

Central Administrative Tribunal
Lucknow Bench

INDEX SHEET

Cause Title (A 305 of 1990

Name of the parties Dr. S. K. Singh - Applicant
Versus
Union of India - Respondents.

Part A.E.C.

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BK - ...

13/10/02
S.D.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Case No.

Registration No.

of 19890(1)

Applicant(s)

Ram Sarvak Singh

Respondent(s)

U.O.A.

Particulars to be examinedEndorsement 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 or e-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 cause for not filing the application in time, been shown?
4. Has the document of authorisation/ Vakilnamah been filed?
5. Is the application accompanied by P.O./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/referred upon by the applicant and mentioned in the application, been filed?
- b) Have the documents referred to in (a) above duly attested by a Gazette Officer and numbered accordingly?
- c) Are the documents referred to in (a) above neatly typed in double pages?
8. Has the index of documents been filed as required 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

No

(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.

Y

Y

No

Y

Y

N/A

Y

Y

Y

dinesh/

(A3)

27.6.1990.

Hon'ble Mr. Justice K. Nath V.C.
Hon'ble Mr. K. OBayya, A.M.

Heard, Admit, Issue Notice to the respondents to file counter within 4 weeks rejoinder may be filed within 2 weeks thereafter.

In the matter of interim relief issue notice and list for order on 11.7.1990. Till then the operation of the order of recovery of excess payment made to the petitioner contained in Annexure-8 shall remain stayed. copy of this order be given to the counsel for the parties.

Sd/
A.M.

Sd/
V.C.

Sd/
Notice given

11-7-90

No sitting, adj. to 29/8/90

OP No 2, 3, 4, 5 have been return back. 14/7/90

11 7 90

Hon Justice K. Nath, V.C
Hon K. S. Ramia AM

This is an application for extension of the interim order (ated 27.6.90 passed in O.A.NO.205/90(L) of the Lucknow Bench of this Tribunal, at that Bench. The orders were passed to stay the operation of the recovery of excess payment made to the petitioner, as contained in Annexure 'VIII' and the said order was operative till today. Since there is no sitting of the Bench of the Tribunal at Lucknow, we direct that the interim order shall continue to remain in force till 25.7.90.

M.P has been read on 13/7/90

M.P An No 957/90 Read. from CAT, Alld. on 13.7.90 for extension of the interim order. Date was fixed from CAT, Alld on 25.7.90 as per Court's order on 11.7.90. Date is already fixed on 29.8.90

See original order in main NP Am.

OP No 2, 3, 4, 5 have been return back. complete. F O

A copy of this order may be given to the learned counsel for the applicant today.

Sd/-
A.M.

Sd/-
V.C.

SEFO 25/7

13-8-90

Hon'ble Mr. P. Srinivasan, A.M.

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

By this M.P., the applicant in M.P. has furnish^{ed} the correct address of respondents 2 to 5 for service^{of} notices. ~~issue~~. Registry has already issued^{for} notices to respondents 2 to 5 at the address ~~is~~ now given. Service of these notices are awaited.

Respondent No. 1 who has ^{been} the duly ^{been} served notices / ~~is about~~ fix the ^{case} for 10/9/90 ~~to advise service of notices on Respondent 2 to 5 and respondents 2 to 5 and for further orders.~~

~~Interim~~ order already passed, will continue in operation till then. ~~The~~ copy of these order may be given to the counsel for the applicant.

Dr. Dinesh Chandra, prays for
1) further time ~~for~~ 4 weeks to file a
reply, prayer granted. Applicant -

10.9.90

Hon. Mr Justice K. Naidu
Hon. Mr M.M. Singh AM

C A 205/90

(25)

The order and report of S.D.S. indicates that notice to respondents 2 to 5 have been sent by Registered post on 1.8.90 fixing 13.8.90 for hearing. It appears that the case was taken up on 13.8.90. Notices have not been received back and the service was awaited.

According to the office report, no unserved covers have been received back from the postal Deptt. It is therefore presumed that respondents 2 to 5 have been served. Respondent No. 1 had already been served earlier. No counter has been filed. Interim order is made absolute. The case be put up before D.R. in the last week of November for fixing a date, if possible, for final hearing.

Copy of the order be given to Counsel for applicant within 24 hours.

H. H. Suresh
AM.

[Signature]

Me.

Noted for 28.11.90

[Signature]

Received copy.

11/9/90

Noted for 14.12.90
Srinivasulu
28/11/90

Applicant is present. Respondent is not present today. Even counter has not been filed in this case. Case is fixed up today for fixing the date for final hearing (ex parte)

Put up, but then honble. Bench - 14.12.90. Final hearing - 28.11.90

At

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
Registration O.A.No. 205 of 1990(L)

Ram Sewak Singh ... Applicant

Vs.

Union of India & Others.... Respondents.

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

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant who was working as F.I.G. Grade 'B' in the scale of Rs. 425- 700/- on 22.1.84 was asked to look after the duties of L.F./P.B.H. Because no other staff was willing to go to P.B.H. and since then the applicant was working on the same post. The Senior Divisional Mechanical Engineer had also accorded sanction of officiating allowance to the applicant in the said grade. The person ~~on which~~ place the applicant was appointed ~~later~~ on transferred elsewhere handing over the charge to the applicant. Another person took charge from the applicant on 25.10.84, but handed over the charge again to the applicant on 25.1.85. i.e. after 3 months. Since then the applicant continued to perform his duties of L.F. (Mech. PBH). As a result of restructuring promotions were ordered against the restructured cadre which was notified on 22.7.87 in terms of the Railway Board letter dated 1.1.84. The applicant was posted at serial no.8 with remark "Appointed to officiate as maintenance in grade Rs.700-900/- w.e.f. 1.1.84 allowing fixation of pay under Fundamental Rule 22. As a result of re-structured promotions, the pay fixation of the pay were also made. Subsequently vide order dated 6th March, 1990 the applicant was reverted and recovery from his salary was ordered with effect from 1.1.1984. The applicant approached the Tribunal which stayed the operation of the impugned order.

✓

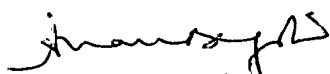
2. On behalf of the applicant it was contended that in view of the mandatory provision of establishment rules 20 to 24 that no recovery could have been made from the applicant, and the reversion order has also been challenged by him on variety of grounds that he was promoted as a result of re-structuring and he was not given an opportunity of hearing before the said reversion order.

3. The respondents have resisted the claim of the applicant stating that the promotions to the post of Loco Foreman were made from the incumbents who came from broadly two sources, namely, from Running Cadre and Maintenance Cadre, and the promotions as a result of restructuring ^{was} made taking both these cadres together. Later, it transpired that the restructuring was to be done separately both the Running and Maintenance Cadres. Therefore, the applicant was reverted to the post of FIR Grade 'A' with effect from 1.1.84 and the recovery was being made.

4. The facts though makes it clear that the mistake was committed by the Railway Administration and not by the applicant. In case the Railway Administration ^{refused} ~~deleted~~ the applicants for years² together, there was no occasion for them to pass an order ^{of reversion} without giving any opportunity of hearing to him. Work was taken by the applicant and the applicant was paid accordingly in accordance with rules, there was no occasion for making any recovery from him and there is no such rules which empowered the Railway Administration to make recovery from the applicant. Accordingly this application deserves to be allowed and the reversion order dated 6th March, 1990 is quashed. With the observation that in case the applicant was promoted wrongly, the reversion order shall only be passed after

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giving him an opportunity of hearing. However it is also been made clear if the applicant's promotion is due from his channel, the applicant's promotion may not be attached to that, though he may be given seniority only with effect from the date he is entitled to be promoted. So far as the recovery part is concerned the same is quashed and the respondents are not entitled to make any recovery in respect of the work done by him. There will be no order as to costs.


Member (A)


Vice-Chairman.

27th January, 1992, Lucknow.

(sph)

▲ ▲ ▲

In the C.A.T. Allahabad Circuit
Bench - Lucknow.

Reg No 205 of 1990

Ram Sewak Singh
vs.

Union of India.

Dirt - Pratapgarh.

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26-6-80

V L

THE UNION OF INDIA AND OTHERS

IN THE

Case No. 205 of 1980 (L)

Shri B. S. Singh Applicant.

Versus

Union of India, and others Respondents.

1. Postal Order

2. Petition.

14/6

3. Order dated 6.5.1980

17/8/80

4. Vakalatnama

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Noted 5/12/80

20/12/80

Shri B. S. Singh
(Applicant)
By Mr. P. S. Singh.

26/6/90

V 5

BEFORE THE HON'BLE CHIEF ADMINISTRATIVE TRIBUNAL

AND ITS CIRCUIT BENCH LUCKNOW.

CASE NO. 205

OF 1990 (C)

DISTRICT OF LUCKNOW

IN RE

Mr. Dewa Singh, son of Late Sri Manchandra Singh
resident of Loco Foreman, Langton No. T-1 A, Railway
Colony, Pratapgarh.....

1. Union of India Through the Secretary for
Ministry of Railways

2. The Divisional Railway Manager, Lucknow.

3. The Divisional Personal Officer, Lucknow.

4. Sr. Divisional Accounts Officer, Lucknow.

5. The Superintendent, Pay Bill, Lucknow.

.....Respondents.

1. Statement of Facts

1. a. Petition No. 755/1/1-7 of grading

b. Date 6th March, 1990.

c. Authority which has passed the order.
Maghoo Ram,
For Divisional Railway Manager,
Divisional office, N.A. Lucknow.

The applicant is challenging the arbitrary action
order of the Respondents dated 6th March 1990 passed by
respondent no. 3 and 4 reverting him from the post of
Loco Foreman (L) T-1A from 1.1.84 and recovery of the
amount paid as salary against the promoted post of P.F.

82

26/6/90

18/6/90
C.R. H. H. H. H. H.
25/7/90
27/9/90

710

2.

2. Jurisdiction of Tribunal

The applicant declares that the subject matter of order against which he wants redressal is within the jurisdiction of Tribunal

The applicant was duly selected on the post of Loco Foreman as a result of restructuring after segregation of maintenance and running cadres.

3. Limitation

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Details of the case

i. That the petitioner was working as F.I.C. grade 'B' in the scale of 425- 700.

ii) That, d.d. 2.1.1984 one Shri P.M. Prasad I.P. was on sick leave and the petitioner was asked to look after the duties of I-P / F.I.C. Because no other staff was willing to go to P.M. and since then the petitioner is working in the same post.

iii) That the Senior S.D.O. Northern Railway Assistant intimated Sr. D.F.C. Vide his letter dated 8.6 to the effect that, because no other staff has willing to go to P.M. line S.D.'s post is in the grade Rs. 700 900 and no adhoc promotion can't be given the petitioner is permitted to officiate in grade 550-750 till time Shri Prasad resumed or some other regular arrangement is made.

A true copy of the letter dt. 8.6 .84 is enclosed to this claim petition.

[Handwritten signature]

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5. That the applicant was duly selected on the post of Loco Foreman as a result of restructuring after segregation of Maintenance and running Cadres.

The application is within the limitation Prescribed in section 21 of the Administrative Tribunal Act, 1985 .

FACTS OF THE CASE:

1. i) That the petitioner was working as F.I.C Grade 'B' in the scale of 425- 700.

ii) That, w.e.f. 22.1.1984 one Shri N.Y. Prasad L.F/PBH was on sick list and the petitioner was asked to look after the duties of L.F/P, B, H. Because no other staff was willing to go to P, B, H. and since then the petitioner was working on the same post.

iii) That the senior D.M.E. Northern Railway intimated Sr. D.P.O. Vide his letter dated 8.6.84 to the effect that, because no other other staff has willing to go to P, B, H. since ^{L.F/PBH} is in the grade Rs. 700-900 and two adhoc promotion can't be given, the petitioner has been permitted to officiate in grade 550- 750 till such time Shri Prasad resumed or some other regular arrangement is made.

A true copy of the letter dated 8.6.84 is annexed herewith and marked as Annexure I to this Claim petition.

ANNEXURE I

[Handwritten signature]

5.

petition and the true copy will be produced at the time of argument.

vi) That on 25.10.1984 one Shri Lal Sahab Upadhaya took the charge from the petitioner and handed over the same charge to the petitioner on 25.1.1985 i.e. he worked only for 3 months and reverted on his post PBM. A Photo state copy of the Charge list dated 25.10.1984 and 25.1.85 is being filed herewith and marked as Annexure IV and V to the Claim petition.

vii) That since 25.1.85 till now the petitioner is successfully discharging the duties of L.F.(Mech.PBM).

viii) That as result of restructuring after segregation of cadre of technical supervision loco (Maintenance) and Running cadres Group L.O Divn. w.e.f. 1.1.84 the promotions were ordered against the restructuring cadre post notified to the office G.M.P.N.D.L 's letter No. 803-E/6-8-29 /E-2 dated 21.7.1987 vide notice no.755/E/1-7/upgrade interns of railway board letter no.20 III/83/UPG/3/dated 1.5.83 effective from 1.4.84..The petitioner was posted at serial No.8 with remarks "Appointed to officiate as (maintenance) in group 700- 900 w.e.f. 1.1.1984 allowing fixation

under F.R.22 .A true copy of the letter dated Sick
2.1.1989 is being filed here ith and marked as
Annexure VI to this Claim petition.

(ix) That,as a result of re-structured promotions,
the pay fixation of the pay was made in grade 700
to 900(Rs) to Rs.730/- w.e.f. from 1.1.85 and pay raised
to Rs.760 , pay refixed in revised scale Rs.2000-3200
(R.P.S.)at Rs. 2240 w.e.f. 1.1.86 and same was increased
with increments on 1.1.89 upto Rs.2,450/- and the last
salary drawn was Rs.2525/paid to the petitioner with
all the arrears of the revised pay including all the
benifits .

A photo stat: copy of the fixation charrg dated
21.2.1989 is being filed herewith as Annexure VII
to this claim petition.

x) That the D.M.M. LKC issued a letter dated 6th
March 1990 reverting the petitioner and ordered for
recovery of the payments made from 1.1.1984 .This
order is hereand after referred as impugned order.

A true copy of the impugned order dated
6th March 1990 is annexed herewith and marked as
ANNEXURE VIII to this claim petition.

[Handwritten signature]

11) That the order is veridical and contrary in itself with a view that upgraded payment was made w.e.f. 1.1.1985 and the order for recovery was made w.e.f. 1.1.1984 till 7.12.89, there after the adjustment was made on the same post [✓] while the adjustment should be ^{made} from the date of his officiation or first appointment.

11 A) That, it is significant to mention here that the promotion on the post of L.F. (Mechanical) was made in the special circumstances [✓] as it is clear from the perusal of the letter of Sr. D.M.E. Annemure -I to the Claim petition that no other staff was willing to go to PBM. But the petitioner accepted and join the post in the public interest. The Officiation of the applicant was approved by the Railway board. The continuous officiation of the applicant on the post was in public interest and Ex-Igencies of administration due ^{to} in paucity of suitable cadre officers. The applicant performed his duties efficiently and to the entire satisfaction of respondents resulting his appointment/ promotion on the post of L.F.(maintenance). In this reference it is pertinent to mention here that the applicant received the award and appreciations letters by the Director of State language and D.R.M. N.R.LKO. dated 14.4.1982.

[Handwritten signatures and marks at the bottom of the page]

4:

iv) That the Divisional personal officer (short hereinafter referred as Sr. D.P.O.) Lucknow vide his letter No. 42- E/ II-C/III dated 22.1.1986 noticed that Sr. Divisional Mechanical Engineer (herean after referred as Sr. D.M.E.) had accorded sanction of officiating allowance to the petitioner P.I.C. Grade 'A' in a scale Rs.425-700 Rs. against the post of P.I.C. Grade 'A' in scale Rs.550-750 (Rs.) and Rs.550 P.M. with effect from 2.9.83 to 21.1.84 and 15.6.1984 to 1.9.84.

A true copy of the letter dated 22.1.1986 is annexed herewith and marked as Annexure-II to this petition.

It is pertinent to mention here that the payment of the gaps had also been paid to the petitioner. The payments of gap between 21.4.84 to 15.6.1984 had also been paid to the petitioner at the rate of Rs.550 per month.

v) That as sri A.K. Prasad was on sick list and by the time he was transferred to Delhi handing over the charge of Locoshed ADM to Shri Ram Saran Singh (the petitioner) on 10.9.1984.

A Photostat copy of the charge list is annexed herewith and marked as Annexure-III to the Claim

5.

petition and the true copy will be produced at the time of argument.

vi) That on 25.10.1984 one Shri Lal Sahab Upadhyaya took the charge from the petitioner and handed over the same charge to the petitioner on 25.1.1985 i.e. he worked only for 3 months and reverted on his post PSM. A Photo state copy of the Charge list dated 25.10.1984 and 25.1.85 is being filed herewith and marked as Annexure IV and V to the Claim petition.

vii) That since 25.1.85 till now the petitioner is successfully discharging the duties of L.P. (Mech. PSM).

viii) That as result of restructuring after segregation of cadre of technical supervision loco (Maintenance) and Running cadres Group L.P. Divn. w.e.f. 1.1.84 the promotions were ordered against the restrictive cadre post notified to the office G.M.P.M.D.L 's letter No. 803-E/6-8-29 /E-2 dated 22.7.1987 vide notice no.755/E/1-7/upgrade interns of railway board letter no.PC III/83/UPG/3/dated 1.5.84 effective from 1.4.84..The petitioner was posted at serial No.8 with remarks "Appointed to officiate as (maintenance) in group 700- 900 w.e.f. 1.1.1984 allowing fixation

8/2

under F.R.22 .A true copy of the letter dated Sick
2.1.1989 is being filed herewith and marked as
Annexure VI to this Claim petition.

(ix) That, as a result of re-structured promotions,
the pay fixation of the pay was made in grade 700
to 900(Rs) to Rs.730/- w.e.f. from 1.1.85 and pay raised
to Rs.760 , pay refixed in revised scale Rs.2000-3200
(R.P.S.) at Rs. 2240 w.e.f. 1.1.86 and same was increased
with increments on 1.1.89 upto Rs.2,450/- and the last
salary drawn was Rs.2525/paid to the petitioner with
all the arrears of the revised pay including all the
benefits .

A photo state copy of the fixation chart dated
21.2.1989 is being filed herewith as Annexure VII
to this claim petition.

x) That the D.L.M. LMC issued a letter dated 6th
March 1990 reverting the petitioner and ordered for
recovery of the payments made from 1.1.1984 .This
order is hereand after referred as impugned order.

A true copy of the impugned order dated
6th March 1990 is annexed herewith and marked as
ANNEXURE VIII to this claim petition.



11) That the order is vexitious and contrary in itself with a view that upgraded payment was made w.e.f. 1.1.1985 and the order for recovery was made w.e.f. 1.1.1984 till 7.12.89, there after the adjustment was made on the same post [✓] while the adjustment should be ^{made} from the date of his officiation or first appointment.

Xi A) That, it is significant to mention here that the promotion on the post of L.F. (Mechanical) was made in the special circumstances [✓] as it is clear from the perusal of the letter of Sr. D.M.E. Annemure -I to the Claim petition that no other staff was willing to go to PBM. But the petitioner accepted and join the post in the public interest. The Officiation of the applicant was approved by the Railway board. The continuous officiation of the applicant on the post was in public interest and Ex-Igencies of administration due [✓] in paucity of suitable cadre officers. The applicant performed his duties efficiently and to the entire satisfaction of respondents resulting his appointment/ promotion on the post of L.F. (maintenance). In this reference it is pertinent to mention here that the applicant received the award and appreciations letters by the Director of State language and D.P.M. P.R.LKO. dated 14.4.1982.

^{✓ Photo Stamps}
A true copies of these appreciation letters are

ANNEXURE IX AND X

being filed herewith and marked as ANNEXURE IX AND X to this claim petition.

xii) That the Respondent no.2 and 3 have ignored the mandatory provision of establishment rule[✓] 20 to 24 wherein it has been provided that:

A) Rule 21

The G.M. in consultation with F.A. and C.A.O.S. may grant personal pay in individual cases of fixation of pay of the surplus staff on appointment to alternative posts where ever necessary (IB's No E(NG)II-69Rs.1/25 of 28.11.69)(H.J.S.No.4382).

(B) Rule 22

speaks about the fixation of the simultaneous promotions to two posts which is identical to the case of the petitioner that firstly he was appointed in the grade of 425- 700 PIQ grade B' subsequently he was approved from 2.9.83 in P.I.R. grade A in scale of Rs.550- 750. and thereafter again he has approved in the scale of 700 to 900 rule 22 (a) and (b) of the establishment rules provides that the person who has been promoted in the higher

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scale and worked not less than 12 days, it will be deemed that his pay have been fixed under Rule 2018-B(II) Subsequently he promoted to the higher post and the pay fixed under Rule 2018-B(II) (RB's No PC-67 /PP/13 of 27.7.67 (NR SNo 4039)).

(C) Sub Rule(A) and (B) of rule 24 of establishment rules provide that the special pay which is granted in lieu of in separate Higher scale of pay will be treated as pay for the purpose of fixation of pay on appointment to another post. It is also provided that where such special pay has drawn for a minimum period 3 years without breacking more than one post within the same cadre or department the total period will be taken into account.]

xiii) That rule 6 of the establishment rules provides that a Railway servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post other than a tenure post, unless the officiating appointment involve the assumption of duties in responsibilities of grater importance than those attaching to the post other than the tenure post on which he holds a lien or would hold a lien had his lien not been suspended.

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(ix) That, in view of the circular of the Railway board dated May 27, 1963 ~~the~~ regarding the procedure to be followed for filling of selection post (Nonguzetted) the board directed that if the requisite number of staff was not available in the grade next to the grade for which the selection was being held the administration could go to a lower grade in order to make up 4 times. The number required to be called up ^{to} selection. But in no case can the eligibility be extended to staff in the grade lower than 3 times. This rule is consistent with the Rule 216 of the establishment rules. This direction and mandatory provision have been ignored throughout of the respondents while reverting the petitioner and passing the impugned order for the recovery of the payment made in lieu thereof with retrospective effect. The above noted contentions and proposition of law have been approved by the Hon'ble Supreme court and other several court of law on the And.

(x) That, petitioner has got his lien on the post of L.P. (Mechanical) but it has also been ignored by the respondents either in their vested interest or under pressure of certain persons enenical to the petitioner.

(xi) That, the order passed by the respondents are arbitrary and is not founded on any rational basis and is all against the norms of the fairness, justice and reasonableness however, cogent reasons have been given in the impugned

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order[✓] for ~~reversion~~[✓]

xvii) That there is catena of cases in respect of principle of relating to the back promotions to the year of vacancies and have received the approval of courts in effect by fiction, it is deemed that officer stood approved on the date it was due i.e. from the date, Vacancy arose and the officer was found suitable. It is established by the Hon'ble Supreme court that if a rule for determining the seniority provided continuous officiation or the date of first appointment followed by confirmation then once confirmation's made and the service till then is uninterrupted if relates back to the date of order of First appointment.

xviii) That, the respondents has violated the article 14 and 16 of the constitution of India that after the confirmation on the post of L.P. (mechanical) without giving the reasonable opportunity of being heard the order for revision and recovery of payment made, is illegal void- ab-intitio and against the principle of natural justice.

(ix) That the order is mechanical passed without jurisdiction and application of mind casts stigma, as such attracted article 311(2) of the constitution of India.

Handwritten signature and scribbles at the bottom of the page.

(12.) That the petitioner is entitled for the equal pay for equal work, since then he is officiating on the post of L.F.(Mechanical) that is the date of his first appointment, his seniority must be count on that score at the time of re-structuring.

(13.) That however persual of circular dated 22.7.1987 clearly gives the direction that if in case excess number of post in higher grade have already been operated as the employees promoted against these would have actually shouldered higher responsibility shall not be entitled for the recovery of paid salary for the same period. It is also directed that the deficiency may be made up by creating the required number of posts in the higher grade and the senior most among the staff eligible for promotion may be promoted against the additional post created in the higher grade and the staff so promoted may be given proforma fixation of pay and seniority w.e.f. 1.1.1984.

ANNEXURE II

A true copy of the circulation dated 22.7.87 is annexed herewith and marked as Annexure II to this claim petition.

G R O U N D S

- 1) Because the Respondents have ignored the

Government Order's and rule 21, 6 of the establishment rules and provisions of Rule 2018[✓] respecting [✓]fixation [✓]of pay promotion and passing the order for recovery with retrospective effect.

2. Because the respondents have violated the principle of Article 14, and 16 of the constitution of India.

3. Because the respondents by not giving [✓]the opportunity [✓]of being heard violated article 311(2) and principles of natural justice.

4. Because the respondents have ignored throughout the mandatory provisions of establishment rules 20, 21, 22 and 24.

5. Because the petitioner is entitled for the equal pay for equal work as he had already been confirmed in the grade of 550- 750 and also confirmed in the scale of 700 to 900 since 1.1.1984[✓] and the salary was paid to him, w.e.f. 1.1.1985[✓].

6. Because the order passed by the respondents are arbitrary and is not found on any rational basis

[Handwritten signature]

14.

and is against all the principles of fairness, justice and reasonableness, however cogent reasons have been given in the impugned order.

6. Details of the remedies exhausted:

That the applicant made the several representation respondent No.2 and 3 none of them were replied and the last representation was made through the Union of which the impugned order dated 6.3.1990 (6th March 1990) was passed. ^{Against notice dt 31.3.90} And the notice dated 31.3.90 merged in the order dt 6.3.90. Because the deduction started in compliance of the order dated 6.3.90 therefore there was no alternative remedy except to invoke the jurisdiction of this court.

7. REMEDIES EXHAUSTED FILED ON RECORD WITH THE COURT

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

=====

It is therefore most respectfully prayed that this Hon'ble court may be pleased:

- i, to set aside the order dated 6.3.1990 (annexure III) of this claim petition.

[Handwritten signature]

[Handwritten mark]

15.

- ii) to direct the respondents by issuing a writ of mandamus that no recovery could be made in lieu of order dated 6.3.1990 and the deduction made in compliance of the order dated 6.3.1990 be refunded.
- iii) to confirm the grade of petitioner of Rs.700 to 900 with retrospective effect on the post of Loco Foreman Pratapgarh.
- iv) to pass such other and further writ order or direction which this Hon'ble court deems fit and proper in the facts and circumstances of the case.
- v) to award the cost of this claim petition to the petitioner.

9. INTERIM ORDER DATED 10th

It is, therefore most respectfully prayed that an interim order be passed by this Hon'ble court to stay the operation of the impugned order dated 6.3.90 (Annexure -VIII) to the claim petition) for the recovery of money till the disposal of this claim petition.

10. That the application is filed through my counsel Sri Sushil Kumar Srivastava, Advocate High Court.

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[Handwritten initials]

9201

at

1.35.01 OF 2.1.4.2. DIC 11. 11.

- 2

1143. 4.

An index in duplicate containing the details of

U.S. District Court:

- 22

5.1.1985.

ANNEXURE VIII

NORTHERN RAILWAY

No.755/E/1-7 Upgrading

The Divisional secretary
Northern Railwayman's union
Near Gurads's running Room
Charbagh, Lucknow.

Dear Sir,

Re: Reversion of Sri M. Singh, Loco
Foreman (Mech) Pratapgarh.

Ref: Your letter No.26/1(2) /46 dt. 9.2.90.

Reference our discussion on the subject The issue
has again been examined in detail and it was found
that promotion of Loco Foreman, P.M., from 1.1.84
was made wrongly. Accordingly a decision has been taken
that all the excess payments made to the employees,
who were not eligible for promotion from 1.1.84,
should be recovered. The details of the employees from
whom the recoveries are to be made are given as under;

Sl. No. of staff	Design	Grade in which recovery involved	Period for which over payment of arrears to be recovered.
1. Sri M. Jalota	LF(1)/MCO	70-7900	1.1.84 to 17.10.85
2. Sri Kesar Nigam	LF(1)/MCO	8000-3200	1.1.84 to 30.4.86
3. S. S. Singh	LF(1/2) MCO	-do-	1.1.84 to 9.4.89
4. S. S. Singh	LF(1/2) MCO	-do-	1.1.84 to 7.11.89

-2-

5. UB Misra	FIC/-/LIC	55-751	30.6.84 to 30.4.86
		1600-2660	
6. OPTENAMI	-do-	-do-	1.4.85 to 31.3.87
7. SC Dancy	-do-	-do-	1.4.87 to 31.5.87
8.			
9.			

Yours faithfully

(Raghuo Ram)

For D.M. Lucknow.

..

True copy.

[Handwritten signature]

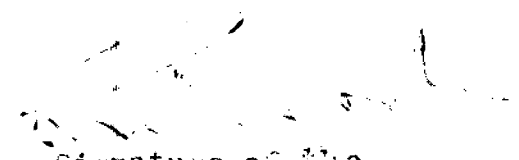
- 22-727
6. Annexure VI a true copy of letter dt. 2.1.89.
fixation chart
7. Annexure VII True copy of ~~application~~ ^{fixation chart} issued by
~~Director of State Language~~ dt. 21.2.89.
8. Annexure VIII Copy of the impugned order dt.
6th March, 1990.
9. Annexure IX copy of application issued by
Director of State Language.
10. Annexure X copy of application issued by
D.A. M. L. dt. 14.4.82.
11. Annexure XI copy of the circular dt. 22.7.87.

VERIFICATION CLAUSE:

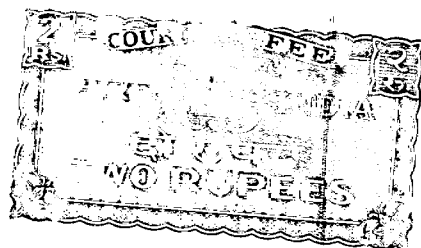
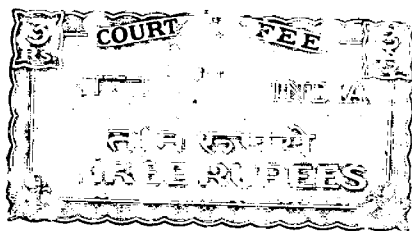
I Ram Suresh Singh aged about 43 years
son of Shri. Ram Chandra Singh resident of 1/1, P. S. K. Colony
Badli, Delhi do hereby verify that the
contents of paragraph no. 1 to 21 of this writ petition
are based on personal knowledge and belief and that
I have not suppressed any material facts.

Place

Date


Signature of the
applicant.





Before the Hon'ble Central Administrative Tribunal
अभिभाषक पत्र (वकालतनामा)

हाईकोर्ट आफ जूडीकेटर गेट इलाहाबाद

Aliabad District Court Lucknow

नं०

सन् १९

Claim Petition No. 7/1990

Ram Sewan Singh

वादी प्रतिवादो
अपीलान्त

बनाम

Union of India through the Secretary to the Govt of India

में कि Ram Sewan Singh vs. Union of India

Sgt. Major Ferman Banglewala, T.H. Railway

Colony, Pralipgum

उपरोक्त प्रकरण में हम अपनो ओर के पक्ष समर्थन के हेतु

सुशील कुमार श्रीवास्तव

चन्द्रकेश राय

एडवोकेट हाईकोर्ट

एडवोकेट हाईकोर्ट

३०, म्योराबाद, इलाहाबाद

४७७-सी, ममफोर्डगंज, इलाहाबाद

का कानूनी शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकाल) नियुक्त करता हूँ निश्चित करते हैं और (यह स्वीकार) करता हूँ कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जोदावा) प्रतिवाद-पर (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनरावलोकन एवं पुनर्निर्णय प्रार्थना पत्र दरखास्त), शापथ्यिक कथन (हलफनामा) प्रवर्तन पत्र (दरखास्थ इजराय), मूजवात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथ्यिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्यघन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को मध्य पत्र तथा साक्षा (गवाह माने और उससे सम्बन्धित प्रार्थना पत्र प्रस्तुत करें तथा उसका समर्थन करें, तथा तमदीक करें वाद-पत्र उठावे छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र दाखिल कर के उसका समर्थन करें, अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय एक स्वतः या संयुक्त करें आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें। अर्जी दावा, बयान तहरीरी या मुकदमे से सम्बन्धित कोई कागज पर मेरी ओर से हस्ताक्षर करने का अधिकार देता हूँ और नियुक्त करता हूँ।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको मुझको

सर्वथा स्वीकार होगी अगर मैं कानूनी शुल्क तथा विशेष शुल्क आखिरी बहसके वक्त उक्त सज्जन को न दूँ/दे तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमे की पंरवी न करें। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा। अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूपसे समय पर काम आये।

तिथि

मास

सं०

स्वीकृत है

— — —

Strive (aro)
(to strive, to strive, to strive)
Strive, strive, strive, strive.

130
20
ANNEXURE I

NORTHERN RAILWAY

NO.

DATE 8.6.84.

J.c.f.22.1.84 Shri N.M.Pd. LF /P.M. is on sick list. Shri
Ran Sewak C/M Gr.3.13A has been asked to look
after the duties of LF/P.M. because no other staff was
willing to go to P.M. Since LF's post is in the
grade Rs.700-900 and two adhoc promotions cannot
be given Shri Ran Sewak has been permitted to officiate
in the gr. 550-750 till such time Shri Prasad resumes
of some other regular arrangement is made.

suitable orders may please be issued.

Sr. S.N.E.

True copy.

Attested T.C.

Sushil Kumar Singh

ASST.

26/6/84

1777 21

ANNEXURE II

Northern Railway

Divisional office
Lucknow dt.20.1.86

No.49-L/II-C/III.

NOTICE

Sr. Divisional Mechanical Engineer has
accorded sanction to the rent of officiating allowance
to Sri M.S.singh FIC Gr. in scale Rs.426-700(R)
against the post of FIC Gr. in scale Rs.550- 750 (Rs0
@ Rs.550/- p.m. wef. 2.9.83 to 21.1.84 and 15.6.84
to 1.9.84.

sd. For Div. Personal officer
Lucknow

Copy to 1.Loco formen,Partabargh.

2. Suptd. pay bill.

3. Sr.MO /Lucknow.

4.Sri MS singh FIC Gr.3/P.M.

...

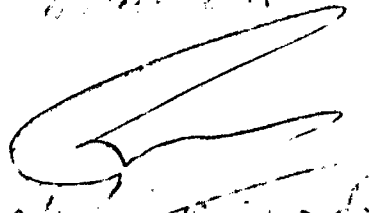
True copy.

Attested T.C.
Sd. Smt. Kumar Sripal
Hd.
26/6/90

For the purpose of the above mentioned
Memorandum, the following is submitted for
your consideration and approval.

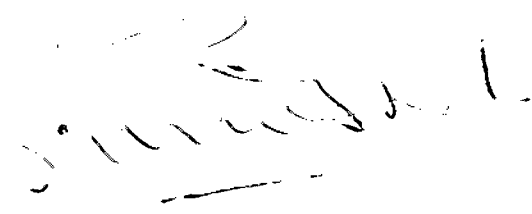
- ① Complete change of the existing...
- ② Complete change of the existing...
- ③ Complete change of the existing...
- ④ Complete change of the existing...
- ⑤ Complete change of the existing...
- ⑥ Complete change of the existing...

The above mentioned changes are proposed
for the purpose of the above mentioned
Memorandum and are submitted for
your consideration and approval.


[Name]
[Title]

Dr. [Name]
[Title]
[Date: 19-9-84]

Attested T.C.
Jyoti Kumar Srivastava
Adv.
26/6/90


[Name]

153

(c) Complete charges ART - by - unit system - 10%

2. complete change of tools and equipment - 11/10/1951.

3 - complete charge of St. and fuel - under X.M. Skene

4. Complete change of passport conditions - and

8 - Complete change sheet, style -
establishment section with all details -
with date.

b - complete charges per 70 seconds - that's the maximum

The certificate, from all the above entitled parties, should regarding conditions of book, balance and current balances and various time periods are attached herewith in support of the charge made.

Shri Lal Sahab
LF/134 NIA
5-10-34

[illegible]

Altered T.C.
Sushil Kumar Sharma
For
26/6/92

11/11/21

Annex-5

1. 2. 3.

174

The other two columns, *height* and *weight*, are

The package containing 100 1001-25-1-85 by the
Sub-Surface Laboratory, Portland, Ore.

Sub-Sunak also became a part of the

...the other way, that is, that the $\mathcal{H}^1$ -norm is not a norm on $\mathcal{H}^1$.

2. Complete the great changes that have taken place in the world.

2. (a) -/ole and /ole are both possible, but /ole is more common. (b) -/ole and /ole are both possible, but /ole is more common. (c) -/ole and /ole are both possible, but /ole is more common. (d) -/ole and /ole are both possible, but /ole is more common. (e) -/ole and /ole are both possible, but /ole is more common. (f) -/ole and /ole are both possible, but /ole is more common. (g) -/ole and /ole are both possible, but /ole is more common. (h) -/ole and /ole are both possible, but /ole is more common. (i) -/ole and /ole are both possible, but /ole is more common. (j) -/ole and /ole are both possible, but /ole is more common. (k) -/ole and /ole are both possible, but /ole is more common. (l) -/ole and /ole are both possible, but /ole is more common. (m) -/ole and /ole are both possible, but /ole is more common. (n) -/ole and /ole are both possible, but /ole is more common. (o) -/ole and /ole are both possible, but /ole is more common. (p) -/ole and /ole are both possible, but /ole is more common. (q) -/ole and /ole are both possible, but /ole is more common. (r) -/ole and /ole are both possible, but /ole is more common. (s) -/ole and /ole are both possible, but /ole is more common. (t) -/ole and /ole are both possible, but /ole is more common. (u) -/ole and /ole are both possible, but /ole is more common. (v) -/ole and /ole are both possible, but /ole is more common. (w) -/ole and /ole are both possible, but /ole is more common. (x) -/ole and /ole are both possible, but /ole is more common. (y) -/ole and /ole are both possible, but /ole is more common. (z) -/ole and /ole are both possible, but /ole is more common.

Complete changes in the and part-time work

1. The first step is to identify the problem. This involves understanding the situation and the goals that need to be achieved.

to the same extent as the other, and the same is true of the other two.

Complete changes possible and the amount of change
 2. Complete changes possible and the amount of change

The certificate of the Board of Directors of the Company is as follows:

1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689

containing a detailed description of the

The following is a list of the names of the persons who have been
 named in the above mentioned cases:



1000

10/1/54

21/2/85

Spring 1941

INDIAN RAILWAY

Divisional Office
Lucknow, Lt/- 22.9.64

NOTICE

As a result of restructuring of cadre of Technicial Supervising Level (Maintenance) group on LKO Divn. 1.2.9.64 the following promotions are hereby ordered against the re-structured cadre posts notified through this office notice of even no. dated 22.9.64:

Sl. No.	(A) LKO (Maintenance) Or. No. 700-900/1.2.9.64 "Restructuring" list with designation/post and stn.	Date from which promotion will be effective
1. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1-1-84
2. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
3. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
4. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
5. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
6. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
7. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
8. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
9. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64
10. Mr. C. S. Choudhary	Mr. C. S. Choudhary	1.1.64

promotions are as above. Mr. C. S. Choudhary (Or. No. 700-900/1.2.9.64) but no action is taken as to his date of retirement on 30.4.66 in terms of P. No. 9053. The promotion will have effect on retirement benefit alone.

Mr. C. S. Choudhary (Or. No. 700-900) and transferred to P. No. 9053. The promotion will have effect on retirement benefit alone.

Mr. C. S. Choudhary (Or. No. 700-900) and transferred to P. No. 9053. The promotion will have effect on retirement benefit alone.

Attested T.C.
Sushil Kumar Singh
26/9/64

ANNEXURE VII

LF/PBL

21.2.89

As a result of re-structuring of cadre of LCOs in the
LCO(maint) group of LCO dvn.in terms of rly Bd's
letter No.PCIII/ 83/ LFG/3 dt. 1.5.89 effective
from 1.1.84 pursuant to the letter no.830-6/
6829 /BII dt.22.7.87 the under noted staff promoted in
restructuring vide no ice no.755/ L/1-7/upgrading dt.16.1.
89.

1. Name	Restructuring post disg./rate of pay as on 1.1.84 dt./entry in grade	post/Deisg rate of pay fixed as on 1.1.84 The date of entry in the upgraded post as a result of restructuring under FR 22-8
1.Sri Ram Sewak singh FIC	FIC Rs485/-700 (Rs) Rs 485/as on 1.1.84 The entry in the grade	i) FIC A Rs.550/-- 750(Rs) Pay fixed at Rs.550/- on wef 1.1.84 2) LF(maint) Rs.700 - 900 (R.) at Rs.700 pm.w.e.f.1.1.84 (Auth ps.no.482)

pa to grant of increment of 1.1.84 on
completion of conveyry from the date of entry
in the upgraded

Pay in Rs.700-900 (Rs) to Rs.730/- 1.1.85 pay raised
Rs. 160 /re-/1.1.89 pay refixed in revised scale

Attested T.E.
Srinivasan
Hr.
28/6/90

2.

Rs. 2000- 3200(RSP) at Rs.2240 w.e.f 1.1.86.

pay raised to Rs.28 0/- per p.m.

-do- Rs. 2375/-

-do- Rs. 2450/-

sd. for D.M.L.

pay including arrears may be drawn
accordingly.

paid through supplementary in

.1.85 to jan 89 pay

20322.40 D.
4817.10.

2513.9/58 PF 1693 AD. 23446/50.

...

True copy.

Ail-sto T.C.
Sushil Kumar Bhatnagar
H.O.
26/6/90

प्रजाशक्ति, जो कि न्याय और सत्य के लिए लड़ता है।
 सिंह—
 राजे को वर्ष 1900 में जो कि न्याय और सत्य के लिए लड़ता है।
 में जाने के उपलक्ष्य के लिए कि न्याय और सत्य के लिए लड़ता है।
 के अवसर पर राजे कि न्याय और सत्य के लिए लड़ता है।
 योजना के अन्तर्गत कि न्याय और सत्य के लिए लड़ता है।

नयी दिल्ली.

दिनांक : ०४.०५.१९७६

निवेसक, राजभाषा

Attestat
K. K. K. K. K.
26/6/90

14.4.1982.

COMPLIMENTARY CERTIFICATE
RAILWAY YEAR 1982.

Sh. Ram Sewak Singh,
Fitter Incharge,
M.R.Loco shed.
Pratapgarh.

He is regular and hard worker. He is
taking pains in maintenance of locos
and try to avoid the case of repeated bookings.

He also keeps his record upto date
In recognition of his services, he is being given
a cash Award of Rs.100/-

(H.S.Chatta)

Divl. Rly. Manager.

Lucknow.

..

True copy.

Attested T.E.
Srinivasulu
ASV.
26/6/90.

777 1111 1111

NR

Annexure-11

No. 803-D/6829/4111

July 28, 1987.

The Loco. Railway, Jodhpur

Attn. Bikaner, Delhi Pirozpur, Jodhpur
Lucknow and Moradabad.

Re: Restructuring of the cadre of
Tech. supervisors and Loco supervisor.

In this railway while restructuring the cadre of Technical and Loco Supervisors in accordance with the Railway Board's letters No.UPG/3 dt. 1.5.84 and PGIII/84/UPG/9 dt. 16.11.84 respectively, the categories of chargemen grades 'A' and 'B' were combined with the category of locomotive Loco foremen the cadre restructuring was sanctioned vide GM(P)'s letter of even number dt. 16.10.84. It was further decided vide GM(P)'s letter of even number dt. 16.10.84. It was further decided vide GM(P)'s letter dt. 6.11.84 that promotion from category of chargeman grade 'A' ... to the category of Loco foreman would be through the category of ALF and not directly, on an application by certain staff to the Central Administrative Tribunal Jodhpur, the Tribunal has noted this office letter dt. 6.11.84 and directed the administration to promote chargeman grade 'A' directly to the grade of ALF. On the matter being referred to the Railway Board, they have observed that it has been incorrect to combine the maintenance cadre and the loco running cadre for the purpose of implementation of the restructuring orders.

which were issued separately in respect of the two orders vide boards letters of 1.5.84 and 16.1.1984 referred above. The board have accordingly directed that the matter be-revised reviewed afresh.

2. It has therefore been decided with the concurrence of both the under that the maintenance and running orders could be segregated in case of supervisors with retrospective effect from 1.1.84 (as per annexure I), and the restructuring order no. ASI II/ 83/ 20/3 dt. 1.8.84 and P II /84 /LPG/9 dt. 16.11.84 issued by the railway board in respect of maintenance and running staff respectively may be implemented after the combined orders of ASF and LF has been split up between the maintenance and the running staff. After segregation, the cadre of loco formen (Maintenance) will include the post of foreman (Maintenance) in grade Rs. 700- 9 00 (RS) and foreman of independent should in scale Rs. 700-900. The cadre of Loco formen (.) will consist of posts of foreman (running) in the grade of Rs. 700-900 (RS) the basis for calculation of cadre strength in the different scales for maintenance and running staff is given in annexure II and III respectively.

3. On the Bilmer, Jodhpur, Bikaner and Lucknow divisions where cadres restructuring orders have not been implemented so far, there be no problem in implementing restructuring order W.C.F. 1.1.1984.

3.

In the case of Alld. Delhi and Moradabad Divisions, however, where the restructuring has already been impl, as splitting of the cadre in accordance with the instruction contained in this latter, it may be found in the running side of the cadre, the number of higher grade post created in accordance with earlier instructions exceed the number of such posts which would be admissible as per dt.16.11.84 instructions contained in DCS's letters. The excess posts should be downgraded and the junior most persons working in the grade reverted. No recover, should, however, be made for the period for which the excess number of posts in higher grade have already been operated as the employees promoted against these posts would have actually shouldered higher responsibility. On the other hand, it would be found that on the Maintenance side larger number of higher grade posts would be admissible than those operated earlier under the orders of 1.5.84. The deficiency may be made up by creating the required number of posts in the higher grade and the senior-most amongst the staff eligible for promotion may be promoted against the additional posts now created in the higher grade. Staff so promoted may be given proforma fixation of pay and seniority w.e.f. 1.1.1984 post in the higher grade should however be allowed only from the date they actually assume charge of the post in the higher grade. No arrears would be payable.

4.

2. The above instructions may be implemented immediately and the order of instructuring completed by 30.9.87 positively. I... progress report may be furnished to Gt.(2) in the proforma given in para IV so as to reach by 7th of the following month.

3. These instructions have been issued in consultation with the FI & CI annexed with the approval of GIL and GPO please acknowledge receipt.

(M. Sharma)

For Gt.(2)

...

True copy.

Attested T.C.
Srinivasa
ASr.
26/6/90.

(AM)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

O.A.No.205/90(L)

Sri Ram Sewak Singh

....Applicant

Versus

Union of India and others

....Respondents

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS

I, Shiv Pujan Prasad, presently posted as Asst Personnel officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, solemnly state as under:-

1. That the undersigned is presently posted as Asst Personnel officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow and is looking after the above mentioned case on behalf of the respondents. I am competent and duly authorised to file this reply on behalf of the respondents and ~~have~~ ^{have} read and understood the contents of the application moved by the applicant and is well conversant with the facts stated hereinunder.
2. That the contents of paragraphs 1 to 3 of the application need no comment from the answering respondents.
3. That the contents of paragraph 4.1 of the application are admitted.
4. That the contents of paragraph 4.2 are admitted only to the extent that the applicant was posted as Loco Foreman, Pratapgarh in ~~the~~ place of one Sri N.K.Prasad. The rest of the contents of paragraph under reply are denied.
5. That the contents of paragraph 4.3 are admitted.
6. That the contents of paragraph 5 are admitted only to the extent that the applicant was promoted to

S. Prasad

officiate as Loco Foreman, Pratapgarh in grade Rs.700-900 with effect from 1.1.84 allowing fixation of officiating pay under F.R.22(c) in terms of Printed Serial No.4821 as a result of restructuring vide Notice dated 6.1.1989. A true copy of notice dated 6.1.1989 is being annexed as ANNEXURE No.A-1 to this reply.

However, it is most respectfully submitted that the promotions to the post of Loco Foreman were made from the incumbents who came from broadly two sources, namely, from Running Cadre and Maintenance Cadre, and the promotions as a result of restructuring was made taking both these cadres together. Later, it transpired that the restructuring was to be done segregating both the Running and Maintenance Cadres. Therefore, the applicant was reverted to the post of FIC Grade 'A' with effect from 1.1.1984 vide Notice No.755.E/1-7/Upgrading dated 31.1.90 A true copy of the said Notice is being annexed herewith as ANNEXURE No.A-2 to this reply.

7. That the contents of paragraphs 5.1 to 5.6 are admitted.

8. That the contents of paragraph 5.7 are denied. It is most respectfully submitted that the applicant was reverted to the post of FIC Grade A in scale Rs.550-750 in pursuance of Notice No.755.E/1-7/Upgrading dated 31.1.90 contained in Annexure No.A-2 but had been promoted as Loco Foreman (Maintenance) in place of one Sri K.C.Misra with effect from 8.12.90 in grade Rs.700-900(RS)/2000-3200(RPS) and has since been transferred from Pratapgarh to Benaras.

9. That the contents of paragraph 5.8 are admitted.

10. That in reply to the contents of paragraph 5.9 it is respectfully submitted that the promotion of the applicant was wrongly made and as soon as the mistake was detected, it was rectified as a result of which he was reverted and orders for recovery was made from the pay of the applicant in the manner prescribed in the letter dated 2.3.1990 issued on behalf of the Senior Divisional Personnel Officer, Northern Railway, Lucknow. A true copy of the said letter is being annexed as ANNEXURE No.A-3 to this reply.

11. That the contents of paragraph 5.10 are admitted.

Subscribed

12. That the contents of paragraph 5.11, being incorrect are denied. It is respectfully submitted that the applicant was wrongly promoted as Loco Foreman (Maintenance) in grade Rs.700-900(RS)/Rs.2000-3200(RPS) with effect from 1.1.1984 and consequently wrongly paid in the said grade, the mistake which was later corrected and orders for recovery from his pay were made.

13. That the contents of paragraph 5.11(A) are admitted only to the extent that the applicant was placed to officiate as FIC Grade A (Fitter Chargeman Grade A) in scale Rs.550-750(RS) with effect from 2.9.83 to 21.1.84 and 15.6.84 to 1.9.84. The rest of the contents of paragraph under reply are denied.

14. That the contents of paragraphs 5.12 (A), (B) and (C) need no comment as they are narrations of different rules.

15. That the contents of paragraphs 5.13 need no comment

16. That the contents of paragraph 5.14 as stated are denied.

17. That the contents of paragraph 5.15, 5.16 are denied

18. That the contents of paragraph 5.17, as it refers to judicial pronouncements, need no comment from the answering respondents.

19. That the contents of paragraphs 5.18, 5.19, 5.20 and 5.21 are denied.

20. That the contents of paragraphs 6 and 7 need no comments.

21. That in view of the submissions made in the foregoing paragraphs the undersigned is advised to state that the applicant is not entitled for any relief.

22. That the contents of paragraph 9 need no comment.

23. That the contents of paragraphs 10 and 11 need no comment from the answering respondents.

(Sd/Prasad)

24. That in view of the submissions made in the foregoing paragraphs the undersigned is advised to state that the present petition is devoid of merit and is liable to be dismissed.

Lucknow, Dated :
November 28th 1990.

Elhassan

VERIFICATION

I, Shri Pujari P.D., presently working as ASST Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow hereby verify that the contents of paragraph 1 are true to my personal knowledge and those of paragraphs 2 to 20, 22 and 23 are based on record and the same are believed to be true. The contents of paragraphs 21 and 24 are based on legal advice and the same are believed to be true.

Lucknow, Dated :
November 28th 1990.

Elhassan

NORTHERN RAILWAY

Divisional Office
Lucknow, Dt/-6.1.89

NOTICE

As a result of restructuring of cadre of Technical Supervisors Loco (Maintenance) group on LKO Divn. w.e.f. 1.1.84 the following promotions are hereby ordered against the re-structured cadre posts notified through this office notice of even no. dated 22.7.88:

(A) L.F.(Maintenance) Gr.Rs.700-900/Rs.2000-3200(RPS)

S.No	Names of Staff	Pre-restructuring design-ation/post & station.	Post with grade to which pro-moted as a result of restruct-uring.	Date from which pro-motional benefit are allowed
------	----------------	--	---	--

1.	Sh.Sukh Lal	<u>FIC'A' Gr.Rs.550</u> <u>-750(RS)</u>	<u>L.F.(Maint)</u> <u>Rs.700-900</u> <u>(RS)/LKO</u>	1.1.84.
2.	Sh.P.C.Subhaya	"	"	1.1.84.
3.	ShI.A.Siddiqui	"	"	"
4.	Sh.S.B.Singh	"	Proforma promoted as LF(Maintenance Gr.Rs. 700-900(RS) w.e.f. 1.1.84 but no arrears are payable to him till the date of his retirement on 30.4.86 in terms of PS No.9033.The pro-forma promotion will have effect on retirement benefit alone.	
5.	Sh.K.L.Kureel	"	LF(Maint) Gr.Rs.700-900 and transferred to PBH Shed vice Shri J.N.Gupta and relief Sh.J.N.Gupta as LF/PBH.	
6.	Sh.V.S.Misra	"	LF(Maint)Gr.Rs.700-900(RS)/LKO	1.1.84
7.	Sh.Kansar Nizam	"/FD	"/FD	1.1.84
8.	Sh.S.S.Singh	"/BSB	"/BSB	1.1.84
9.	Sh.R.S.Singh	"/PBH	Appointed to officiate as LF(Maint)/PBH gr.Rs. 700-900 w.e.f.1.1.84 allowing fixation of Offtg.pay under FR 22 (c) in terms of PS No. 4821.	

A50

NORTHERN RAILWAYDivisional Office,
Lucknow, Dt/- 31.1.90

No.755.E/1-7/Upgrading

NOTICE

As a result of cadre re-structuring in the category of Loco Supervisors (Maintenance and Running) issued vide Railway Board's letter No.PC-3/83/UPG/3 dated 1.5.84, the sanctioned strength of Foreman.(Maintenance) Gr.Rs.700-900/2000-3200 had been revised from 7 to 10 posts. Thus three additional posts had been sanctioned to be filled up w.e.f. 1.1.84. As per existing the channel of promotion, the posts of LF's (Maintenance/Running) were filled up from amongst selected ALFs Gr.Rs.550-750/1600-2660(RPS). The posts of ALFs Gr.Rs.550-750(RS)/1600-2660(RPS) were filled up on the basis of positive act of selection from amongst Drivers Spl.Gr.Rs.550-750 Driver 'A' in scale Rs.550-750 and Driver (Goods) Gr.Rs.425-640, Chargeman B&A Gr.Rs.425-700 and 550-750 and Shedman Gr. Rs.425-700 at the ratio of 5:2:1 as per GM(P)'s letter No.755-E/62-7(2V) dated 18.7.83. It was decided vide GM (P)'s letter No.703-E/6829(E2G) dated 6.11.84 that the upgrading in the category of LF Gr.Rs.700-900(RS)/2000-3200(RPS) may be made from the selected ALF gr.Rs.550-750/1600-2660(RPS) and not from Chargeman 550-750. Only following selected ALFs were available to be given benefit of re-structuring w.e.f. 1.1.84 and they had been allowed the same vide this office notice No.755/E/17, dt/- 12.9.86.

<u>S.No.</u>	<u>Name</u>	<u>Design</u>	<u>Stn.</u>	<u>Gr.</u>	<u>W.e.f.</u>	<u>Remarks</u>
	S/Sri					
1.	M.M.Sharma	FOM	LKO	700-900	1.1.84	instead of 10.8.84..
2.	R.S.Pandey	Sr.Instructor	MGS	700-900	1.1.84	He is already off as Sr.Inst- ructor/ MGS wef 16.7.80 It is only to be made book entry.
3.	W.R.Jalota	FOR	LKO	700-900	1.1.84	Instead of 10.X.85 as he was promoted as FOR wef 18.X 86 on ad hoc basis

Subsequently it was decided by Hqrs.Office vide their letter No.803E/6829/E2C. dt/-22.7.87 that the maintenance and running cadres, Mech (Loco) Department should be segregated in case of supervisors with retrospective effect from 1.1.84. In compliance with the above orders, the case was processed for implementing full re-structuring in the above categories. No additional post of Supervisor in running side has been sanctioned even on the revised percentage. In addition to three, 7 supervisors were also promoted as LF

(Maintenance) in scale Rs.700-900/2000-3200(RPS) and 10 FIC Gr.B 425-700 were promoted as FIC Gr.A in scale Rs.550-750 against cadre restructuring vide this office notice No.755-E/1-7/Upgrading dated 6.1.89.

The case has been re-examined and it is noticed that 3 Supervisors S/Sri D.R.Arora, MIC/FD, K.C.Misra LF/BSB and A.K.Srivastava, LF/FD in scale Rs.700-900 were on roll as on 1.1.84. Only 7 vacancies (3 addl. & 4 existing) in scale Rs.700-900 under cadre restructuring had to be filled up from 1.1.84. Out of 7, 12 staff had been promoted as LF(M) and allowed benefit in scale Rs.700-900 with the result that promotions of 5 men had been made excess.

In view of the position explained above, it is proposed for reversion and adjustment of the following promotees. As a result of reversion and adjustment the recovery as involved should be made from the staff.

S.No	Name	Promoted Grade for the post of	Grade allowed under restructuring.	Date	Period for which recovery be made on reversion	Remarks
S/Sri						
1.	P.S.Pandey	LF/Maint	700-900 (RS)	1.1.84	-	Working as Sr.Instructor at MGS wef 16.7.80 against ex-cadre post. No recovery is involved He should be adjusted in running cadre.
2.	W.R.Jalota	LF(M)/LKO	700-900 (RS)	1.1.84	1.1.84 to 17.X.85	Adjusted in Running side as FOR Gr. 700-900 wef 18.X.85.
3.	Kesar Nizam	LF(M)/FD	700-900	1.1.84	1.1.84 to 30.4.86	Adjusted as LF(M)/FD wef 1.5.86 on retirement of Sri S.B.Singh LF(M)/LKO from 30.4.86.
4.	S.S.Singh	LF(M)/BSB	700-900 (RS)	1.1.84	1.1.84 to 9.4.84	Adjusted as LF/BSB against the vacancy occurred due to promotion of Sri D.R.Arora in scale 840-1040 wef 10.4.89.

5. R.S.Singh LF(M)/ 700-900 1.1.84 1.1.84 Reverted as
PBH (RS) to date FIC Gr.A in
scale Rs.550-
750 wef
1.1.84.

No additional post in the category of Chargeman Gr.A has been sanctioned. Only FIC Gr.B in scale Rs.425-700 had to be allowed benefit under cadre restructuring w.e.f. 1.1.84 but out of 7, 10 incumbents had been allowed benefit of restructuring. Thus it is also proposed reversion and adjustment of the following staff.

S.No	Name	Promoted for the post of	Stn	Date of prog.	Period for which recov- eries be made on rev- ersion.	Remarks
S/Sri						
1.	Y.S.Misra	FICGr.A	LKO	550-750 30.6.84	30.6.84 to 30.4.86	Adjusted as FIC Gr.A in scale Rs.550- 750 wef 1.5.86 on retirement of Sri Shyam lal wef 30.4.86
2.	O.P.Tewari	-do-	"	550-750 1.4.85	1.4.85 to 31.3.87	Adjusted as FIC Gr.A in scale Rs.550- 750 wef 1.4.87 on retirement of Sri Suraj Pandey FICA/LKO from 31.3.87.
3.	S.C.Dubey	-do-	"	550-750 1.4.85	1.4.85 to 31.5.87	Adjusted as as FIC wef 1.6.87 in Gr. 550-750(RS) on retirement of Shatrughan Pd. FIC A/BSB from 31.5.87.
4.	Sant Lal	"	"	550-750 16.1.86	16.1.86 to 28.2.89	Adjusted as FIC A wef 1.3.89 in scale Rs.550- 750(RS) on retirement of Bholanath FIC A/ FD from 28.2.89
5.	Bhawani Das	"	"	550-750 16.1.86	16.1.86 to 31.3.89	Adjusted as FIC from 1.4.89 in scale Rs.550- 750 on retire- ment of Santlal FIC A/LKO wef 31.3.89.

The staff concerned may please be informed and got noted in regard to their reversion and recoveries etc.

Sd/- Illegible
Divl. Personnel Officer,
Lucknow.

Copy to:-

1. Sr.DME, AME/LKO & BSB.
2. Sr.DAO/LKO, 3) Suptd.Pay Bill/LKO.
3. Loco Foreman/LKO BSB FD & PBH.
4. Sri P.S.Pandey, Sr.Instructor/MGS.
5. S/Sri W.R.Jalota, FCP/IP/LKO. 7) Kasar Nizam, S.S.Singh Under LF(M)/FD.
6. R.S.Singh LF(M)/PBH 7) Y.S.Misra, O.P.Tewari, S.C. Dubey, Santlal FIC-A under LF/LKO, 8) Bhawani Das under LF/LKO.
9. The Divl.Secy/NRMU, CB/LKO, 10) Divl.Secy/URMU/LKO.

LF/PBH

2/3/90

Ram Sewak Singh LF(Maint) reverted to his substantive post as FIC/A in Scale Rs.550-750(RS) w.e.f. 1/1/84. His pay is to be charged as under:-

Rs.530/- p.m. w.e.f. 1/1/84 instead of Rs.730/- p.m.

Pay revised to Rs.590/- w.e.f. 1/1/86 instead of Rs.760/- p.m.

Pay refixed @ Rs.1750/- in Scale Rs.1600-2660 (RPS) w.e.f. 1/1/86 instead of Rs.2060/- p.m.

Pay revised to Rs.1800/- p.m. w.e.f. 1/1/87 instead of Rs.2120/- p.m.

Pay revised to Rs.1850/- w.e.f 1/1/88 instead of Rs.2180/- p.m.

Pay revised to Rs.1900/- w.e.f. 1/1/89 instead of Rs.2240/- p.m.

Ty. promoted to officiate as LF(Maint) in Gr.Rs.2000-3200 (RPS) @ Rs.2000/- p.m. w.e.f. 1.12.89 vice Sh.K.C.Misra Foreman promoted.

Note:-Excess recovery may be made from the pay of Sri R.S.Singh LF(Maint) advising to this office.

Sd/- Illegible
For Sr.Divl. Personnel Officer
Lucknow.

P57

Before the Central Administration Tribunal Lucknow

Bench Lucknow

Rejoinder Affidavit

In

Reg. No. 205 of 199(L)

Ram Sewak Singh Petitioner

Versus

Union of India and others..... Respondents

Rejoinder on behalf of petitioner of
the Written Statement.

I Ram Sewak Singh, presently posted

(M) L
Loco Foreman, Loco shed Varanasi Northern Railway,
Varanasi, solemnly state as under:-

1. That the contents of paragraph No.1 of the
Written statement are not admitted In reply it is submitted
that as alleged by the Shiv Pujan Prasad I.P.O. Authorised
to look into the case, and admittedly he is looking after
the case meaning thereby he has full knowledge of the
case and aware of the proceedings. It is significant
that he was intimated every stay order and time allowed
for to file the Written statement and despite of the
service of the notice neither any of the respondents
nor any person on behalf of the respondents appeared
before the Hon'ble Tribunal to represent the case
consequently on several dates the case was proceeded
exparte and on dates 28.11.90 the 14.12.90 date for

[Signature]

filed in
4/2/91

[Signature]

11/26

2.

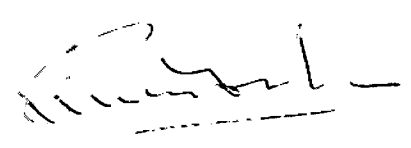
final hearing was fixed by the Deputy Registrar of Lucknow circuit Bench and on the same day the Written statement was filed.

In this context it is submitted that respondent ~~on~~ Sri Sheo pujan prasad has no locus stande to appear in the case or represent the case without setting aside the exparte order, for setting aside the earlier orders proceeded neither any explanation was given in the Written statement nor any application was filed for the setting aside the exparte orders passed by this Hon'ble Tribunal, in this circumstances it is respectfully submitted that the defence ~~the~~ be struck off and the case be decided on its merit after hearing the petitioner exparte though it is true that no one be left unheard, but on the other hand it is also true that no excuse should be given for the intentional negligence to any one to save the harshness in the interest of principles of natural justice.

2.2.11

2. That the contents of 2,3,4 and 5 are admitted hence needs no comment.

3. That the contents of paragraph 6 of the Written statement are not admitted in the manner it is stated. In reply it is submitted that Annexure no. 6 of the petition and Annexure no. 1 to the Written statement shows that the Technical supervisors Loco (maintenance) group as LKO Division w.s.f. 1.1.1984 were ordered their



150

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exercise of the power of relaxation", further it is also held that after following the procedure prescribed by the rules for the appointment, the appointees should not be pushed ~~over~~ down below the appointed from other sources inducted in the service at a later date.

4. That the contents of para 7 of the Written statement admitted needs no comment .

5. That the contents of para 8[✓] of the Written statement are not admitted. In reply respectfully it is submitted that the order dated 31.1.1990 for reversion w.e.f. 1.1.1984 and promotion w.e.f. 8.12.90 is illegal arbitrary against the principles of natural justice. The petitioner has shouldered the higher responsibility and therefore reversion and adjustment from a very later date has very adversely effected the financial status and disturbed the mental peace of the petitioner as well as the adversely affected the set up of the entire family .

6. That the contents of para 9 of Written statement being admitted needs no comment.

7. That the contents of para 10 of the Written statement are incorrect hence denied. In reply it is most respectfully submitted that it is a settled view of the different High courts that "The number of

2.2.1

[Handwritten signature]

5.

17/5/91
anticipated vacancies should ^{be} determined after appropriate case and once determined, they ^{constitute} ~~constitute~~ a foundation, for a test for promotion and so they should not be altered because of, some error in calculation, "The reasons being that once the legal rights of the employees has ~~arisen~~ arisen according to law it looks inappropriate and unjust to point out that the authorities had made a mistake in the initial stages prior to selection."

This view had already been taken by the Patana High court that "Promotion given ~~by~~ ⁱⁿ mistake...subsequent reversion to ~~rectify~~ the mistake ~~reversion~~ amounts to punishment."

It is significant to submit here that the promotion was made on the restructurctive post on 6.1.1989 w.e.f. 1.1.1989 and the mistake was detected after a lapse of the one year i.e. the reversion order was passed on 31.1.1990, the probation period are one year also passed, by virtue of the same the petitioner acquired to right to continued on the same post.

24-2-91
However it is made clear by this court of that once the court takes a decision to restructure a cadre ~~to~~ ^{to} relieve stagnation and to provide better chances of promotion to those who constitute the cadre, it cannot result increation of a new posts. Therefore, in upgradation a promotion is not involved at all. It is only giving higher scale of pay to the incumbents of the post without

24-2-91

760
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creating of additional posts as the total number of posts in the cadre does not change and no vacancies are created.

Therefore, ~~the~~ [✓] ~~will~~ there will not be in the literal sense any promotion. It is fitting of the senior people in the new scale of pay by the process of seniority cum fitness.

8. That the contents of para 11 of the written statement needs no comment being admitted.

9. That the contents of para 12 of the written statement are not admitted in the manner it is stated. In reply it is submitted that it is wrong to say that the applicant was wrongly promoted as Loco foreman (Maintenanced) in grade Rs. 700-900(Rs)/Rs. 2000- 3200(Rps) w.e.f. 1.1.1984, the mistake was later on corrected and orders for recovery from his pay were made, but it is respectfully submitted that the mistake was not corrected but the ~~hardness~~ ^{hardness} ~~and~~ by the order of recovery was imposed for the two

reasons (a) firstly, on the ground of equal pay for equal work, in the instant case the applicant is officiating on the post of Loco-Foreman since 22.1.1984 (b) secondly, on the other hand the respondents have disregarded the Railways Board's circular dated 22.7.1987 Annexure II to this petition which has directed to the effect that the persons who have actually shouldered higher responsibility shall not be

4.2.88

Amended

7.

entitled for the recovery of paid salary for the same period, for the further reply the contents of para 5.00 are reiterated. This contention has been affirmed by this Hon'ble Tribunal in the case of ~~Mr~~ Vishwanath Misra Union of India the similar case as is the instant case, held that deviation for not applying the direction of the Railway Board the act of the respondents are irrational, discriminatory and erroneous, and passed the ~~orders~~ orders entitling the petitioners for the arrears w.e.f. from the date of circular.

10. That the contents of para 13 of the written statement are denied as they are contrary to their own statements and admissions and against the weight of the law and evidences. However in view of Hon'ble Supreme court which held that if an appointment is made by way of stop-gap arrangement without considering the claims of all the eligible available persons and without following the rules of appointment, the experience on such appointments cannot be equated with the experience of a regular appointee, but if the appointment is made after considering the claims of all eligible candidates and the appointee continues in the post ~~then~~ ^{and} ~~interruptedly~~ till the regularisation of his, in accordance with the rules made for regular substantive appointments, there is no reason to exclude the officiating service".

24.2.20

However it is submitted that the respondent abusing the administrative power, reverted, the

1762

8.

applicant without following the Discipline and Appeal rules or calling for any opportunity of being heard. They have not followed even the rule of more than 13 months to 3 years officiating service rules. In the circumstances the impugned order is illegal arbitrary against the principle of natural justice, or and is liable to be dismissed through out.

11. That the contents of para 14 and 15 needs no comments.

12. That the contents of paragraph 15 to 20 are denied and in rely the contents of paragraph 5.13, 5.14, 5.15, 5.16, 5.17, 5.18 to 5.21 are reaffirmed.

13. That the contents of para 20 needs no comment

14. That the contents of paragraph 21 of the written statement are denied and in view of the foregoing paras along with the contentions made in the original petitions and on the propositions of the laws as time to time laid down by the different High courts, Hon'ble Tribunals and Hon'ble supreme courts it is advised to submit that the applicant is entitled to every relief as claimed in relief clause of the petitioners.

[Handwritten signature]

9.

15. That the contents of para 22 and 23 n dis
no comment.

16. That the contents of para 24 of the written
statement are vehemently denied and it is advised
that the present petitions based on question of law
and relevant rules and different pronouncement of the
different courts of law. The impugned order passed by
the respondents are illegal arbitrary, based on conjectures
and surmises without any evidence against the principle
of natural justice without application of the mind and
are liable to be dismissed throughout with cost.

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

I Ram Surain Singh Presently working as

Loco-Foreman, Loco shed, Varanasi verify that the
contents of para 1(P), 2, 4, 6, 8, 9(P), 11, 6/3 & 15- are true to my
personal knowledge and those of paras Nos.

3, 5, 9(P) are based on record and the

contents of paragraph Nos.

7, 14 & 16 are based on legal advice and the
same are belived to be true .that no part of this
is false nothing has been concealed.

So help me God.

Deponent.

12-30 PM Ram Surain Singh
S.K. Srinivas Advocate of this Court

52-1148
4-2-71

Signature of known person, he has
S.K. Srinivas
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

W.O.A./Ald/Jm/ 4786 dated the 29/6/90

Registration No. 205/90 of 1990 (L) 3/1/90

~~Ram Sevak Singh~~ APPLICANT
VERSUS

~~Union of Indlg~~ RESPONDENT

- ① Union of Indlg through the Secretary
for Ministry Railway's New Delhi
- ② The Divisional Railway Manager Lko
- ③ The Divisional Personal Officer Lucknow

It is to be noted that the applicant abovenamed has
presented an application, a copy whereof is enclosed herewith,
which has been registered in this Tribunal, and the Tribunal
has fixed 11-7-90 day of July 1990 for the
hearing of the said application.

If no appearance is made on your behalf by yourself
your pleaser or by some one duly authorised to act and plead
on your behalf in the said application, it will be heard
and decided in your absence.

Given under my hand and the seal of the Tribunal this
29/6/90 day of June 1990.

DEPUTY REGISTRAR

① The Divisional Accounts Officer, Lucknow

② The Superintendent, Pay Bill, Lucknow

End of relation with court's order
dated 27/6/90 Passed there

447
C14565

Central Administrative Tribunal

Circuit Bench Lucknow

O.A. No. 205 of 1990.

Sanjiv Kumar Singh

.....

Applicant.

Vernus

Union of India (M. Ry)

.....

Respondents.

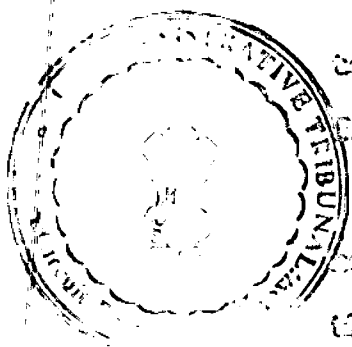
29.6.1990.

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

Hon'ble Mr. K. Deyya, A.M.

Re: Issue notice to the respondents to file counter within 4 weeks rejoinder may be filed within 2 weeks thereafter.

In the matter of interim relief issue notice and that for order on 11.7.1990. Will then the petition of the order of recovery of excess payment made to the petitioner contained in Annexure-3 shall remain stayed. Copy of this order be given to the counsel for the parties.



Clkcy
29/6/90

cc/
A.M.

cc/
V.C.

// True Copy //

AKM
29/6/90
Secretary
Central Administrative Tribunal
Lucknow Bench
Lucknow

OLC
12-2
(146/88

Central Administrative Tribunal
Gianji Datta Mukherjee

C.A. NO. 205 of 1990.

Mr. Govind Singh

.....

Applicant.

Vernam

Union of India (N. Baidary)
27.6.1990.

Respondents.

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

~~Hon'ble Mr. A. B. Khan, J.~~

Board, Advt. Issue notice to the respondents
to file counter within 3 weeks rejoinder may be
filed within 2 weeks thereafter.

As the matter of interim relief issue
notice and list for order on 11.7.1990, till then
the operation of the order of recovery of excess
payment made to the petitioner contained in Annexure-3
shall remain stayed. Copy of this order be given to the
Council for the parties.

CC/

SL/

Adv.

V.C.

checked
S.S.P.
27/6/90

// true copy //

[Signature]
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench
Lucknow

Received copy of
order
27/6/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT THE BENCH

Gandhi Bhawan, P.O. Residency, Lucknow

Account/Case No. 4062-65 dated the _____

Registration No. _____ of 1990

APPLICANT

VERSUS

RESPONDENT

To

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 13 day of 8 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this _____ day of _____ 1990.

DEPUTY REGISTRAR

CENTRAL ANTI-CORRUPTION TRIBUNAL

CHHATTISGARH, BILASPUR

S.O. NO. 205 of 1990 (L)

168
1146

..... Applicant
Versus
..... Respondents.

21.07.1990.

Mr. A. K. Gupta, V.C.

Mr. A. K. Gupta, V.C.

Counsel for the applicant is present.

Notice sent to respondent ^{no. 1} not has been served. Notices issued to respondents 2 to 5 have been returned correctly by the post office with the report that the 1 addresses are incorrect. The learned counsel for the applicant under order to furnish complete addresses within 24 hours. He has also apply for suitable amendment to the application to take into the respondents 2 to 5. Addresses should contain the address of the building in which the office is located.

Copy is present on behalf of respondents 2 to 5. Issue notices to respondents 2 to 5 on furnishing complete addresses and list for further order on 11.08.1990. Interim order will continue till then then.

checked
Sd/-
26/7/90

1/-
...

1/-
V.C.

// True Copy //

C/K

X MCH
26/7/90

Recd Copy
Surat Kumar Sharma
Adv.
26/7/90

11/19

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 205 of 1990 (L)

Ram Dewak Singh

....

Applicant.

Versus

Union of India & Others

....

Respondents.

10.9.1990

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

Hon'ble Mr. M.M.Singh, A.M.

The order sheet report of 8.8.90 indicates that notice to respondents 2 to 5 have been send by Regd.Post. on 1.8.90 fixing 13.8.90 for hearing. It appears that the case was taken up on 13.8.90. Notices have not been received back and the service was awaited. According to the office report, no unserved covers have been received back from the postal Deptt. It is therefore presume that respondents 2 to 5 have been served. Respondent had already been serve earlier. No counter has been filed. Interim order is made absolute. The case be put up before D.R. in the last week of November for fixing a date if possible, for final hearing.

Copy of the order be given to counsel for applicant within 24 Hours.

Sd/

A.M.

Sd/

J.M.

// TRUE COPY //

11/7/90

Sd/

Final

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

M.P.NO.457 Of 1990 (L)

In

O.A. No. 205 Of 1990 (L)

Ran Sewak Singh

....

Applicant.

Versus

Union Of India & Others

Respondents.

(NARLY)

13.03.1990.

Hon'ble Mr. P.Srinivasan, A.M.

Hon'ble Mr. J. S. Sharma, J.M.

By this M.P., the applicant in M.P. has furnished the correct address of respondents 2 to 5 for service of notices. Registry has already issued fresh notices to respondents 2 to 5 at the address now given. Service of these notices are awaited.

Respondent No.1 who has been duly served with notices is absent. Fix the case for 10.09.1990 to await service of notices on respondents 2 to 5 and for further order. Interim order already passed, will continue in operation till then. A copy of these order may be given to the counsel for the applicant.

Sd/-

A.J.

Sd/-

J.M.

// True Copy ~~1/1~~

13/8/90

151
4/7

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD CIRCUIT BENCH, LUCKNOW.

M. P. No. 457/90 (4)

Mis. Application No. of 1990

In

Reg. No. 205 of 1990(1)

District Pratapgarh

Ram Sewak Singh

...Applicant

Vs.

Union of India and others.

...Respondents.

The humble petition of the abovesaid applicant
most respectfully sheweth as under:-

1. That inadvertently due to the clerical and
typing mistake the fully address of the respondents No. 2
to 5 left incomplete.

2. That ~~Divisional Railway Manager~~ in compliance of
the Hon'ble Tribunal's order dt. 25.7.1990 the correct
and full address of the respondents No. 2 to 5 are furnished
as below:-

2. The Divisional Railway Manager, Northern Railway,
Majratganj, Lucknow.

Filed today
5/8/90
26/7/90

(151)
A/
32

2.

2. The Senior Divisional Personal Officer, D.R.O.

Office M.R. Hajratganj, Lucknow.

3. The Senior Divisional Accounts Officer, D.R.O. Office
M.R. Hajratganj, Lucknow.

4. The Supdt., Pay Bill, D.R.O. Office, M.R. Hajratganj,
Lucknow.

3. That the above noted Address be read with this petition
and the applicant be permitted to make the above noted
entries and add after the name of respondent no. 2 'M.R.
Hajratganj, and after the name of respondent no. 3 to 5
as 'D.R.O. Office, M.R. Hajratganj' in the Original
petition also.

Prayer

It is therefore most respectfully prayed that
this Hon'ble Court be pleased to issue the notices
on the above noted addresses in paragraph '2' and
~~report~~ permit the applicant to add as noted in the
paragraph 3 of this application in the copy of the
original petition.

Srivastava

(Sushil Kumar Srivastava)

Counsel for the Applicant.

Dated:
26.7.90.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
THIRD BENCH

General Building, District, Lucknow

153
A/73

Application No. 13703 dated the 21/4/90

3/7/90

Registered under Act of 1990

_____ APPLICANT

VERSUS

_____ RESPONDENT

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed _____ day of _____ 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself or your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this _____ day of _____ 1990.

DEPUTY REGISTRAR

[Handwritten notes and signatures at the bottom of the page, including "I am not present" and "my full name"]

(154)
27/7/90

Central Administrative Tribunal

Circuit Bench Lucknow

O.A. NO. 205 of 1990.

Ran Sewak Singh Applicant.
Versus
Union of India (N. Ry) Respondents.

27.6.1990.

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

Hon'ble Mr. K. Dhayya, A.M.

Heard, Admit, Issue notice to the respondents
to file counter within 4 weeks rejoinder may be
filed within 2 weeks thereafter.

In the matter of interim relief issue
notice and list for order on 11.7.1990. Till then
the operation of the order of recovery of excess
payment made to the petitioner contained in
Annexure-8 shall remain stayed. Copy of this order
be given to the counsel for the parties.

sd/
A.M.

sd/
V.C.

// True Copy //

sd/
A.M.
29/6/90
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Chkrd/
29/6/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. C.A./112/Jud/4/85 dated the 29/6/90

Registration No. 205/48 of 1990

~~Ram Sevak Singh~~ APPLICANT
VERSUS

~~Owner of land~~ RESPONDENT

② The Divisional Arsenal Officer
Lucknow

③ Sr. Divisional Accounts Officer
Lucknow

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed _____ day of _____ 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this _____ day of _____ 1990.

27/6/90

DEPUTY REGISTRAR

④ Mr. Superintendent, Pay bill Lucknow

Order of relation with Combs order
27/6/90 passed thereon

1756
17/11

Central Administrative Tribunal
Circuit Bench Lucknow

Date: 10. 2. 1991.

Case No. 2/1991

Respondent

Respondent

Versus

Union of India (N. Railway)
Respondent

Respondents

For Petitioner: Justice B. B. Mishra, V.C.

For Respondent: Mr. P. Chatterjee, S.M.

Order, Admt. Issue notice to the respondents to file their answer within 4 weeks and also to file their reply within 2 weeks thereafter.

In the matter of Interim relief issue to the petitioner on 11.7.1990. All the respondents of the order of recovery of excess amount paid to the petitioner contained in Annexure-8 shall remain stayed. Copy of this order be given to the counsel for the parties.

checked
SMB
27/6/90

For
Admt.

For
V.C.

// 2nd copy //

Akash
27/6/90

For Administrative
Lucknow Bench
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CHIEF JUSTICE

Sanku Bhattacharya, Deputy Secretary, Lucknow

Application No. 1114/90

dated the

Registration No. 1114/90 of 1990

APPLICANT

VERSUS

RESPONDENT

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 11.11.90 day of November 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 11.11.90 day of November 1990.

DEPUTY REGISTRAR

(150)

8/79

Central Administrative Tribunal
Circuit Bench Lucknow

O.A. NO. 205 of 1990.

Am Bawa Singh

.....

Applicant.

Versus

Union of India (N Railway)...
27.6.1990.

Respondents.

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

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

Heard, Admit. Issue notice to the respondents
to file counter within 4 weeks rejoinder may be
filed within 2 weeks thereafter.

In the matter of interim relief issue
notice was list for order on 11.7.1990. Till then
the operation of the order of recovery of excess
payment made to the petitioner contained in Annexure-8
shall remain stayed. Copy of this order be given to the
counsel for the parties.

SC/

SC/

A.M.

V.C.

checked

Sub

27/6/90

Dr

// True copy //

Deputy Registrar

(Central Administrative Tribunal)
Lucknow Bench,
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. C.A.T./Adm/Jud/ 4706 dated the 24/6/90

27/7/90

Registration No. 205/90 of 1990

Ram SAK Singh APPLICANT

VERSUS

Union of India RESPONDENT

The Divisional Personnel Officer
Lucknow

G. Sr. District Accounts Officer
Lucknow

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 14-7-90 day of _____ 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself or your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 24/6/90 day of _____ 1990.

DEPUTY REGISTRAR

The Superintendent, Pay bill Lucknow

Order of Revision with Comps order
dated on 27/6/90 passed thereon

C/6
A/60

Central Administrative Tribunal

Circuit Bench Lucknow

O.A. NO. 205 of 1990.

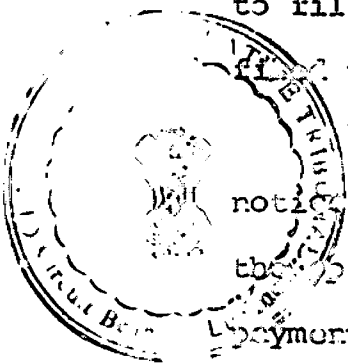
Ram Sewak Singh Applicant.
Versus
Union of India (W. Rly) Respondents.

27.6.1990.

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

Hon'ble Mr. K. Upadhyay, A.M.

Heard, Admic, Issue notice to the respondents
to file counter within 4 weeks rejoinder may be
filed within 2 weeks thereafter.



In the matter of interim relief issue
notice and list for order on 11.7.1990. Till then
the operation of the order of recovery of excess
payment made to the petitioner contain & in
Annexure-8 shall remain stayed. Copy of this order
be given to the counsel for the parties.

Sc/
A.M.

Sc/
V.C.

// True Copy //

Bk/

Checked/
@29/6/90
29/6/90

Secy. (Adm.)
Central Administrative Tribunal
Lucknow Bench,
Lucknow

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

EG-1

No. E (G) 9C

LL3—

New Delhi, Dated.....11/7/1980

To,

The Registrar, Central Administrative Tribunal,

Sub :—

Sir,

I am directed to refer to your summons/orders dated.....on

the subject mentioned above and to state that the General Manager.....Railway
is the competent authority to deal with this matter. The summons/orders in
question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA : Nil.

for Secretary, Railway Board.

No. E (G) 9C

LL3 - 3

New Delhi, Dated.....11/7/1980

Copy together with the summons/orders received from the Tribunal/ Court are
forwarded in original to the General Manager.....Railway
for further necessary action.

The next date of hearing is.....

'As above.

Press. July-80/10,000 F.

Desk Officer, Establ
Railway Board