.8.88.

"Shri P.N.Sharma, General Secretary of the URMU draw attention of the GM to item No. 29(Review Item No.204/88) of the NRMU PNM Meeting held on 22/23.4.88 and pointed out that such a policy case can only be discussed in a Joint Meeting with both the Unions and no one sided decision is acceptable to this Union and the staff working in Lucknow Division. In case any one sided decision is taken, it will disturb the status quo and cause court case.

The Union was informed that no decision one sided or ex-parte in the case has been taken and that the DRM/LKO has been asked to examine the particulars of the case given by the NRMU in its agenda.

The URMU pointed out that the NRMU have concealed the actual facts and misrepresented the whole affair. The NRMU had raised this issue before the DRM/LKO in the Division PNM Meeting i.e. the proper forum on 29/30.5.86 when the entire issue was discussed and their plea was rejected at that time, they felt satisfied. Again realised the Divl.PNM Meeting at Lucknow on 23.7.87, but failed in convince the DRM/LKO division.

All the facts therefore concealed before you is the PNM meeting at your level.

This Union, therefore, urged upon the GM/N.Rly., that this matter should either be discussed in the joint meeting with both the Unions or that no one sided decision be taken without discussing the matter with this union.

P. N. Sharma

Sharma

TC 7/11/88

*Accepted
J. P. Sharma
Adm. Secy*

Northern Railway,
Divisional Office,
Lucknow.

No: 961E/TU/Pt.1V/85.
Dated: 28.4.86

All Branch Officers of Lucknow Division
APO(I), APO(II), APO(G), APO(Spl.)
SE-I, II-III, IV, V, VI,
Divisional Secretary, NRMU, URMU.

Sub: Decisions of PNM Meetings.

.....

A copy of CM(P)'s letter No.961E/65-XI/Union dated 4.4.86 with a copy of letter dated 7.6.84, as mentioned in the letter is forwarded for your necessary action.

The instructions contained in the letter should be strictly followed.

Sd/-
(ASLAM MAHMUD)
for Divisional Railway Manager,
Northern Railway, Lucknow.

.....

C. P. Mahesh

Shyif

(C. P. Mahesh)

*Allesed
J. P. Chandra
Admission*

52

Copy of Dy.CPO(U)'s letter No.961E/101/P/393/84/NRMU/E.Union dated 7.6.1984 to DRM/DLI & others.

.....
Reg: Decisions of the PNM meetings.

^{consultation}
.....
In continuation with the General ~~Manag~~ Secretaries of both the recognised Unions it has been decided that the decisions taken at the PNM meetings and negotiations under PNM with any of the recognised Union, will be implemented forthwith. In case any objection is received from the other Union, the decision already taken will not be pended or stayed but the objections as received will be investigated at the administrative level and in case it is found that there is any strength in the counter arguments and the decision already taken deserved to be modified then the joint meeting with both the recognised unions will be arranged and in case a joint decision is arrived at, the same will be implemented otherwise Administration's decision will be taken at the GM's level.

Likewise policy will be followed in case of the PNM meetings held at Divisional level. So far as Divisional PNMs are concerned the final decision will be taken by DRMs. In case any Union is aggrieved of this decision they can raise the issue in the PNM meeting at the GM's level.

.....
Copy of (GM/P)'s letter No.961E/65-XI/Union 4.4.86 to DRM/DLI & others.

Reg: As above.

Attention is invited to this office letter No.961E/101/P/393/84 NRMU/E.Union dated 7.6.84 wherein it was advised that the decision taken at the PNM meeting and negotiations with PNM with any of the recognised Union, will be implemented forthwith. In case any objection is received from the other Union, the decision already taken will not be pended or stayed but the objections as received will be investigated at the administrative counter arguments and the decision already taken deserves to be modified then the joint meeting with both the recognised unions will be arranged and in case the joint decision is arrived at, the same will be implemented otherwise Administration's decision will be taken at the GM's level.

It was also stated therein that likewise policy will be followed in case of the PNM meeting held at Divisional level, So far as Divisional PNMs are concerned the final decision will be taken by DRMs. In case any Union is aggrieved of this decision they can raise the issue in the PNM meeting at the GM's level. It has been complained ~~xxx~~ by the Union that the above decision which was taken in consultation with both the recognised Unions is not being implemented on some of the Divl. Office due to which complications arise at later stage.

It is reiterated that the above instructions may please be strictly followed in all such cases.

.....

Approved
Shah

(C-71a) (10)

Allesha
Allesha
Allesha

NORTHERN RAILWAY

No.757E/5-1/SM-YM/Channel of
promotion

Divisional office,
Lucknow: Dt. 26/12/89

1. Sri M.S. Usmani, Ex.TI/LKO presently working in IRAQ through RITES.
2. " S.J. Singh, Ex.SM/LKO --- do ---
3. " Ratnakar Pandey, Ex.SM/JIL --- do ---
4. " R.P. Singh, RGSM/SLN
5. " J.R. Mauriya, SM/JLL
6. " S.S. Singh, SM/DELO
7. " D.K. Kharey, SM/HCP
8. " G.P. Srivastava, SM/LKO
9. " Jawed Ahmad, SM/BSB
10. " A.K. Singh, SM/LKO
11. " Parvez Ahmad, TI/RBL

Sub: Reversion from the post of Station Master/
T.I. in grade Rs. 1600-2660(RPS) to Asstt.
Station Master Gr. Rs. 1400-2300(RPS),
.....

Consequent on the decision taken under General Manager's P.N.M. with the NRMU under agenda item No.204/88 and decision communicated by GM(P), N.Railway under letter No. 522-E/64-IX EIB dated 15.9.89, it has been decided to revert you from the post of S.M./T.I. Gr. Rs. 1600-2660(RPS) to the post of Asstt. Station Master Gr. Rs.1400-2300(RPS). Accordingly, you will be fitted in the category of ASM in Gr. Rs.1400-2300(RPS) below all the ASMs who were empanelled as ASM on 1.8.83, in grade Rs.455-700(RS)/1400-2300(RPS).

You are, therefore, given one month's time from the date of the issue of the letter to submit your representation if any, in support of your claim.

In case, no representation is received from you within the stipulated time limit, it will be presumed that you have nothing to say against your reversion and decision will be termed as FINAL.

[Signature]
for Sr. Divisional Personnel Officer,
N.Rly./Lucknow,
..... 26/12/89

Distt. 2112

[Signature]

[Signature]

(C 71a)

4125

[Signature]
Asstt.
Asstt.

बअदालत श्रीमान *Before Central Administrative Tribunal*
Allahabad. Circuit Bench at महोदय
Allahabad

वादी (मुद्ई)
 मुद्ई (मुद्दालेह)

का



M. S. Usmani & Son

बनाम *Union of India & others* प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

P. K. Khare & Son

वकील

P. K. Khare & Son

एडवोकेट महोदय

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 प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें 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 प्रमाण रहे और समय पर काम आवे।

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

1. *M. S. Usmani*
 2. *Shreeji Tiwari*
 हस्ताक्षर *(S. J. Singh)* Sm/ltb
 3. *(नामा) पाठ*
 Sm/ltb

28-1-80

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 28 of 1980

APPLICANT(S) D. K. Chaur

RESPONDENT(S) COL

Particulars to be examined

Endorsement as to result of examination

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

Ys

Ys

Ys

Ys

Ys

Ys

Ys

Ys

Ys

Ys

No

Sub
8/12

Particulars to be Examined

Endorsement as to result of examination

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

ys

NO

ys

ys

ys

ys

ys

ys

dinesh/

Number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

(1)
30.1.90

Hon. Justice K. Nallu V. e.
Hon. K. J. Roman A.M.

Admit

Lic. for order on 13.2.90

Am

Vc

or
Notice given
2/3/90

See order on the amount of petition

(2)

13.2.90

No sitting Adj. to 29.3.90

(3)

29.3.90

No sitting Adj. to 25.4.90

(4)

25/4/90

Hon. Mr. D.K. Agrawal J.A.
Hon. Mr. K. Obayya A.A.

29/3

CM 199/90
filed today
2/3

Shri L.P. Shukla, for the respondent
and Shri A. Bhargava, for the
No-3. No one appears for respondent
No 1 & 2.

[M. Appl. No. 199/90] taken up.
This application for impleadment on behalf
of persons who want to dispute the
seniority claim of the applicants.

We heard the learned counsel for impleadment.
We are of the opinion that the application
for impleadment is allowed accordingly
let, new respondent be impleaded as

or
Notices issued
issued on 2.3.90
Neither respondent
nor any other
regd. cover have
been returned
CM 199/90
filed by counsel
for impleadment
S.F.O.
24/4

Dinesh

or
Amendment
made today
2/4

O.A. 28/90

C.W.

O.A. 162/90

11.7.91

D.R.

Applicant's side is present. O.P. is absent.

This case is listed for filing counter before me on 16/9/91.

16.9.91

D.R.

Both the parties are present. Respondent's counsel seeks time to file counter by 25/11/91.

25.11.91

D.R.

Applicant is present. Respondent to file counter by 18/2/92.

18.2.92

D.R.

Applicant's side is present. No appears for the O.P. Respondent to file counter by 12/5/92.

12.5.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW

O.A.No.28 of 1990 (L)

D.K.Khare & others...

.....Applicants

versus

Union of India and others...

.....Respondents.

REJOINDER TO THE COUNTER REPLY FILED BY RESPONDENTS No. 4 to 7

The comments are furnished below:

1. The combined selection for the post of Station Master/Asstt.Yard Master/Traffic Inspector and Section Controlled in grade Rs. 455-700(RS)/470-750(RS) against 10% graduate quota was initiated on 31.7.82 through annexure No.2 of the application. This selection was initiated much earlier to the introduction of restructuring which was made effective from 1.8.83 vide Railway Board's orders dated 29.7.83. This selection was initiated in accordance with the channel of promotional chart available on 31.7.82(Annexure No. of the application). The panel for the posts of Station Master/Asstt.Yard Master/Asstt.Station Master/Traffic Inspector/Sectional Controller in gr.Rs.455-700(RS)/470-750(RS) against 10% graduate quota was announced on 27.9.83 and the applicants were earmarked for the post of Station Master in gr. Rs.455-700(RS).

The restructuring issued by the Rly.Bd. on 29.7.83 to have effect from 1.8.83 was not relevant with the selection of 10% graduate quota.

As regards the annexure D-1 of the counter affidavit, it is stated that cadres of SM and ASM were separate on Northern Railway and the applicant No.5 was an ASM in grade Rs.425-640(RS) on 1.8.83 and he was considered as ASM in grade Rs.455-700(RS) by virtue of his normal position of substantive seniority through modified selection procedure which was one

signed

.....2/-

*Filed today
2.00 P.M.*

SHU

16/9/91

(2)

time dispensation. The other applicants namely D.K.Khare, Parvez Ahmad, Javed Ahmad, R.P.Singh, G.P.Srivastava, SS. Singh and A.K.Sinha were working as ASM in grade Rs.330-560(RS on 1.8.83.

Infacts, the applicants were empanelled as SM in grade Rs. 455-700(RS) against 10% graduate quota selection initiated on 31.7.82 i.e. much before the announcement of restructuring orders. The applicant No.5 alongwith other applicants were empanelled and earmarked as Station Master through a positive act of selection i.e. Written test followed by viva voce.

So far the provisions of annexure No.D-2 of the counter affidavit is concerned, it is stated that the respondents No. 4 to 7 have twisted the facts to present a concocted story. In fact, the existing selection procedure, which was prevalent on Railways, was modified to the extent that no Written test and/or viva voce was to be conducted for the proper of implementation of restructuring on 1.8.83, This was a one time exception by way of special dispensation. The Railway Bd. had also clarified that under this one time dispensation the category of outstanding will not arise. ~~xxxx~~ The word 'outstanding' connotes, in the normal selection procedure as laid down under para 216(h) of Indian Railway Establishment Manual 1968, to secure 80% marks in the Written test and/or viva voce. The word 'outstanding' has no relevance with the 10% graduate quota selection.

As regards the averments of respondents No.4 to 7, in respect of para 3.3 of Rly.Bd.'s ~~la~~ orders dated 29.7.83, it is stated that the classification of any post in SM and ASM cadres was not changed in the ~~restructuring~~ restructuring. The enclosed annexure' as referred under para 3.3. of Rly.Bd.'s orders dated 29.7.83(Annexure D-2 of the counter reply) has not been annexed by the respondents No.4 to 7 while submitting the Rly.Bd.'s letter dated 29.7.83 as Annexure D-2 The same is being annexed as Annexure No. S-1 with this reply. It is also stated that the cadres of SM and ASM were/are separate on Northern Railway and the classification for the post of ASM and SM in grade Rs. 455-700(RS), which were the selection posts prior to the receipt of restructuring order was not changed through annexure (S-1 with this reply) received with Rly.Bd.'s letter dated 29.7.83 for the purpose of implementation of restructuring. It is, therefore, evident that the provisions of para 3.3 of Rly.Bd.'s letter dated 29.7.83 were not to

S. S. S.

.....3/-

be made applicable on the ~~dated 29.7.83~~ panel formed through a positive act of selection against 10% quota and which was initiated much earlier to the receipt of the restructuring orders and was formed in accordance with the channel of promotional chart (Annexure 1 of the application).

It is further stated that the selection for the posts of SM/ASM/AYM/TI/SCNL in grade Rs.455-700(RS)/470-750(RS) against 10% graduate quota was initiated on 31.7.82 and as such the share of each stream for 10% vacancies was assessed much earlier to the receipt of restructuring orders. As per annexure No.1 of the application, 10% of posts were to be filled in all the streams namely SM/ASM/AYM/TI/SCNL in grade Rs. 455-700(RS)/470-750(RS).

So far the question of arrangement of seniority of graduate quota staff is concerned, it is stated that they ~~were~~ were assigned seniority in terms of para 302 of IREM in the respective cadre and in accordance with the GM(P) printed serial No.9340 (Annexure No.15) of the application and annexure No. D-2 of the Counter reply of respondents No.4 to 7. In other words, Station Masters of 10% graduate quota panel were assigned seniority below the station masters placed on the panel of restructuring on 1.8.83 and other Station Masters available in the cadre from 2.8.83 to the joining of Station Masters of graduate quota panel. Similarly other staff viz AYM, TI and SCNL, who were placed on the panel of 10% graduate quota alongwith the applicants, were also assigned seniority in the respective cadres in terms of para 302 of IREM and PS No.9340. No one was empanelled as ASM in grade Rs.455-700(RS) against 10% graduate quota.

It is also worthwhile to mention that a specific clarification was sought by DPO/LKO, N.Rly., Hdqrs. Office in regard to the adjustment of graduate quota staff. The senior personnel officer (Traffic and Commercial), N.Rly., Hdqrs. Officer, Baroda House, New Delhi, had clarified through letter No.757E/85-V-II-IV(EiB) dated 2.8.84, that 10% graduate quota staff were recruited and sent for training against 10% vacancies existed prior to the date of restructuring i.e. 1.8.83, hence 10% graduate will have to be adjusted against vacancies reserved for them before 1.8.83 as per extant procedure.

Gulzar

(4)

Although as a natural corollary or consequence, the graduate quota staff, who were empaneled against the vacancies existed prior to 1.8.83, should have been assigned seniority prior to 1.8.83 but they were filled in the respective earmarked categories from the date of joining in terms of para 302 of IREM and P.S.No.9340 i.e. in accordance with normal

railway rules. The Senior Personnel Officer(Traffic and Commercial), N.Rly., Hdqrs. Office, Baroda House, New Delhi, letter dated 28.3.84 is enclosed as annexure S-2 with this reply.

So far the question of representation of Northern Railway Mens Union is concerned, the Union had agitated, this issue under item No.289 of 68th Divisional PNM and desired that pro rata principle in the ratio of 17+1 should be made applicable for the purpose of promotion to the post of Station Master in grade Rs. 550-750(RS), now grade Rs. 1600-2660(RPS). During the deliberations in the Divl. PNM Meeting the Union was informed that pro rata principle has been found to be unworkable for making promotion to the post of SM in grade Rs. 550-750(RS)/1600-2660(RPS). This Union was also informed that the promotions were being made in accordance with the proposed channel of promotion chart (Annexure-7 of the application) The aforesaid item No.289/68th RNM Divisional PNM was treated as Final with the consent of the Union (Annexure-11 of the application) subsequently the Northern Railway Mens Union had agitated for the ~~xxxx~~ use of pro rata principle for making promotion to the post of SM in grade Rs. 550-750(RS)/1600-2660(RPS) through their item No. 204/88 of the General Manager's PNM as is evident from Annexure 12 and 13 of the application. During the discussions in the aforesaid GM's PNM meeting, the Union was intimated that pro rata principle cannot be applied. The minutes of aforesaid meeting were circulated by Sr. DPO/Lucknow vide letter No. 96/E/NRMU/Hdqrs/Minutes/88-89 dated 21.3.1989. A true copy of Sr. DPO's LKO letter dated 21-3.89 is enclosed as annexure No. S-3 with this reply. Although the Railway Administration had informed the Union at Divisional level as well as General Manager's level that the pro rata principle was not to be applied, the Northern Railway Mens Union prevailed over the administration and pressurised it to take the decision that the Station Master

Edwards

....5/-

of grade Rs. 455-700(RS), borne on the pannel of 10% graduate quota, should be reverted and placed below the ASM in grade Rs. 455-700(RS)/1400-2300(RPS), who were borne on the pannel of Asstt. Station Master on 23.11.33 under cadre restructuring having effect from 1.8.33. The decision of General Manager, N.Rly. as communicated under letter dated 15.9.39 (Annexure No.14 of the application) was taken at the back of the applicants without affording them any opportunity whatsoever. Further more, PNM proceedings at General Manager's level were initiated at a belated stage after the applicants had already been promoted to the next grade of Station Master and Traffic Inspector i.e. Rs. 550-750(RS)/1600-2660(RPS).

As regards the averments of the respondents No. 4 to 7 regarding exhausting of the departmental remedy, it is most respectfully submitted that so called show cause notice i.e. Annexure No.19 of the application was merely an eyewash in view of the facts that the decision for reverting the applicants was already taken by the respondent No. 1 & 3. The applicants were compelled to knock the doors of this Hon'ble Tribunal to seek justice. In fact the applicants had no other alternative efficacious and speedy remedy available to them. In view of the contents of Annexure-18 of the Application, the railway administration was bound to revert the petitioners to the post of ASM in grade Rs. 1400-2300(RPS).

PARAWISE COMMENTS

- i) That the contents of para (i) of the counter reply need no comments;
- ii) That the contents of para II of the counter reply need no reply;
- iii) That the contents of para ^{III} 3 of the counter affidavit filed by respondent No.4 to 7 are

Sharma

denied and that of the contents of para ^{III} 3 of the writ petition are reiterated. It is further submitted that the applicants were not afforded any opportunity during the conduct of various PNMs and informal meetings. The applicants also reply on the provisions of paragraph 302 of IREM. The applicants were borne on the panel of Stations Masters in grade Rs. 455-700 (RS) against 10% graduate quota on 27-9.83 and were allowed seniority in the category of Station Master in grade Rs. 455-700(RS) from the date of joining. Thus they were fitted below the Station Masters in grade Rs. 455-700(RS) who were empanelled under cadre restructuring⁸ were allowed all the consequential benefits from 1.3.83. GM(P) Printed serial No ⁹³⁴⁰ Annexure -15 of the application also lays the aforesaid principle. The action of the railway administration in reverting the Station Masters is violative of the principles of Natural justice and constitutional protection available to the applicants under article 311(⁹) of the constitution of India besides violation of Article 14 and 16 of the constitution of India.

iv) That the contents of para (iv) of the counter reply are ~~devied~~ and the contents of para (iv) of the application are reiterated. It is further submitted that the decision of General Manager, N.Rly. as communicated under letter dated 15.9.89(Annexure No.14 of the application) was taken at the back of the applicants without affording them any opportunity whatsoever. Further more, PNM proceedings at General Manager's level were initiated at a belated stage after the applicants had already been promoted to the next grade ^{as} and Station Master and Traffic Inspector i.e. Rs. 550-750(RS)/1600-2660(RPS).

Safed

As regards the averments of the respondents No.4 to 7 regarding exhausting of the departmental remedy, it is most respectfully submitted that so called show cause notice i.e. Annexure No.19 of the application was merely an eyewash in view of the facts that the decision for reverting the applicants ~~was~~ was already taken by the respondent No. 1&3. The applicants were compelled to knock the doors of this Hon'ble Tribunal to seek justice. In fact the applicants had no other alternative efficacious and speedy remedy available to them. In view of the contents of Annexure-18 of the application, the railway administration was bound to revert the petitioners to the post of ASM in grade Rs.1400-2300(RPS).

v) That in reply to para (v) of the counter reply, the contents of preceding para (iv) of this reply are reiterated

vi-1) That the contents of paragraph VI.I of the counter affidavit filed by respondents No.4 to 7 are denied and the contents of para VI-I of the application are reiterated. It is further submitted that the selection for the post of SM/ASM/AYM/TI/SEC.CNL in grade Rs. 455-700(RS)/470-750(RS), against 10% graduate quota, was correctly held in accordance with the provisions of promotional chart(Annexure No.1 of the Application). The restructuring issued under Rly. Bd's letter dated 29.7.83 was notified much after the conduct of the selection. The selection in question was not violative of any provisions of Rly.Bd.'s letter dated 29.7.83. It is also submitted that the seniority of the petitioners was also reckoned in the category of Station Master in grade Rs. 455-700(RS) from the date of joining as such the question of violation of

Gohra

(8)

para 302 of IREM did not arise in this case.

Para No. VI-II

That the contents of para VI-2 of the counter affidavit filed by the respondent No.4 to 7 are denied and that of the contents of para VI-2 of the writ petition are reiterated. It is further submitted that the selection of the app applicants was made in accordance with the channel of promotional chart (Annexure 1 of the application) which was in vogue on the date of conduct of selection. So for the question of promotion of Station Masters and ASMs of grade Rs. 455-700(RS) for the post of Station Master in grade Rs. 550-750(RS), was concerned, the limit of 80% vacancies was subsequently deleted through GM(P) letter No.522-E/64-IX-25-EiB dated 28.6.80. The GM(P) letter dated 28.6.80 is enclosed as annexure 3-4 with the reply. So for the question of further promotion of the applicants, for the post of Station Master in grade Rs. 550-750(RS)/1600-2660(RPS) was concerned, it was regulated as per the provisions of proposed channel of promotional chart deduced by the Hd. Qrs. Office on 14.11.83 through annexure-7 of the writ petition. This channel of promotional chart (annexure-7 of the writ petition) was evolved in order to fill up the vacancies occurring from 2.8.83 and onwards. It is also worthwhile and pertinent to indicate that on the representation of the Northern Railway Mens Union under item No. 289/68th Divisional PNM, the Union was apprised of the facts(annexure-II of the writ petition) and the item was treated as final by the

Advised

....9/-

Divisional body of Northern Railway Mens Union. Further, the GM(P) N.Rly. was informed through annexure-16 of the writ petition that the pro rata principle was not workable for further use from 2.8.83 and onwards for filling up the vacancies of Station Masters in grade Rs. 1600-2660(RPS). The GM/ N.Rly. had also intimated the Union in GM's PNM through annexure S-3 that the pro rata principle was not to be applied. The petitioners were, therefore, correctly promoted as Station Master in grade Rs. 550-750(RS)/ 1600-2660(RPS) and were assigned seniority in the cadre of Station Masters in grade Rs. 455-700(RS) in terms of para 302 of IREM.

Para VI-3 That the contents of para VI-3 of the counter affidavit filed by the respondents No. 4 to 7 are denied and the contents of para VI-3 of the writ petition are reiterated. It is further stated that the stipulations made under para 3.3 of Rly. Bds letter dated 29.7.83 (Annexure D-2 of the counter affidavit) was not at all applicable on the status of panels of 10% graduate quota.

Para No.VI-4: That the contents of para VI-4 of the counter affidavit filed by respondents No. 4 to 7 are misleading and false and as such denied. The contents of para VI-4 of the writ petition are reiterated. It is further submitted that the enlarged panels, formed against 10% graduate quota for various streams, was announced correctly after getting the approval of

S. K. Sengupta

competent authority and the services of such empanelled staff were regularised retrospectively.

It is worthwhile to mention that the ~~orders~~ ^{Cadres} of Station Master and Asstt. Station Master are separate cadre and according to the specifications of proposed channel of promotional chart (annexure-7 of the writ petition) the applicants were correctly promoted as Station Masters in grade Rs. 550-750(RS)/1600-2660(RPS). A copy of latest channel of promotional chart issued by GM(P)/N.Rly. under letter No.757-E/42/Eib) dt.22.7.88 has been enclosed as annexure S-5 with this reply. A perusal of this channel (Annexure S-5) will reveal that status promotion i.e. promotion for the post of Station Master in grade Rs. 455-700(RS)/1400-2300 (RPS) from the post of ASM of grade Rs. 455-700(RS)/1400-2300(RPS) was kept same as was provided under annexure 7 of the writ petition.

Para VI-5

That the contents of para VI-5 of counter affidavit filed by respondents No.4 to 7 are denied and that of para VI-5 of the writ petition are reiterated. It is further stated that both the cadres i.e. SM and ASM in grade Rs. 455-700(RS)/1400-2300(RPS) are ~~xx~~ separate cadres. The petitioners belong to Station Masters cadre whereas as the respondents belong to ASMs cadre. Further in accordance with the channel of promotional charts (Annexure-7 of the writ petition and annexure S-5 of this reply) it is only Station Masters of grade Rs. 455-700(RS)/1400-2300(RPS) who are/were only to be promoted as Station Master in grade Rs. 550-750(RS)/1600-2660(RPS). The ASMs of grade Rs. 455-700(RS)/1400-2300(RPS) are/were required to become Station Master in grade Rs.

11/-

(11)

455-700(RS)/1400-2300(RPS) i.e. on Status promotion in indential grade before becoming eligible for promotion to the post of Station Master 550-750(RS)/1600-2660(RPS). The question of comparision of services of Station Masters and ASMs in grade Rs. 455-700(RS)/ 1400-2300(RPS) for the prupose of promotion to the post of Station Master in grade Rs. 550-750(RS)/1600-2660(RPS) does not arise.

Para VI-6

That the contents of para VI-6 of the counter affidavit filed by the respondents No.4 to 7 are false and misleading, hence they are denied. The contents of para VI-6 of the writ petition are reiterated. In fact, with the abolition of cadre of Station Master in grade Rs. 425-640(RS) under the provisions of restructuring orders dated 29.7.83, the channel of promotion chart, (annexure-1 of the original application) stated to be still in force had become redundant and unworkable for the further use for filling up of the vacancies occuring from 2.8.83 and onwards. Further, the pro rata principle was not to be applied in view of the fact that after implementing the restrucruing the ratio of Station Master and ASM of grade Rs. 455-700 (RS)/1400-2300(RPS) had become ^{1:17} ~~1:1~~ meaning thereby for 18 promotions in the category of Station Masters of grade Rs. 550-750(RS)/1600-2660(RPS), 17 junior; ASMs and one Station Master would have been promoted. Since the Channel of promotional chart as annexure-1 of the original application was required to ~~be~~

Signature

....12/-

be changed for further use for filling up the vacancies from 2.8.83 and onwards, CPTS N.Rly., who is competent authority to draw the channel of promotional chart, had communicated the proposed channel of ~~promotion~~ promotional chart as enclosed as Annexure-7 of the application. Since the pro rata principle was not to be applied DRM/LKO has correctly followed the channel of promotional chart (Annexure-7) of the Writ petition) for making promotions from 2.8.83 and onward. Sr.DPO N.Rly. LKO had intimated to CPO/N.Rly., New Delhi regarding the use of promotional chart which was issued by CPTS N.Rly. on 14.11.83 (Annexure-7) of the writ petition). through letter No.757E/5-1/SM/YM/AVC dated 8.5.86 Sr.DPO/LKO's letter dated 8.5.86 is enclosed as annexure S-6 with this reply. The graduate quota selection was held prior to the receipt of restructuring orders dated 29.7.83 and was conducted for the vacancies ^{existed} prior to 1.8.83 and the staff of 10% graduate quota was protected in terms of Annexure No.S-2 of this reply. It is worthwhile to state that the latest channel of promotion chart, (Annexure S-5 with this reply) which is still in force, have the same provision as far as subsequent promotion as SM in gr.Rs.550-750(RS)/1600-2660(RPS) is concerned. The seniority of 10% graduate quota staff was correctly regulated in the cadre of Station Master in grade Rs. 455-700(RS)/1400-2300(RPS) in terms of para 302 of IREM AND PS No. 9340.

Para VI-7

That the contents of para VI-7 of the counter affidavit filed by the respondents No. 4 to 7

S. S. S.

are false, hence denied. The contents of para VI-7 of the writ petition are reiterated. It is further submitted that the letter of General Secretary, NRMU filed as Annexure D-4 of the counter affidavit filed by respondents No. 4 to 7 were nothing but the representation ^{of} twisted facts by the Union before the administration.

It is worthwhile to mention that the Union had presented a misleading fact in black and white before the administration in the GM's PNM in as much as that after restructuring the lowest grade of Station Master viz Rs. 425-640(RS) and Rs. 4 55-700 (RS) and highest grade of ASM grade of Rs. 455-700 (RS) were merged into one grade of Rs. 455-700 (RS). This was absolutely wrong and as such DPO/LKO had intimated through Annexure-16 of the writ petition that it was absolutely incorrect to say that after restructuring the lowest grade of Station Master grade Rs. 425-640(RS) and 455-700(RS) were merged with ASMs of grade Rs. 455-700(RS). The DPO/LKO had ^{div} factual position and stated that only SMs grade Rs. 425-640(RS) was abolished and existing grade of ASMs/SMs i.e. grade Rs. 455-700(RS) had been keeping separate identity. It is pertinent to indicate that both these cadres are still being maintained and the feeder post for the post of Station Master in grade Rs. 455-700 (RS)/1400-2300(RPS) is the post of ASM in grade Rs. 455-700(RS) 1400-2300(RPS).

So far the question of Annexure-14 of the writ petition, it is stated that the decision of the General Manager was wrong and was taken



under the pressure of the Union. As a matter of principle the panels formed earlier will rank senior to the panels formed later but this principle is always applied in the same cadre ~~or where the comparison of two cadres is done~~. In the case of applicants, they were empaneled as Station Master in grade Rs. 455-700 (RS) against 10% graduate quota and were absorbed as Station Master in grade Rs. 455-700(RS). They were assigned seniority in the cadre of Station Master in grade Rs. 455-700(RS) from the date of joining and as such their placement in the seniority of Station Master was in accordance with the provisions embodied under printed serial No. 9340 (~~Panel formed earlier i.e. on 1.8.83~~) and para 302 of IREM ~~formed (arrangement of seniority was made from the date of joining)~~.

Para VI-8

That the contents of para VI-8 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-8 of the writ petition are reiterated.

Para VI-9

That the contents of para VI-9 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-9 of the writ petition are reiterated.

Para VI-10

That the contents of para VI-10 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-10 of the writ petition are reiterated. It is further submitted that the decision of General Manager, N. "ly. as communicated under



Annexure-14 of the writ petition, ~~xxxxxxx~~ was taken on the wrong interpretation of printed serial No. 9340 and para 302 of IREM. In fact, printed serial No. 9340 had clarified that the seniority of the staff, who are identified for the purpose of promotion under cadre restructuring, would be effective from the common date of restructuring i.e. 1.8.83. Since both the cadres were separate, the Station Master placed in grade Rs. 455-700(RS) under cadre restructuring were assigned seniority from 1.8.83 and thereafter Station Masters of graduate quota, who ~~xxx~~ were empanelled as such for the vacancies existed even prior to 1.8.83, were assigned seniority in the cadre of Station Master in grade Rs. 455-700 (RS) fulfilling the requirement of printed serial No. 9340 and para 302 of IREM.

Para VI-11

That the contents of para VI-11 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-11 of the writ petition are reiterated.

Para VI-12

That the contents of para VI-12 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that ~~xxx~~ of the ~~xxx~~ contents of para VI-12 of the writ petition are reiterated. It is further submitted that the pro rata principle was not to be followed, for further use from 2.8.83 and onwards in view of Annexure-7 of the writ petition and Annexure S-5 with this reply. The stipulations of 80% was, however,

Handwritten signature

abolished through Annexure S-4 with this reply. It is also stated that even after the implementation of the restructuring i.e. after 1.8.83 both the cadres viz. SM and ASM in grade Rs. 455-700 (RS)/1400-2300(RPS) are having separate identity and ASMs of grade Rs. 455-700(RS)/1400-2300 (RPS) have been made the feeder post for further promotion to the post of StationMaster grade Rs. 455-700(RS)/1400-2300(RPS).

Para VI-13

That the contents of para VI-13 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-13 of the writ petition are reiterated.

Para VI-14

That the contents of para VI-14 of the counter Affidavit filed by the respondents No.4 to 7 are denied and that of the contents of para VI-14 of the writ petition are reiterated.

Para VI-15

That the contents of para VI-15 of the Counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-15 of the writ petition are reiterated.

Para VI-16

That the contents of para VI-16 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of Para VI-16 of the writ petition are reiterated.

Para VI-17

That the contents of para VI-17 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-17 of the writ petition are reiterated.

Para VI-18

That the contents of the para VI-18 of the counter affidavit filed by the respondents No. 4 to 7 are

Handwritten signature

denied and that of the contents of para VI-18 of the writ petition are reiterated.

Para VI-19

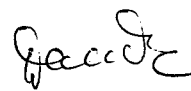
That the contents of the para VI-19 of the counter affidavit filed by the respondents No. 4 to 7 are denied and that of the contents of para VI-19 of the writ petition are reiterated.

Para VII

That the contents of paragraphs VII to XI of counter reply need no comments and the contents of para VIII to XI of the writ petition are reiterated.

LUCKNOW :

Dated:


Applicant

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

I, D.K.Khare S/O Late Shri B.B.Singh Khare aged about 41 year working as Station Master in the office of Northern Railway, Harchandpur, Lucknow Division, do hereby verify that the contents of para I to VII of this application are true to my personal knowledge and belief and that I have not suppressed any material and facts.

DATE:

PLACE


(D.K.Khare)

Signature of Applicant

STATEMENT INDICATING THE RESTRUCTURING OF GROUP 'C' & 'D' CADRE
(Annexure to Railway Ministry's letter No. PCIII/80UPG/19 dated 29.7.83)

ANNEXURE

SNo.	Category	Existing scales(Rs.)	Revised Designation	Revised scale of Pay (Rs.)	Age of posts	Whether Selection/ non-selection	Remarks.
1	2	3	4	5	6	7	
ENGINEERING GANGS							
1.	Gangmen, Trolleyman	200-250	Gangmen/Trolleyman/ Watchmen/Gatemmen	200-250	30	-	
	Gatemmen, Watchmen	210-270	Sr. Gangmen/Sr. Trol- (Non-functional selection grade) leyman, Sr. Watchmen/ Sr. Gatemen (including stores Watchmen & Safaiwala Gatemen on central and Western Railways)	210-270	70	-	
2.	Keymen	210-270	Keyman	210-270	30	-	
			Sr. Keyman	225-308	70	-	
3.	Gang Mates	225-308	Gangmates	225-308	30	-	
			Sr. Gangmates	260-400	70	Selection	
COMMERCIAL (CATERING DEPTT.)							
4.	Asstt. Cook Gr. III	200-240	Asstt. Cook	210-270	45	Selection	
	Asstt. Cook Gr. I	210-270	Cook	260-400	25	Non-selection	
	Cook Grade III	225-308	Sr. Cook	330-480	20	Selection	
	Cook Grade II	260-400	Head/Master Cook	380-560	10	-	
5.	Masalchi/Waiters/ Servers/Bearers	196-232	Masalchi/Waiters/ Servers/Bearer	200-250	-	-	
		200-240					
6.	Head Waiters/Head Bearers	210-270	Head Waiters/Head Bearers	210-270	60	-	
				225-308	40	-	
MECHANICAL/TRAFFIC RUNNING ROOMS							
7.	Asstt. Cook Gr. II	200-250	Asstt. Cook	210-270	50	Selection	
	Asstt. Cook Gr. I	210-270	Cook	260-400	40	Non-selection	
			Sr. Cook	330-480	10	-	
MEDICAL (HOSPITAL) DEPTT.							
8.	Asstt. Cook Gr. II	200-250	Asstt. Cook	210-270	50	Selection	
	Asstt. Cook Gr. I	210-270	Cook	260-400	30	Non-selection	
			Sr. Cook	330-480	20	-	
COACH ATTENDANTS							
9.	Coach Attendants (ACC Ist Class)	210-270	Coach Attendants (1st ACC)	225-308	-	-	
	Coach Attendants (1st Class)	200-250	Coach Attendant (1st Class)	200-250	20	-	
				210-270	80	-	
YARD STAFF							
10.	Pointsmen/Levermen	200-250	Pointsmen/Levermen/ Shuntmen/Cabinmen Gr. II)	210-270	35	-	
		210-270					
	Cabinmen Gr. II	210-270	Pointsmen/Levermen/ Shuntmen/Cabinmen Gr. I	260-400	65	Selection	
	Cabinmen Gr. I	225-308					

53/-
(K. VEIKATHESAN)
Jt. Director, Estt. (P&A)
RAILWAY BOARD.

Revised

-:(2):-

1.	2.	3.	4.	5.	6.	7.	8.
11.	<u>PEONS, JAMADARS & SAFAIWALAS</u>						
	Peons	196-232	Peons	196-232	70		
		200-240					
		(Non-functional selection grade)					
	Jamadar Peons	200-250	Jamadar Peons	200-250	30		
	<u>CONSERVANCY STAFF, SAFAIWALAS/BHISTIES</u> (who are borne on a separate cadre in the Medical, Commercial and Traffic Deptts. and Administrative Offices excluding C&W Deptt. Safaiwalas)						
12.	Safaiwalas/Bhistis	196-232	Safaiwalas/Bhistis	196-232	50		
		200-240		200-250	50		
		(Non-functional selection grade)					
	Jamadars	200-250	Safaiwalas Jamadars	210-290	-		
	<u>MISC. GROUP 'D' STAFF</u>						
13.	Cell-boys/Box-Boys in Loco sheds & other Misc. categories of non-artisan staff.	196-232	Cell Boys/Box Boys in Loco sheds & other Misc. categories of non-artisan staff.	196-232	50		
14.	Misc. Class IV posts in various Deptt. such as Khallas, Cleaners, Hamals, Farash, Watchmen, Porters	196-232		196-232	50		
		200-240		200-250	50		
		(Non-functional selection grade)					
	Jamadar/Tindal	200-240	Jamadar/Tindal	210-290	-		The existing non-artisan class IV Supervisors in scale Rs. 200-240, Rs. 200-250 and Rs. 210-270 to be placed in scale Rs. 210-290.
		200-250					
		210-270					
15.	Hospital Attendants/Ayans.	196-232	Hospital Attendants/Ayans.	196-232	50		
		200-240		200-250	40		
		(Non-functional Selection Grade)		210-270	10		
	<u>TELEPHONE OPERATORS</u>						
16.	Telephone Operator	260-400	Telephone Opr. Gr. II	260-400	35		As per existing classification.
	Sr. Telephone Operator	330-560	Telephone Opr. Gr. I	330-560	42.5		
	Head Telephone Operator	425-700	Sr. Tele. Operators	425-700	13		Non-selection
	Chief Telephone Operator	550-750	Hd. Tele. Operator	550-750	7		Selection
			Chief Telephone Operator	700-900	2.5		Non-selection
	<u>TYPISTS</u>						
17.	Typist	260-400	Typist Gr. II	260-400	35		As per existing classification
	Sr. Typist	330-560	Typist Gr. I	330-560	42.5		
	Hd. Typist	425-700	Sr. Typist	425-700	13		
	Chief Typist	550-750	Hd. Typist	550-750	7		
			Chief Typist	700-900	2.5		Non-selection

Sd/-
(K. VENKATESAN)
Jt. Director, Estt. (P&A)
RAILWAY BOARD.

General

-(3):-

1.	2.	3.	4.	5.	6.	7.	8.
18.	Finger Print Examiner 380-640	Finger Print Examiner 380-640	50	Selection			
	Sr. Fingerprint Examiner 455-700	Sr. Fingerprint Examiner 455-700	50	Non-selection			
		Chief Fingerprint Examiner 700-900		Selection			
		(One post in scale Rs. 455-700 to be placed in scale Rs. 700-900 on each Railway)					
19.	Mistries in Steam/Diesel Electric Loco Sheds & EMJ Car Sheds: 380-560	Mistries in Steam/Diesel/Electric Loco sheds & EMJ Car Sheds who are either in independent charge or are supervising highly skilled Artisans. 380-560	35/- S.P.				
20.	<u>WARD KEEPING STAFF IN STORES DEPT II.</u>						
	Ward Keeper 425-600	Asstt. Store Keeper 425-700	55	Selection			There will be direct recruitment of Engg. Diploma Ho. de to the extent of 33.1/3% in scale Rs. 425-700
	Asstt. Store Keeper 455-700						
	Depot Store Keeper Gr. II 550-750	Depot Store Keeper Gr. II 550-750	30	Non-selection			
	Depot Store Keeper Gr. I 700-900	Depot Store Keeper Gr. I 700-900	15	Selection			
21.	Shunting Jamadar 225-350	Shunting Jamadar 330-480	40	Selection			
	Shunting Master 330-480	Shunting Master Gr. II 330-560	40	Non-selection			
		Shunting Master Gr. I 425-640	20	Selection			
22.	Switchman 260-400	Switchmen 330-560		Selection			
	<u>YARD MASTER</u>						
23.	Yard Supervisor/Asstt. Yard Masters 330-560	Asstt. Yard Master 455-700	40	Selection			
	Yard Supervisor/Asstt. Yard Masters 425-640	Yard Masters 550-750	40	Non-selection			
	Yard Master/Asstt. Yard Masters 455-700	Dy. Chief Y/Master 700-900	20	Selection			
	Yard Masters 550-750	Chief Yard Master 840-1040		Non-selection			
		(10% of posts in scale 700-900)					
	Chief Yard Master 700-900						
	Chief Yard Master 840-1040						

Sd/-
(K. VENKATESAN)
Dy. Director, Estt. (P&A)
RAILWAY BOARD

Gandz

1. 2. 3. 4. 5. 6. 7. 8.

COMBINED GRADE OF STATION MASTERS/ASSISTANT STATION MASTERS

24. S.Ms/ASMs							
Asstt. Station Masters	330-560	Asstt. Stn. Master	330-560	10	Selection	Alternative I (Combine	
	425-640	Asstt. Stn. Master	425-640	25	Non-selection	Grade of	
	455-700	Station Master	455-700	45	Selection	Stn. Master	
Station Master	425-640	Dy. Station Supdt.	550-750	10	Non-selection	and Asstt.	
Station Master	455-700	Station Supdt. (Non-Gaz.)	700-900	10	Selection	Stn. Master	
Dy. Station Supdt./Station Master.	550-750	Station Supdt. do.	840-1040	-	Non-selection		
			(10% of posts in Grade B. 700-900)				
Station Supdt. (Non-Gaz.)	700-900						
Station Supdt. (Non-Gaz.)	840-1040						

SEPARATE GRADES OF STATION MASTERS & ASSTT. STATION MASTERS

Asstt. Stn. Master	330-560	13	Selection	Alternative II (Separate
Asstt. Stn. Master	425-640	32.5	Non-selection	cadres of
Asstt. Stn. Master	455-700	54.5	Selection	Stn. Masters
				and Asstt.
Station Master	455-700	13	Selection	Stn. Masters
Dy. Stn. Supdt. Station Master	550-750	43.5	Non-selection	
Station Supdt. (Non-Gaz.)	700-900	43.5	Selection	
Station Supdt. (Non-Gaz.)	840-1040	-	Non-selection	
	(10% posts in scale B. 700-900)			

Sd/-
(K. Venkatesan)
Jt. Director, Estt. (B&A)
Railway Board.

face

NORTHERN RAILWAY

G. Shankaranarain
SPO(T&C)

Headquarters Office
Baroda House, New Delhi.

D.O.No. 757E/85-V-II-IV(Rib).

dated 28th Aug. '84.

My dear Chatterjee,

Sub: Cadre review and restructuring of non-gazetted cadre of SM/YM.

Ref: Your DO letter No. 561 E/5-1/SM-Restructuring dated 10.8.84.

.....

The points raised in your above letter are clarified as under:-

Item No.1 This confirmed.

Item No.2. Railway Board's letter issued under PS No. 8563 is clear and answers the issue raised in this

Item No.3. Since the case containing the previous station response is not readily available, a clarification will be issued later.

Item No.4 As regards 10% graduate quota, staff were recruited and sent for training against 10% vacancies existed prior to the date of restructuring i.e. 1.8.83, hence 10% graduates will have to be adjusted against the vacancies reserved for them before 1.8.83 as per existing procedure.

As regards the 24 SMs grade Rs. 425-640(RS) who were adjusted as ASM Gr. Rs. 455-700 (RS) the division has not clarified as to how their pay was fixed on such an adjustment. The SMs grade 425-640(RS) if opted for promotion as ASM grade Rs. 455-700 (RS) as per existing channel and promoted as ASMs grade Rs. 455-700 (RS) against a restructured vacancy will hence have pay fixed under rule 2018-B RII. If such a SM gr. 425-640(RS) is designated as SM Gr. 455-700 (RS) arising out of non-existence of the grade Rs. 425-640, it will amount to replacement of grade in which case his pay will have to be fixed under Rule 2017 RII. The clarification issued under this office letter dated 9.3.84 is in regard to the method of adjustment of SMs grade 425-640(RS) who could be adjusted as SMs grade Rs. 455-700 (RS) and above.

Yours sincerely,

Sd/-

(G. Shankaranarain)

Sh. S.C. Chatterjee,
DPO N.Rly.,
Lucknow.

Northern Railway
Divisional Office,
Lucknow.

No. 961-E/NRMU/Hd. Qrs/Impl./Minutes/88-89.
dated 21.3.89.

An extract of the following items is placed below.
Action as necessary may please be taken expeditiously
and position duly approved by the Branch Officer
concerned may be advised to Union Cell within 5 days
without fail.

Item No. 204/88 of the minutes of Implementation
committee meeting held with NRMU/of Hd. Qrs. /level
on 23.1.89.

DA/One.

Sd/-
for Sr.Divl. Personnel Officer
Lucknow.

Gaur

Annex-33
Page-1

Item No. 204/88 Unlawful promotion to Station Master grade
Rs. 1600-2660 (BPS) vide letter No. 94CE/5-1/SM
87 dt. 10.4.87 in LKO.

This matter has also been taken who have been replied that in terms of instructions contained in para 302 of Indian Railway Establishment Manual (Second Edition) the seniority of the staff of the categories partially filled by direct recruitment and partially filled by promotion, is to be prepared from the date of joining of the working post in the case of direct recruitment and date of promotion in the case of promotees. In the present case of Station Master of LKO Divn., the promotees have been given promotion w.e.f. 1.9.83 and direct recruits joined on 27.9.83 after completing the training. In terms of instructions referred to in para 1 above, the Station Masters recruited against direct recruitment quota have correctly been given seniority from 27.9.83 i.e. the date of joining their duty below the promotees who were promoted w.e.f. 1.8.83. The criterion that promotees in such cases should be given on pro-rata basis can not be applied.

.....

General

NORTHERN RAILWAY

No:522-E/64-IX-25-EIB.

Headquarters Office,
Baroda House,
New Delhi.

Dated 28th June, 1980.

The Divl. Rly. Manager,
Northern Railway,
ALD, LKO FZT BKN DLI JU & MB.Sub: Channel of promotion chart of
Transportation staff.

The following revised channel of promotion to the post of Station Master gr. B. 550-750(RS) was introduced vide this office letter of even no. dated 22.2.1980.

- a) SMs/ASMs Gr. B. 455-700(RS) - 90%
- b) TIs Gr. B. 455-700(RS) by option-10 %

It has now been decided that TIs Grade B. 455-700(RS) will not be considered for promotion to the post of station master grade B. 550-750(RS) in future. The SMs/ASMs grade B. 455-700(RS) will only be considered for promotion as SM grade B. 550-750(RS).

The promotion of the staff to the post of Station Master grade B. 550-750(RS) will, however, be made subject to passing of P-16A course.

Sd/-
(Dev Raj)
for General Manager(P).

Spencer

Annexure S-5
(2/21)

Northern Railway

Headquarters Office,
Baroda House,
New Delhi.

No: 757-E/42(EIB)

Dated: 22nd July '88

The Divl. Rly. Manager,
Northern Railway,
DLI MB LKO ALD UMB DWN & JU

The Genl. Secy. NRMU, 12 Chancery Rd. N. Delhi.
The Genl. Secy. URMU, 166/2 Panchkuin Rd., N. Delhi.

Sub: Channel of promotion of Station Masters
Traffic Inspectors and Yard Masters.

Consequent to the receipt of the new pay scales as a result of Fourth Pay Commission's recommendation w.e.f. 01.01.86, and Railway Board's instructions conveyed vide their letter No.E(NG)II/84/RC-3/15(AIRP) dated 15.5.87, regarding recruitment of Traffic/Commercial Apprentices against promotee and direct recruitment quotas of 10% and 15% respectively in grade Rs.550-750(RS)/1600-2660(RPS) instead of grade Rs.455-700(RS)/1400-2300(RPS), the existing channel of promotion of Station Masters, Traffic Inspectors and Yard Masters have been revised and one copy of each is enclosed herewith for your information and necessary action. (Copy of Board's letter No.E(NG)II/84 RC-3/15(AIRP) dated 15.5.87 containing detailed instructions regarding recruitment of Traffic/Commercial Apprentices is also enclosed for ready reference).

Board's instructions issued vide their above mentioned letter regarding Traffic Apprentices who have already been recruited either through Railway Recruitment Board or through Departmental Selection Board or are undergoing training, will be absorbed only in scale of Rs. 455-700(RS)/1400-2300(RPS) for which they have been recruited.

Railway Board's letter dated 15.5.87, referred to above, also contains provision for Traffic Apprentices already recruited in old scale prior to these instructions to improve their prospects by competing for higher grade of Rs. 550-750(RS)/1600-2660(RPS) may be noted.

For promotion to all grades instructions contained in Board's letter No.E(NG)I-85-PMI-13(RC) dated 19.2.87 circulated under this office letter No.831-B/382/EIV dated 3.3.87(P.S.NO.9186) should be kept in view and strictly followed.

.....2/-

Handwritten signature

Annexure 2
Annexure 5
(G-2)

(2)

Combined selection for the posts of SS/TI/CYM grade B. 2000-3200(RPS) should be held by clubbing the vacancies on the basis of combined seniority of SMO/TIs/YMO grade B. 1600-2660(RPS).

The case regarding promotion to grade B. 840-1040 (RS)/2375-3200(RPS) as SS/TI/CYM is subjudice. These posts will, therefore, be filled after the case is finalised by the Court.

Sd/-

for General Manager(P)

General

CHANNEL OF PROMOTION OF - STATION MASTER

Annexure 27 S-5
(Page 3)

From eligible promotee categories - By option selection (Written & Viva-voce) and qualifying P-21 Induction Course which is pre-requisite.

1. Switchman Grade Rs. 1200-2040 (RPS),
Leverman/Cabman grade
Rs. 950-1500 (RPS) with Matriculation
and below the age of 45 years. -25%
2. Signallors grade Rs. 1200-2040 (RPS)
and grade Rs. 950-1500 (RPS) with
matriculation and below 45 years
of age. -25%

Direct Recruitment

Probationary Asstt.
Station Masters
(through H.R.B.)
after training at
Zonal Training School/
Chandauli.
50%

SELECTION
Asstt. Station
Masters grade
Rs. 1200-2040
(RPS)

NON SELECTION

To be filled up on seniority-cum-suitability from
Asstt. Station Master grade Rs. 1200-2040 (RPS).
Passing P-16 Course is pre-requisite for posting
in this grade.

ASST. STATION MASTER GRADE RS.1400-2300 (RPS)

STATION MASTER GRADE RS. 1400-2300 (RPS)
Status promotion.

NON SELECTION

To be filled up on seniority-cum-suitability from
Station Masters grade Rs. 1400-2300 (RPS) and direct
recruits to the extent of 25%

STATION MASTER GRADE RS.1600-2660 (RPS)

SELECTION

By post selection (Written & Viva-voce)
combined selection from all the three categories
i.e. Station Masters, Traffic Inspectors and Yard
Masters grade Rs. 1600-2660 (RPS) should be held by
clubbing vacancies.

Yd. STATION SUPDT. GRADE RS. 2000-3200 (RPS)

STATION SUPDT. GRADE RS. 2375-3500 (RPS)

-Traffic Apprentices selected in
grade Rs.1600-2660(RPS) after
2 years training at ZTS/Chandauli.
15% and
Depty. Graduates Apprentices
selected in grade Rs.1600-2660 (RPS)
after passing P-29 A & P-29 B Course
at ZTS/Chandauli.
10%

-Traffic Inspectors grade
Rs. 1600-2660 (RPS) and
Yard Masters grade Rs.1600-2660
(RPS).

-Instructions for promotion to grade
Rs. 2375-3500 (RPS) will be issued
on receipt of the judgment in Court
cases in C.A.T.

Sealed

ASLAM MAHMUD
Sr. Divl. Personnel officer
D.O. NO 757E/S-1/SM-YM/AVC

Divisional office
Lucknow

08. May. 1986.

Dear Sir, Sikka,

Subj: - Avenue of promotion chart of Transportation department.

Ref: - GM(P)/NDLS's letter NO 757E/61-XVII/E-IB
DT 10.4.86

In view of directions enunciated under para 5.1 of above quoted letter, the channels for the post of Yard Master, grade 455-700 (RS), Section Controllers grade 470-750 (RS), TI and WMI, grade 455-700 (RS) against 75% quota are being drawn and the same will be sent to your office along with the suggestions of both the recognised unions.

The channel of promotion, in respect of Transportation categories from amongst class IV categories below the grade 455-700 (RS) has already been evolved with consultation of both the recognised unions and forwarded under this office letter NO E/S-7/channel/opeq/clas dated 28.2.86 to HQ office for Confirmation.

Since the final Avenue of promotion chart of operating categories above the level of grade 455-700 (RS) has not been issued by your office, we are going ahead with the provisions enunciated in the proposed channel of promotion chart docketed by your office under letter NO 757E/61-XVII/E-IB dated 14.11.83. The action of this office may kindly be confirmed so that the vacancies may be filled expeditiously.

So far Interpolation of other categories in the respective cadres is concerned, this office is of the view that there should be no interpolation in the cadres existing after the restructuring.

With regards

Sd/- K. L. Sikka
Chief Personnel officer
Northern Railway
Baroda House
New Delhi.

Yours Sincerely
Sd/-

(ASLAM MAHMUD) %

[Signature]

24-11-92

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

Civil Misc. Application No. ¹⁰⁷⁷ of 1992 (L)

Recd. G.P.
24/11/92
L.P. Shukla
Advocate

F.T.
24.11.92
✓

1. Bharat Raj Singh, aged about 52 years, son of Sri R.S. Singh, Station Master, Shandrauli, P.O. Barabanki.
2. Rai Hari Har Prasad, aged about 48 years son of Late Narad Rai Asstt. Station Master, resident of Northern Railway, Varanasi.
3. Prithi Raj Singh, aged about 50 years, son of Sri Hanoman Singh, Station Master, Jaunpur City, P.O. Jaunpur Kachhri, District Jaunpur.
4. Rajendra Singh Aged about 46 years, son of Sri Seetal Singh, Assistant Station Master, Northern Railway, Mohalla near Station, Allahabad.

...Applicant Opposite Parties
No. 4 to 7

Inre
Misc Application No. of 1990 (L)

Inre
O.A. No.28 of 1990 (L)

Prithi Raj Singh -

F.F. 24-11-92

....2



✓
✓
D.K. Phare and others

... Applicants

Versus

Union of India and others

... Respondent

APPLICATION FOR EARLY HEARING AND INTERIM

RELIEF

The applicants- Respondents Nos. 4 to 7
most humbly and respectfully submit as under :

1. That 8 applicants have moved joined application on 30.1.1990 before this Hon'ble Tribunal and obtained ex-parte order on 30.1.1990 through which this Hon'ble court has stayed the Operation of order dated 26.12.1989 contained in Annexure -19 of the Original application. The applicants having . The applicants have not impleaded the applicant- respondents in the Original Application with malafide intentions and subsequently this Hon'ble Court on the application of the present applicants directed the applicants to implead the present applicants as Respondents Nos. 4 to 7 to the application.

2. That the Counter Affidavit and Rejoinder Affidavit have been exchanged between the parties and the case is ready for hearing.


3. That the Senior Divisional Personnel Officer, Northern Railway, Lucknow , Respondent No.3 issued letter No. 752 E/S-1/SS-Selection/1991 dated 28.2.1992 through which he has called as many as 62 candidates for the selection of Station Superintendent /Dy.Chief



Prithvi Raj Singh

Yard Master/ Traffic Inspector in the grade of Rs. 2000-3200 ignoring the candidature of the applicants Respondant No. 4 to 7 , though they are much senior to the applicants whom names appeared at Serial No. 43,48,57 and 60 in the aforesaid letter. Thus the interest of Respondant No. 4 to 7 will seriously be effected in case the Respondent No.3 is not immediately restrained from selecting the candidates to the next higher grade of Rs. 2000-3200 without considering the candidature of the Respondant No.4 to 7 in accordance to Seniority. After the written test *viva* which has been taken by the Railway Authorities upto 23.10.1992 and promotion/posting order is likely to be issued soon.

A photostat copy of letter issued by Senior Divisional Personnel Officer, Northern Railway, Respondent No.3 is 'Annexure- D-5' to this application.



4. That it is expedient in the interest of justice that the operation of impugned order No. 752E/5-1/SS-Selection/1991 dated 28.2.1992 issued by Senior Divisional Personnel Officer, Lucknow be stay during the pendency of the application. As otherwise the Respondent No.4 to 7 will suffer irreparable injury.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal be pleased to stay the operation of impugned order No. 750E/5-1-/S.S- Selection/91 dated 28.2.1992 passed by Senior Divisional Personnel Officer, Lucknow, and further be pleased to direct the Opposite Parties to call the Respondents

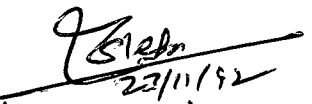
Prithvi Raj Singh

Nos. 4 to 7 for the selection to the post of Station Superintendant /Dy. Chief Yard Master/ Traffic Inspector in the grade of Rs. 2000-3200 as otherwise the seniority of the respondents Nos. 4 to 7 will seriously effected for their no fault.

The Respondents Nos . 4 to 7 shall ever pray for this act of kindness.

Lucknow: Dated

R 23.12.1992


23/11/92
(P.S.Mehra)
Advocate.

Counsel for Respondents Nos. 4 to 7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

C.A. NO. 29 of 1990(L)

C.M. Dhare and others versus Union of India and others

ANNEXURE - 05

NORTHERN RAILWAY

NO. 752E/5-1/SS-Selection/91

Divisional office,
M.dly., Lucknow

Dated: 28/2/91.

1. Sr. DOS, Sr. DSO
2. DOS (I), (II)
3. AOS(G), (M), (Chg) LKO & BSB, (Yd) LKO & BSB
4. Chief Yard Master, LKO & BSB, S.S./LKO, BSB (Chg) & (Yd)
5. S.Ss, BCN, MLJ, BSE, AJ, LOT, GNG, SGJ, SAW, DYD, MGW, PFM, CIL, SLN, PBH
6. S.Ms, CPB, FTG, GRX, TLMD, GANG, SIQ, PTH, CPB, SYC, RES, PRF, MRPH, PHV, SFH, KEH, KNR, TEG, NHN, BNM, ULN, GRMR, BKSA, DRG, HCP, KVG, SHNG, POF, KS
7. T.Is, SLN, FD, RBL, UCR, PBH, JNU, BSB, LKO, PRG, TI/Plg. (I) & (II)/LKO, TI/NI/LKO, TI/Punc.

Sub:- Combined selection for the posts of
Station Superintendent/Dy.Chief Yard
Master/Traffic Inspector, in grade
Rs. 2000-3200 (RPS).

It has been decided to hold a c/selection for the posts of SS/D/.CYM/TI, of grade Rs. 2000-3200(RPS) by conducting written test followed by viva voce to form a combined panel for the posts of SS/TI/D/.CYM, in grade Rs. 2000-3200(RPS). Six posts of S.Cs and three posts of S.Ts have been kept reserved in the proposed size of panel besides 17 un-reserved posts. The undernoted staff are required to attend this office for written examination at 10 hrs. on 14.3.92. They should bring their own pen, pencils, scale etc. with them. Answer books will however, be supplied by this office. It will be the personal responsibility of SSs/SMs/CYMs incharges TIs of the staff concerned to inform each staff whose names have been given below, about the mode and venue of the selection (written test) in question and obtain their signature in token of their having noted the contents of this notification.

It should be brought into the notice of each staff, called for the selection (written test) on 14.3.92 that without valid reason, he will not be permitted to appear in the supplementary selection which would be held on 14.3.92. The refusal of staff, if any, should be obtained and sent so as to reach this office positively by 14.3.1992.

contd.... 2/-

Intn Ref. Sgh.



OA No 1210/1992

R.P. Shrivastava and
others v/s Union
of India

Allowed for six applicants
for this case and extra
discussion on 26/3/92

- 2 -

It would be the duty of senior subordinate concerned that while issuing "G-92" it should be mentioned in RED ink at the top of the form that employee is due to appear before selection board on 14.3.92. "In case, staff obtained G-92 from an office other than one in which he is employed the staff will be duty bound to give declaration that he is not required to attend any selection within the next two weeks. PMCs are not considered sufficient for absence from selection/test and will be similarly rejected.

IT SHOULD ALSO BE INFORMED TO ALL ELIGIBLE STAFF THAT THERE WILL BE NO SUPPLEMENTARY SELECTION AFTER 21.3.1992.

1. S/Shri Lahroo Ram (S/C)	SS/BCN
2. Lakhan Lal (S/C)	SS/MLJ
3. R.S. Misra	SS/BSE
4. S.K. Sharma	SS/AJ
5. S.D. Ram	SS/LOT
6. Awadesh Rai	SS/GNG
7. R.K. Chaturvedi	SS/SGT
8. Bhagirathi	SS/SAW
9. R.S. Nigam	SM/CPB
10. V.C. Misra	SM/FTG
11. M.S. Kidwai	SS/DYD
12. R.K. Pandey	SS/MGW
13. Arjun Pd. SC	SM/GRX
14. R.N. Ram	SM/BSB
15. J.P. Pandey	DY.CYM/LKO
16. S.C. Dwivedi	RG SM/PFM
17. A.N. Nirmal	DY.CYM/LKO
18. S.N. Misra	SM/TLMD
19. M.C. Shukla	SM/GANG
20. R.R. Yadava	SM/SIQ
21. A.P. Srivastava	EMPTH
22. R.N. Dubey	RG SM/CPB
23. Santoo Lal	SM/PQN
24. Shitla Pd.	YM/LKO
25. Ganga Ram SC	YM/LKO
26. J.N. Chaubey	RG SM SAW
27. S.N. Shukla	SM/SYC
28. Lal Bahadur (SC)	SM/RES
29. Gopal Ram	SM/TRF
30. V.B. Tripathi	SM/MRPH
31. C.L. Misra	SM/PHV
32. C.S. Prasad	SM/SFH
33. Mohd. Islam	SM/KEH
34. J.N. Singh	SM/SQNR
35. S.N. Dwivedi	SM/TEG
36. G.N. Verma	SM/NHN
37. R.D. Ram	SM/BSB
38. A.P. Jauhari	SM/BNM
39. V.N. Pandey	SM/ULN
40. Kedar Nath	SM/GRMR
41. Hira Lal (SC)	SS/CIL
42. M.S. Usmani	TI/Plg. LKO
43. R.P. Singh	RG SM/SLN

Priller Raj Singh



S/Shri

45. J.R. Mauriya ✓
46. S.J. Singh ✓
47. S.S. Singh ✓
48. D.K. Kharey ✓
49. G.P. Srivastava ✓
50. I.A. Farooqui
51. Jagdamba
52. Ram Sukh
53. S.K. Srivastava
54. Mahmood Ali
55. Praveen Kumar
56. N.C. Srivastava
57. Ratnakar Pandey ✓
58. Javed Ahmad ✓
59. Arun Kr. Sinha
60. R.K. Misra
61. Farvez Ahmad ✓
62. S.B. Singh
- Yamuna Pd. SC

SM/EKCT
SM/LKO
SM/DRG
SM/HCP
SM/LKO
SM/KVG
YM/BSL
SM/SHNG
SM/LKO
RG SM/HHN
SM/POF
YM/LKO
SM/KS
SM/BSB
SM/LKO
TI/SLN
TI/RBL
TI/UCR
TI/PBH

for Sr. Divisional Personnel Officer,
Lucknow.

Copy to:-

1. Divl. Secy./NRMU, Near Guards Running Room, CB/Lucknow.
2. Divl. Secy./URMU, T-10 Near Parcel Office, CB/Lucknow.
3. All DMOs on LKO Division for information that the afore-mentioned staff are required to appear in the selection (Written test) is endorsed to all the DMO's with instructions that if any of the employee is referred then he should be examined by DMO/ADMO who should certify as to the genuineness of the sickness.

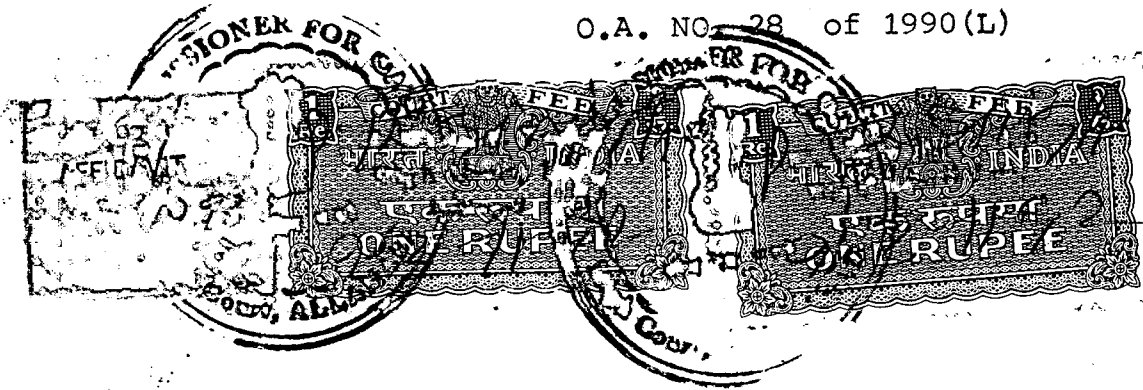
Pratibha Raj Singh



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

O.A. NO. 28 of 1990(L)



D.K. Khare and others

... Applicants

Versus

Union of India and others

... Respondents.

A F F I D A V I T
IN SUPPORT OF APPLICATION FOR INTERIM RELIEF

I, Prithi Raj Singh, aged about 52 years, son of Sri Hanoman Singh, Station Master, Jaunpur City, District Jaunpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the respondent No.4 in the above noted Original Application and doing pairvi on behalf of Respondents Nos. 5,6 and 7 and as such he is fully conversant with the facts deposed.

2. That the contents of paras 1 to 4 of the Interim Relief Application are true to my personal knowledge.

3. That the Annexure-D-5 is the photostat copy of their original and duly compared by the deponent.

Lucknow: Dated

28.11.1992

Prithvi Raj Singh
Deponent.

VERIFICATION

I, the above named, the deponent do hereby verify that the contents of paras 1 to 3 to this affidavit are true to my personal knowledge.

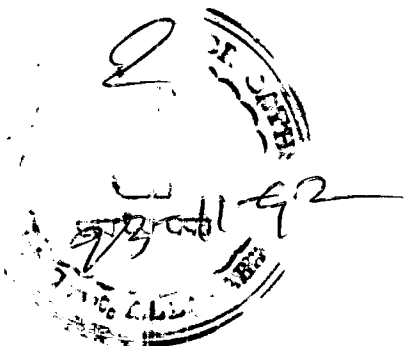
Signed and verified on this 24th day of March 1992 at Lucknow.

Lucknow: Dated
24.3.1992

Savitri Ray
Deponent.

I identified the deponent who has signed before me.

P.S. Mehra
(P.S. Mehra)
Advocate.



23-11-92
A.M. 10-10-92
P.R. Singh
Advocate
P.S. Mehra
examined
undated
affidavit
one

S. Singh Adv.
(S. SAVITRI SINGH)
OATH COMMISSIONER
Court of Sessions
Lucknow
No. 27-11-92
Date 23-11-92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

SA 20 KOLS

D.K. Khare & others ... Applicants

Versus

Union of India & others ... Respondents

FORM - I

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

Date of Filing _____

Registration No. _____

25/1/90
34/1/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. No. 28 OF 1990 (2)

D.K. KHARE & Others

... Applicants

Versus

Union of India & 2 others

... Respondents

DETAILS OF APPLICATION

I. Particulars of the applicants :-

- (i) Name of applicants : (1) D.K. Khare, aged 41 years
- (ii) Name of father : son of late Sri Baijai
- (iii) Designation and office in which employed : Bahadur Singh Khare, Station Master, Harchandpur, District Raibarely, Office of Station Master, Northern Railway, Harchandpur, District Raibarely, Resident of Quarter No. T/1 Railway Colony, Harchandpur, District Raibarely.
- (iv) Office address :
- (v) Address for service: of notices
- (2) Parvej Ahmed, aged 34 years, son of Sri Shukruddin Siddiqui, Traffic Inspector, Northern Rly., Raibarely, office of Traffic Inspector, Raibarely, District Raibarely, Resident of T/1 Railway Colony, Northern Railway, District Raibarely.

-:(2):-

- (3) Javed Ahmed, aged 34 years, son of Sri Mannan Ahmed, Station Master employed in the office of Station Superintendent, Northern Railway, Varanasi Resident of D50/114, Qazipura Kalan, Nai Sarak, Varanasi.
- (4) R.P. Singh, aged 40 years, son of Sri Yadunath Singh, Rest Giver Station Master, Sultanpur headquartered in the office of Station Superintendent, Northern Railway, Sultanpur, District Sultanpur.
- (5) J.R. Maurya, aged 46 years, son of Sri Behari Maurya, Station Master, Jalalganj, District ~~Varanasi~~ ^{Jaunpur}, Office of the Station Master, Northern Railway, Jalalganj, District ~~Varanasi~~ ^{Jaunpur} ^{Son of late Sri SBL Srivastava}
- (6) G.P. Srivastava, aged 40 years, Station Master, Northern Railway, Lucknow, employed in the office of Station Superintendent, Northern Railway, Charbagh, Lucknow, Resident of Village Harchandpur, District Raibareilly.
- (7) S.S. Singh, aged 46 years, son of Sri Baba Bux Singh, Station Master, Northern Railway, Deorakot, office of the Station Master, Northern Railway, Deorakot, District Faizabad, Resident of Quarter No. T/2, Railway Colony, Deorakot, District Faizabad.
- (8) A.K. Sinha, aged 42 years, son of Sri J.N. Sinha, Station Master, Northern Railway, Lucknow, employed in the office of Station Superintendent, Northern Railway, Charbagh, Lucknow, Resident of 105, Mashakganj, Lucknow.

-:(3):-

II. Particulars of the respondents :-

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

Party implicated in the pervasance of order dated 25/4/90, on 27/4/90
4 to 7 - the details of these respondents on the back of page No-2.
III. Particulars of the order against which application is made :

The application is directed against the orders dated 15.9.89 passed by the General Manager (P), Northern Railway, New Delhi and the order dated 26.12.89 passed by the Senior Divisional Personnel Officer, Northern Railway, Lucknow to revert the applicants from the post of Station Masters ^{Quag Traffic Inspector} in grade Rs. 550-750(RS)/1600-2660(RPS) to the post of Assistant Station Master in grade Rs. 455-700(RS)/1400-2300(RPS) and placing them below to all the Assistant Station Masters who were empanelled as Assistant Station Master on 1.8.83 in grade Rs.455-700 (RS)/1400-2300(RPS).

IV. 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.

V. Limitation :

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

-:(4):-

VI. Facts of the case :

The facts of the case are given below :-

1. That the applicants No. 1 and No. 3 to 8 are ~~are~~ ^{off} working on the post of Station Master in grade Rs. 1600-2660(RPS)/550-750(RS) on Lucknow Division of Northern Railway. The applicant No. 1 is posted at Railway Station Harchandpur and the applicants No. 3 to 8 are posted at Varanasi, Sultanpur, Jalalganj, Lucknow, Deorakot and Lucknow railway stations respectively. The applicant No. 2 is working on the post of Traffic Inspector in grade Rs. 1600-2660(RPS)/550-750(RS) on Lucknow division of Northern Railway and is posted at Raibareilly. All the applicants are graduates. All the applicants were recruited from the Railway Service Commission in group 'C' posts. The applicants No. 1, 2, 3, 4, 5 and 7 were recruited as Assistant Station Master in grade Rs. 330-560(RS) and applicant No. 6 and 8 were recruited as Signaller in grade Rs. 110-200(AS). All the applicants were selected as Station Master in grade Rs. 455-700(RS)/1400-2300(RPS) against 10% graduate quota and were further promoted as Station Master/Traffic Inspector in next higher grade Rs. 1600-2660(RPS)/550-750(RS).
2. That in order to fill up the vacancies in the Traffic Department the General Manager (P), Northern Railway evolved channel of promotional chart by his letter dated 7.4.76 which was circulated by letter of Divisional Personnel Officer, Lucknow.

-:(5):-

According to the aforesaid letter dated 7.4.76, 10% of the vacancies were to be kept reserved in all the five streams namely - Station Master, Assistant Station Master, Assistant Yard Master, Traffic Inspector and Section Controller in the grade Rs. 455-700(RS) and Gr. Rs.470-750(RS). A photostat copy of the letter dated 7.4.76 is filed as ANNEXURE 1 to this application.

ANNEXURE 1

3. That since the panels for the aforesaid 10% vacancies in all the five streams were to be formed on each division the Divisional Personnel Officer, Lucknow by letter dated 31.7.82 invited applications from amongst the non-ministerial Transportation Class III staff who were graduates and were below the age of 35 years on 31.7.82 for selection. Accordingly written tests for this combined departmental selection were held on 2.1.83 and 17.4.83 and viva voce of the successful candidates was held on 29.6.83. On the basis of this selection a provisional panel for the posts of Traffic Inspector, Station Master and Section Controller was announced by letter dated 27.9.83. A photostat copy of the letter dated 31.7.82 inviting applications is filed as ANNEXURE 2 and the letter dated 27.9.83 announcing the provisional panel is filed as ANNEXURE 3 to this application.

ANNEXURE 2

ANNEXURE 3

4. That the panel dated 27.9.83 consisting of 10 candidates was provisional. Subsequently an enlarged panel was announced by letter dated 12.8.87 after

-(6):-

getting approval of de-reservation from the competent authority. The services of empanelled staff were regularised from the date they were posted against the working post. The only condition laid down for the purpose of retention on the panels was subject to the work/being satisfactory. A photostat copy of the enlarged panel dated 12.8.87 is filed as ANNEXURE 4 to this application.

ANNEXURE 4

5. That the aforesaid panels were drawn up in accordance with the Printed Serial No. 6196 of General Manager(P) Northern Railway. The incumbents of the panels were given pre-requisite training course at Zonal Training School, Chandausi. The applicants on successful completion of training were given their posting as Station Master in grade Rs. 455-700(RS) with effect from 19.11.84 and 10.6.85. A photostat copies of posting orders dated 19.11.84 and 10.6.85 are filed as ANNEXURE 5 & 6 to this application.

ANNEXURES 5 & 6

6. That the applicants were assigned seniority in the category of Station Master in grade Rs.455-700(RS) from the date of the joining the working post in the cadre in accordance with the para 302 of the Indian Railway Establishment Manual. The applicants continued to discharge their duties to the entire satisfaction of the administration and they were rewarded from time to time in recognition of their exemplary work. The applicants were further promoted in the higher grade Rs. 550-750(RS)/1600-2660 (RPS) as Station Masters or Traffic Inspector in accordance with the provisions of the proposed

-(7):-

ANNEXURE 7

channel of promotional chart. A true copy of the proposed promotional chart dated 14.11.83 is filed as ANNEXURE 7 and photostat copies of promotion orders of the applicants for the post of Station Master and Traffic Inspector in grade Rs. 550-750(RS)/1600-2660(RPS) are filed as ANNEXURE 8, 9 and 10 to this application.

ANNEXURES 8,9 & 10

7. That after the promotion of the applicants as Station Master/Traffic Inspector in grade Rs.1600-2660 (RPS) the divisional body of Northern Railway Men's Union (N.R.M.U.) made a demand by Agenda Item No.289 of 68th Permanent Negotiating Machinery (P.N.M.) meeting wherein they sought to invoke the pro rata principle of filling up the posts of Station Master in grade Rs. 550-750(RS)/1600-2660(RPS) i.e. by regulating the promotion of Station Masters and Assistant Station Masters of grade Rs.455-700(RS)/1400-2300(RPS) in the ratio of 1 : 17. This demand of the union was rejected by the Divisional Railway Manager, Lucknow on the grounds that the pro rata principle was not applicable in the changed circumstances and for the purpose of promotion to the post of Station Masters in grade Rs.550-750(RS)/1600-2660(RPS) the provisions of proposed channel of promotional chart were being strictly followed. The aforesaid rejection was treated as final. A true copy of the minutes of the 68th P.N.M. meeting rejecting the union's demand is filed as ANNEXURE 11.

ANNEXURE 11

-:(8):-

8. That despite the rejection of the demand of N.R.M.U. vide Agenda Item No. 289 of 68th P.N.M. meeting, which was treated as final the Central body of the N.R.M.U. again raised this issue in the P.N.M. meeting at the General Manager's level under Item No. 204/88 demanding that promotions in the category of Station Masters in grade Rs. 550-750(RS)/1600-2660(RPS) should be regulated on pro rata basis. A true copy of Agenda Item No. 204/88 is filed as ANNEXURE 12 to this application.

ANNEXURE 12

9. That during the deliberations in the P.N.M. meeting at General Manager's level the union demanded reversion of the Station Masters of 10% graduate quota and this item was directly brought under the Implementation Committee meeting specially when the union's contention had to be examined by the administration. This manipulation was done at the instance of the union showing how the union prevailed over and pressurised the administration to the detriment of the applicants who had no representation at the said P.N.M. and all the decisions in terms of this P.N.M. were taken at their back without affording them any opportunity whatsoever. ~~xxxx~~
~~xxxxxxx~~ Further more P.N.M. proceedings at General Manager's level were initiated at a belated stage after the applicants had already been promoted to the next grade of Station Master and Traffic Inspector i.e. Rs. 550-750(RS)/1600-2660(RPS). A true copy of the minutes of the General Manager's P.N.M. item No. 204/88 is filed as ANNEXURE 13 to this application.

ANNEXURE 13

-:(9):-

10. That the Northern Railway Men's Union thus prevailed over the administration and pressurised it to take the decision that the Station Masters who were placed on the panel of 10% graduate quota on 27.9.83 would be placed below the Assistant Station Masters in grade Rs.450-700(RS)/1400-2300(RPS) who were borne on the panel of Assistant Station Masters on 23.11.83 under cadre restructuring with effect from 1.8.83. The decision of the General Manager's P.N.M. item no. 204/88 was implemented by letter of the General Manager (P), Northern Railway dated 15.9.89. A true copy of the letter dated 15.9.89 is filed as ANNEXURE 14 to this application.

ANNEXURE 14

11. That the aforesaid decision as communicated by the letter of the General Manager dated 15.9.89 to revert the applicants has been taken on the basis of Printed Serial no. 9340 according to which the seniority of the incumbents borne on the panel of restructuring is to be computed from 1.8.83. This Printed Serial has been deliberately mis-interpreted in as much as it relates to the panel drawn up with respect to the same category of posts. Accordingly this principle was followed when the graduate quota staff after being brought on the panel dt. 27.9.83 was assigned seniority in the cadre of Station Masters in the grade of Rs. 455-700(RS) below the Station Masters borne on the panel dated 16.10.83 of restructuring with effect from 1.8.83, but it does not imply that the applicants borne on the panel of Station Masters are to be reverted with retrospective effect and placed below the panel of Assistant

-(10):-

Station Masters dated 23.11.83 with effect from 1.8.83 in a different category. A true copy of the Printed Serial No. 9340 is filed as ANNEXURE 15.

ANNEXURE 15

12. That the aforesaid letter dated 15.9.89 is based on Item No. 204/88 of the General Manager's P.N.M. with N.R.M.U. and further refers to the letter No. 757-E/5-1/SM-YM/Channel of promotion dated 17.7.89 of Divisional Personnel Officer, Lucknow. The said letter of the D.P.O./Lucknow clearly explains the position to the Headquarters office pointing out therein that the contention of the N.R.M.U. was untenable as the seniority of the Station Masters of graduate quota was strictly in accordance with the provisions under para 302 of the Indian Railway Establishment Manual. In other words the panel of Station Masters in grade Rs.455-700(RS) announced on 16.10.83 and given effect from 1.8.83 was kept above the graduate quota staff who were placed on the panel of 27.9.83 and were assigned seniority in the cadre of Station Masters in grade Rs.455-700(RS) from the date of joining the cadre. It was further pointed out that the panels formed earlier will rank senior to panels formed later but this will only be applicable in a particular grade/cadre/post and not in respect of the panels in a different category. The panel of Station Masters to which the applicants belong is clearly in different category from that of the Assistant Station Masters and thus placing the applicants who belong to the category of Station Masters below the Asstt. Station Masters with effect from 1.8.83 is wholly illegal, arbitrary and without

ANNEXURE 16

jurisdiction. A true copy of the letter of Divisional Personnel Officer, Lucknow dated 17.7.89 is filed as ANNEXURE 16 to this application.

13. That it is worthwhile to state here that while the aforesaid item no. 204/88 of N.R.M.U. was being discussed at the General Manager's level, another recognised union namely - Uttaraya Railway Mazdoor Union (U.R.M.U.) objected to the said demand on 6.6.88 and requested the railway administration not to take a wholly one sided decision in the matter. It was pointed out by the U.R.M.U. that the N.R.M.U. had concealed facts and their demand was based on mis-representation and as such the matter should be resolved in a joint meeting with both the unions. The railway administration on this objection of the U.R.M.U. had assured that one sided decision would not be taken. A true copy of the objections made by the U.R.M.U. on 6.6.88 vide item no. 38 of the P.N.M. at General Manager's level is filed as ANNEXURE 17.

ANNEXURE 17

14. That in terms of the letter dated 7.6.84 by the General Manager (P), Northern Railway regarding decisions of the P.N.M. meetings it has been decided that decisions taken at the P.N.M. level must be implemented forthwith. If there is any objection from the other recognised union, it should be investigated but the decision taken with one recognised union should not be stayed or pended. If, however, it is found that there is any strength in the counter argument and the decision already taken deserves to be modified, then a joint meeting

-(12):-

with both the recognised unions will be arranged and in case a joint decision is arrived at the same will be implemented otherwise administration's decision will be taken at the General Manager's level. A true copy of the General Manager (P)'s letter dated 7.6.84 as circulated by letter of D.R.M./Lucknow dated 28.4.86 is filed as ANNEXURE 18-

ANNEXURE 18

15. That in terms of the aforesaid policy decision vide General Manager(P), Northern Railway letter dated 7.6.84 which is also applicable at the divisional level, it is evident that the one sided decision taken under pressure of N.R.M.U. is bound to be implemented despite objections by another union i.e. U.R.M.U. This decision, to implement the one sided decision taken at P.N.M. meeting is wholly illegal, arbitrary and amounts to discrimination in violation of Articles 14 and 16 of the Constitution of India. The said policy decision to implement ex-parte decision taken at P.N.M. as communicated by General Manager(P)'s letter dated 7.6.84 (Annexure 15) deserves to be quashed.
16. That on receipt of letter dated 15.9.89 by the General Manager (P), Northern Railway the Senior Divisional Personnel Officer, Lucknow issued letter dated 26.12.89 to give effect to the decision taken at the General Manager/P.N.M. to revert the applicants to the post of Assistant Station Master in grade Rs.455-700(RS)/1400-2300(RPS). The said letter also points out that the applicants will be placed in the category of Assistant Station Master

-(13):-

ANNEXURE 19

in grade Rs. 455-700(RS) i.e. below the Assistant Station Masters who were empanelled as such on 23.11.83 having effect from 1.8.83. A photostat copy of the letter of Sr.Divl.Personnel Officer, Lucknow dated 26.12.89 is filed as ANNEXURE 19.

17. That the reversion of the applicants who were brought on the panel of the Station Masters in grade Rs. 455-700(RS) on 27.9.83 and who have been subsequently promoted on the posts of Station Master and Traffic Inspectors in grade Rs. 550-750(RS)/1600-2660(RPS) to the lower category of Assistant Station Masters in the grade Rs. 455-700(RS)/1400-2300(RPS) and below all those Assistant Station Masters who were empanelled on 23.11.83 is wholly illegal, arbitrary and without jurisdiction in violation of Article 311(2) of the Constitution of India and also discriminatory in matter of service in violation of Articles 14 & 16 of the Constitution of India, on the basis of a wholly one sided decision taken at the P.N.M. meeting at General Manager's level at the back of the applicants in which they were neither represented nor any opportunity of hearing was provided to them at any stage whatsoever in violation of principles of natural justice.
18. That out of 16 persons brought in the panel of 10% graduate quota, 11 persons including the applicants were ear-marked for the post of Station Master, 3 for the post of Section Controller and one each for the post of Assistant Yard Master and Traffic Inspector. By impugned orders dated 15.9.89 passed

by General Manager (P), Northern Railway, New Delhi and Senior Divisional Personnel Officer, Lucknow dated 26.12.89, only the persons ear-marked for the post of Station Master and subsequently promoted for the higher grade are sought to be reverted while those ear-marked for the post of Section Controller, Assistant Yard Master and Traffic Inspector are excluded. This also amounts to discrimination in as much as the applicants similarly placed and brought on the panel of 10% graduate quota on the basis of same selection and thereafter assigned seniority in their respective categories in terms of para 302 of Indian Railway Estb. Manual have been singled out for reversion with retrospective effect and placed below all the Assistant Station Masters who were empanelled as Assistant Station Master on 23.11.83 having effect from 1.8.83 in grade Rs.425-700(RS)/1400-2300(RPS).

19. That one month's time given to the applicants to submit their representations is merely an eye wash in as much as the decision to revert the applicants has already been taken and is to be implemented in terms of the General Manager's letter dated 7.6.84 regarding implementation of the one sided decision taken at the P.N.M. meeting. The decision to revert the applicants is ~~ab initio~~ abinitio, void and without jurisdiction and taken at the back of the applicants in violation of the principles of natural justice. The applicants have no other efficacious, speedy alternative remedy available to them in the facts and circumstances of the case.

G R O U N D S

- a) Because the order to revert the applicants taken ex-parte at the back of the applicants at the General Manager/ P.N.M. level and implemented by the order of General Manager (P)/Northern Railway dated 15.9.89 and the consequential order dated 26.12.89 of Senior Divisional Personnel Officer, Lucknow reverting the applicants to the post of Assistant Station Master grade Rs. 455-700(RS)/1400-2300(RPS) and placing them below the panel of Assistant Station Masters grade Rs. 455-700(RS) as on 1.8.83 is wholly illegal, arbitrary and without jurisdiction.
- b) Because the reversion of the applicants from the post of Station Master/Traffic Inspector in grade Rs. 550-750(RS)/1600-2660(RPS) to the post of Asstt. Station Master in grade Rs. 1400-2300(RPS) and placing them below the position of 1.8.83 is in violation of the constitutional protection available to the applicants under Article 311(2) of the Constitution of India without following the procedure prescribed therein.
- c) Because the applicants have been singled out for reversion while others similarly placed have been excluded which amounts discrimination in violation of Articles 14 & 16 of the Constitution of India.
- d) Because the applicants having been brought on the panel of Station Masters in grade Rs. 550-750(RS) on the basis of selection under 10% graduate quota and subsequently promoted in the higher grade as

Station Masters/Traffic Inspectors have been reverted as Assistant Station Master which is a different category nullifying the rights accrued to them on the basis of the process of selection and subsequent promotion.

- e) Because the decision taken at the level of General Manager/P.N.M. on the basis of demand raised by N.R.M.U. at the back of the applicants without affording them any opportunity whatsoever is in violation of the principles of natural justice.
- f) Because an earlier demand raised by the N.R.M.U. at Divisional level had already been rejected.
- g) Because the opposite parties have illegally acted under pressure of N.R.M.U.
- h) Because the policy decision communicated by the General Manager (P)/Northern Railway, New Delhi by letter dated 7.6.84 to implement even one sided decision at P.N.M. is wholly illegal and arbitrary and discriminatory in violation of Articles 14 & 16 of the Constitution of India.

VII. Details of remedy exhausted :

That in the facts and the circumstances stated in para VI above it is stated that the applicants have no other alternative efficacious and speedy remedy available to them, hence this application.

VIII. Applicants further declare that they have not previously filed any application, writ petition regarding the matter in respect of this application which has been made before any court of law or any other authority and any other Bench of the Tribunal.

IX. Reliefs sought :

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

- (a) That this Hon'ble Tribunal may be pleased to quash the order passed by the General Manager(P), Northern Railway, New Delhi dated 15.9.89 (Annexure No. 14) and the consequential order dated 26.12.89 (Annexure 19) passed by the Senior Divisional Personnel Officer, Lucknow reverting the applicants from the post of Station Masters/Traffic Inspector grade Rs. 1600-2660(RPS) to the post of Assistant Station Master grade Rs.1400-2300 (RPS) placing them below all the Assistant Station Masters who were empanelled as such on 23.11.83 having effect from 1.8.83 in grade Rs.455-700(RS)/1400-2300(RPS) after summoning the record from the Opposite Parties.
- (b) That this Hon'ble Tribunal may be pleased to quash the policy decision regarding implementation of ex-parte decisions taken at P.N.M. as communicated by the General Manager(P), Northern Railway by letter dated 7.6.84 (Annexure No.18) after summoning the record.

-:(18):-

(c) Any other relief deemed just and proper in the facts and circumstances of the case may also be granted.

(d) Cost of this application may also be awarded to the applicants.

X. Interim order :

In view of the circumstances of the case the applicants pray that the operation of the order dated 15.9.89 passed by the General Manager (P), Northern Railway, New Delhi and the consequential order dated 26.12.89 passed by the Senior Divisional Personnel Officer Lucknow reverting the applicants from the post of the Station Master and Traffic Inspector to the post of Assistant Station Master and fitting them below all Assistant Station Masters empanelled on 23.11.83 and given effect from 1.8.83 be stayed pending disposal of the application.

XI. Particulars of postal orders in respect of the application fee :

1. Number of Indian Postal Order : 6 " 559128
To
6 " 559132
2. Name of the issuing Post Office : G.P.O. Hazratganj
Lucknow
3. Date of issue of Postal Order : 24-1-90
4. Post Office at which payable : At Aligarh

-:(19):-

XII. List of enclosures :

1. The channel of promotional chart dated 7.4.76 evolved by the General Manager(P), Northern Railway, New Delhi - Annexure 1
2. Divisional Personnel Officer, Lucknow letter dated 31.7.82 inviting applications - Annexure 2
3. Letter dated 27.9.83 announcing the provisional panel - Annexure 3
4. Letter dated 12.8.87 announcement of enlarged panel - Annexure 4
5. Posting orders dated 19.11.84 - Annexure 5
6. Posting orders dated 10.6.85 - Annexure 6
7. Proposed channel of promotional chart dated 14.11.83 - Annexure 7
8. Promotion orders for the post of Station Master grade Rs.1600-2660(RPS) dated 10.4.87 - Annexure 8
9. Promotion orders for the post of Station Master grade Rs. 1600-2660(RPS) dated 4.9.87 *Red* - Annexure 9
10. Promotion orders for the post of Traffic Inspector grade Rs.1600-2660 (RPS) dated 18.4.88 - Annexure 10
11. Minutes of 68th P.N.M. meeting rejecting the union's demand - Annexure 11

-(20):-

12. Agenda item No.204/88 of General Manager's P.N.M. with the Northern Railway Mens union - Annexure 12
13. Minutes of agenda item No.204/88 of General Manager's P.N.M. meeting with the N.R.M.U. - Annexure 13
14. General Manager(P), Northern Railway letter dated 15.9.89 - Annexure 14
15. General Manager(P), Northern Railway Printed Serial No. 9340 - Annexure 15
16. Divisional Personnel Officer, Lucknow letter dated 17.7.89 - Annexure 16
17. Item No.38 of General Manager's P.N.M. meeting with the U.R.M.U. - Annexure 17
18. Divisional Railway Manager, Lucknow letter dated 28.4.86 circulating G.M.(P), N.Rly., letter dated 7.6.84 - Annexure 18
19. Senior Divisional Personnel Officer, Lucknow letter dated 26.12.89 - Annexure 19

VERIFICATION

I, D.K. Khare s/o late Sri B.B.Singh Khare aged about 41 years working as Station Master in the office of Station Master, Northern Railway, Harchandpur resident of Qr.No.T/1 Railway Colony, Harchandpur, District Raibareilly do hereby verify that the contents of paras I to XII of this application are true to my personal knowledge and belief and that I have not suppressed any material fact.

Date :

Place: Lucknow

(D.K. Khare)

Signature of the applicant

Vaidhyanath Shukla

J.R. Mansingh
Gyan Prasad
Swastika
Arvez Ahmed
Sony Kumar Singh
Javed Ahmed
(S.S. Singh)
Ramendra Lal Singh

In the Central Administrative Tribunal

बअदालत श्रीमान

Lucknow Bench Lucknow

महोदय

वादी (मुद्दै)

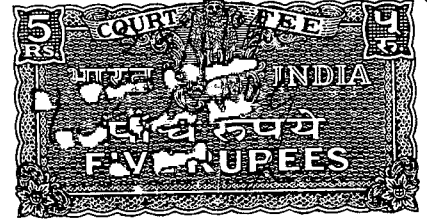
मुद्दै (मुदालेह)

का

D. K. Khare and Others

Union of India, Others

वकालतनामा



बनाम

प्रतिवादी (रिस्पान्डेन्ट)

नं० मुदद्मा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L. P. Shukla, Advocate

वकील

C-2 Sector C Mahanagar Lucknow

एडवोकेट महोदय

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 प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें 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 प्रमाण रहे और समय पर काम आवे।

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

हस्ताक्षर

Parwez Ahmad

साक्षी (गवाह)

साक्षी (गवाह)

Javed Ahmad
Rasendra Lal Singh

दिनांक

महीना

9/10/19

Gyan Prakash
Arjun Kumar Singh
Shamsher Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

O.A. No. 28 OF 1989 (L)

D.K. KHARE & Others Applicants

Versus

Union of India & others Respondents

I N D E X

	<u>Pages</u>
1. Application ..	1 to 20
2. The channel of promotional chart dated 7.4.76 evolved by the General Manager(P), Northern Railway - Annexure -1 ..	1 to 5
3. Divisional Personnel Officer, Lucknow .. letter dated 31.7.82 inviting applications - Annexure -2 ..	6
4. Letter dated 27.9.83 announcing the provisional panel- Annexure-3 ..	7
5. Letter dated 12.8.87 announcement of enlarged panel - Annexure -4 ..	8
6. Posting orders dated 19.11.84 - Annexure - 5 ..	9 to 11
7. Posting orders dated 10.6.85 - Annexure - 6 ..	12
8. Proposed channel of promotional chart dated 14.11.83 - Annexure 7 ..	13 to 15
9. Promotion orders for the post of Station Master grade Rs.1600-2660(RPS) dated 10.4.87 - Annexure - 8 ..	16
10. Promotion orders for the post of Station Master grade Rs.1600-2660(RPS) dated 4.9.87 - Annexure - 9 ..	17
11. Promotion orders for the post of Traffic Inspector grade Rs. 1600-2660(RPS) dated 18.4.88 - Annexure - 10 ..	18

contd... 2

-(2):-

	<u>Pages</u>
12. Minutes of 68th PNM meeting rejecting the union's demand - Annexure - 11	.. 19 & 20
13. Agenda item No. 204/88 of General Manager's PNM meeting with the Northern Railway Mens Union - Annexure - 12	.. 21 & 22
14. Minutes of agenda item No.204/88 of General Manager's PNM meeting with the N.R.M.U. - Annexure - 13	.. 23
15. General Manager(P), Northern Railway letter dated 15.9.89 - Annexure - 14	.. 24
16. General Manager(P), Northern Railway Printed Serial No. 9340 - Annexure - 15	.. 25 & 27
17. Divisional Personnel Officer, Lucknow letter dated 17.7.89 - Annexure - 16	.. 28 & 29
18. Item No.38 of General Manager's PNM meeting with the URMU - Annexure - 17	.. 30
19. Divl. Railway Manager, Lucknow letter dated 28.4.86 circulating General Manager(P), Northern Railway letter dated 7.6.84 - Annexure - 18	.. 31 & 32
20. Senior Divisional Personnel Officer, Lucknow letter dated 26.12.89 - Annexure - 19	.. 33

Northern Railway.

No. 752E/1B/5/1

Mvi. Supdt.'s Office,
Lucknow dt. 4.76.

1. Sr. DOS/DOS/DSO/AOS(G)
2. DPO/APO II/DPO I/APO(PG).

Sub:- Channel of promotion charts of Transportation Staff.

A copy of channel of promotion charts of Transportation categories received under GN(P) HDLS's letter No. 757E/102/HD dt. 7.4.76 is enclosed for information please.

for D/O, Personnel Officer/Lucknow.

DA/As above.

Copy of letter sent to above.

Sub:- As above.

The tentative channel of promotion charts of Transportation staff were circulated under this office letter of even No. dt. 27.11.74. The views read from the Divns. and recognised labour have been considered and necessary changes have been made in the revised channel of promotion charts sent herewith for implementation.

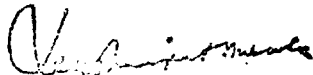
These channels have the approval of GOPS & CPO.

Please acknowledge receipt.

25/4.

Sd/-

Attested/True Copy


L. P. Sinha
Advocate

4. ASMs Gr. Rs. 330-560(RS) are eligible for promotion as Traffic Inspectors gr. 425-640(RS) on Jodhpur and Bikaner Divisions.
5. Traffic Inspectors grade Rs. 455-700 are eligible for promotion as Station Master grade Rs. 550-750(RS) against 10% vacancies after passing P-16A promotional course.
6. Section Controllers grade Rs. 470-750(RS) and Yard Masters grade Rs. 455-700(RS) are eligible for promotion as Station Masters grade Rs. 550-750 against 10% vacancies after passing P-16A course.
7. Traffic Inspectors and Yard Masters grade Rs. 550-750(RS) are eligible for selection and promotion as Station Suptd. , grade Rs. 700-900(RS). (Selection post).
8. SAs gr. 550-750 (RS) are also eligible for promotion as Traffic Inspector gr. 700-900(RS).
9. In case required number of staff from a particular category viz. SA/ASM/Traffic Inspector, Sectional Controller/AMs are not available, the shortfall of the particular category for promotion to the post of Station Master gr. 550-750 will be made good by taking persons from the category next below in the serial order given here-under. In case the shortage cannot be made good by taking persons from the category next below, the remaining categories will be tried in the descending order of preference.

SHs/ ASMs.

TIs.

AMs/ Section Controllers.

S.Ms/ ASMs.

J. 24/4.

3rd ed

Attested/True Copy

Verdhi...

L. P. SHUKLA
Advocate

GENERAL OF PROTECTION CHART OF YARD MASTERS

ANNEXURE 'D'

3 Trainee Clerk
Gr. 260-400(RS) }
Shunting Masters
Gr. Rs. 330-480(RS) } 40%
Shunting Jemadar/
Gunnery Gr. 225-350
(RS) }

Cabinman Gr. 225-308(RS) } 20%
Switchmen Gr. 260-400(RS) }

Seniority-cum-suitability to be judged in terms of letter No. 757B/72(RIB) dt. 29.5.74 and after passing P-5 course.

Yard Foreman/ATN Gr. 330-560(RS)

Seniority-cum-Suitability.

Asstt. Yard Masters 425-640(RS)

Hd. SMCs Gr. 425-640(RS)
Sr. SMCs Gr. 330-480(RS)
By : 10% Option

Guards 240-480(RS)
By : 10% Option

Wife Gr. Rs. 425-640(RS)
15% Option

Deptt. Test and after passing prescribed course. 10%

Traffic App. after passing 15% Prescribed Trg.

Selection & after passing P-16 course.

Yard Master/ATN Gr. 455-700(RS)

Seniority-cum-suitability after passing P-16 course.

Yard Master Gr. 550-750(RS)

Traffic Inspector
Gr. Rs. 550-750(RS)

Station Masters
Gr. Rs. 550-750(RS)

Selected

Chief Yard Master Gr. Rs. 700-900(RS).

Notes:- (1) For promotion to the post of YFO/ATN Gr. Rs. 330-560(RS) educational qualifications of various eligible categories should be as under:-

- (1) Trainee Clerk Gr. Rs. 260-400(RS) Matriculates (11) Shunting Jemadar Gr. Rs. 225-350(RS) 25% through literacy test and 15% through matriculates. If Matriculates are not available a part of 15% quota may also be filled up on the basis of simple literacy test. Switchmen, Cabinman and Fireman 10% through simple literacy test & 10% Matriculation.
- (2) While making selection from various categories to the post of ATN Gr. Rs. 330-480(RS) 15% quota allotted to a particular category is not available the quota should be re-allotted to other categories in the descending order of preference given below

- 1. AEs Gr. 425-640(RS) (11) AEs Gr. Rs. 425-640(RS) (11) AEs Gr. Rs. 425-640(RS) (11) AEs Gr. Rs. 425-640(RS) (11)
- (iv) SMCs Gr. Rs. 425-640(RS) & 330-480(RS) (v) Guards Gr. Rs. 240-480(RS) (vi) Firemen Gr. Rs. 225-350(RS) (vii) Switchmen Gr. Rs. 260-400(RS) (viii) Cabinman Gr. Rs. 225-308(RS) (ix) Shunting Jemadar Gr. Rs. 225-350(RS) (x) Gunnery Gr. Rs. 225-350(RS) (xi) Station Masters Gr. Rs. 550-750(RS) (xii) Traffic Inspectors Gr. Rs. 550-750(RS) (xiii) Chief Yard Master Gr. Rs. 700-900(RS) (xiv) Yard Master Gr. Rs. 550-750(RS) (xv) Yard Master/ATN Gr. Rs. 455-700(RS) (xvi) Asstt. Yard Masters Gr. Rs. 425-640(RS) (xvii) Hd. SMCs Gr. Rs. 425-640(RS) (xviii) Sr. SMCs Gr. Rs. 330-480(RS) (xix) Guards Gr. Rs. 240-480(RS) (xx) Wife Gr. Rs. 425-640(RS) (xxi) Traffic App. after passing 15% Prescribed Trg. (xxii) Traffic Inspector Gr. Rs. 550-750(RS) (xxiii) Station Masters Gr. Rs. 550-750(RS) (xxiv) Chief Yard Master Gr. Rs. 700-900(RS) (xxv) Yard Master Gr. Rs. 550-750(RS) (xxvi) Yard Master/ATN Gr. Rs. 455-700(RS) (xxvii) Asstt. Yard Masters Gr. Rs. 425-640(RS) (xxviii) Hd. SMCs Gr. Rs. 425-640(RS) (xxix) Sr. SMCs Gr. Rs. 330-480(RS) (xxx) Guards Gr. Rs. 240-480(RS) (xxxi) Wife Gr. Rs. 425-640(RS) (xxxii) Deptt. Test and after passing prescribed course. 10% (xxxiii) Traffic App. after passing 15% Prescribed Trg.

Attested Copy

L. P. SHANKAR
Advocate

Table of present status of various departments

Annexure

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

49-430 (US) & 530-530 (US)
The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

Table

1. Staff order of the day is to be submitted for reference to the present status of the various departments is as follows:
49-430 (US) & 530-530 (US)
2. The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)
3. The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)
4. The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)
5. The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)
6. The present status of the various departments is as follows:
49-430 (US) & 530-530 (US)

Table

Table

Table

ANNEXURE-2

Northern Railway.

No. 752E/5-1/Selection/10%.

Divisional Office,
Lucknow Dt. 31/7/82.

AOS/Yard- LKO, BSB.
 SS/LKO-BBS-PD, PBH, SLN, PRG.
 All Station Masters on LKO Division.
 CHC/LKO. Dy. CHC/ Lobby LKO.
 SCNL/ Lobby/NCS.
 TE/LKO, BSB, PD, PBH, SLN, PRG, RBL,
 Divl. Secy. NEMU- Near Guard's Running Room CE/LKO.
 Divl. Secy. UEMU- T-10-CB/LKO.
 SWLI/Union.

Sub:- Selection for the post of SM/ASM/AMM
 Gr. 455-700/SCNL Grade 470-750 against 10%
 graduate quota.

It has been decided to hold a selection for the post of
 SM/ASM/AMM-Grade 455-700 & SCNL Grade 470-750 against 10%
 graduate quota from amongst non-ferrous material Transportation
 Class III staff who are graduates and are below 35 years
 of age on 31.7.82.

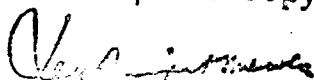
Staff who are desirous should submit their applications
 on the proforma given below so as to reach this office by
 31.8.82 positively.

PROFORMA.

1. Name.
2. Designation. (a) Substantive.
(b) Ofg.
3. Station of Posting.
4. Grade. (a) Substantive.
(b) Ofg.
5. Date of Birth.
(Copy of High School Certificate)
to be attached).
6. Date of appointment.
7. Qualification:
(Copy of Bachelor's Degree to
be attached).
8. Whether S/C or S/T.

This should be given wide publicity placing a copy of the
 same on the Notice Board of your office/ Station. The staff should
 P.T.O.

Attested/True Copy



L. ...
 Advocate

ANNEXURE - 3

Divisional Office,
Lucknow. Dt. 27.9.83.

No. 752E/5-1/Selection/10%.

SM/MLJ, SI/MLJA, BSIL, IET,
 ASM/MLJ,
 CHC/LKO,
 Dy. CHC/Lobby, LKO,
 TI/LKO, DSB, FD, PPH, GIN, DES, RBL.

Sub:- Selection for the post of SMs/ASMs/AYMs/TIs/
 SCNLs in grade Rs. 455-700(RS) against 10%
 graduate quota.

As a result of the selection held for the above posts
 on 2.2.83, 17.4.83 & 29.6.83, the following staff found suitable
 for the posts shown against each have been placed on the pro-
 visional panel of 10% graduate quota in accordance with
 their merit position in respective categories:-

T.I.

S.No.	Name	Designation.	Category earmarked.
1.	Shri R.P. Gupta	ASM/MLJ.	T.I.
STATION MASTER.			
2.	Shri M.S. Usmani	ASM/MLJ	S.M.
3.	Shri Rajendra Pd. Singh	ASM/BKSA	S.M.
4.	Shri J.R. Mourya	ASM/FD	S.M.
5.	Shri S.J. Singh	LR/ASM/LKO	S.M.
6.	Shri S.S. Singh	ASM/DELO	S.M.
7.	Shri D.K. Tharey	ASM/HCP	S.M.
8.	Shri Gyan Prakash Srivastava	ASM/IEH.	S.M.

Section Controller.

9.	Shri Vinod Kumar	TNC/LKO	SCNL.
10.	Shri Krishna Pd. (SC)	TNC/BEB	SCNL.

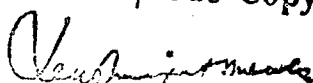
The above staff should note that the retention of their
 names on the panel is subject to their work remaining satisfactory during
 the currency of the panel and qualifying P-29A & B courses. Mere fact
 that their names have been placed on the panel is no guarantee that
 they will be offered the post for which selected.

Above staff are required to pass P-29 A/B course for which it
 should be taken as notice & they should be ready to attend ZTS/CI
 for above course as & when arranged.

(K.K. Mehta)
 for Divil. Personnel Officer
 Lucknow.

RK

Attested/True Copy



L. P. Singh
 Advocate

NORTHERN RAILWAY.

No:752-E/5-1/Selection/10%

Divisional Office,
Lucknow, dated 12-8-87.

Sr. DOS, Sr. DSO, Dy. CHC LKO.
SSs, BSB, LKO, SLN, KEI, PRG.
SMs, BWI, KKAH, ANT, APG.
TIs, BSB, SLN, PRG, FD, RBL, PBH, SLN.

Sub:- Selection for the post of SMs/ASMs/AYMs/TIs and SCNLs
in grade Rs. 455-700/470-750(RS) against 10% graduate
quota.

In continuation of this office letter of even number
dated 27.9.83 consequent on receipt of de-reservation of 4(SG)
posts and 2 (ST), the following staff, found suitable for the
posts shown against each have been placed on the provisional
panel of 10% Graduate quota in accordance with their merit
position in respective categories.

Station Masters.

1. Shri Ratnakar Pandey, ASM/ANT working at RG--SM-BWI in grade
Rs. 455-700(RS). KEI
2. Shri Javed Ahmed, ASM/RRA, working as ~~TI Safety Gr.~~ SM/BSB,
Rs. 455-700(RS).
3. Shri Perwez Ahmed, ASM/PRG, working as TI Safety Gr. Rs. 455-700.
(RS)
4. Arun Kumar Sinha, ASM/APG working as SM, KKAH in grade
Rs. 455-700(RS).

Section Controller.

1. Shri A.K.Verma, TNC/LKO working as SCNL, LKO gr. Rs. 470-750(RS).

Assistant Yard Master.

1. Shri Rajeshwari Pd. Dwivedi, ASM/SLN working as AYM/SLN in
grade Rs. 455-700(RS).

The services of the above empanelled staff are regularised
from the date they have been posted against working posts in
grade Rs. 455-700/470-750(RS).

The above staff should note that the retention of their
names on the panel is subject to their work remaining satisfactory
during the currency of the panel and of qualifying P-29 A & B
Courses.

[Signature] 12/8/87
Divisional Personnel Officer,
Lucknow.

Copy to :-

1. Divl. Secy., NRMU, Lucknow.
2. Divl. Secy., URMU, Lucknow.

Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

ANNEXURE-5

No. 757-E/5-1/SM-YK/1984

19.11.84

NOTICE

The following promotions, transfers and postings are hereby ordered :-

Sl No.	Names of staff S/Shri	Present Design. Grade & Stn.	New Design./ Grade and station of posting.	Remarks.
1	2	3	4	5
1.	S.P. Gupta Empanelled for the post of SS/ 700-900(Rs).	TL/safety/LKO Gr. 700-900	He is retained as TL/safety in Gr. Rs. 700-900(Rs) temporarily and allowed proforma position in the Gr. of SS/ 700-900(Rs) f. 1.8.82 against upgraded post.	
2.	S.D. Kharbada Empanelled for the post of SS/ 700-900(Rs).	TL/safety/Lko Gr. 455-700 and under orders of posting as SM/KKAH in Gr. 550-750.	Rg/SS/DMW/ Gr. 700-900 against up- graded post (vacancy).	On promotion posted as Rg. temporarily sub- ject to final adjustment as per entitlement in April/May/84.
3.	R.K. Srivastava Empanelled for the post of SS/Gr. Rs. 700-900(Rs).	DY. CYM/LKO. Gr. 700-900	SS/CGJ 700-900/Rs (vacancy)	Being posted by virtue of empanelment.
4.	K.N. Mehrotra	Sr. ASM/LKO. Pay drawn in Gr. 700-900.	SS/AJ 700-900 (Vice Shri S.H. Naqvi)	In part super- session of notice of even No. dt. 16.3.84 as per his own request.
5.	D.N. Varshey	Rg/SS/SLW 700-900(Rs)	SS/LLJ 700-900 (Vice Shri Lakshmi Lal)	On his own re- quest as per priority. He will join in the last week of Dec./84.
6.	A.M. Tripathi	Sr. ASM/LKO. Pay drawn in Gr. 700-900.	Rg/SS/AY 700-900 (Vice Shri S.B. Tandon)	In part super- session of notice of even No. dt. 16.3.84 as per his own request on priority. He will move in last week of Dec./84.
7.	Jitendra Singh	SS/PLP 700-900 <i>S.D. Kharbada</i>	SS/VYN 700-900 (Vacancy)	On administrative grounds with the personal approval of DRM/LKO. He should move immediately making over charge to Sr. post. ASM Gr.

Attested/True Copy

L. P. Shukla
L. P. SHUKLA
Advocate

1

2

3

4

5

2/3/85

4. ✓	R.P. Singh	ASM/BKSA 425-640	SM/MRP H 455-700	Posted against subject to adjust- ment in March/ April/85.
5. ✓	D.K. Khosla	ASM/LKO 425-640	RG/SM/RMNR 455-700	-do- -do-
6. ✓	G.P. Srivastava	ASM/LKO 425-640	RG/SM/SLN 455-700	-do- -do-
7. ✓	S.J. Singh	ASM/LKO 425-640	RG/SM/BSL 455-700	-do- -do-

(2) The following x SMS Gr. Rs. 425-640 (Pr. re-structured) and posted for the post of ASM/455-700 in the wake of re-structuring are put to work as SM Gr. Rs. 455-700 (RS) temporarily at stations noted against each. Their utilisation as SM Gr. Rs. 455-700 (RS) is purely temporary subject to final adjustment. They may be replaced any time to accommodate their seniors:-

1. ✓	D.S. Lal	ASM/455-700 x SM/NBP	SM/NBP 455-700	Posted against vacancy.
2.	C.L. Misra	ASM/455-700 x SM/BSL	SM/CHL 455-700	-do- -do-
3.	C.S. Pda.	ASM/455-700 x SM/BNM	SM/KKAH 455-700	-do- -do-
4.	Mond. Islam	ASM/455-700 x SM/KJA	SM/KJA 455-700	Posted against vacancy as per his request.
5.	J.N. Singh	ASM/455-700 x SM/Rg/BKSA	SM/BKSA 455-700	-do- -do-
6.	G.N. Dwivedi	ASM/455-700 x SM/SHNG	SM/RUM 455-700	Posted against vacancy.
7.	G.N. Vatsa	ASM/455-700 x SM/BCN	SM/NHN 455-700	Vice Snri N.K. Ojha.
8.	M.P. Thakur	ASM/455-700 x SM/HGP	SM/KVG 455-700	Vice Snri L.N. Sonkar on his own request.
9.	Santoo Lal (SC)	ASM/455-700 x Rg/DMW	Rg/SM/NHN 455-700	Vice vacancy.
10.	R.D. Ram	ASM/455-700 x Rg/LOT	SM/LHZ 455-700	-do- -do-

Deed

.....4/-

Attested/True Copy

Verma

L. P. S. S. LA
Advocate

ANNEXURE-6

NORTHERN RAILWAY.

No: 757-E/5-1/SM-SS/GP-Ad/85.

Divisional Office,
Lucknow, dated 10-6-85.NOTICE.

In continuation to this office orders of even number dated 10.5.85, 20.5.85 and 30.5.85 the following transfer/promotion orders are hereby issued to have immediate effect:-

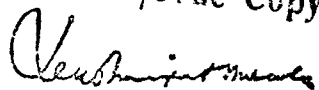
Sl. No.	Name	PRESENT.			Transferred/ promoted as			Remarks.
		Post	Sta- tion	Grade	Post	Sta- tion	Grade	
	S/Shri							
1.	Bhagirathi	SM	RG/SAW	550-750	SM	CHH	550-750	On request.
2.	J.N. Chaubey	SM	SON	455-700	SM	RG/SAW	455-700	-do-
3.	J.R. Maurya	SM	RZN	-do-	SM	RG/BTP	-do-	-do-
4.	C.L. Misra	ASM	BSE	-do-	SM	MFL	-do-	-do-
5.	Lal Bahadur	SM	GFH	-do-	SM	SLPR	-do-	-do-
6.	R.D. Ram	SM	AHZ	-do-	SM	KTHE	-do-	-do-
7.	Santoo Lal	SM	RG/NHN	-do-	SM	POA	-do-	-do-
8.	C.S. Prasad	SM	KKAH	-do-	SM	BTKD	-do-	-do-
9.	G.P. Srivastava	SM	RG/SLN	-do-	SM	BKKS	-do-	-do-
10.	S.N. Dwivedi	SM	SHRG	-do-	SM	CHPS	-do-	-do-
11.	S.S. Singh	SM	RG/MFKA	-do-	SM	RZN	-do-	-do-
12.	A.N. Chauhan	ASM	PBH	-do-	SM	KIE	-do-	-do-
13.	Ram Nath	ASM	SLN	-do-	SM	RG/SLN	-do-	-do-
14.	G.P. Singh	SM	SYW	-do-	SM	LMN	-do-	-do-
15.	G.N. Verma	SM	NHN	-do-	SM	RG/NHN	-do-	On Admn. ground.
16.	Goptal Ram	SM	DND	-do-	SM	PPU	-do-	-do-
17.	J.N. Singh	SM	RG/BKSA	-do-	SM	SVZ	-do-	-do-
18.	S.N. Shukla	SM	RG/PPM	-do-	SM	BYHA	-do-	-do-
19.	S.J. Singh	SM	RG/BSE	-do-	SM	BQP	-do-	-do-
20.	Birju Ram	ASM	JNU	-do-	SM	NIH	-do-	-do-
21.	S.H. Ansari	ASM	BEK	-do-	SM	BWI	-do-	-do-
22.	M.C. Singh	ASM	JNU	-do-	SM	ESB	-do-	-do-
23.	R.K. Singh	ASM	MFKA	-do-	SM	AHZ	-do-	-do-
24.	W.N. Pandey	ASM	FD	-do-	SM	RG/BTKD	-do-	-do-
25.	Kemar Nath	ASM	AY	-do-	SM	IBA	-do-	-do-
26.	H.K. Shukla	ASM	CPB	-do-	SM	JPD	-do-	-do-
27.	Ratnakar Pandey	ASM	MFL	425-	SM	RG/BWI	-do-	On promotion.
28.	Javed Ahmad	ASM	KEL	640	SM	SYW	-do-	-do-
29.	Arun Kumar Sinha	ASM	LKO	-do-	SM	KKAH	-do-	-do-
30.	Farvez Ahmad	ASM	PRG	-do-	SM	UBN	-do-	-do-

NOTE:- (1) KKAH, MFL, SYW, MRPH, RG. NHN, RG.BTP, PG.RMNR, RG. SAW, BSB are down graded temporarily from Rs. 750 (RS) to grade Rs. 455-700 (RS) and filled from staff of grade Rs. 455-700. (RS).

S.D. Reed

p.t.o.

Attested/True Copy



L. P. SHUKLA

Advocate

A.K. BHADURI.
C.P.T.S.Head Quarters Office
Baroda House, New Delhi.

D.O. NO 757 E/61-XVII (EIB)

DT 14. 11. 83.

My dear Raghoo Ram;

Sub: Channel of promotion chart of Traffic Staff

As a result of restructuring of cadre of Station Master/ASM's, yard staff etc, it has become necessary to review the existing channels of promotions of Traffic Staff. The existing and proposed channels of promotions charts are enclosed. There is a general demand that there should be no interpolation of categories in amongst the cadre.

Keeping this in view comments on the proposed channel of promotion charts may be sent to the Under signed by 25. 11. 83.

Yours Sincerely

sd/-

(AK. BHADURI)

DA/AS above

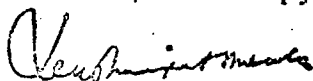
Sri _____

Sr DGS

Copy forwarded for information and similar action to Sri Raghoo Ram, D.P.O NRTy Lucknow.

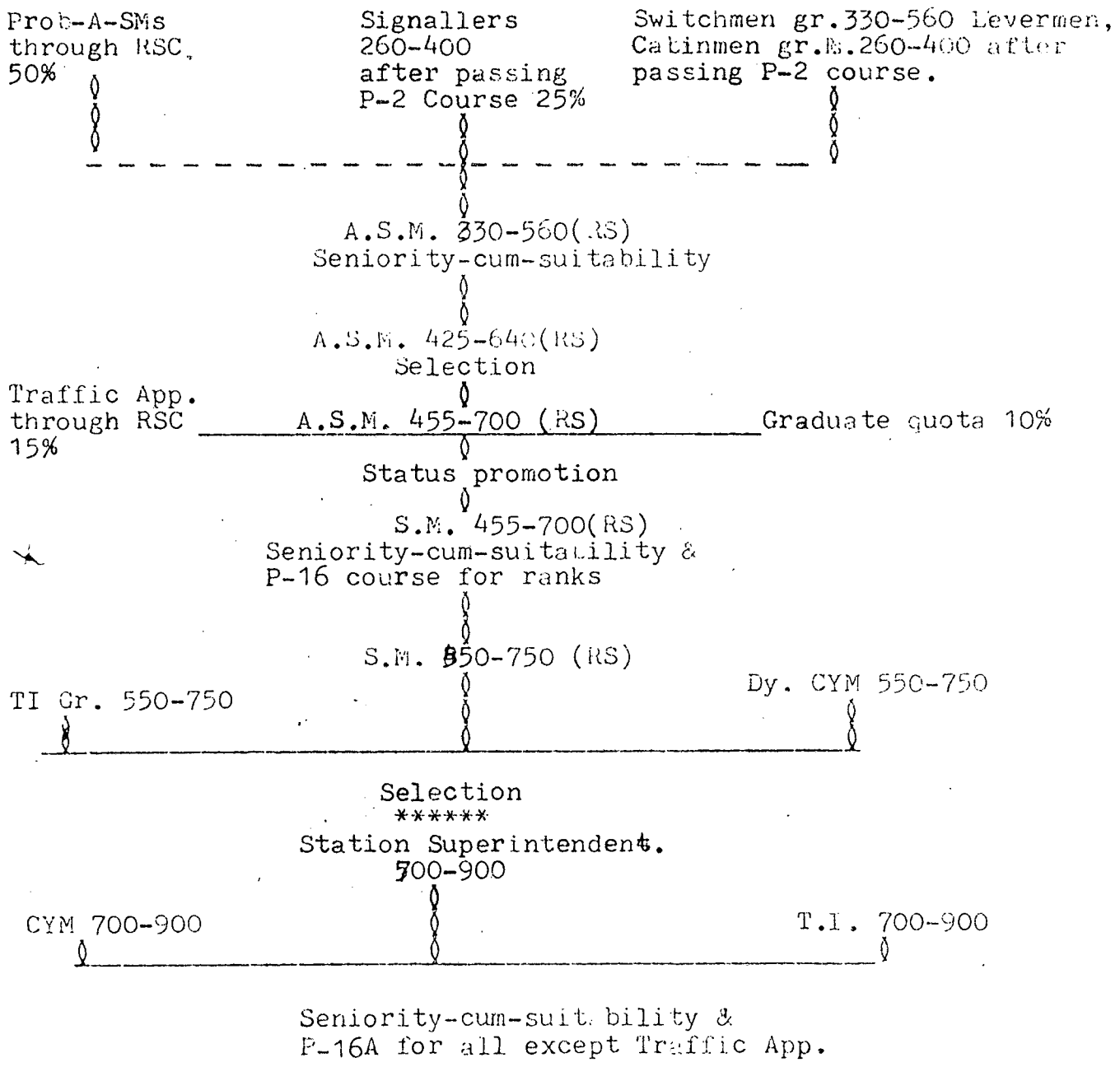
sd/-

Attested/True Copy


L.P. SHUKLA
Advocate

61. Item No.289 Contd.

This Channel is as under :
Proposed Channel of Promotion Chart of SMs/ASMs



SS Gr. 840-1040
TI Gr. 840-1040
CYM Gr. 840-1040

st d veer

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

Channel of promotion to the post of Traffic Inspectors.

425	Traffic Insp. Gr. R. 452-640 on JU & BKN & ASMs Gr. 425-640 25%	Shunting Master 425-640 Gr. 20%	Hd. TNCs 425-640 10%	Guards 330-560 10%	Hd. Signallers ITT grade 425-640 10%	Signalers 330-560 10%	Traffic App. through RSC 15%	Dept. Test 10%
-----	---	---------------------------------	----------------------	--------------------	--------------------------------------	-----------------------	------------------------------	----------------

Selection & after passing P-16 Course & below 50 yrs. of age.

S.M./ASM 455-700 below 50 yrs. 20%	Traffic Insp. grade 455-700 60%	W.I.I. Gr. 455-700 5% below 50 yrs.
------------------------------------	---------------------------------	-------------------------------------

S.M.s 550-750 below 50 yrs.	Seniority-cum-suitability. Traffic Inspector Gr. R. 550-750	Dy. CYM 550-750
-----------------------------	---	-----------------

S.S. 700-900	Selection & P-16 Traffic Insp. Gr. 700-900 Seniority-cum-suitability	Dy. CYM 700-900
--------------	--	-----------------

T.I. Gr. 840-1040	S.S. Gr. 840-1040	CYM Gr. 840-1040
-------------------	-------------------	------------------

Note: On Delhi Divn. where there were no posts of W.I.s Gr. R. 455-700, the channel to the post of T.I. Grade R. 550-750(NS) will be as under:

T.I.s Gr. 455-700 = 60%
SM/ASMs 455-700 = 25%
below 50 yrs. of age.

Attested/True Copy

L.P. Advocate
L.P. Advocate

NORTHERN RAILWAY.

No:940-E/5-1/SM-87

Divisional Office,
Lucknow, dated 10.4.87.NOTICE

A. Following transfer/promotion orders are hereby issued to have immediate effect:-

Sl. No.	Name	Present Desig.	Grade	Station	Transferred/promoted to Desig.	Grade	Station	Remarks
1.	S/Shri C.L.Misra	SM	1600-2660	TLKH RG SN	1600-2660	DND	On requ	
2.	Vijendra Singh	SM	-do-	JGJ SM	-do-	PHV	-do-	
3.	Gopal Ram	SM	-do-	NEP SM	-do-	PRF	-do-	
4.	K.L.Sharma	SM	-do-	ULN RG SM	-do-	SLW	-do-	
5.	J.N.Singh	SM	-do-	BKSA SM	-do-	SKNR	-do-	
6.	D.P.Shukla	SM	-do-	RMNR RG SM	-do-	CPB	-do-	
7.	Arjun Pd.	SM	-do-	PHV SM	-do-	JGJ	-do-	
8.	R.N.Ram	SM	-do-	BRPT RG SM	-do-	BSB	-do-	
9.	Lal Bahadur	RG SM	-do-	BK SM	-do-	RES	-do-	
10.	V.C.Misra	SM	-do-	GANG SM	-do-	BTP	-do-	
11.	Jagdish Singh	SM	-do-	SAGR SM	-do-	GANG	On Adv	
12.	S.K.Sharma	SM	-do-	JTU SM	-do-	POF	ground	
13.	Jamuna Pd.	RG SM	-do-	CPB SM	-do-	LKO	-do-	
14.	A.N.Nirmal	RG SM	-do-	RMNR SM	-do-	BKSA	-do-	
15.	Kamla Prasad	RG SM	-do-	MFKA SM	-do-	CDRL	-do-	
16.	R.K.Verma	SM	-do-	ARP SM	-do-	PQN	-do-	
17.	Mohd. Islam	SM	-do-	HGH SM	-do-	TLKH	-do-	
18.	R.N.Dubey	SM	-do-	HRN SM	-do-	JTU	-do-	
19.	Kedar Nath	SM	1400-2300	LBA SM	-do-	SYW	on Promo	
20.	M.S.Usmari	SM	-do-	LKO SM	-do-	LKO	tion.	
21.	R.P.Singh	SM	-do-	KTHE SM	-do-	RMNR	-do-	
22.	J.B.Mauriya	SM	-do-	MLH SM	-do-	BRPT	-do-	
23.	S.J.Singh	SM	-do-	BQP SM	-do-	SAGR	-do-	
24.	S.S.Singh	SM	-do-	DELO SM	-do-	DELO	-do-	
25.	D.K.Khare	SM	-do-	SPH SM	-do-	SPH	-do-	
26.	G.P.Srivastava	SM	-do-	BKKS SM	-do-	RMNR	-do-	
27.	V.N.Pandey	SM	-do-	SLRP SM	-do-	ULN	on r	

B. Refusal of the following SMs grade Rs.1400-2300 are hereby accepted from the date shown against each. They will be debarred for promotion for one year from the date of refusal and staff promoted during this period will rank senior to them.

- | | | | | | | |
|----|---------------|----|-----------|-----|-----------------|----------|
| 1. | Sh.G.P.Singh | SM | 1400-2300 | LMN | date of refusal | 1.3.87. |
| 2. | Sh.M.P.Shukla | SM | 1400-2300 | KVG | date of refusal | 29.1.87. |

This has the approval of competent authority. Movement should be advised promptly.

[Signature]
Divisional Personnel Officer,
Lucknow.

Copy to:- Sr.DOS, Sr.DSO, DOS, Sr.DAO/LKO.

SSs- LKO, BSB, BBK, MFKA, ARP, HGH, HRN, SLW, Supdt. 'Pay Bill' DRM/LK
SMs- TLKH, NEP, JGJ, ULN, BKSA, RMNR, PHV, BRPT, GANG, SAGR, JTU, CPB, DND, SKNR, RES, BTP, POF, CDRL, PQN, LBA, KTHE, MLH, BQP, DELO, SPH, BKKS, SLRP, PRF, SYW. All TIs on LKO Division.

Divl. Secy., URMJ, T-10, Parcel Office, Charbagh, Lucknow.

Divl. Secy., NRMU, Near Guards Running Room, Charbagh, Lucknow.

[Signature]
Attested/True Copy

[Signature]
L. P. KLA
Advocate

Northern Railway

No: 940E/5-1/SM-87/Loose.

Divisional Office,
Lucknow, Dt/- 4.9.87NOTICE

The following transfer/promotion orders are hereby issued to have immediate effect.

S.No.	Name	Design.& Station.	Grade	Posted at Design.& Station.	Grade	Remarks.
<u>S/Shri</u>						
1.	G.P.Sharma	SM/AKT	1600-2660	SM/AHZ	1600-2660	On Admn. ground.
2.	E.P.Srivastava.	RG SM/RMNR	-do-	SM/LKO	-do-	On request.
3.	S.J.Singh	SM/SAGR	-do-	SM/LKO	-do-	-do-
4.	A.N.Chauhan	SM/KDF	1400-2300	SM/MOF	-do-	On Promotion.
5.	Santoo Lal	SM/TQA	-do-	SM/PQN	-do-	-do-
6.	Ratnakar Pandey	RGSM/BWI	-do-	SM/JLL	-do-	-do-
7.	Javed Ahmad	SM/BSB	-do-	SM/BSB	-do-	-do-
8.	Perwez Ahmad	TI/Safety	-do-	SM/LKO	-do-	-do-
9.	Arun Kumar Singh	Gr II SM/KKAH	-do-	SM/KKAH	-do-	-do-

1. Item No.4 Shri A.N.Chauhan, SM/KDF has been promoted on Adhoc basis.

This has the approval of competent authority. Movement should be advised promptly.

[Signature]
Divisional Personnel Officer
Lucknow.

Copy to:

1. Sr.DOS, Sr.DSO, DOS.
2. SS/BSB, LKO, AKJ
3. SM/AHZ, RMNR, SAGR, MOF, PQN, JLL, KKAH, KBT, TQA, BWI.
4. Supdt. Bill.
5. Sr. DAO.
6. Divl Secy. NIMU.
7. Divl Secy. URMU.
8. T9, LKO, BSB, FDSLH, RBL PRG, PBH, RRE-LKO

Attested/True Copy

D/*

[Signature]
L. P. SHUKLA
Advocate

Northern Railway

Divisional Office,
Lucknow, Dated: 18.4.1988

No. 751E/5-1/79-Selection 88

NOTICE

A. Having been found suitable for the post of Traffic Inspector in grade Rs. 1600-2660(RPS), following staff are put to officiate temporarily as Traffic Inspector in gr. Rs. 1600-2660 (RP), against three newly created temporary posts at Stations shown against each :-

/ On ad hoc basis

1. S/Sri Parvez Ahmed T.I. Safety Gr. II LKO Gr. 1400-2300(RPS)
Traffic Inspector/RBL.
2. S.B. Singh S.M./UBN gr. Rs. 1400-2300(RPS), TI/Plg./
II/Lucknow.
3. Yamuna Prasad (SC) ASM/RBL Gr. Rs. 1400-2300(RPS) TI/PBH.

NOTE: The above temporary promotions will not confer any right of seniority to the above staff over their seniors. Their continuance is subject to the further extension of temporary posts.

B. The following transfer orders are hereby issued to have immediate effect on same pay and grade-

1. S/Sri U.S. Gupta, TI/RBL 2000-3200(RPS), TI-BSB II, 2000-3200(RPS)
he shall look after TD
PH co-ordination to
work also.
2. M.S. Usmani TI/PBH 1600-2660(RPS), TI/Kumbh Mela/LKO

NOTE: Detailed duty list of each TI shall follow.

This has the approval of Competent authority.

Sd/-

for Divl. Personnel Officer,
Lucknow.

Copy to:-

1. Sr. DOS, Sr. DSO, LOS, Sr. DAO
2. TI/BSB PBH RBL
3. SS/PBH RBL BSB
4. SM/UBN
5. Divl. Secy. URMU and NRMU *Ad Recd*
6. Supdt. Bill.

Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

ANNEXURE-11

61. Item No.289
68th PNM
APO-II/SE-V

Promotion as S.M. Gr. 550-750

prior to re-structuring promotion of ASM/SM Gr.s.455-700 were made on pro-rata basis to the post of SM Gr.550-750. Since ASM gr.455-700 have more service than SM Gr.455-700 the Union suggests that for the purpose of promotion as SM gr.550-750 length of service of ASM/SM in gr.425-640 be taken into consideration.

The fact is that the prior to restructuring ASMs were 45 and SMs were 62 and thus ratio of 3:4 was being maintained. Now the strength of ASM is 235 and SMs is 21 thus there will be a ratio of 17:1 and therefore union's suggestions be accepted

It is also requested that seniority list after affecting restructuring on 1.8.82 be issued so that people may know about these further promotion position.

REPLY:

At present this Division is strictly following the provisions enunciated in the proposed channel of promotion chart of traffic staff received under HQ letter No. 757E/61-XVIII(EIB) dated 14.11.83.

Sl. 2

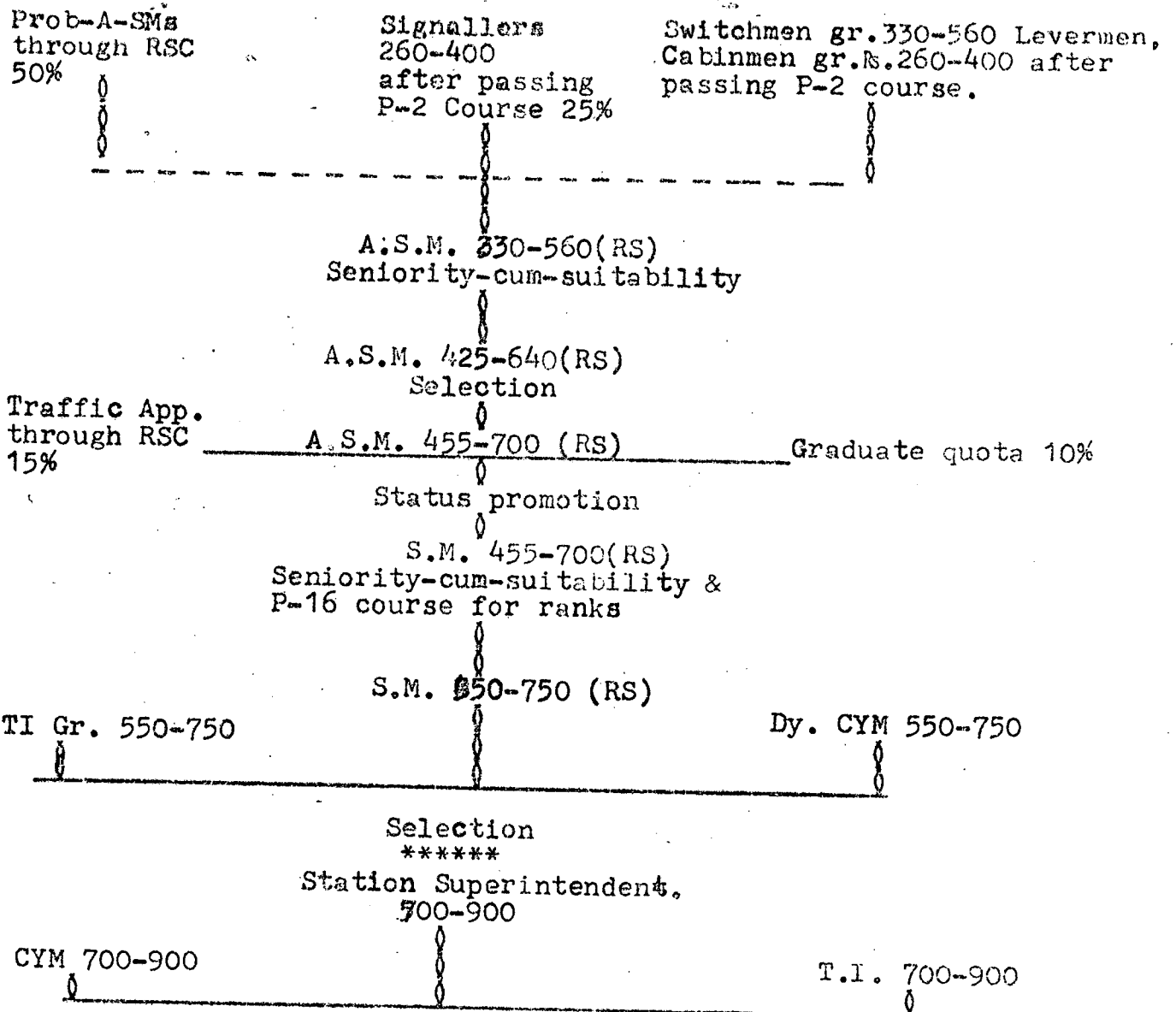
Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

Contd....

Proposed Channel of Promotion Chart of SMs/ASMs



Seniority-cum-suitability & P-16A for all except Traffic App.

SS	Gr.	840-1040
TI	Gr.	840-1040
CYM	Gr.	840-1040

sl/Deed

Attested/True Copy

Final.

L. P. Shukla

L. P. SHUKLA
Advocate

ANNEXURE - 12

GM PNM ITEM NO. 204/88

Sub: Unlawful promotion to Station Masters Grade 1600-2660 vide DRM's letter No. 940E/5-1/SM/87 dated 10.4.87 in Lucknow Division.

An objection was raised against out of turn and unlawful promotion of persons selected in graduate quota under S.No.s 20 to 25 in promotion L/No. 940E/5-1/SM-87 dt. 10.4.87 vide item No. 87 of 73rd DRM/PNM held on 23.6.87, on the basis of their seniority in restructuring panel which was formed on a later date on 27.9.83 superceding those who were born on restructuring panel of 1.8.82.

The reply given by DRM/LKO in the light of HQrs letter No. 757E/85-V-II-4(EIB) dt. 28.8.84 stating that those promoted vide letter No. 940E/5-1/SM-87 dated 10.4.87 as S.M. in grade Rs. 1600-2660(R)S were working as Station Master Gr. Rs. 455-700 (Panel formed on 27.8.83) were due seniority from 1979 since the vacancy existed from 1979 and therefore no decision against Hqr. orders could be given by Divl. Rly. Manager. The reply of DRM is not convincing on the following grounds:-

The avenue of promotion of SM/ASM is as under :-
A.S.N. (330-560)

SM (425-640)

ASM 425-640)

455-700 (By selection)

SM (455-700)

ASM (455-700)

75% Ranker

75% Ranker

10% Graduate quota

10% graduate quota

15% RTA

15% RTA

SM (550-750)

By seniority on priorata basis

(700-900) SS by selection.

The above channel reveals that for promotion of SM grade 550-750 seniority in gr. 455-700 is the determining factor.

PARA 314 of E.M. states as under:-

"In selection posts the seniority of the employees is determined according to the merit on the panel. The employees selection in the earlier panel will be considered, senior to those born on subsequent panels, even though the later may be continuously offtg. in the selection post as a local arrangement from a date ~~prior~~ prior to the date of promotion of the former or the later may be substantively senior to the former"

It is surprising that in Lucknow Division those empanelled on 27.9.83 have been made senior to those born on panel on 1.8.82.

s/deet
Attested True Copy

L. P. SHUKLA
Advocate

....2/-

(2)

The contention of HQrs letter No. 757E/85-V-1P-1st (EIB) dated 28.8.84 under the pretext of which this unlawful promotion is given is that those selection vide Any graduate quota may be adjusted against the posts of Station Master(455-700) available from 1979. It does not mention anywhere that those selected as S.M.(455-700) will rank senior to those panelled as ASM/CNL/AYM (45-700) since it is a combined seniority post. Further para 321 of E.M. may be consulted which states as under:-

" When a post(selection as well as non-selection) is filled by considering staff of different seniority units the total length of continuous service in the same or equivalent grade held by the employees shall be the determining factor without, however, disturbing the inter-se-seniority of staff belonging to the same seniority unit."

The channel of promotion clearly shows that grade (550-750) non-selection is to be filled from different seniority units of 455-700 but the administration disturbed the inter-se-seniority by promoting the persons of later panel working as S.M. over those born on former panel but working as ASM in the same grade, thus the spirit of this rule has been disregarded.

The contention of the administration that those selected on the panel of graduate quota on 27.9.83 were due seniority from 1979 as the vacancy existed since 1979 is absolutely wrong as the seniority is assigned from the date of selection and not from the date from which the vacancy existed, (Railway Board's decision may kindly be read in this light).

It is also regretted that the calculation of the posts for 10% graduate quota as SM is also wrong and is in excess of the vacancies that occurs this effect the prospects of promotion of the rankers.

This issue was realised in the Divisional FNM but the Unions contention was not accepted.

It is therefore urged that persons promoted in grade 1600-2660(RPS)(old grade 550-750) vide DRM/LKO letter No.940E/5-1/SM-87 dated 10.4.87 from S.No.20 to 25 by ~~xxxxxxx~~ reverted so that senior-most persons may not be slaughtered due to their unlawful promotion.

Sh. Dever

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

GM/PNM Item
No.204/88

Unlawful promotion to station Master's Grade Rs. 1600-2660 vide DRM's letter No.940E/5-1/SM/87 dated 10.4.77 in Lucknow Division.

Necessary instructions have been issued to DRM/LKO to take action in terms of the instructions contained in para 302 of the Indian Railway Establishment.

.....

Manual, Second Edition according which the seniority of the staff in the categories of posts partially filled by direct recruitment and partially filled by promotion, criterion for determination of seniority is the date of joining the working post in the case of direct recruitment and date of promotion in the case of promoted.

Accordinglyⁱⁿ the present case of Station Masters DRM/LKO has been advised that the seniority of the Station Masters should be determined from the date they joined the working post after completion of their training which has not been done by his division.

The Union pointed out that prior to restructuring viz. 1.8.89 ASM Gr. Rs. 455-700 were given promotion on pro-rata basis in Lucknow Division. There was a ratio of 4:3 i.e. 4 SM and 3 ASMs in grade Rs. 455-700(RS) After restructuring this ratio became 1:16 which has not been followed even through channel of promotion has not been reversed. All those promoted in excess of their quota after 1.8.82 be reverted & the ratio of 1:16 referred to above be strictly maintained. Persons have been wrongly promoted in this manner as ASMs and they have also been promoted as TIs. This may be examined. (Implementation)

Adreed

Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

NORTHERN RAILWAY

No:522/E/64/IX/EIB

Headquarter's Office,
Baroda House,
N. Delhi.

Dt. 15.9.89.

The Divl. Railway Manager,
Northern Railway,
Bucknow.

Sub:- Item No.204/88 of GM's PNM with NRMH

Ref:- Your letter No.757-E/5-1/GM-YM/Channel of
promotion, dated 17.7.89.

It is ~~revealed~~ revealed from your letter referred to above that ASMs grade Rs. 455-700(RS) promoted on 1.8.83 under the restructuring scheme have not been assigned seniority as per instructions circulated in P.S.No.9340 where- as Station Master grade 455-700(RS) empaneled against 10% graduate quota on 27.9.83 and joined in 1984 have been assigned seniority above those ASMs promoted against restructuring of cadre.

This action of Division is not correct because staff empaneled earlier to those empaneled subsequently.

No doubt ASMs grade Rs. 1400-2300(RPS) is a feeding cadre for SMS grade Rs. 1400-2300(RPS) but in the present case the criteria laid down in Printed Serial No.9340 and Para 302 of IREM II REVII Edition can not be ignored.

Sd/-
for General Manager (D)

Copy to SPO(Union).

Adreed

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

उत्तर रेलवे

पत्रांक: 561ई/85-367/ई3-1/183ए.

मण्डल कार्यालय/लखनऊ
दिनांक: अगस्त, 87.

R10-87

लखनऊ मण्डल पर सर्व सम्बन्धित,
लखनऊ मण्डल के सभी अधिकारी,
लखनऊ मण्डल के सभी वरिष्ठ आदमीनस्था,
कार्मिक शाखा के सभी सम्बन्धित,
मण्डल सचिव- एनओआरओएमओयू एवं यूओआरओएमओयू ।

मुद्रित क्रमांक: 9340.

=====

विषय: - ग्रुप "ग" तथा "घ" के कुछ संवर्गों की पुनर्संरचना ।

रेल मुख्यालय के पत्र संख्या पी.सी.-111/87/ए.पी.सी./1 दिनांक
13.7.87 की प्रतिलिपि जो महा प्रबन्धक, कार्मिक, उत्तर रेलवे, बड़ौदा हाउस,
नई दिल्ली, के पत्र संख्या 561/255-98 अगस्त 1 पी.सी.1 पार्ट-111, दिनांक
30.7.87 मुद्रित क्रमांक 9340 के अन्तर्गत प्रेषित है कि प्रतिलिपि उसी संवर्ग
सहित सूचना/ मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है ।

संलग्नक/ यथावेत ।

आदेश/आदेश

कृते वरिष्ठ मण्डल कार्मिक अधिकारी

उत्तर रेलवे

लखनऊ

Attested

Attested/True Copy

L. P. SHUKLA

L. P. SHUKLA

Advocate

9340

Copy to Railway Board's letter No. PC-III/87/UPG/1 dt. 13.2.87
from Dy. Director, Pay commission, Railway Board to the General
Manager, Central Railway, Bombay,

Sub: Restructuring of certain Group 'C'
and Group 'D' cadres.

Please refer to your letter No. HFB/778/PC-III/TDT(3)III
dated 29.1.87 on the above subject.

2. It has been stipulated in para 2 of the Ministry's
letter No. PC-III/80/UPG/19 dated 29.7.82 that restructuring
of cadres will be made with reference to sanction strength
as on 1st August 1983 and the staff who would be placed in
revised grades will be eligible to draw pay in higher grade
from 1.8.83 with benefit of proforma fixation from 1.8.82
and that pay of the staff promoted in the normal course to
higher grades during the period 1.8.82 and 31.7.83 will be
stepped up under the normal rules with reference to the pay of
their juniors, whose pay is fixed under these orders in view
of the circumstances explained in your letter under reply and
the position obtaining under the orders of 29.7.83 *ibid*, it
is clarified that in case of promotion arising from the above
restructuring orders, the date of entry in the grade will be
treated as 1.8.83. Accordingly, in such cases, seniority
will be assigned from 1st August 1983 and not from 1.8.82.
Action taken by your Railway is, therefore, in order.

3. Please acknowledge receipt.

...
Sd/-

Attested/True Copy

[Signature]

L. P. SHARMA
Advocate

Copy of Central Railway's letter No. HP2/778/PC-III/TDP(1)/III dated 29.1.87.

.....

Sub: Restructuring of certain Group 'C' and Group 'D' Cadres.

Ref: Ministry of Railway's letter No. PC-III/80/UPG/19 dated 29.7.83.

A reference is invited to para 2 of Ministry's letter quoted above. It has been mentioned in this letter that restructuring of the cadres will be made with reference to sanctioned cadre strength as on 1.8.83 and that the staff who would be placed in the revised grades, in terms of these orders, would be eligible to draw pay in the higher grade from 1.8.83 with the benefit of ~~proforma~~ proforma fixation from 1.8.82.

2. The question has arisen whether the seniority that is to be assigned in the restructured cadre should be assigned w.e.f. 1.8.83 or w.e.f. 1.8.82 the date from which the benefit of proforma fixation is given. This Railway has taken the view that since restructuring has been ordered with reference to the cadre strength on 1.8.83 the seniority would be assigned to the eligible staff w.e.f. 1.8.83 only in the upgraded posts, although benefit of fixation is given on proforma basis ~~retrospectively~~ retrospectively from 1.8.82, one of the recognised Unions holds the view that benefit ~~of~~ of seniority is also admissible to such employee w.e.f. 1.8.82.

3. This question has been brought into sharp focus vis-a-vis the direct recruit Traffic Apprentices who came on to working post during the period from 1.8.82 to 1.8.83, whether the direct recruits would become junior to the persons posted to the restructured post w.e.f. 1.8.83 with the benefit of proforma fixation from 1.8.82.

4. I shall be grateful if you will kindly advise whether it is the intention of the Ministry that staff who have been placed in the higher ~~grade~~ grade arising out of restructuring orders in terms of the abovementioned letter should also be given seniority from 1.8.82.

With kind regards,

Sd/-

Yours sincerely,

Sd/-

Attested/True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

(P.F. SRIVASTAVA)

ANNEXURE - 16

NORTHERN RAILWAY

JASWANT RAI
D.P.O.

Divisional Office,
Lucknow, Dt/- 11/17.7.89

D.O.No:757-E/5-1/SM-YM/Channel of Promotion.

My dear Bhggwan Das,

Sub: Item No.204/88 of GM's PNM with NRMU

Ref: GM(P) letter No.961E/101/Impl/NRMU/Pt.II/
E Union dated 31.5.89.

Kindly refer to this office D.O.letter of even no.dated 1.3.88 and 3.8.88(copy enclosed for ready reference) wherein it was ~~clearly~~ clearly indicated that the pro-rata principle was not be applied in the matter of promotion of S.M. in Gr.Rs.550-750(RS)/1600-2660(RPS) after implementing the restructuring. So far the assignment of seniority of Station Masters, borne on the panel of 10% graduate quota, is concerned they were allowed seniority as Station Master Gr.Rs.1400-2300 (RPS) from the date of joining in the cadre of Station Master in terms of para 302 of IREM. Subsequently, these SMs, who were borne on the panel of 10% graduate quota & who were protected in terms of HQ's letter No.757E/85-V-II-IV EIB dt. 28.8.84, were promoted as Station Master in gr.Rs. 550-750(RS) 1600-2660(RPS) in accordance with the provisions of proposed channel of promotional chart of SMs/ASMs received under GM(P) lette No.757-E/61-XVIII EIB dt.14.11.83. The Avc which was invogue prior to the receipt of restructuring was found to be unworkable in view of the fact that the feeder post for the post of Station Master in Gr.Rs.455-700(RS) was abolished in the cadre of restructuring. Further more, the surplus Station Masters of Gr.Rs.425-640(RS) were also to be protected as Station Master in grade Rs.455-700(RS) interms of instructions contained under GM(P) letter No.757-E/85-V-II-EIB dated 9.3.84. There would have been serious violation of natural justice of pro-rata would have been made applicable in order to regulate the promotion of Station Master in grade 550-750(RS)/1600-2660 (RPS). The elaborate reply and illustrations cited under this office letter of even no. dated 1.3.88 will explicitly ~~xxx~~ ~~xxxxx~~ reveal that prorata principle was not at all to be given effect for filling up the vacancy of Station Master Gr.550-750 (RS) from 2.8.83 & on wards. It is also worthwhile to reiterate that provisions of proposed promotional chart, which was receive under letter No.dt.14.11.83, was followed with the consent of Divl.Secy.NRMU under their item No.289/68th of Divl,PNM meeting. In the light of aforementioned factual position, the comments on each para of minutes recorded under item No.204/88 on 21/22.4.89 are furnished below:-

Para 1. In the restructuring of Station Masters/Asstt.Station Masters which was made effective from 1.8.83, two alternatives were available under Bd's letter dt.29.7.83 Since the cadre of SM/ASM, on this Zonal Railway, was separte, this Rly.Admn.had preferred to choose a lotentive .

Attested/True Copy

[Signature]

L. P. S. Advocate

....2/-

(2)

Resultantly, the posts of Station Master in Grade 425-640(RS) ^{sl 9/88} was abolished. The surplus SMS of grade Rs. 425-640(RS) who were sufficiently senior to the existing ASMs of Gr. Rs. 425-640(RS) were placed on the panel of ASM grade Rs. 455-700(RS) & were assigned seniority over existing ASMs of Gr. Rs. 425-640(RS). This fact can be verified from the Annexure-1 of this office letter of even no. dt. 1.3.88. This action of this office was automatically legalised with the issue of GM(P)'s letter No. dated 9.3.84. Accordingly, these protected SMS of Gr. 425-640(RS) who were brought on the panel of ASM in Gr. Rs. 455-700(RS) were promoted as Station Master in Gr. Rs. 455-700(RS) after 2.8.83 & onward. This even/situation had, in fact, precluded this Railway admn. for resorting to the pro-rata principle. Besides this office, HQ's office too had visualised the repercussions & accordingly the proposed channel of promotional chart dated 14.11.83 was evolved and as such the pro rata principle became redundant. Moreover, the Divl. Secy. NRMU had also treated item No. 289 of 68th PNM as final, which was in connection with the application of pro rata principle. It is, therefore incorrect to say that the cadre of ASM/SM in grade Rs. 455-700(RS) was combined.

Para 2 It is absolutely incorrect to say that after restructuring the lowest grade of SM namely Gr. Rs. 425-640(RS) & 455-700(RS) were merged with ASMs Gr. Rs. 455-700(RS). In fact only SMS grade 425-640(RS) was abolished & the existing grade of ASMs/SMs i.e. grade Rs. 455-700(RS) had been keeping separate identity. This situation is still available.

Para 3 This has already been explained under forgoing para 1. In this connection Annexure 1 & 2 and citation given under this office letter of even no. dt. 1.3.88 may kindly be connected.

It is being mentioned repeatedly that the staff borne on the panel of SM in gr. 455-700(RS), against 10% Graduate quota, was assigned seniority from the date of joining the working post in terms of Para 302 of IREM. And as such, these SMS cannot be placed below the ASM of grade Rs. 455-700(RS) - owing to the fact that both the cadres viz SM/ASM in grade Rs. 455-700(RS) | 1400-2300 (RPS) are separate. In the revised Avc, received under GM(P) letter No. dated 22.7.88, ASMs of grade Rs. 1400-2300(RPS) have been shown as feeder post for the post of SM in grade Rs. 1400-2300(RPS).

With regards,

Yours sincerely,

Sd/-

(Jaswant Rai)

Attested/True Copy

[Signature]

L. P. S. S. S.

Advocate

ANNEXURE-17

Extract of Opening speech Item No.38 of GM's PNM with the URMU held at Headquarters Office on 6/7.6.88. Minutes circulated through letter No.961-E/101/O/NRMU/88/Op.Sp. dated 26.8.88.

"Shri P.N.Sharma, General Secretary of the URMU draw attention of the GM to item No. 29(Review Item No.204/88) of the NRMU PNM Meeting held on 22/23.4.88 and pointed out that such a policy case can only be discussed in a Joint Meeting with both the Unions and no one sided decision is acceptable to this Union and the staff working in Lucknow Division. In case any one sided decision is taken, it will disturb the status quo and cause court case.

The Union was informed that no decision one sided or ex-parte in the case has been taken and that the DRM/LKO has been asked to examine the particulars of the case given by the NRMU in its agenda.

The URMU pointed out that the NRMU have concealed the actual facts and misrepresented the whole affair. The NRMU had raised this issue before the DRM/LKO in the Division PNM Meeting i.e. the proper forum on 29/30.5.86 when the entire issue was discussed and their plea was rejected at that time, they felt satisfied. Again realised the Divl.PNM Meeting at Lucknow on 23.7.87, but failed in convince the DRM/LKO division.

All the facts therefore concealed before you is the PNM meeting at your level.

This Union, therefore, urged upon the GM/N.Rly., that this matter should either be discussed in the joint meeting with both the Unions or that no one sided decision be taken without discussing the matter with this union.

Stacey

Attested/True Copy

Verdunjit Mehta

L. P. SHUKLA
Advocate

ANNEXURE-18

Northern Railway,
Divisional Office,
Lucknow.

No: 961E/TU/Pt.IV/85.
Dated: 28.4.86

All Branch Officers of Lucknow Division
APO(I), APO(II), APO(G), APO(Spl.)
SE-I, II-III, IV, V, VI,
Divisional Secretary, NRMU, URMU.

Sub: Decisions of PNM Meetings.

.....

A copy of GM(P)'s letter No.961E/65-XI/Union dated 4.4.86 with a copy of letter dated 7.6.84, as mentioned in the letter, is forwarded for your necessary action.

The instructions contained in ~~the~~ the letter should be strictly followed.

Sd/-
(ASLAM MAHMUD)
for Divisional Railway Manager,
Northern Railway, Lucknow.

Advee

Attested/True Copy

Verdhaman

L. P. SHU
Advocate

Copy of Dy.CPO(U)'s letter No.961E/101/P/393/84/NRMU/E.Union dated 7.6.1984 to DRM/DLI & others.

.....
Reg: Decisions of the PNM meetings.

^{consultation}
In continuation with the General ~~Manag~~ Secretaries of both the recognised Unions it has been decided that the decisions taken at the PNM meetings and negotiations under PNM with any of the recognised Union, will be implemented forthwith. In case any objection is received from the other Union, the decision already taken will not be pending or stayed but the objections as received will be investigated at the administrative level and in case it is found that there is any strength in the counter arguments and the decision already taken deserves to be modified then the joint meeting with both the recognised unions will be arranged and in case a joint decision is arrived at, the same will be implemented otherwise Administration's decision will be taken at the GM's level.

Likewise policy will be followed in case of the PNM meetings held at Divisional level. So far as Divisional PNMs are concerned the final decision will be taken by DRM's. In case any Union is aggrieved of this decision they can raise the issue in the PNM meeting at the GM's level.

.....
Copy of (GM/P)'s letter No.961E/65-XI/Union 4.4.86 to DRM/DLI & others.

Reg: As above.

Attention is invited to this office letter No.961E/101/P/393/84 NRMU/E.Union dated 7.6.84 wherein it was advised that the decision taken at the PNM meeting and negotiations with PNM with any of the recognised Union, will be implemented forthwith. In case any objection is received from the other Union, the decision already taken will not be pending or stayed but the objections as received will be investigated at the administrative level counter arguments and the decision already taken deserves to be modified then the joint meeting with both the recognised unions will be arranged and in case the joint decision is arrived at, the same will be implemented otherwise Administration's decision will be taken at the GM's level.

It was also stated therein that likewise policy will be followed in case of the PNM meeting held at Divisional level, So far as Divisional PNMs are concerned the final decision will be taken by DRMs. In case any Union is aggrieved of this decision they can raise the issue in the PNM meeting at the GM's level. It has been complained ~~that~~ by the Union that the above decision which was taken in consultation with both the recognised Unions is not being implemented on some of the Divl. Office due to which complications arise at later stage.

It is reiterated that the above instructions may please be strictly followed in all such cases.

S. D. Reddy
.....
Attested/True Copy

[Signature]

L. A. Advocate

NORTHERN RAILWAY

No.757E/5-1/SM-YM/Channel of
promotionDivisional office,
Lucknow; Dt. 26/12/89

1. Sri M.S. Usmani, Ex.TI/LKO presently working in IRAQ through RITES.
2. " S.J. Singh, Ex.SM/LKO --- do ---
3. " Rathakar Pandey, Ex.SM/JIL --- do ---
4. " R.P. Singh, RGSN/SLN
5. " J.R. Mauriya, SM/JLL
6. " S.S. Singh, SM/DELO
7. " D.K. Kharey, SM/HCP
8. " G.P. Srivastava, SM/LKO
9. " Jawed Ahmad, SM/BSB
10. " A.K. Singh, SM/LKO
11. " Parvez Ahmad, TI/RBL

Sub: Reversion from the post of Station Master/
T.I. in grade Rs. 1600-2660(RPS) to Asstt.
Station Master Gr. Rs. 1400-2300(RPS),
.....

Consequent on the decision taken under General Manager's P.N.M. with the NRMU under agenda item No.204/88 and decision communicated by GM(P), N.Railway under letter No. 522-E/64-IX EIB dated 15.9.89, it has been decided to revert you from the post of S.M./T.I. Gr. Rs. 1600-2660(RPS) to the post of Asstt. Station Master Gr. Rs.1400-2300(RPS). Accordingly, you will be fitted in the category of ASM in Gr. Rs.1400-2300(RPS) below all the ASMs who were empanelled as ASM on 1.8.83, in grade Rs.455-700(RS)/1400-2300(RPS).

You are, therefore, given one month's time from the date of the issue of the letter to submit your representation if any, in support of your claim.

In case, no representation is received from you within the stipulated time limit, it will be presumed that you have nothing to say against your reversion and decision will be termed as FINAL.

for Sr. Divisional Personnel Officer,
N.Rly./Lucknow.

Stated

Advocate

L.P.

Advocate

In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

OA 28 of 1990

D.K. Khare and others

Applicants

Versus

Union of India and others

Respondents

Reply on behalf of Respondents No. 2 and 3.

Para I: That the contents of paragraph I is not denied.

Para II: That the contents of paragraph II are not denied.

Para III: That the contents of paragraph III need no reply.

Para IV: That the contents of paragraph IV need no reply.

Para V: That the contents of paragraph V needs no reply.

Para VI:1: That the contents of paragraph VI(1) of the application are admitted.

Para VI(2): That in reply to the para VI(2) of the application, it is stated that 10% annual vacancies were to be kept reserved in all the five streams namely station master, Asstt. Station Master, Asst. Yard Master, Traffic Inspector and Section Controller in Grade Rs. 425-700 (RS)/1400-2300/470-750 (RS)/1400-1600.

F.T.
24-11-90
[Signature]

उत्तर प्रदेश सरकार
उत्तर प्रदेश सरकार

as per requirement of channel of promotional chart. It is further submitted that Annexure No.1 of the application was subsequently modified in so far as the promotion for the post of Station Master in gr. Rs. 550-700(RS)/1600-2660 (RPS) was concerned.

Para VI(3) That the contents of paragraphs VI(3) ~~of~~ to(8) ~~thata~~ to VI(8) of the application are not disputed.

Para VI(9) That the contents of paragraph VI(9) of the application are denied. The Annexure 13 of the application is not the final minutes in respect of item no, 204/88 of General Manager's Permanent Negotiating Machinery meeting with the Northern Railway Men's Union.

Para VI(10) That in reply to the contents of paragraph VI(10) of the application it is stated that final decision was taken by General Manager (Personal) Northern Railway vide letter dated 13.9.'89 (Annexure 14 to the application). This decision was taken under item No. 204/88 of General Manager's Permanent Negotiating Machinery meeting with Northern Railway Mens Union after due deliberations across the table.



सह-प्रमुख
उत्तर प्रदेश

Para VI(11): That in reply to the contents of paragraph VI(11) of the application, it is stated that the applicants were reverted as Asst. Station Master in Grade Rs. 1400-2300(RPS) vide Annexure No. 19 to the application which was issued in compliance to the General Manager's (Personal) letter dated 15.9.'89 (Annexure No. 14 to the application).

Para VI(12): That in reply to the contents of paragraph VI(12) of the application, it is stated that Annexure 11 to the application were the observations of Divisional Personal Officer, Lucknow but the final decision in the matter was taken by General Manager(P) as the union had talked the matter at General Manager level under item 204/88.

Para VI(13): That in reply to the contents of paragraph VI(13) of the application, it is stated that the decision taken by the General Manager (Personal) as communicated by letter dated 15.9.'89 (Annexure No. 14 to the application) were taken after giving full consideration of the facts.

✓ 


सहायक प्रमुख, प्रशासन
राजस्थान विद्युत निगम लि.
जयपुर

Para VI(14): That in reply to the contents of para VI(14) of the application, it is stated that the General Manager (Personnel) had taken decision keeping in view the facts of the case.

Para VI(15): That in reply to the contents of para VI(15) of the application, it is stated that Annexure 15 to the application is the policy decision formulated by the General Manager (P) Northern Railway New Delhi. It is further stated that the decision taken under GM's P.N.M. is not violative of article 14 and 16 of the Constitution of India. The decision was taken in P.N.M. meeting after the due deliberation and the proceedings of these meeting were not confidential.

Para VI(16): That in reply to the contents of para VI(16) of the application, it is stated that Annexure 19 to the application is the outcome of decision taken under G.M.'s P.N.M. meeting under item 204/88.

Para VI(17): That in reply to the contents of para VI(17) of the application, it is stated that the decision to revert can neither be called violative of Article 311(2) of the Constitution of India, nor can be termed as discriminatory or violative of natural justice.



5

Para VI(18): That in reply to the contents of para VI(18) of the application, it is stated that the specific decision were taken under GM' P.N.M. regarding seniority of Station Master and as such only the Station Masters were reverted.

Para VI(19): That in reply to the contents of para VI(19) of the application, it is stated that the petitioners have been given one months time to represent their cases in order to give them reasonable opportunity.

None of the grounds taken in the application are tenable under law.

Para VII: As already stated above, the petitioners were given one month time to represent but they did not avail ~~themselves~~ of the said remedy, hence the present application without exhausting the remedy, is not maintainable.

Para VIII Needs no reply.

Para IX: The petitioners are not entitled to any of the reliefs claimed and the application is liable to be dismissed with costs.



Para X: As already stated above the application itself is liable to be dismissed, the petitioners are not entitled to any interim relief.

Para XI: Needs no reply.

Para XII: Needs no reply.

Lucknow

dated:



Respondents.

Verification.

I, P. N. Tripathi working as APO in Northern Railway Lucknow do hereby verify that the contents of paragraph I to XII are based on ~~material~~ material available from record which is believed to be true.

Signed and verified this day of
at Hazratganj Lucknow.



Respondent-

For the Respondent
[Signature]

In the Control Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

OA 23 of 1990

D.K. Khare and others

Applicants

VERSUS

Union of India and others

Respondents

Reply on behalf of Respondents No. 2 and 3.

Para I: That the contents of paragraph I is not denied.

Para II: That the contents of paragraph II are not denied.

Para III: That the contents of paragraph III need no reply.

Para IV: That the contents of paragraph IV need no reply.

Para V: That the contents of paragraph V needs no reply.

Para VI: 1: That the contents of paragraph VI(1) of the application are admitted.

Para VI(2): That in reply to the para VI(2) of the application, it is stated that 10% annual vacancies were to kept reserved in all the five stream namely station master, Asst. Station Master, Asst. Yard Master, Traffic Inspector and Section Controller in Grade Rs. 425-700 (RS)/1400-2300/470-750(RS)/1400-1600.

सहायक अधिवक्ता

as per requirement of channel of promotional chart. It is further submitted that Annexure No.1 of the application was subsequently modified in so far as the promotion for the post of Station Master in gr. RO. 550-700(RS)/1600-2560 (RPS) was concerned.

Para VI(3) That the contents of paragraph VI(3) of to(0) ~~is~~ to VI(0) of the application are not disputed.

Para VI(9) That the contents of paragraph VI(9) of the application are denied. The Annexure 13 of the application is not the final minutes in respect of item No. 204/88 of General Manager's Permanent Negotiating Machinery meeting with the Northern Railway Men's Union.

Para VI(10) That in reply to the contents of paragraph VI(10) of the application it is stated that final decision was taken by General Manager (Personnel) Northern Railway vide letter dated 13.9.'89 (Annexure 14 to the application). This decision was taken under item No. 204/88 of General Manager's Permanent Negotiating Machinery meeting with Northern Railway Men's Union after due deliberations across the table.



For the General Manager

Para VI(11): That in reply to the contents of paragraph VI(11) of the application, it is stated that the applicants were reverted as Asst. Station Master in Grade Bd. 1400-2300(RPS) vide Annexure No. 19 to the application which was issued in compliance to the General Manager's (Personnel) letter dated 15.9.'89 (Annexure No. 14 to the application).

Para VI(12): That in reply to the contents of paragraph VI(12) of the application, it is stated that Annexure 11 to the application were the observations of Divisional Personnel Officer Lucknow but the final decision in the matter was taken by General Manager(P) as the union had tabled the matter at General Manager level under item 204/80.

Para VI(13): That in reply to the contents of paragraph VI(13) of the application, it is stated that the decision taken by the General Manager (Personnel) as communicated by letter dated 15.9.'89 (Annexure No. 14 to the application) were taken after giving full consideration of the facts.




STATION MASTER

Para VI(14): That in reply to the contents of Para VI(14) of the application, it is stated that the General Manager (Personnel) had taken decision keeping in view the facts of the case.

Para VI(15): That in reply to the contents of Para VI(15) of the application, it is stated that Annexure 15 to the application is the policy decision formulated by the General Manager (P) Northern Railway New Delhi. It is further stated that the decision taken under G.M.'s P.N.M. is not violative of Article 14 and 16 of the Constitution of India. The decision was taken in P.N.M. meeting after the due deliberation and the proceedings of those meeting were not confidential.

Para VI(16): That in reply to the contents of Para VI(16) of the application, it is stated that Annexure 19 to the application is the outcome of decision taken under G.M.'s P.N.M. meeting under item 294/88.

Para VI(17): That in reply to the contents of Para VI(17) of the application, it is stated that the decision to revert can neither be called violative of Article 311(2) of the Constitution of India, nor can be termed as discriminatory or violative of Natural Justice.



Para VI(18): That in reply to the contents of para VI(18) of the application, it is stated that the specific decision were taken under GM' P.H.M. regarding seniority of Station Master and as such only the Station Masters were reported.

Para VI(19): That in reply to the contents of
para VI(19) of the application, it is
stated that the petitioners have been
given one month's time to represent
their case in order to give them
reasonable opportunity.
None of the grounds taken in the
application are tenable under law.

Para VII: As already stated above, the petitioners were given one month time to represent but they did not avail of the said remedy, hence the present application without exhausting the remedy, is not maintainable.

Para VIII Needs no reply.

Para IX: The petitioners are not entitled to any of the reliefs claimed and the application is liable to be dismissed with costs.

Para Ks

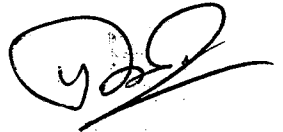
As already stated above the application itself is liable to be dismissed, the petitioners are not entitled to any interim relief.

Para XI: Needs no reply.

Para XII: Needs no reply.

Lucknow

Encls



Respondents.

(उत्तर प्रदेश सरकार)

उत्तर प्रदेश, लखनऊ

Verification.

To

Northorn Railway Lucknow do hereby verify that the contents of paragraph I to XII are based on material available from record which is believed to be true.

Signed and verified this day of
at Lucknow.



Respondent

सहायक सचिव, उत्तर प्रदेश

उत्तर प्रदेश, लखनऊ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

Circuit Bench, Lucknow

Civil Misc. Application No. 593 of 1990(L)



1. Bharat Raj Singh aged about 52 years, son of Sri R.S. Singh, Station Master, Shandrauli, P.O. Barabanki.
2. Rai Hari Har Prasad, aged about 48 years, son of late Norad Rai Asstt. Station Master, resident of Northern Railway, Varanasi.
3. Prithi Raj Singh, aged about 50 years, son of Sri Hanoman Singh, Station Mater, Jaunpur City, P.O. Jaunpur Kachhri, Distt. Jaunpur.
4. Rajendra Singh, aged about 48 years, son of Sri Seetal Singh Asstt. Station Master, Northern Railway, Mohalla near Station, Allahabad.

-----Applicant Opp. Parties
No. 4 to 7

In re

F.F. 7-12-90

Misc. Application No. 540 of 1990 (L)

In re.

O .A . No. 28 of 1990 (L)

D.K. Khare and others

----- Applicant

Versus

Union of India and others.

--- Respondent

- - - 2/-

P.T.
540
1379

Application for early hearing of stay Vacation
Application

The applicant respondent Nos 4 to 7 most humbly and respectfully submit as under :-

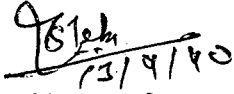
1. That the applicants have moved on 30-1-1990 O.S. No. 28 of 1990 without impleading the present applicants as parties and this Hon'ble Tribunal has pleased to stay the operation of the impugned order dated 26-12-1989 contained in Annexure 19 of the application.
2. That the present applicants on 28-3-1990 moved an application for impleadment in the original application which has been allowed by this Hon'ble Tribunal and applicants were directed to implead the present applicants as respondent No. 3 to 7 in the original application.
3. That on 24-8-90 the present applicants respondent filed No. 4 to 7 have ~~filed~~ their Counter Affidavit alongwith an Civil Misc. Application No. 540 of 1990 is for vacation of exparte stay order dated 30-1-1990.
- 4- That the next date of hearing is fixed on 7 -12-1990 and the respondent No. 4 to 7 are suffering irreparable injury and their seniority has been directly effected by the exparte stay order dated 30-1-1990.
5. That it is expedient in the interest of justice that the Misc. Civil application No. 540 of 1990 (D) for

stay vacation be listed on an early possible date for hearing.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal be pleased to fix an early date for hearing of stay vacation application No. 540 of 1990 (L).

The respondents shall ever pray for this act of kindness.


(J.S. Mehra)

Counsel for applicants - respondent
No. 4 to 7

Lucknow

Dated 13-9-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

MISC. APPLICATION NO.

M. P. No. 540/90 (2)
OF 1990 (L)



1. Bharat Raj Singh, aged about 52 years, son of Sri R.S. Singh, Station Master, Chhandraul, Post Office Milwal, Barabanki.
2. Rai Harihar Prasad, aged about 48 years, Asstt. Station Master, son of Late Harad Rai, resident of Northern Railway, Varanasi.
3. Prithvi Raj Singh, aged about 50 years, son of Sri Hanuman Singh, Station Master, Jaunpur City, P.O. Jaunpur Kacheri, District Jaunpur.
4. Rajendra Singh, aged about 48 years, son of Sri Seetal Singh, Asstt. Station Master, Northern Railway, Phaphamau Station, Phaphamau, Allahabad.

.....Applicants/Opposite Parties
No. 4 to 7.

In re :

O.A. No. : 28 of 1990 (L)

D.K. Khare and others

..... Applicants

vs.

Union of India and others

..... Respondents

L.F. 7-12-90

APPLICATION FOR STAY VACATION

The applicants - opposite parties No. 4 to 7 most respectfully pray that for the facts, reasons and circumstances stated in the accompanying affidavit the Hon'ble tribunal may be pleased to vacate the ex-parte stay order dated 30.1.1990.

Lucknow :

Dated : 27.8.1990

(P.S. Mehra)
Advocate

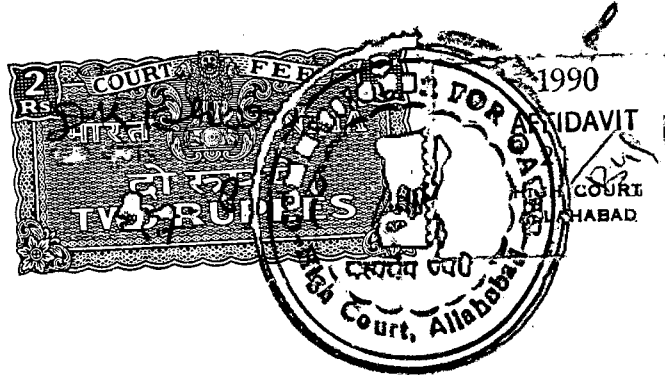
Counsel for the Opposite Parties
No. 4 to 7

*Filed today
540/90
30/8*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

O.A. No. : 28 OF 1990 (L)



D.K. Khare and others Applicants

Versus

Union of India and others Respondents

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENTS NO. 4 TO 7

I, Prithvi Raj Singh, aged about 50 years, son of Sri Hanuman Singh, Station Master, Jaunpur City, Post Office Jaunpur Kacheri, District Jaunpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is opposite party No. 4 in the above noted Original Application and doing pairvi on behalf of Respondents No. 5, 6 and 7 and as such he is fully conversant with the facts deposed.

Before making para-wise reply to the application, the certain facts about the applicants are as under :-

Senior Divisional Personnel Officer, Northern Railway, Lucknow, Respondent No. 3 has issued Promotion Order No. 757/5/2 Sr. ASM. dated 26.11.1983 and shows the names of various station Masters and Asstt. Station Masters working in Lucknow Division of Northern Railway in the pay scale of Rs 455-700/- which has now been revised to Rs 1400 - 2300. The Promotion orders were made in restructuring of

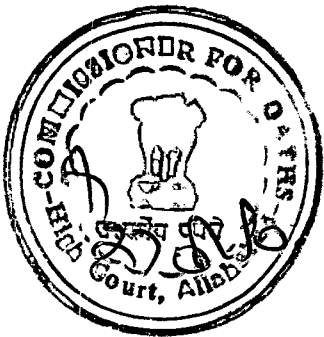


Prithvi Raj Singh

Group 'C' and 'D' cadre in compliance of Railway Board's order No. PC-III/80/UPG/19 dated 29.7.1983 fixing proform seniority from 1.8.1982 and the seniority has been given from 1.8.1983. Subsequently a dispute regarding the fixation of seniority was raised ~~wherein~~ which was settled vide printed Serial No. 9340 stating therein that restructuring of the cadre will be made with reference to sanctioned cadre strength as on 1.8.1983 and that the staff who would be placed in the revised grade, in terms of those orders, would be eligible to draw pay ~~in~~ the high-er grade from 1.8.1983 with the benefit of proforma fixation from 1.8.1982. In the said promotion order dated 26.11.1983 the name of applicant No. 5, namely, J.R. Mourya appeared at Serial No. 52 and the names of other applicants namely, D.K. Khare, Parvej Ahmad, Zabed Ahmad, R.P. Singh, G.P. Srivastava, SS Singh and A.K. Sinha did not appear in the promotion list.

The photostat copies of promotion order No. 757E/5/2 Sr. ASM. dated 26.11.1983 is Annexure D-1 and Railway Board's order No. P.C. III/80/UPG/19 dated 29.7.1983 is Annexure D-2 and Printed serial No. 9340 issued vide letter No. 561E/85-367/EB-1/183A dated 12.10.1987 is annexure D-3 to this Counter Affidavit.

The Railway Board's order dated 29.7.1983 (Annexure D-2) clearly states in para 3.2 that for the purpose of promotion the existing selection procedure will stand modified to the extent that the selection will be based only on scrutiny of service records without holding any written or viva voice tests and under this procedure the catetory of "outstanding" i.e. 10% graduate quota



Prithvi Raj Singh

will not arise. The order ~~xxxxxx~~ is clear in itself. But the Divisional Personnel Officer, Lucknow, in violation of Railway Board's aforesaid order invited applications from the 'Non-ministerial transportation Class III' staff who were graduates vide his letter dated 31.7.1982 (Annexure 2 to the application) and formed a provisional panel vide his letter dated 27.9.1983 (Annexure 3 to the application).

The Railway Board's order dated 29.7.1983 further states that whenever in terms of the revised classification the posts which were hitherto classified as 'selection' are now to be treated as 'Non-selection' posts. The unoperated part of any panel prepared for such posts as on 1.8.1983 will lapse and the posts will be filled according to the changed classification. However, in those cases where selections have already been finalised and promotions also made on or before 31st July, 1983, such selected and promoted persons shall rank senior to the persons selected and promoted according to the provisions of the Board's order. But the opposite party No. 3 has arbitrarily formed provisional panel after 31st July, 1983 i.e. on 27.9.1983 much later than the prescribed period for selections and promotion.

Thus, the panel dated 27.9.1983 consisting of 10 candidates is virtually incorrect and in violation of Railway Board's order dated 29.7.1983.

The Senior Divisional Personnel Officer, Northern Railway, Lucknow, opposite party No. 3 has arbitrarily placed all 10% Graduate cadre promotees in the cadre of Station Masters having pay scales of Rs 455 - 700 though the 10% Graduate quota cadre was to be placed in the cadre of Assistant Station Master (Rs 455-700), Section Controller (Rs 470 - 750)



Prithvi Raj Singh

Traffic Inspector (Rs 455 - 700) and Asstt. Yard Master (Rs 455 - 700) (Annexure 1). The panel was formed after 1.8.1983 and the strength of Asstt. Station Masters was 335 and the strength of Station Masters was only 13, but the 10% Graduate Quota's promotees were not placed in the cadre of Assistant Station Masters though there was a large number of vacancy. They were placed in the cadre of Station Masters (Grade Rs 455 - 700) (now revised to Rs 1400 - 2300) with a sole object to give them benefit of further promotion to the post of station masters in Grade of Rs 550 - 750 which has now been revised to Rs 1600 - 2660.

All the applicants were placed in the Station Master Cadre in violation of provisions of para 302 of Railway Establishment Manual II Edition in which it is provided that the interse seniority will be maintained according to the date of promotion in case of promotees and date of joining the cadre in case of direct recruits which has not been followed.

The Northern Railwaymen's Union made a representation on 6.6.1989 against the unlawful promotion of Station Masters in the Grade of Rs 1600 - 2600 stating therein that all the direct whose panel was formed on 27.9.1983 should be placed below all station masters/Asstt. Station Masters Grade Rs 455 - 700 who were promoted as such with effect from 1.8.1983 for the benefit of proforma seniority from 1.8.1982. The date of joining of applicants No. 1 to 8 is as under :-

<u>Name of applicant</u>	<u>Date of joining</u>
1. D.K. Khare	2.12.1984
2. Parvej Ahmad	26.8.1985
3. Javed Ahmad	28.6.1985

.....5



for Raj Singh

<u>Name of applicant</u>	<u>Date of joining</u>
4. R.P. Singh	27.11.1984
5. J.R. Mourya	3.12.1984
6. G.P. Srivastava	3/12.1984
7. S.S. Singh	9.12.1984
8. A.K. Sinha	27.6.1985

Thus, the General Manager (Personnel) New Delhi vide his letter dated 15.9.1989 (Annexure 14) has rightly hold that the action of Divisional Railway Manager, Northern Railway Lucknow, Opposite party No. 3 is not correct and decided to revert the applicants from the posts of Station Master Grade Rs 1600 - 2660 to the post of Assistant Station Master Grade Rs 1400 - 2300 below all the Assistant Station Masters who were empanelled as Assistant Station Master on 1.8.1983 in the Grade of Rs 1400 - 2300 (Annexure 19 to the application). The applicants were given one month's time from the date of issue of the letter to submit their representations. But the applicants instead of moving representation to the Railway authority chooses to file the present application without exhausting the departmental remedies.

The photostat copy of Northern Railwaymen's union's representation dated 6.6.1989 is Annexure D-4 to this Counter affidavit.

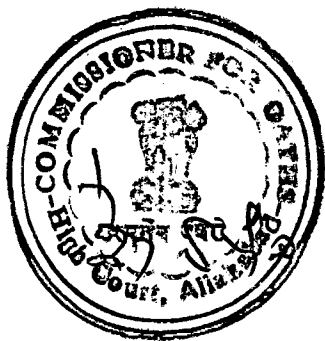
Thus, the letter dated 15.9.1989 contained in Annexure 14 and letter dated 26.12.1989 contained in Annexure 19 have been rightly passed by opposite parties No. 1 and 3 respectively. The present application, is, thus, premature and deserves to be dismissed on this sole ground that the applicants have not exhausted the departmental remedy available to them.



R.P. Singh

PARA WISE REPLY

- I. That the contents of para I of the application need no reply.
- II. That in reply to para II of the application it is stated that the answering Respondents are necessary parties and this Hon'ble Tribunal have rightly allowed the application for impleadment of the answering respondents in the original application as Respondent No. 4 to 8. The applicants had without impleading the answering respondents have obtained Ex-parte stay order on 30.1.1990.
- III. That the contents of para III of the application are wrong and denied. The order dated 15.9.1989 passed by the General Manager (Personnel) Northern Railway, New Delhi and order dated 26.12.1989 passed by Senior Divisional (Personnel) officer, Northern Railway, Lucknow are well maintainable and both the orders are well within the jurisdiction and have been passed after giving full opportunity of being heard to the parties concerned. It is further stated that both the orders are well maintainable and passed by the Railway authority in accordance to the provisions of para 302 of Railway Establishment Manual and the Railway Administration has issued letter No. HPR/778/PC-III/TDT (1)/III dated 29.1.1987 (Printed Serial No. 9340 and took view that since restructuring has been ordered with reference to the cadre strength on 1.8.1983, the seniority would be assigned to eligible staff with effect from 1.8.1982 only in the upgraded post although benefit of fixation is given on proforma basis retrospectively from 1.8.1982. Thus, both the



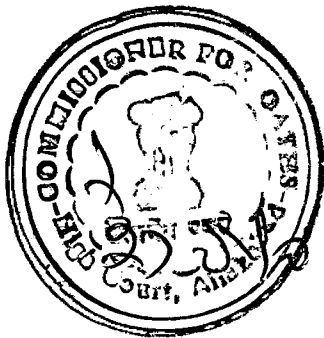
Prithvi Raj Singh

impugned order contained in Annexures 14 and 19 are well maintainable.

IV. That in answer to para 4 of the application it is stated that the application is premature as the applicants have not exhausted the departmental remedies.

V. That in reply to para V, it is submitted that the application being premature and made against a interlocutory order deserves to be rejected. The Railway Administration has been pleased to give one month's time from the date of issue of letter to submit representation, if any, in support of applicants' claim vide letter dated 26.12.1989 contained in Annexure 19 to the application.

VI.1 That the contents of para VI.1 are admitted only upto the extent of applicants' place of posting and rest of the contents are denied. The applicants were wrongly selected as Station Master in Grade Rs 455 - 700 against 10% Graduate quota as the answering respondent have already stated in the preceding paragraphs that the promotion order of the applicants were passed in violation of Railway Board's letter dated 29.7.1983 and in violation of provisions of Para 302 of Railway Establishment Manual. Thus, the promotion orders of the applicants are wholly illegal.



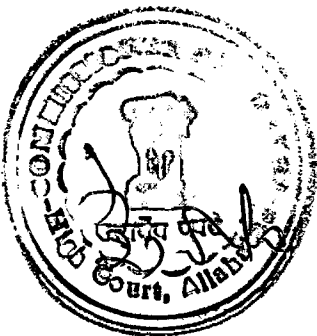
VI. 2 That in answer to para VI.2, it is stated that the channel of Promotional Chart has not been followed by the Opposite Party No. 3 and the promotion orders issued are illegal. The channel of promotion chart of Station Masters and Assistant Station Masters Appendix 'A' to Annexure 1 clearly

Prithvi Raj Singh

shows that the promotions from Station Masters Grade Rs 455 - 700 (alongwith Assistant Station Master Grade Rs 455 - 700) upto 80% shall be promoted to the post of Station Master's Grade Rs 550 - 750 on the basis of seniority cum suitability and after passing P-16 Course. But the applicants have been allowed the grade of Rs 550 - 750 without following the principle of interse seniority provided in para 302 of Railway Establishment Manual.

VI.3

That in answer to para VI.3 of the application it is stated that the provisional panel has been formed in utter disregard of the Railway Board's order dated 29.7.1983 which clearly states that the unoperated part of any panel prepared for such posts as on 1.8.1983 will lapse and the posts will be filled according to the changed classification. However, in those cases where selection has already been finalised and promotions already made on or before 31st July, 1983, such selected and promoted persons shall rank senior to the persons selected according to the provisions of the Board's orders. But the opposite party No. 3 had formed provisional panel after 31.7.1983 which is illegal and the panel dated 27.9.1983 consisting of 10 candidates is wrong and violative of Railway Board's order dated 29.7.1983.



VI.4

That in answer to para VI.4 it is stated that enlarged panel has been announced illegally and without considering the Railway Board's directions in this regard. The enlarged panel announced vide letter dated 12.8.1987 is also illegal as no such panel was allowed by the Railway Board and 4 Station Masters, namely, Ratnakar Pandey, Javed Ahmad

Prithvi Raj Singh

Parvez Ahmad and Arun Kumar Singh are much juniors than to the answering respondents as their date of joining is much later than the answering respondents' date of entry into the cadre. It is evident from the perusal of Annexure 9 to the original application that 9 Station Masters have been promoted by the order of Divisional Personnel Officer, Lucknow on 4.9.1987 but they have been illegally placed senior to the answering respondents ignoring the fact that the answering respondents are senior to them according to restructuring penal.

VI.5 That the contents of para VI.5 are wrong and denied. It is stated that since the date of joining of the applicant is much later than the entry into higher grade of the answering respondents, there is no question of applicants being senior to the answering respondents.

VI.6 That the contents of para VI.6 are wrong and denied. Chief Traffic Superintendent vide Annexure 7 has simply suggested that the channel of promotion of traffic staff should be reviewed for promotion and he further suggested that there should be no interpolation of categories in amongst the cadre. But he has no jurisdiction to change the channel of promotions. The full and final authority for change in channel is vested in General Manager Railways. The channel of promotions contained in Annexure 1 to the original application is still in force and there is no any change in the said channel of promotion charge. The promotion orders issued vide order dated 10.1.1987 (Annexure 8) are against the spirit of provisions of Para 302 of Railway Establishment Manual.



Prithvi Raj Singh

To understand the actual position of the

fixation of seniority para 302 of Railway Establishment Manual may be reproduced below :

"para 302.

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

Thus, the seniority of the answering respondents, vis-a-vis directly recruited applicants is to be drawn according to the spirit of para 302 of the Indian Railway Establishment Manual.

VI.7 That the contents of para VI.7 are misleading hence refuted. The true fact is that the proposed channel of promotion chart was not final as Northern Railwaymen's Union had agitated the matter before General Manager vide representation dated 6.6.1989 (Annexure D-4) and the General Manager has been



Prithvi Raj Singh

to issue letter No. 522/W/64/IX/WIB dated 15.9.1989 (Annexure 14 to Original Application) holding that the action of Division is not correct because staff empanelled earlier to those empanelled subsequently were placed junior and the criteria laid down in Printed Serial No. 9340 and para 302 of Indian Railway Establishment Manual cannot be ignored in fixing the seniority.

VI.8 That in reply to para VI.8 it is stated that Northern Railwaymen's Union has submitted revised letter dated 6.6.1989 superseding their earlier letter and answering respondents have already filed the said letter as Annexure D-4 to this Counter affidavit. The applicants have tried to conceal the relevant fact that Northern Railwaymen's Union has raised the issue in the Permanent Negotiation Meeting at General Manager's level and the General Manager has rightly considered the demand of the Union.

VI.9 That the contents of para VI.9 of the application are wrong, baseless and denied. It is also wrong to say that the Northern Railwaymen's Union has pressurised the Railway Administration. The decision was taken at the Permanent Negotiations Meeting after full discussions and explanations of various rules and regulations applicable thereto. The Union had agitated the matter earlier before Divisional Manager and subsequently before the General Manager well within time.

VI.10 That the contents of para VI.10 of the application are simply repetition of the earlier paras of the application hence denied. The Divisional Railway Manager has arbitrarily disallowed the Northern

Prithvi Raj Singh

Railwaymen's Union's contention which has been subsequently ratified by the General Manager. The General Manager has rightly stated in his letter contained in Annexure 14 that Assistant Station Masters in Grade Rs 455 - 700 promoted on 1.8.1983 under the restructuring scheme have not been assigned seniority as per instructions circulated in Printed Serial No. 9340 whereas Station Masters Grade Rs 455 - 700 empanelled against 10% Graduate quota on 27.9.1983 and joined in 1984 have been assigned seniority above those Assistant Station Masters promoted against restructuring of cadre and this action of Division is not correct. Thus, there is no any illegality in passing the order by the General Manager.

VI.11 That the contents of para VI.11 are misleading hence not admitted. The Printed Serial 9340 clearly says that restructuring of cadres will be made with reference to sanctioned strength as on 1.8.1983 and the staff who would be placed in revised grades will be eligible to draw pay in higher grade from 1.8.1983 with benefit of proforma fixation from 1.8.1982. According to channel of promotion the interse seniority should be maintained in according to para 302 of Indian Railway Establishment Manual.

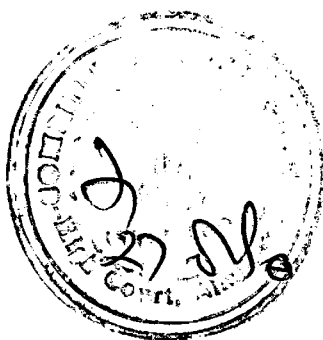
VI.12 That the contents of para VI.12 are wrong and denied. According to channel of promotion the interse seniority is to be maintained from the date of promotion in the case of promotees and date of joining in the cadre in the case of direct recruits. The 10% Graduate quota belongs to the same category of station masters and Assistant Station Masters in Grade Rs 455 - 700 and the



date of entry into the grade of the applicants is later than the answering respondents. The channel of promotion of station masters Grade Rs 455 - 700 alongwith assistant station masters grade Rs 455 - 700 upto 80% is combined and the next promotion to the station masters' grade Rs 550 - 750 is seniority cum suitability and Passing P-16 Course. Following abstract of channel of promotion contained in Annexure 1 is relevant

Departmental test after Passing prescribed Course - 10%	Asstt. Station Masters Grade Rs 455-700
:	:
:	Clubbed with
:	Station Masters
:	Grade Rs 455-700
:	(80%)
:	:
:	:
<hr/>	
	Station Masters
	Grade Rs 455-700
	:
	Seniority cum suitability
	and after Passing P-16
	Course
	:
	Station Masters
	Grade Rs 550 - 750

VI.13 That the contents of para VI.13 are wrong and denied. The Railway Administration has also considered the objections of Uttari Railway Mazdoor Union. After considering the contentions of both the unions, the Railway Administration reached in the right conclusion in accordance to rules and regulations framed for the purpose.



VI.14 That the contents of para VI.14 are not correct hence denied. The Railway Administration has considered the arguments and claims of both the recognised unions and only then the Railway Administration

Prithvi Raj Singh

has passed the order quoting the relevant rules.

VI.15 That the contents of para VI.15 are wrong and denied. The Railway Administration has passed the order after considering all the relevant facts and rules applicable therein. There is no discrimination or violation of Articles 14 and 16 of the Constitution of India. The order dated 15.9.1989 contained in Annexure 14 is correct and lawful and the same is liable to be maintained.

VI.16 That in reply to para VI.16 it is submitted that Senior Divisional Personnel Officer, Northern Railway Lucknow has given one month's time to the applicants to submit their representations, if any, in support of their claims and he further directed in his letter dated 26.12.1989 that in case no representation is received from the applicants within the stipulated time limit, it will be presumed that the applicants have nothing to say against the reversion and the decision will be termed as FINAL. Thus, the applicants have moved the present application before this Hon'ble Tribunal without moving any representation against the impugned order before the Railway Authority and as such the present application is premature and without exhausting the departmental remedy available to the applicants and on this sole ground the present application deserves to be rejected.

The Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh (AIR 1990 SC-10) hold that in every such case until the appeal or representation provided by a law is disposed of, accrual of cause of action for cause of action shall first arise only when the higher authority makes its order on appeal or representation

and where such order is not made on the expiry of six months from the date when the appeal was filed or representation was made.

VI.17 That the contents of para VI.17 are wrong and denied. There is no any violation of articles 14, 16 and 311 (2) of the Constitution of India. The seniority of the applicants should be below 230 Asstt. Station Masters Grade Rs 455 - 700 which has now been revised to Rs 1400 - 2300 as their date of joining into the cadre is much later than that of the date of promotion of the answering respondents. The applicants have been given full opportunity of being heard through letter dated 26.12.1989 (Annexure 19) itself but the applicants instead of filing any representation against the said letter preferred the present application before this Hon'ble Tribunal. Thus there is no any violation of the Principle of Natural Justice.

VI.18 That the contents of para VI.18 of the application are not correct as stated. It is stated that the principle of seniority has been violated only in the case of Station Masters i.e. 11 in numbers while the seniority of Section Controllers, Asstt. Yard Masters, and Traffic Inspectors has been fixed according to the principle of seniority and there is no any infringement of rules of the promotion for the post of Assistant Yard Master, Section Controller and Traffic Inspector.

VI.19 That the contents of para VI.19 of the application are misleading and refuted. There is alternative remedy available to the applicants and the present

Prithvi Raj Singh

application has been filed by the applicants without exhausting the departmental remedy.

None of the grounds are tenable in the eyes of law and the original application deserves to be dismissed as no ground made out.

VII. That the contents of para VII of the application are wrong and in reply it is stated that the applicants have ~~already~~ not exhausted the departmental remedy available to them and on this sole ground the present application deserves to be dismissed.

VIII. That the contents of para VIII of the application need no reply.

IX. That the applicants are not entitled for any relief claimed and the answering respondents are entitled for exemplary costs from the applicants.

X. That the contents of para X of the application are wrong and denied. The interim order dated 30.1.1990 passed by this Hon'ble Tribunal deserves to be vacated as otherwise the answering respondents will suffer irreparable injury.

XI. That the contents of para 11 of the application relates to the application fee hence need no reply.

The application deserves to be dismissed for the reasons and circumstances stated in the preceding paras of this counter affidavit.

Lucknow :

Dated : 27.8.1990

Prithvi Raj Singh
Deponent

Prithvi Raj Singh



VERIFICATION

I, Prithvi Raj Singh, the deponent, do hereby verify that the contents of paras ¹ to ¹ are true to my personal knowledge and those of paras ¹ to ¹ are true on the basis of records. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Dated : 27.8.1990

Prithvi Raj Singh
Deponent

I identify the deponent who has signed before me. He is personally known to me.

P.S. Mehra
27/8/90
(P.S. Mehra)
Advocate

Solemnly affirmed before me on 27-8-90 at 11:30 A.M./P.M. by Sri Prithvi Raj Singh, the deponent, who is identified by Sri P.S. Mehra, Advocate, High Court Allahabad, Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this counter affidavit which have been readover and explained by me.

Prithvi Raj Singh

Harikesh Sharma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 24/1348
Oct 27/90

Before the Control Administrative Tribunal at Allahabad
Circuit Bench, Lucknow.

O.A.No. 28 of 1990 (L)

D. K. Khosla and others vs Applicants

Union of India and others Respondents

Annexure - "D-1"

NORTHERN RAILWAY.

Divisional Office,
Lucknow. Dt: 26.11.83.

No. 757E/5/2 Sr. ASM.

NOTICE.

(A) As a result of selection conducted for filling up upgraded posts of ASM Scale Rs. 455-700(RS) consequent upon restructuring of cadre in accordance with the procedure laid down in Rly.Bd.'s letter No. PC-III/80/UPG/19 dt. 20.7.83 docketed under GM(P)'s VDLs letter No. 561E/255/98/Genl./PC-Pt. III dt. 5.8.83 (i.e. on the basis of scrutiny of records of service only) the following staff have now been placed on the panel of ASM scale Rs. 455-700(RS) and appointed to officiate against the upgraded posts & posted at the station noted against each,

Name.	Present			Trd./Promoted			Remark
	Desgn.	Stn.	Gr.	Desgn.	Stn.	Gr.	

1.	2.	3.	4.	5.	6.	7.	8.
S/Shri							
1. S.S.Sharma	A.S.M.	LKO	425-640	ASM	LKO	455-700	
2. B.B.Singh	-	-	-	-	-	-	
3. J.S.Gupta	-	-	-	-	-	-	
4. P.S.Negi	-	-	-	-	-	-	
5. R.S.Srivastva	-	-	-	-	-	-	
6. S.K.Karmakar	-	-	-	-	-	-	
7. C.B.Ram (SC)	-	-	-	-	-	-	
8. V.N.Bhaumik	-	TI/LKO	-	-	SS/KK	-	
9. S.P.Sherma	-	LKO	-	-	-	-	
10. R.D.Jaiswal	-	-	-	-	-	-	
11. R.B.Bajpai	-	-	-	-	-	-	
12. M.P.Srivastva	-	-	-	-	-	-	
13. S.R.Mishra	-	-	-	-	-	-	
14. S.I.Zafri	-	-	-	-	-	-	
15. Chhotay Lal (SC)	-	-	-	-	-	-	
16. Bhagwan Duen (SC)	-	-	-	-	-	-	
17. Hari Narain	-	-	-	-	-	-	
18. S.L.Srivastva	-	-	-	-	-	-	
19. Kaushal Kishor	-	-	-	-	-	-	
20. G.P.Chowdhary (SC)	-	-	-	-	-	-	



.....2/-

Prithvi Raj Singh

1.	2.	3.	4.	5.	6.	7.
S7snri						
21. Krisnan Kumar	ASM	LKO	425-640	ASM	MIC	
22. G.K. Swaroop	-	-	-	-	-	-
23. S.S. Gaur	-	-	-	-	-	-
24. Ram Mohan	-	-	-	-	-	-
25. G.D. Nigam	-	-	-	-	-	-
26. R.S. Anil	-	-	-	-	-	-
27. S.N. Ganguli	-	BGB	-	-	-	-
28. A.K. Mukerjee	-	-	-	-	-	-
29. N.D. Tripathi	-	-	-	-	-	-
30. Baldevi Sharan	-	-	-	-	-	-
31. B.C. Mitra	-	-	-	-	-	-
32. R.S. Upadhyay	-	-	-	-	-	-
33. S.K. Singh	-	-	-	-	-	-
34. K.P. Jaiswal	-	-	-	-	-	-
35. S.R. Yadav	-	-	-	-	-	-
36. Chhotay Lal (SC)	-	-	-	-	-	-
37. R.H.H. Pde	-	-	-	-	-	-
38. D.H. Pd.	-	-	-	-	-	-
39. R.R. Gupta	-	-	-	-	-	-
40. B.N. Misra	-	-	-	-	-	-
41. Bharat Lal (SC)	-	-	-	-	-	-
42. C.L. Misra	-	-	-	-	-	-
43. R.C.L. Kumar	-	-	-	-	-	-
44. L.P. Singh	-	-	-	-	-	-
45. Kesraw Ram (SC)	-	LKD	-	-	-	On request.
46. Jagan Ram	-	-	-	-	-	-
47. Sanwari Ram (SC)	-	BTP	-	-	-	On Adm. ground.
48. R.B. Singh	-	FD	-	-	FD	-
49. V.D. Maniktalya	-	-	-	-	-	-
50. Anwar Ali	-	-	-	-	-	-
51. N.N. Panday	SM	SLRP	-	ASM	FD	On Adm. ground
52. J.R. Maurya	ASM	FD	-	-	-	-
53. R.N. Singh	SM	AY	-	-	-	- do -
54. S.N. Srivastva	-	-	-	-	-	- do -
55. R.K. Misra	-	SLN	-	-	SLN	-
56. B.P. Tewari	-	-	-	-	-	-
57. Imtiyaz Hussain	-	-	-	-	-	-
58. J.N. Misra	-	-	-	-	-	-
59. R.A. Tripathi	-	-	-	-	-	-
60. R.R. Smukla	-	-	-	-	-	-
61. Jagdeo Pd.	-	-	-	-	-	-
62. G.D. Panday	-	PBH	-	-	PBH	-
63. R.N. Srivastva	-	-	-	-	-	-
64. S.S. Singh	-	-	-	-	-	-
65. S.N. Panday	-	-	-	-	-	-
66. L.N. Singh	-	-	-	-	-	-
67. M.P. Yadav	-	TI/PBH	-	-	-	-
68. Mond. Islam	SM	KJ	-	-	-	On Adm. Ground
69. S.N. Divedi	-	SHNG	-	-	-	- do -
70. S.R. Gupta	ASM	JIS	-	-	-	- do -
71. H.S. Tripathi	-	BSE	-	-	-	-



For the Reg. Supl

उत्तर रेलवे/NORTHERN RAILWAY

- 3 -

1.	2.	3.	4.	5.	6.	7.	8.
S/Snr							
72. D.N. Sinha	ASM	VYN	425-640	ASM	VYN	455-700	
73. Purni Masni Ram							
(SC)	-	-	-	-	-	-	
74. S.N. Rai	-	KAI	-	-	KAI	-	
75. J.P. Gupta	-	-	-	-	-	-	
76. Manohar Lal	-	-	-	-	-	-	
77. R.S. Yadav	-	BSB	-	-	-	-	On request.
78. R.D. Ram	SM	KOT	-	ASM	LOT	-	
79. R.M. Giri	ASM	-	-	-	-	-	
80. R.N. Misra	-	-	-	-	-	-	
81. R.D. Pd.	-	PRF	-	-	PRF	-	
82. R.M. Sharma	-	-	-	-	-	-	
83. K.N. Gupta	-	BOY	-	-	BOY	-	
84. A.P. Singh	-	-	-	-	-	-	
85. S.D.L. Srivastava	-	-	-	-	-	-	
86. S.N. Misra	-	-	-	-	-	-	
87. Channu Knan	-	SAW	-	-	SAW	-	
88. B. Pandey	-	-	-	-	-	-	
89. S.N. Ojha	-	JNH	-	-	JNH	-	
90. B.D. Misra	-	-	-	-	-	-	
91. Sant Pd. (SC)	-	-	-	-	-	-	
92. A.N. Chauran RG	SM	SAW	-	-	JNH	-	On Adm. Ground.
93. C.L. Misra	-	BSE	-	-	BSE	-	
94. K.B. Singh	ASM	-	-	-	-	-	
95. U.P. Smukla	-	-	-	-	-	-	
96. R.C. Misra	-	-	-	-	-	-	
97. M.I. Knan	-	CIL	-	-	CIL	-	
98. A.B. Singh	-	-	-	-	-	-	
99. D.B. Singh	-	-	-	-	-	-	
100. K.N. Misra	-	GNG	-	-	GNG	-	W.O.f. 1.9.83.
101. Jai Ram	-	-	-	-	-	-	
102. G.C. Srivastava	-	JIS	-	-	JIS	-	W.O.f. 1.11.83.
103. J.R. Gupta	-	-	-	-	-	-	
104. Mana Deo Pd.	-	-	-	-	-	-	
(SC) RG/SM	-	-	-	-	-	-	
105. S.B. Singh	ASM	RBL	-	-	RBL	-	
106. Bhagwati Pd. (SC)	-	-	-	-	-	-	
107. G.N. Misra	-	-	-	-	-	-	
108. Rameshwar Pd.	-	-	-	-	-	-	
(SC)	-	-	-	-	-	-	
109. Gnneda Lal (SC)	-	TI/RBL	-	-	-	-	
110. Pachhoo Lal (SC)	-	RBL	-	-	-	-	
111. Brij Kishor	-	BCN	-	-	BCN	-	
112. G.N. Verma	SM	-	-	-	-	-	
113. K.D. Lal	ASM	SOP	-	-	SOP	-	
114. R.S. Debay	-	-	-	-	-	-	
115. R.P. Asthana	-	-	-	-	-	-	
116. R.S. Pandey	-	-	-	-	-	-	
117. Birjoo Ram (SC) RG/SM	BTP	-	-	-	BTP	-	
118. C.S. Singh	ASM	-	-	-	-	-	
119. A.B. Singh	-	ZBD	-	-	ZBD	-	
120. H.H. Singh	-	-	-	-	-	-	

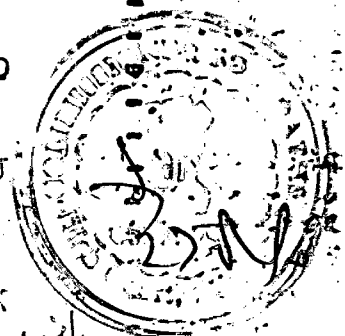


With Regd.

Northern Railway

- 4 -

S/No	1.	2.	3.	4.	5.	6.	7.	8.
321. J.N. Misra	ASM	AJ 425-640	ASM	ZBD	455-700	On request		
✓ 122. V. Singh	RG/SM	BKSA	-	-	-	On Adm. Grou		
✓ 123. N. N. Sinha	ASM	JNU	-	JNU	-	-		
124. M. Hussain	-	-	-	-	-	-		
125. Akil Ahmad	-	-	-	-	-	-		
✓ 126. N. N. Singh	-	-	-	-	-	-		
✓ 127. M. C. Singh	RG/SM	KSP	-	-	-	On Adm. Grou		
128. B. L. P. D. (SC)	ASM	PBH	-	-	-	On request		
129. B. P. Srivastva	-	KS	-	KS	-	-		
130. S. N. Singh	-	-	-	-	-	-		
✓ 131. M. M. Rai	-	SHG	-	SHG	-	-		
✓ 132. S. P. Rai	-	-	-	-	-	-		
133. K. C. Upadhyaya	-	-	-	-	-	-		
134. B. P. Singh	-	MLPR	-	MLPR	-	-		
135. A. T. Misra	-	-	-	-	-	-		
136. R. S. Misra	-	-	-	-	-	-		
137. Ravi Shanker Misra	-	-	-	-	-	-		
138. K. C. Srivastva	-	ABP	-	ABP	-	-		
139. N. K. Gupta	-	-	-	-	-	-		
140. B. K. Misra	-	-	-	-	-	-		
141. K. L. Chandra	-	-	-	-	-	-		
142. G. P. Pandey	-	GGJ	-	GGJ	-	-		
143. G. D. Gupta	-	-	-	-	-	-		
144. A. N. P. D.	-	AY	-	AY	-	-		
✓ 145. S. K. Verma	-	-	-	-	-	-		
✓ 146. S. N. Misra	-	-	-	-	-	-		
✓ 147. Kedar Nath	RG/SM	-	-	-	-	-		
148. S. B. Nayak	ASM	TI/FD	-	-	ACND	-		
149. I. D. Srivastva	-	ED	-	-	-	On request		
150. R. S. Yadav	-	AY	-	-	-	On ADM. Grou		
151. H. L. Gupta	RG/SM	SLW	-	-	SEW	-		
152. S. S. Srivastva	ASM	-	-	-	-	-		
153. G. S. P. D.	SM	BNM	-	BNM	-	-		
154. B. U. Khan	ASM	SLW	-	-	-	-		
155. P. P. Pandey	-	RDL	-	RDL	-	-		
156. S. P. Pandey	-	-	-	-	-	-		
157. H. S. Singh	-	-	-	-	-	-		
158. R. A. Misra	-	-	-	-	-	-		
159. S. R. Misra	-	PTH	-	PTH	-	-		
160. B. N. Sharma	-	-	-	-	-	-		
161. B. S. Shukla	-	DYD	-	DYD	-	-		
✓ 162. S. L. Tewari	-	-	-	-	-	-		
✓ 163. G. R. Misra	-	-	-	-	-	-		
✓ 164. C. Chaudhary	-	SGJ	-	SGJ	-	-		
✓ 165. G. N. Khurruy	-	-	-	-	-	-		
✓ 166. P. P. Pandey	-	-	-	-	-	-		
✓ 167. P. C. Srivastva	-	-	-	-	-	-		
168. S. H. Ansari	RG/SM	BBK	-	BBK	-	-		
169. A. N. Srivastva	ASM	-	-	-	-	-		
170. L. K. Srivastva	-	-	-	-	-	-		
171. S. S. Singh	-	-	-	-	-	-		



Signature

Page 10

- 8 -

1 2 3 4 5 6 7 8 9 10

S/Snr									
152.D.P.Gupta	ASM	BBK	425-640	ASM	BBK	455-700			
173.Umrao Singh	-	-	-	-	-	-			
174.Bnagwati Singh	-	-	-	-	-	-			1.11.83.
175.L.R.Singh	-	-	-	-	-	-			
176.M.N.Menotra	-	AMG	-	-	AMG	-			
177.S.C.Verma	-	-	-	-	-	-			
178.R.N.Tewari	-	BCN	-	-	-	-			On Amg. ground.
179.P.R.Singh	-	JOP	-	-	JOP	-			
180.H.M.Srivastava	-	-	-	-	-	-			
181.D.S.Srivastava	-	-	-	-	-	-			
182.T.N.Patnak	-	HRPG	-	-	HRPG	-			
183.S.S.Misra	-	ZBD	-	-	-	-			On request
184.R.A.Singh	-	HRPG	-	-	-	-			
185.R.K.Singh	RG/SM	MFKA	-	-	MFKA	-			
186.G.S.Panday	ASM	-	-	-	-	-			
187.Sanab Singh	-	NHH	-	-	NHH	-			
188.S.G.Tripatri	-	-	-	-	-	-			
189.Ram Nath (SC)	RG/SM	OLN	-	-	MSOD	-			On Adm. ground.
190.D.N.Panday	ASM	MFKA	-	-	HGH	-			do
191.R.N.Misra	-	TI/SLN	-	-	-	-			do
192.V.K.Srivastava	RG/SM	AMNA	-	-	-	-			do
193.M.K.Misra	ASM	SLN	-	-	CDRL	-			do
194.B.R.Singh	-	TI/SLN	-	-	-	-			do
195.K.D.Shukla	RG/SM	PFM	-	-	PFM	-			
196.CC Lal	ASM	-	-	-	-	-			
197.D.B.Verma	-	-	-	-	-	-			
198.Vilak Raj	-	PRG	-	-	PRG	-			
199.Anant Lal (SC)	-	-	-	-	-	-			
200.U.P.Tewari	-	-	-	-	-	-			
201.M.L.Puri	-	PYG	-	-	PYG	-			
202.S.P.Panday	-	TI/PRG	-	-	-	-			On Adm. Ground.
203.Bulaki Lal (SC)	-	PFM	-	-	ARP	-			do
204.R.S.Yadav	-	DMV	-	-	-	-			do
205.M.S.Agarwal	-	DLP	-	-	PEP	-			
206.D.P.Srivastava	-	-	-	-	-	-			
207.H.L.Panday	-	PBR	-	-	-	-			On request
208.D.N.Gupta	-	MAY	-	-	MAY	-			
209.D.D.Singh	-	-	-	-	-	-			
210.M.P.Shukla	SM	KCP	-	-	KFWH	-			On Adm. ground.
211.J.D.Yadav	ASM	PON	-	-	-	-			On request
212.Rajni P.S. (SC)	-	BBK	-	-	BQN	-			do
213.S.N.Singh	-	KFWH	-	-	-	-			do
214.I.U.Singh	-	UCR	-	-	UCR	-			
215.K.M.Lal	-	KFWH	-	-	-	-			
216.M.S.Yadav	-	UGA	-	-	-	-			
217.Santoo Lal	RG/SM	DMV	-	-	DMV	-			

Prithvi Raj Singh



1.	2.	3.	4.	5.	6.	7.	8.
S/Shri.							
218. S.A. Tewari	ASN	AJ	425-640	ASM	LLJ	455-700	On request vice Sh.R.P. Gupta promoted.
219. N.K. Shukla	RD/SM	CPB	"	"	CPB	"	
220. H.B. Ranjan	ASM	"	"	"	"	"	
221. C.P. Srivastva	"	"	"	"	"	"	
222. J. J. Misra	"	MGW	"	"	MGW	"	
223. Mahadeo Pd.	"	"	"	"	"	"	
224. Jagan Pd. (SC)	"	CPB	"	"	"	"	On Adm. Ground
225. R. R. Singh	"	ON	"	"	ON	"	
226. R. C. Jana	"	"	"	"	"	"	
227. K. K. Asthana	"	"	"	"	"	"	
228. K. B. Jai	"	"	"	"	"	"	
229. Abdul Wahid	"	AJ	"	"	AJ	"	
230. G. G. Anand	"	LBH	"	"	"	"	

BI

The under listed 1 SMS serials 455-700 (RS) are being allowed to continue on same pay and grade as present stations.

S/Shri.

1. R.J. Srivastva, ASM/LKO.
2. SSL Gupta, ASM/LKO.
3. T.D. Bhatta, ASM/LKO.
4. J.B.L. Srivastva, ASM/BSB.

Movement should be advised to this office at once. Refusals if any must be submitted to this office within 15 days from the date of issue of the orders. Since almost every station have been upgraded for the post of ASMs, all priorities for transfer registered prior to issue of this notice are cancelled. Staff willing for transfer should register their priorities afresh in new grade after cadre restructuring. Staff transferred on administrative ground are intitled for joining leave, Transfer Pass & transfer allowance etc. as admissible under the rules.

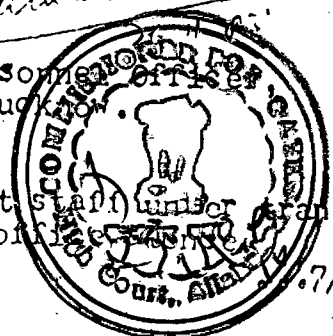
This has approval of DPO-II.

Hindi version will follow.

Copy to: SS/LKO, BSB, PD, PRG, SLN, PHE.

2. YS/LKO.

3. All Tis on LKO Divn. with instruction that staff under transfers must be spared under intimation to this office.



Prithvi Raj

जी० एल० 19/G. L. 19
जनरल 99-बड़ा/Genl. 99-Large

उत्तर रेलवे/NORTHERN RAILWAY

- 7 -

4. SMS RTT, SLRP, AY, KJA, SHNG, JIS, BSE, VYN, KEI, LOT, PRF, BOY, SAW, JNH, CIL, GNG, RBL, BCN, SOP, ZBD, AJ, EKSA, JNU, KSF, KS, SHG, MLPR, ABP, CGJ, ACND, SLW, BHM, RBL, PTH, DID, SGJ, BBK, AMG, JOP, HPTG, MFR, NHH, MSCD, HGH, RMNR, CDRL, PFM, PRG, PYG, ARP, DMN, PLP, MAY, HCP, KHNH, PON, UCR, LLJ, CPB, ON, MGW.
5. sr. DSO, Sr. DOS, Sr. DAO./LKO.
6. Relief Clerk, DRM Office/LKO.
7. The Divl. Secy. NRMU near Guard's Running Room CB/LKO.
8. The Divl. Secy. URMU T-10 CB/LKO.
9. Supdt. Pay Bill DRM Office/LKO.
10. SWLI/Union Cell.
11. E5/1(SM) in office.

RK

Further by [Signature]



ANNEXURE - "D-2"

RAILWAY BOARD'S ORDERS

For Implementation Of Cadre Restructuring

No. PC. III/80/UPG/19.

New Delhi, Dated 29-7-1983.

Sub :—Restructuring of certain Group C & D cadres.

Arising out of certain proposals made in the Departmental Council of JCM (Railways) by the Staff side, the Ministry of Railways have decided that Group 'C' & 'D' categories indicated in the Annexure to this letter should be restructured and placed in the scales indicated against each designation in accordance with the percentages indicated therein. Detailed instructions are given below for implementation.

2. This restructuring of the cadres will be with reference to the sanctioned cadre strength as on 1st August 1983. The staff who will be placed in the revised grades in terms of these orders will be eligible to draw pay in higher grades from 1-8-83 with the benefit of proforma fixation from 1-8-82. The benefit of proforma fixation will be admissible only to those staff, who are placed in the vacancies arising directly as a result of these restructuring orders. Pay of the staff who have been promoted in the normal course to higher grades during the period 1.8.82 to 31.7.83 will be stepped up under the normal rules with reference to the pay of their juniors, whose pay is fixed under these orders.

3. The classification of the posts in the categories covered by these orders as 'selection' and 'Non-selection' has been changed in some cases and the revised classification is indicated in column 7 of the Annexure enclosed. In respect of the vacancies in these categories arising after 1st August 1983, promotions to posts in the various grades in terms of revised classification will be made in accordance with the normal procedure for filling in 'selection' and 'non-selection' posts as obtaining at present.

3. 1. The vacancies in the various grades of the posts covered in these categories as existing on 31.7.1983 and those arising in the context of the present cadre-restructuring will be filled in the manner indicated below. However, in a case, where, as a result of this restructuring, an individual railway servant becomes due for promotion to more than one grades calls for selection, then promotion to that grade (s) will be governed by the normal rules for promotion.

i) **Group 'D' Posts :**

- a) For vacancies in Group 'D', promotions will be on the basis of the existing procedure.
- b) Wherever promotions from Group 'D' to Group 'C' is involved, promotions will be on the basis of modified selection procedure as prescribed in para 3.2 infra.

ii) **Group 'C' :**

- a) Where all the posts in an existing grade are en bloc placed in a higher grade, the existing regular incumbents thereof may be allowed the higher grade without sub-

MOVEMENT / JULY-AUGUST 1983

13

Prithvi Raj Singh



jecting them to any selection even where the posts are now classified as 'selection' posts. For example, all the posts of Switchmen at present in the scale of Rs. 260-400 will be placed in the scale Rs. 330-560, and as such, all the existing regular incumbants in this scale will be automatically given the scale of Rs. 330-560. Similarly, having regard to the percentage prescribed for the category of Shunting Staff, all the existing posts of Shunting Jamadars in the scale of Rs. 225-350 will be placed in the scale of Rs. 330-480 or above. Hence, all the regular incumbants against these posts presently in the scale of Rs. 225-330 will be allowed the scale of Rs. 330-480 without subjecting them to any selection.

- b) Wherever the vacancy to be filled is in a post now classified as 'selection' as per the enclosed Annexure, the existing regular incumbants in the next lower grade/grades shall be considered for promotion on the basis of the modified selection procedure prescribed in para 3.2 *infra*.

3.2 For the purpose of promotion in terms of the preceding sub paragraph, the existing selection procedure will stand modified to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva voce tests. Naturally, under this procedure, the category of "outstanding" will not arise. This modified selection procedure has been decided upon by the Ministry of Railways as a one-time exception by way of a special dispensation in view of the numbers involved, with the objective of expediting the implementation of these orders. It is reiterated that the normal rules governing promotion to selection and non-selection posts will apply to vacancies in the aforesaid categories arising after 1st August, 1983.

Under 3.3 3.3 Wherever in terms of the revised classification given in the enclosed Annexure, posts which were hitherto classified as 'selection' posts are now to be treated as 'non-selection' posts the unoperated part of any panel prepared for such posts as on 1st August, 1983 will lapse and the posts will be filled according to the changed classification.

3.4 However, in those cases where selections have already been finalised and promotions also made on or before 31 July, 1983, such selected and promoted persons shall rank senior to the persons selected and promoted according to the provisions of the preceding paragraphs.

4. In all cases of restructuring, pay of the staff fitted against higher scales of pay will be fixed under rule 2018 B (FR 22-C) R. II, except in the case of merger of the existing grades of Rs. 425-600 and Rs. 455-700 into a single revised scale of Rs. 425-700 as indicated against item 20 of the Annexure. In the latter case, the staff concerned will be allowed an option under Rule 2019 (FR 23) R. II, and pay of the staff who elect to be fixed in the revised scale of Rs. 425-700 will be fixed under Rule 2017 (FR 22 (a) (ii) R. II read with Audit instructions No. 4 thereunder.

5. The selection grade posts wherever introduced, either on sanctions issued by the Ministry of Railways or on the basis of powers delegated to the GMs in respect of specified

Prithvi Raj Singh



ANNEXURE - "D3"

उत्तर रेलवे

पत्रांक: 561ई/85-367/ई3-1/183ए.

मण्डल कार्यालय/लखनऊ
दिनांक: अगस्त, 87.

लखनऊ मण्डल पर सर्व सम्बन्धित,
लखनऊ मण्डल के सभी अधिकारी;
लखनऊ मण्डल के सभी वरिष्ठ आदमीनस्टा,
कार्मिक शताब्दी के सभी सम्बन्धित,
मण्डल सचिव- एनओआरओएमओयू एवं यूओआरओएमओयू ।

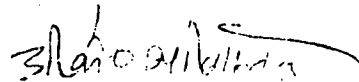
R-10-87

मुद्रित क्रमांक: 9340.
=====

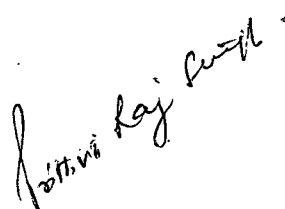
विषय:- ग्रुप "ग" तथा "घ" के कुछ संवर्गों की पुनर्संरचना ।

रेल मंत्रालय के पत्र संख्या पी.सी.-111/87/म.पी.सी.1 दिनांक 13.7.87 की प्रतिलिपि जो महा प्रबन्धक, कार्मिक, उत्तर रेलवे, बड़ादा हाउस, नई दिल्ली, के पत्र संख्या 561/255-98 जकरल पी.सी.1 पार्ट-111, दिनांक 30.7.87 मुद्रित क्रमांक 9340 के अन्तर्गत प्रेषित है कि प्रतिलिपि उसके संलग्नक सहित सूचना/मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु प्रेषित की जा रही है ।

संलग्नक/ यथावत ।



हृते वरिष्ठ मण्डल कार्मिक अधिकारी
उत्तर रेलवे
लखनऊ




74

9340

Copy of Central Railway's letter No.HP2/778/PC-III/TDP(4)/TIT dated 29.1.87.

.....

Sub: Restructuring of certain Group'C' and Group'D' Cadres.

Ref: Ministry of Railway's letter No. PC-III/80/UPG/19 dated 29.7.83.

,--,-,-,-,

A reference is invited to para 2 of Ministry's letter quoted above. It has been mentioned in this letter that restructuring of the cadres will be made with reference to sanctioned cadre strength as on 1.8.83 and that the staff who would be placed in the revised grades, in terms of these orders, would be eligible to draw pay in the higher grade from 1.8.83 with the benefit of ~~xxxxxx~~ proforma fixation from 1.8.82.

2. The question has arisen whether the seniority that is to be assigned in the restructured cadre should be assigned w.e.f. 1.8.83 or w.e.f. 1.8.82 the date from which the benefit of proforma fixation is given. This Railway has taken the view that since restructuring has been ordered with reference to the cadre strength on 1.8.83 the seniority would be assigned to the eligible staff w.e.f. 1.8.83 only in the upgraded posts, although benefit of fixation is given on proforma basis ~~xxxxxx~~ retrospectively from 1.8.82, one of the recognised Unions holds the view that benefit ~~ix~~ of seniority is also admissible to such employee w.e.f. 1.8.82.

3. This question has been brought into sharp focus vis-a-vis the direct recruit Traffic Apprentices who came on to working post during the period from 1.8.82 to 1.8.83, whether the direct recruits would become junior to the persons posted to the restructured post w.e.f. 1.8.83 with the benefit of proforma fixation from 1.8.82.

4. I shall be grateful if you will kindly advise whether it is the intention of the Ministry that staff who have been placed in the higher grade arising out of restructuring orders in terms of the above mentioned letter should also be given seniority from 1.8.82.

With kind regards,

Yours sincerely,

sd/-

(P.T.SRIVASTAVA)



Y 4
Copy to Railway Board's letter No.PC-JII/87/UPG/1 dt. 13.7.87
from Dy. Director, Pay commission, Railway Board to the General
Manager, Central Railway, Bombay,

Sub: Restructuring of certain Group 'C'
and Group 'D' cadres.

.....

Please refer to your letter No.HPB/778/PC-JII/TDT(j)JII
dated 29.1.87 on the above subject.

2. It has been stipulated in para 2 of the Ministry's
letter No.PC-JII/80/UPG/19 dated 29.7.84 that restructuring
of cadres will be made with reference to sanctioned strength
as on 1st August 1983 and the staff who would be placed in
revised grades will be eligible to draw pay in higher grade
from 1.8.83 with benefit of proforma fixation from 1.8.82
and that pay of the staff promoted in the normal course to
higher grades during the period 1.8.82 and 31.7.83 will be
stepped up under the normal rules with reference to the pay of
their juniors, whose pay is fixed under these orders in view
of the circumstances explained in your letter under reply and
the position obtaining under the orders of 29.7.83 *ibid*, it
is clarified that in case of promotion arising from the above
restructuring orders, the date of entry in the grade will be
treated as 1.8.83. Accordingly, in such cases, seniority
will be assigned from 1st August 1983 and not from 1.8.82.
Action taken by your Railway is, therefore, in order.

3. Please acknowledge receipt.

...

P. N. Raj Singh



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 28 OF 1990.

D.V. Khare and others

.... Applicants

Versus

Union of India and others

..... Respondents

ANNEXURE - "D-4"

NORTHERN RAILWAYMEN'S UNION

CENTRAL OFFICE
12, Chelmsford Road
New Delhi-110055

Dt. 6.6.1989

NO. NRMU/204/88

The Branch Secretary, NRMU
Jaunpur Branch

The Divisional Secretary, NRMU
Lucknow

Sub: PNM Item No. 204/88 - Unlawful promotion of
Station Master Gr. 1600-2600(RPS)

....

A copy of the minutes recorded in the Implementation Committee Meeting on the above subject is reproduced below for information.

The Union explained that prior to re-structuring the lowest two grades of Stn. Masters were in gr. Rs. 425-640(RS) and 455-700(RS) and the highest grade of ASM was 455-700(RS) and the direct recruitment was in gr. Rs. 455-700(RS) only. According to the channel of promotion in existence upto July, 1988 the promotion to the cadre of Station Masters gr. Rs. 550-750(RS) was from gr. Rs. 455-700(RS) irrespective of the fact whether the incumbent was working as ASM or SM and for that purpose the seniority of ASM and SM gr. Rs. 455-700(RS) was combined.

After re-structuring the lowest gr. of Station Master, viz. Rs. 425-640(RS) and Rs. 455-700(RS) and highest gr. of ASM gr. Rs. 455-700(RS) were merged into one gr. of Rs. 455-700(RS).

On Lucknow Division two separate panels of ASMs and SMs gr. Rs. 455-700(RS) were formed on 1-8-88 with proforma seniority from 1-8-82. Subsequently, after implementation of re-structuring orders all the persons in gr. Rs. 455-700(RS) selected as ASM or SM were placed in the panel of Station Masters and those station Masters who were in the gr. of Rs. 425-640(RS) were placed on the panel of ASM though in the gr. of Rs. 455-700(RS).

A Panel of 20 SMs/ASMs/TI/AYM/Section Controller gr. Rs. 455-700(RS) against 10% graduate quota were formed on Lucknow Division on 27/9/83. Out of these 11 persons were placed in the category of Station Masters. While assigning them seniority they were placed below Station Masters gr. Rs. 455-700(RS) and above ASMs gr. Rs. 455-700 which is most unjust. In the PNM meeting held on 22.4.88, it was agreed that necessary instructions have been issued to DRM/LKO to take action in terms of instructions contained in para 302 of the Indian Railway Establishment Manual Second Edition, according to which the seniority of the staff in the categories of posts partially filled by direct recruitment and partially filled by

Pran Raj Singh

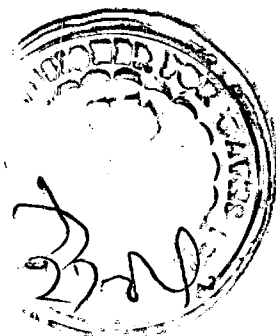
promotion, criteria for determination of seniority is the date of joining the working post in the case of promotees. Accordingly, all the direct recruits whose panel was formed on 27/9-83 should be placed below all SMs/ASMs gr.Rs.455-700(RS) who were promoted as such with effect from 1.8.83 for the benefit of proforma seniority from 1.8.82.

It will be examined".



(R.A. Mittal)
for General Secretary

Prithvi Raj Singh

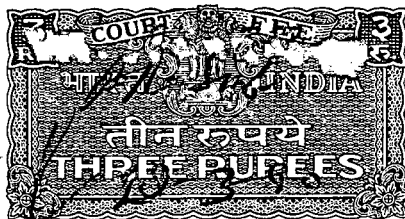


BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

C.M. No. 199/90(L)

O.A. No. : 20 OF 1990.(L) 22/90 (L)



1. Bharat Raj Singh, aged about 52 years, Son of Sri B.S. Singh, Station Master, Chandrauli, Post Office Milwal, Barabanki.
2. Rai Hari Har Prasad, aged about 46 years, Asst. Station Master, Son of Late Narod Rai, resident of Northern Railway, Varanasi.
3. Prithvi Raj Singh, aged about 50 years, Son of Sri Hanuman Singh, Station Master, Jaunpur City, Post Office Jaunpur Kachori, District Jaunpur.
4. Rajendra Singh, aged about 46 years, Son of Sri Sootal Singh, Asst. Station Master, Northern Railway, Phapham Station, Phapham, Allahabad.

.... Applicants

In re :

O.A. No. 26 of 1990 (L)

D.K. Khare and others

.... Applicants

Verous

Union of India and others

.... Respondents

APPLICATION FOR IMPLEMENTATION OF APPLICANTS
IN THE ORIGINAL APPLICATION

The applicants most humbly and respectfully submit as under :-

1. That the applicants have filed the above noted application before this Hon'ble Tribunal for fixing their seniority.

Filed today
29/3/90



Prithvi Raj Singh

2. That the applicants came to know about the pendency of above noted application through the Railway Department.
3. That the applicants together with other 220 candidates are senior to the petitioners as per upgradation list dated 1.0.1963 and the petitioners are claiming their seniority over the 220 candidates as much the interest of present applicants as well as 220 other candidates is involved in the present case.
4. That the applicants through Northern Railwaymen's Union made a representation on 6.6.1969 to the General Manager, Northern Railway stating therein that 220 11 persons were placed in the category of Station Masters while assigning their seniority they have been placed below Station Master's grade ~~in 455 - 700~~ ^{455 - 700} and above Asstt. Station Master's Grade ~~in 455 - 700~~ ^{455 - 700} which is most unjust while in para 302 of the Railway Establishment Manual it is provided that the criteria for the determination of the seniority is the date of joining and working in the post in case of promotions. Accordingly the direct recruits should be placed below all the Station Masters and Asstt. Station Masters grade ~~in 455 - 700~~ ^{455 - 700} who were promoted with effect from 1.0.1963.
5. That the General Manager (P) Railways after considering the representation of the applicants genuine and reasonable issued directive to the Divisional Railway Manager, Northern Railway Lucknow on 15.9.1969 that Asstt. Station Masters Grade ~~in 455 - 700~~ ^{455 - 700} promoted on 1.0.1963 have not



Forthi Raj Singh

been assigned seniority as per instructions circulated in Printed Serial No. 9340 as well as according to para 302 of Indian Railway Establishment Manual cannot be ignored.

6. That in the above noted case the interests, right and necessity of the applicants is involved to settle the questions.
7. That it is expedient in the interest of justice and to adjudge the questions involved in the case, the names of the applicants be impleaded as necessary parties in the array of parties as otherwise they will suffer irreparable injury.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal be pleased to direct the petitioners to implead the applicants as parties to the application.

The applicants shall ever pray for this act of kindness.



Lucknow :

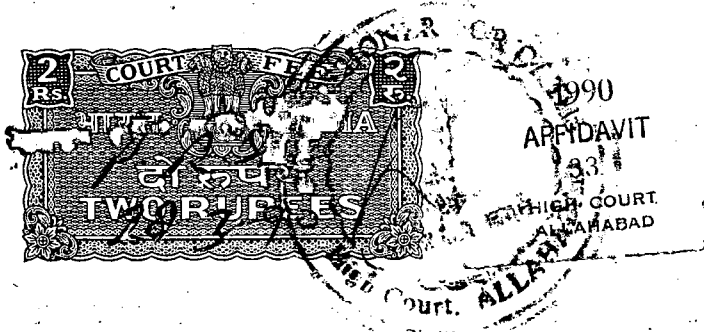
Dated : 28.3.1990

(P.S. Mehra)
Advocate.

Counsel for the Applicants

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. No. : 28 OF 1990 (L)



D.K. Khare and others

....Applicants

Versus

Union of India and others

.... Respondents

A F F I D A V I T

I, Prithvi Raj Singh, aged about 50 years,
Son of Sri Hanuman Singh, Station Master, Jaunpur City,
Post Office Jaunpur Kachori, District Jaunpur, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is the applicant No. 8 and
doing pargi on behalf of applicant No. 1, 2 and
4 and as such he is fully conversant with the
facts deposed.
2. That the contents of paras 1 to 7 of the appli-
cation for impugnation are true to my personal
knowledge.

Learned :

Dated : 20.3.1990

Prithvi Raj Singh

Deponent

VERIFICATION

I, the above named deponent do hereby verify
that the contents of paras 1 and 2 above are true to
my own knowledge. Nothing material has been concealed
and no part of it is false. So help me God.

Learned :

Dated : 20.3.1990

Prithvi Raj Singh
Deponent



I identify the deponent who has signed
before me and he is personally known to me.

Islem
28/3/90
(P.S. Mohra)
Advocate

Solemnly affirmed before me on 28-3-90
at 3-5 A.M./P.M. by Sri Prithvi Raj Singh,
the deponent who is identified by Sri P.S. Mohra,
Advocate, High Court, Allahabad, Lucknow Bench,
Lucknow.

I have satisfied myself by examining
the deponent that he understands the
contents of this affidavit which has
been read over and explained by me.



Rajmang
COMMISSIONER
COURT, Allahabad
Lucknow Bench
Do 33/173-
On 28-3-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

C.A. No. : 28 of 1990 (L)

ब अवालत श्रीमान्

महोदय

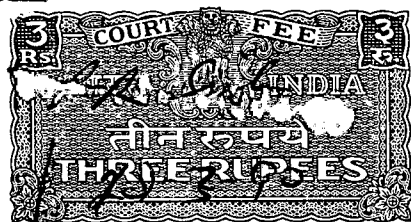
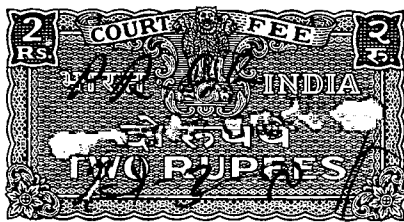
[वादी] अपीलान्त

प्रतिवादी [रैस्पाडेन्ट]

वकालतनामा

D.K. Khare and others

.... Applicants



वनाम
Union of India & others
सं० मुकद्दमा सन्

प्रतिवादी (रैस्पाडेन्ट)
... Respondents
पेशी की ता० १२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० एस० मेहरा एडवोकेट

श्रीमती विना मेहरा एडवोकेट

२/२ एल० डी० ए० कालोनी ब्लाक II हाता रसूल खां, स्टेशन रोड,
लखनऊ-२२६००१

वकील

— महोदय

एडवोकेट

नाम अवालत
मुकद्दमा न०
नाम फरीकन

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 जबाब देही व प्रश्नोंत्तर करें या कोई कामज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला जाता है उसकी जेम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

① Signature 28/12/90 10:30 AM R.D.S.

हस्ताक्षर

② राय हरिहर प्रसाद स० स्व० नारद राय
③ प्रवीण राज सिंह स० श्री अनुमान सिंह

साक्षी (गवाह)

साक्षी (गवाह)

④ राजेन्द्र सिंह स० श्रीमती सिंह

दिनांक

28th

महीना

February

सन् १९९० ई०

स्वीकृत

Accepted.

(P.S. Mohra) 3/3/90
Advocate

- ① श्री. आर. सिंह - स० भा० इंदरौली पोस्ट मिलवाल, बाराबंकी
② राय हरिहर प्रसाद स० स्टेशन मास्टर, वाराणसी उ० रे० पो० व जि० वाराणसी
③ प्रवीण राज सिंह स० मा० जौनपुर सिटी पो० जौनपुर कलेजरी अनपद - जौनपुर
④ राजेन्द्र सिंह स० स्टेशन मास्टर उ० रे० स्टेशन फाफामऊ, फाफामऊ - इलाहाबाद