

[प. उ० न्या० अनुसूची V-9]

पटना उच्च न्यायालय

(सिविल अपील अधिकारिता)

अपील सं० C. W. F. No 3228 of 1929 १६

Bharat Kumar अपीलार्थी

वनाम The Union of India & others प्रत्यार्थी

अर्जीदार.....द्वारा प्रस्तुत आवेदन के संबंध में

सेवा में Mr. Deepanjay Singh
Chartered and C.A. of the Younger,
Kare Bank of Ind.
P.O. Kosiwali, Patna.
Govt. & Dist. P.O.

आपको नोटिस दी जाती है कि उपर्युक्त अर्जीदार ने इस न्यायालय में एक आवेदन प्रस्तुत किया है, जिसकी प्रति इसके साथ उपविष्ट है। आपको इसके द्वारा निर्देश दिया जाता है कि आप दिनांक 27.2.30 को कारण दिखाए कि उक्त आवेदन क्यों नहीं मंजूर कर लिया जाय अथवा यह न्यायालय ऐसा अन्य आदेश क्यों नहीं पारित करे जो उचित समझे।

उच्च न्यायालय के आदेशानुसार

उच्च न्यायालय

दिनांक 3.1.30 १६७०

उप-निबन्धक

IN THE HIGH COURT OF JUDICATURE AT BAHRAH.

(CIVIL WRIT JURISDICTION)

C.W.J.C.No. 3228 of 1979

Bharat Kumar ... Petitioner

Versus

The Union of India & others ... Respondents

Subject matter - Service matter.

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IN THE HIGH COURT OF JUDICATURE AT PATNA.

(CIVIL WRIT JURISDICTION)

C.W.J.C.No. 3228 of 1979

Subject : Service matter

In the matter of an

application under Articles 226

and 227 of the Constitution of

India

And

IN THE MATTER OF

Bharat Kumar son of Shri Shital Prasad resident of

Village Bairagania, Police Station town and

District Sitamarhi

... Petitioner

Versus

1. The Union of India,

2. The Reserve Bank of India having its Head Office

Office at Bombay and one of its
branch offices at Patna,

3. The Governor, Reserve Bank of India, Mint Road,
Fort, Bombay - 1,
4. The Chief Manager, Reserve Bank of India, Central Office,
Departt. of Administration and
personnel, Mint Road, Fort, Bombay-1,
5. The Manager, Reserve Bank of India, Patna,
6. The All India Reserve Bank Employees' Association
13 & 15, Netaji Subhas Road, Calcutta - 1,
7. Shri Akhilesh Nandan Sahai,
8. " Jagadish Singh
9. " Yogendra Prasad,
10. " Ratan Kumar
11. " Birendra Singh
12. " Devendra Prasad
13. " Jaishwar Kumar,
14. " G.N.P. Sinha,
15. " Zafar Ahmad,
16. " A.B. Mazumdar,

17. Sri A. Bhattacharjee
18. " S.R. Ramamurty,
19. " Ashok Kumar,
20. " Ajay Kumar Sinha,
21. " Upendra Prasad,
22. " P.K. Srivastava,
23. " Ramanand Jha Raman,
24. " Chhotelal Mandal,
25. " Satya Narain Poddar
26. " Ram Pravesh Singh,
27. " Ram NathSingh
28. " Ramjee Singh 'Rakesh',
29. " Gopaljee,
30. " S.C.Jha
31. " Pascal Minz
32. " Someshwar Lal,
33. " Uma Shankar Prasad (SC)
34. " Rajendra Pd. Sahar,
35. " R.R.Sanyal,
36. " Aditya Kumar Sinha,

37. Sri Hare Krishna Srivastava,
38. " Chandra Mohan Bajpai,
39. " Subh Narain Pandey,
40. " Ganesh Narain Roy,
41. " Surendra Kumar,
42. " Kamlesh Kumar Dwivedi,
43. " Satyanand Pandit,
44. " Kailash Prasad Bhagat,
45. " Wakil Singh,
46. " S. S. Prasad,
47. " S. Y. Ghosh,
48. " Nand Lal Varma,
49. " Jaganath Prasad,
50. " Supriya Ghosh,
51. " Ashuthosh Tanti,
52. " Deo Pujan Singh,
53. " Bhagwan Das Sharma,
54. " Nagesh Ram Bandhu,
55. " Prem Prakash Sharma,
56. " Jai Prakash Narain Srivastava,

Nos.7 to 56 are clerks under and care of
the Manager, Reserve Bank of India, Police
station Kotwali, town and district Patna

.... Respondents.

To

The Hon'ble Shri K.B.N.Singh, the Chief Justice
of the High Court of Judicature at Patna and
his companion justices of the said Hon'ble
Court.

The humble petition on behalf

of the petitioner abovenamed

Most Respectfully sheweth:-

1. That this writ application is for quashing
the office order no.17 dated 8.7.1976 (contained
in Annexure-3) by which the seniority of the
petitioner has been fixed at serial no.20 and for
restoring the seniority of the petitioner, as fixed
by office order no.384 dated 18.6.75 (contained in
Annexure-2) at serial no.15 by an appropriate writ

writ, order or direction in the circumstances set forth below.

2. That the following points are involved in the case :-

(i) the seniority of the petitioner has been arbitrarily altered on his back without notice to him;

(ii) the seniority has been computed illegally being not on the basis of actual seniority violating the provisions of settlement dated 7.5.72 between the management and association, the provisions of Reserve Bank of India (Staff) Regulations, 1948 and also against natural justice.

3. That in the service of the Reserve Bank are two cadres (i) clerical cadre and (ii) non-clerical cadre. With effect from 19.11.1969 the petitioner was appointed as a Coin-note Examiner in the non-clerical

cadre of service in class III. At that time the petitioner was an intermediate.

4. That the petitioner was confirmed in service with effect from 1.12.70.

5. That the petitioner graduated on 26.5.197

6. That it was the grievance of the employees of the non-clerical cadre that they have a much lesser chance of promotion as compared to the employees of the clerical cadre. Accordingly an agreement was reached into by the All India Reserve Bank Employees Association (Respondent no.6) and the management Respondent no.2 which provided that an employee of the non-clerical cadre who has acquired a graduate degree may opt for a switch over to the clerical cadre subject to the condition that (i) irrespective of his date of graduation it will be deemed that he has graduated on 7.5.72 and (ii) for the purposes of seniority only 1/3rd of his service in the non-

cadre will be taken into account. It was also provided that those who become graduates after 7.5.72 may apply within one month of their graduation for the switch over.

The petitioner craves leave
this Hon'ble Court to refer to
copy of agreement at the time
of hearing of this application

7. That two months' time was allowed for application for switch over which was again extended by one month.

8. That those Respondents whose names have been attached at the foot of this application mentioned in Schedule A/and many others filed their application for switch over from non-clerical to the clerical cadre. The petitioner did not file any application. It may be mentioned that the respondents whose names have been mentioned in Schedule B attached at the foot of this application are staff of clerical cadre from before.

9. That again time was allowed to file applications for those employees who had still not filled their applications by office order no.24 date 15.7.74 a copy of which is annexed hereto as Annexure-1 to this application. By Annexure-1 the period for filing applications was extended upto 31.7.74. It was further directed unilaterally that for the employees applying before 31.7.74 only the 1/3rd service upto 15.1.74 will be taken into account for fixing their seniority.

10. That in pursuance of Annexure-1 the petitioner filed his application for switch over from non-clerical cadre to the clerical cadre on 31.7.74

11. That the actual dates of appointment, date of confirmation, and dates of transfer to the clerical cadre of some of the respondents are given in the schedule A attached at the foot of this application. The Schedule B attached at the foot of this application contains the names and details of those respondents

who are the staff of clerical cadre from before.

12. That after the transfer of the petitioner his seniority was fixed at serial no.168 in accordance with office order no.384 dated 18.6.75, a copy of which is annexed hereto as Annexure-2 to this application.

13. That surprisingly without any information to the petitioner office order no.17 dated 8.7.1976 was issued changing the seniority of the petitioner. A copy of the order dated 8.7.1976 is annexed hereto as Annexure-3 to this application. By annexure-3 petitioner was made junior to the respondent no.7 to 56 and his seniority was fixed at serial no.20. It may be mentioned that in the meantime Maheshwar had died and Felix Cherobin, Jagdish Das, Sitaram Barnwal have resigned from service and therefore they are not made parties although they were also made seniors.

their transfer from non-clerical cadre to the clerical cadre the petitioner was senior to respondents nos.7 to 56 and further he was transferred to the clerical cadre on 18.9.75 before which no respondents except respondent no.7,8,29,45,49, 56 had joined the clerical cadre and the petitioner had remained senior.

15. That the petitioner made a representation dated 2.3.77 to the respondent no.5 for giving the correct seniority. The respondent no.5 was however, pleased to reject the representation by his letter dated 13.9.77, a copy of which is hereto as Annexure-4 to this application.

16. That the petitioner made another representation dated 20.2.78, a copy of which is annexed hereto as Annexure-5 to this application. The Respondent no.4 was pleased to reject the representation by his order dated 2.6.78, a copy of which is hereto as Annexure-6 to this application.

of which is annexed hereto as Annexure-6 to the application.

17. That again the petitioner made a representation dated 2.3.79 to the respondent no.3 but was also pleased to give no relief to the petitioner. A copy of the order dated 8.6.79 is annexed hereto as Annexure-7 to this application.

18. That through some sources, however, the petitioner has come to know that the petition has been made junior to respondents nos.7 to 56 on a mala fide. It is further stated that respondents 7 to 56 are all juniors to the petitioner. Except Respondent nos.7,8,29,45,49,55 and 56 all others have been transferred to clerical cadre from the non-clerical cadre on 18.9.75 or thereafter. The petitioner was also transferred on 18.9.75.

19. That the seniority of the petitioner has been fixed in violation of the provisions of clauses 3,4(a), 7(a) and other clauses of the agreement.

dated 7.5.72 and also regulation 28 of the Reserve Bank of India(Staff) Regulations, 1948.

20. That the provision of the agreement which requires that the seniority of the employee who is to switch over from non-clerical to the clerical category will be fixed on the basis of 1/3rd service only is illegal.

21. That the order contained in Annexure-3 is liable to be quashed for, inter alia, the following reasons:-

R e a s o n s :-

(i) because the impugned order contained in Annexure-3 is illegal and unjust and was passed on the back of the petitioner;

(ii) because seniority has been fixed by Annexure-3 only on the basis of the date of appointment and not on the basis of actual service;

(iii) because the seniority of the petitioner has been fixed by Annexure-3 in violation of the provisions of the Settlement

dated 7.5.72 and the provisions of

Reserve Bank of India (Staff) Regulation

1948;

(iv) because the order contained in Anne

has been passed unilaterally and is

and discriminatory inasmuch as different

standards for fixing of the seniority

employees who switch over from the non-

to the clerical cadre has been prescribed

which is in direct conflict with the

visions of the agreement dated 7.5.71

(v) because the authorities have acted

and arbitrarily in not passing the

of transfer from non-clerical to the

clerical cadre according to law.

22. That there is no other speedy and efficacious

remedy available to the petitioner

by way of this writ application for which he has

moved this Hon'ble Court previously.

It is, therefore, prayed that this

this Hon'ble Court be pleased to
admit this application, call for the
records of the case, stay the operation
of the impugned order as contained in
Annexure-3 and stay the further
promotions of the respondents nos.
7 to 56 on the basis of Annexure-3
and after hearing the parties, allow
this application, quash the order
contained in Annexure-3 by an appropriate writ, order or direction and
direct the respondents to fix the
seniority of the petitioner in
accordance with law

Or

pass such other order or orders as
may be deemed fit and proper in the
interest of justice.

For which the petitioner shall ever pray.

Schedule 'A'

All the following were juniors to the petitioner.

~~xxx~~ Graduate before 7.5.1972

Sl. no.	Name	Date of appointment.	Date of confirmation.	Date of Graduation.	Date of transfer to non-clerical cadre.	Date of application.	Joined training, if any
1.	2.	3.	4.	5.	6.	7.	8.
1.	Sri Jagdish Singh	1.12.69	1.7.71	Before 7.5.72	10.3.75		
2.	" Yogendra Pd.	-do-	-do-	-do-	25.1.76		
3.	" Ratan Kumar	-do-	-do-	-do-	7.6.76		
4.	" Birendra Singh	8.12.69	-do-	-do-	-do-		
5.	" Devendra Prasad	-do-	-do-	-do-	-do-		
6.	" Jaishwar Kumar	-do-	-do-	-do-	-do-		
7.	" G.N.P. Sinha	-do-	-do-	-do-	-do-		
8.	" Zafar Ahmad	-do-	-do-	-do-	-do-		
9.	" A.B. Mazumdar	-do-	-do-	-do-	-do-		

1	2	3	4	5	6	7	8
10	Shri S.R.Ramamurthy	8.12.69	1.7.71	Before 7.5.1972	29.6.76		
11	" Ashok Kumar	29.12.69	do	do	18.10.76		
12	" Ajay Kumar Sinha	do	do	do	do		
13	" Upendra Prasad	2.1.70	1.1.72	do	do		
14	" P.K.Shrivastava	do	do	do	do		
15	" R.N.Jha Raman	5.1.70	do	do	do		
he following graduated after 7.5.72.							
16	" A.N. Sahai	19.11.69	1.12.70	8.5.1972	6.1.1975		
17	" S.N. Poddar	29.12.69	1.7.1971	12.6.1972	18.10.1976		
18	" Rampravesh Singh	1.12.69	do	29.6.1972	do		
19	" Rammath Singh	29.12.69	do	21.6.1972	do		

Schedule A.

All the following were juniors to the petitioner.

Graduate before 7.5.1

Sl. no.	Name	Date of appointment	Date of confirmation.	Date of graduation	Date of transfer to non-clerical cadre	Date of application	Joined train if any.
1	2	3	4	5	6	7	8
1	Jagdish Singh	1.12.69	1.7.71	Before 7.5.72	10.3.75		
2	Yogendra Pd.	1.12.69	1.7.71	do	28.1.76		
3	Ratan Kumar	do	do	do	7.6.76		
4	Birendra Singh	8.12.69	do	do	do		
5	Devendra Prasad	do	do	do	do		
6	Jaishwar Kumar	do	do	do	do		
7	G.N.P. Sinha	do	do	do	do		
8	Zafar Ahmed	do	do	do	do		
9	A.B. Mazumdar	do	do	do	do		

Schedule B

Staff of clerical cadre		Date of appointment	Date of confirmation
1.	Shri Una Shankar Pd.	28.3.72	1.1.74
2.	" S.N. Pandey	23.2.70	1.1.73
3.	" Ganesh Narain Roy	10.4.72	1.1.75
4.	" Surendra Kumar	-do-	-do-
5.	" Satyanand Pandit	1.5.72	-do-
6.	" K.P. Bhagat	1.2.72	-do-
7.	" S.L. Prasad II	22.5.72	-do-
8.	" Surriya Ghosh	17.7.72	1.7.75
9.	" Ashutosh Tanti	24.7.72	1.7.75
10.	" Bhagwan Das Sharma	16.8.72	1.1.76
11.	" Nagesh Ram Bandhu	-do-	-do-

(Staffs of general side seniority position not altered).

Name	Date of appointment	Date of confirmation
Sri Deo Pujan Singh, Typist	7.1.70	1.2.71
" J.C. Mandal S/C	19.11.69	1.2.70
" S.C. Jha, Computer	8.4.69	1.5.70
" Pascal Minj	10.9.71	1.1.73
" Someshwar Lal	3.12.69	1.7.71
" Rajendra Pd. Sahar	1.2.72	1.1.74
" R.R. Sanyal	1.12.69	1.1.71
" S.K. Ghosh	27.4.70	1.7.71

A f f i d a v i t

I, Bharat Kumar son of Shri Shital Prasad resident of village Bairagania, police station, Town and district Sitamarhi, do hereby solemnly affirm and state as follows:-

1. That I am the petitioner in this case and such am fully acquainted with the intire facts and circumstances of this case.

2. That the contants of this petition have read and understood by me.

3. That the statements made in paragraphs 11 are true to my knowledge and those made in paragraphs 3-10, 12-17 and 18 (part) are true to my information derived from the records of the case and the rest are mere submissions to this Hon'ble Court.

4. That the annexures are true copies of the respective originals.

Annexure -1

XXXXXXXXXXXXX
OFFICE ORDER NO. 34

On a request made by the All India Reserve Bank Employees' Association, it has been decided that the non-clerical class III employees, who were eligible to opt for switch-over to clerical cadre in terms of clause 1(a) of the settlement dated 7th May 1972, but did not submit their applications within two months as stipulated in clause 2(a) thereof, should be given another opportunity to exercise their option, subject to the following terms and conditions in regard to fixation of their seniority in the clerical cadre:

- (a) In the case of employees whose applications were received by the Bank up to 7th August 1972, on the basis of 1/3rd service up to 7th May 1972.
- (b) In the case of employees whose applications are received by the Bank after 7th August 1972, but upto 31st July 1974, on the basis of 1/3rd service up to 15th January

1974.

Accordingly, the non-clerical employees who had submitted their applications up to 7th August 1972, may advise the Bank on or before 31st July 1974, whether they are interested in switchover to the clerical cadre on the basis of (a) above.

2. The eligible employees who had applied for switchover to the clerical cadre after 7th August 1972 and are still interested in switch-over as also those who did not apply at all may submit fresh applications on the basis of (b) above so as to reach the undersigned on or before 31st July 1974.

3. It has also been decided that the non-clerical employees who were in the bank's service as on 7th May 1972 and acquired eligibility qualifications during the interval between that date and 15th January 1974, but did not exercise their option within one month from the date of acquiring the said qualification in terms of clause 2(b) *ibid*, should be given, as a special case, another opportunity to opt for

switchover to clerical cadre, subject to the condition that their seniority in the clerical cadre will be fixed on the basis of 1/3rd service in the non-clerical cadre up to 15th January 1974.

In their cases also applications should be submitted so as to reach the undersigned on or before 31st July 1974.

4. Applications received after that date will not be considered by the Bank.

5. Non-clerical employees who had already exercised their option for switchover to the clerical cadre either in terms of sub-clause(a) or sub-clause (b) of clause 2 of the combined seniority scheme but had either declined the transfer subsequently or having accepted the transfer had requested for re-transfer to their original non-clerical post, will not be eligible to apply now for switchover.

6. This office order would be subject to final orders of the Patna High Court in writ petition no.790 of 1973.

Sd/- Illegible
Manager.

RESERVE BANK OF INDIA
PATNA

Endt.no.Staff.346/102-74/75 Dated 15th July 1974.

- 1) Copy forwarded for information to :
- i) The Currency Officer, Issue Department,
 - ii) The Deputy Chief Officer, DBOB,
 - iii) The Deputy Chief Officer, ACD,
 - iv) The Accounts Officer, PDO/Banking,
 - v) The Treasurer, Cash Department,
 - vi) The Staff Officer, Salary/Establishment/ECC
 - vii) The Deputy Manager, IDBI,
 - viii) The Deputy Director, ARC,

Reserve Bank of India, Patna.

The contents of this office order may please be brought to the notice of the staff attached to his department/section.

Sd/- Illegible.
p.Manager.

Annexure - 2.

RESERVE BANK OF INDIA
MANAGER'S SECTION

PATNA:

The 18th June, 1975.

28th Jyaistha, 1897(S)

Office Order No.384.

Consequent on their opting for switchover from non-clerical to clerical cadre either in terms of Administration Circular No.9 dated 13th May, 1972 or office order no.24 dated 15th July, 1974, the notional seniority of the undernoted employees has been fixed as indicated against their names below.

2. Their seniority in the General side has been fixed subject to such orders as may be passed by the Supreme Court in Civil Appeal No.1231 of 1973 and also subject to final orders that may be passed by the Patna High Court in C.W.J.C. No.790/73 and also subject to such order of competent courts in this regard.

Sl. No.	Name and designation		<u>Below</u>	<u>Above</u>
1.	Sri Birendra Pratap Singh Coin/Note Exr.Gr.II.	Sri	Birendra Kumar Singh	Sri Wakil Singh
2.	" Wakil Singh Coin/Note Exr.Gr.II.	"	B.P. Singh	" Mohan Pd.
3.	" Ramanuj Prasad. Coin/Note Exr.Gr.II	"	Samir Chandra Bose	" Rajeshwar Pd.
4.	" Rageshwar Prasad. Coin/Note Ex.Gr.II	"	Ramanuj Prasad	" Ram Prithi Singh.
5.	" Abhay Kumar Sinha Coin/Note Ex.Gr.II	"	S.K. Verma	" Jagannath Prasad
6.	" Jagannath Prasad Coin/note Exr Gr.II	"	Abhay Kumar Sinha	" Ambika
7.	" Ambika Prasad Coin/Note Exr.Gr.II	"	Jagannath Pd.	" Ashok jan Ch -bort
8.	" Ashok Ranjan Chakra- borty Coin/Note Exr.Gr.II	"	Ambika Pd.	" Shank Shaw
9.	" Shanker Shaw. Coin/Note Exr.Gr-II.	"	A.R. Chakra- borty.	" Prem Pra- kash Sharm
10.	" Prem Prakash Sharma Coin/Note Exr.Gr.II.	"	Shankar Shaw	" J.P.N. Shrivast
11.	" J.P.N. Shrivastava. Coin/Note Exr.Gr.II	"	R.P. Sharma.	" S.C. B was

1.	2.	3.	4.
12.	Sri Nocodin Horo Coin/Note Exr.Gr.-II.	Sri K.C. Sawaiyan.	Sri Ashok K. Singh
13.	" Ashok Kumar Singh Coin/Note Exr-Gr-II.	" Nocodin Horo	" A.N. Sah
14.	" Gopalji CNE Gr.II	" A.N. Sahai	" Binoy K Sinha.
15.	" Bharat Kumar. CNE Gr.II.	" Binoy Kr. Sinha	" Felix Cha bin.
16.	" Kamlesh Kr. Sinha Coin/Note Exr.Gr.-II.	" I.B. Karan, 'Arat'.	C.L. Ma
17.	" Shambhu Shankar Ghosh Coin/Note Exr.Gr.II	" Jagdish Singh	X" Yogend
18.	" Ark Narayan Choudhary Coin/Note Exr.Gr.II.	" N.R. Harijan	" Chandes Sharma
19.	" Chandeshwar Sharma. Coin/Note Exr.Gr.II.	" A.N. Chowdhury.	" Birendr Singh
20.	" Shyam X Nandan Thakur Coin/Note Exr.Gr.II.	" Zafar Ahamad	" Pallab Ghosh
21.	" Pallab Kumar Ghosh. Coin/Note Exr.Gr.II.	" S.N. Thakur.	" A.B. Ma dar.
22.	" Krishna Mohan Mishra Coin/Note Exr.Gr.II.	" Ram Nath Singh	" Suresh Chandr

1.	2.	3.	4.
23. Sri Suresh Chandra. Coin/Note Exr.Gr-II.	Sri K.M. Mishra.	Sri N.L. Verm	
24. " Nand Lal Verma. Coin/Note Exr.Gr-II.	" Suresh Chandra.	" Ajay Kr. Sinha.	
25. " S.M. Amsal Coin/Note Exr.Gr.II	"Upendra Prasad	" P.K. Sr vastava	
26. " S.C. Jha Comtometer Operator	" Ramanand Jha "Raman".	"Surendra Sing	
27. " Surendra Singh Coin/Note Exr.Gr.II	" S.C. Jha	" Suresh Prasad	
28. " Sirajuddin Ansari. Coin/Note Exr.Gr.II	" Girish Nath Singh	" S.N. Tiwar	
29. " Surendra Nath Tiwary Coin/Note Exr-Gr-II.	" S. Anasari	" J.K. Muk padhyay	
30. " Jayanta Kr. Mokhopadhyay Coin/Note Exr.Gr-II	" S.N. Tiwary	" Aditya Kr. Sinha	
31. " Suresh Pd. Singh Coin/Note Exr.Gr.II-	" H.K. Shrivastava	" Dayanand	
32. " Dayanand Jha. Coin/Note Exr.Gr.II	" Suresh Pd. Singh	" Gautam Mukherjee.	
33. " Gautam Mukherjee. Coin/Note Exr.Gr.II	" Dayanand Jha	" Abdul Shakoor 'Bekas'	

1.	2.	3.	4.
34.	Sri Abdul Shakoor 'Bekas'. Coin/Note Exr.Gr.II.	Sri Gautam Mukherjee	Sri Baidyanath Dass.
35.	" Baidyanath Dass. Coin/Note Exr.Gr.II	" Abdul Shakoor (Bekas)	" Maheshwar Jha.
36.	" Sudin Kumar Ghosh Typist	" S.S. Prasad	" Supriya Ghosh

Sd/- Illegible.

Manager.

Endt.No.Staff/7509/102(A)-74/75 of date

Copy forwarded for information and necessary

action to :-

1. The Treasurer, Cash Department, Reserve Bank of India,
Patna.
2. The Staff Officer, Recruitment Section, Reserve Bank
of India, Patna.
- . A fresh list of non-clerical employees in terms
of Central Office letter No.PRS(11).1782/102-72/73
dated 19th February, 1973 is being forwarded to him.
3. Each of the above employees through Departmental-in-
charge.

Sd/- Illegible

p.Manager.

Tel : "RESERVIST"

Telephone : 25121
(6 lines)

RESERVE BANK OF INDIA
MANAGER'S SECTION

PATNA:

Post Bag No.162.

Dated 8th July, 1976.

Asadha

OFFICE ORDER No.17.

In the modification of Office Or. 291

and 384 dated 31st January, 1973 and 18th June, 1974

respectively it is notified that the notional seniority

of the non-clerical employees in the clerical cadre

as also of those who have opted for switchover subse-

quently in terms of Administration Circular No.9

dated 13th May, 1972 has been refixed/fixed as indi-

cated in the enclosed Annexure - Marked - 'A'.

Sd/- Illegible.

Manager.

Endt.No.Staff.202/102A-76/77 of date.

Copy forwarded for information to :-

Copy forwarded for information to :-

1. The Treasurer, Cash Department, Reserve Bank of India, Patna.
2. The Currency Officer, Issue Department.
3. The Accounts Officer, Public Debt Office/Banking Department.
4. The Deputy Chief Officer, Agricultural Credit Department/Department of Banking Operations and Development.
5. The Staff Officer, Salary/Exchange Control Cell/Establishment Sections,
Reserve Bank of India, Patna.

The contents of this office order may please be brought to the notice of the concerned staff attached to his section/department .

Sd/- Illegible.

p.Manager.

Sl. No.	Name	Designation	Date of temporary appointment.	Date of graduation/period upto which 1/3 service reckoned.	Notional date of seniority in the combined seniority.	Below	Above
1.	2.	3.	4.	5.	6.	7.	8.
1.	Sri Ambika Prasad	Clerk Gr.II	16.6.69	26.6.72	23.6.71	Surendra Kumar Verma.	S.C. Below
2.	" A.N. Saha	-do-	19.11.69	8.5.72	12.7.71	Jaggdish Dass	Jagdish Singh
3.	" C.L. Mandal	-do-	19.11.69	12.6.72.	4.8.71	Ramahand Jha Roman,	S. ty a Narayan Poddar.
4.	" S.N. Poddar.	C/N Exam.Gr.II	29.12.69	12.6.72	18.8.71	C.L. Mandal	Ram Pravesh Singh
5.	" Ram Pravesh Singh	-do-	1.12.69	29.6.72.	20.8.71.	S.N. Poddar	Narayan Ram Harijan.
6.	" Narayan Ram Harijan	-do-	1.12.69	29.6.72	20.8.71	R.P. Singh	Ram Nath Singh
7.	" Ram Nath Singh	-do-	29.12.69	21.6.72.	24.8.71	Narayan Ram Harijan	Ramjee Singh 'Rakesh'
8.	" Ramjee Singh 'Rakesh'	-do-	29.12.69	29.6.72	29.8.71	Ram Nath Singh	Gopaljee.
9.	" Gopaljee	Clerk Gr.II	19.11.69	21.2.73.	20.1.72.	Ramjee Singh 'Rakesh'	S.C. Jha.
10.	" S.C. Jha	Comtometre Operator	8.4.69	26.6.73.	31.1.72.	Gopaljee	Pascal Minj.

1.	2.	3.	4.	5.	6.	7.	8.
11.	Sri Pascal Minj	C/N Exam.Gr.II.	10.9.71	7.5.72	18.2.72.	S.C. Jha	Someshwar Rai
12.	" Vakil Singh	Clerk Gr.II	4.2.69	15.1.74	21.5.72.	K.P. Bhagat	S.S. Prasad
13.	" S.K. Ghosh	Typist	27.4.70	6.6.73	23.5.72.	S.S. Prasad	N.I. Verma.
14.	" N.L. Verma	C/N Exam.Gr.II	29.12.69.	29.9.73.	27.6.72.	S.K. Ghosh	Abhay Kumar Sinha
15.	" Abhay Kumar Sinha	Clerk Gr.II	16.6.69	15.1.74	5.7.74	N.L. Verma	Jagannath Prasad
16.	" Jagannath Prasad	-do-	16.6.69	15.1.74	5.7.72	Abhay Kumar Sinha	Supriya Ghosh
17.	" Shankar Shaw	-do-	11.11.69	-do-	24.8.72	N.R. Bandhu	P.P. Sharma
18.	" P.P. Sharma	-do-	11.11.69	-do-	24.8.72	Shankar Shaw	J.P.N. Shrivastava.
19.	" J.P.N. Shrivastava	-do-	-do-	-do-	-do-	P.P. Sharma	Bharat Kumar
20.	" Bharat Kumar	-do-	19.11.69	-do-	26.8.72	J.P.N. Shrivastava	K.K. Sinha
21.	" Kamlesh Kumar Sinha	-do-	-do-	-do-	-do-	Bharat Kumar	S.S. Ghosh
22.	" S.S. Ghosh	-do-	1.12.69	-do-	31.8.72	K.K. Sinha	Ark Nr. Choudhary.

1.	2.	3.	4.	5.	6.	7.	8.
23.	Ark Nr. Choudhary	C/N Exm.Gr.II	8.12.69	15.1.74	3.9.72	S.S. Ghosh	Chandeshwar Sharma
24.	Chandeshwar Sharma	-do-	-do-	-do-	-do-	Ark Nr. Choudhary	Shyam Nandan Thakur
25.	Shyam Nandan Thakur.	-do-	18.12.69.	-do-	-do-	Chandeshwar Sharma	K.M. Mishra
26.	Krishna Mohan Mishra	-do-	29.12.69	-do-	10.9.72	Shyamnandan Thakur	Suresh Chandra
27.	Suresh Chandra	-do-	-do-	-do-	-do-	K.M. Mishra	S.M. Amsal
28.	S.M. Amsal	-do-	2.1.70	-do-	11.9.72	Suresh Chandra	Shree Nath Prasad
29.	Gautam Mukherjee	-do-	1.2.72	31.5.73	21.12.72	Yugal Kishore Pd.	Dharam Erakash
30.	Ramanuj Prasad	Clerk Gr.II	10.3.69	3.2.75	15.12.73	Qayamuddin Ansari	Rajeshwar Pd.
31.	Rajeshwar Prasad	-do-	-do-	20.2.73	20.2.73	Ramanuj Prasad	Surendra Singh
32.	Surendra Singh	C/N Ex.Gr.II	16.9.71	9.11.73	21.2.73	Rajeshwar Pd.	Sirajuddin Ansari.

1.	2.	3.	4.	5.	6.	7.	8.
33.	Sri Sirajuddin Ansari	C/N Ex.Gr.II	1.2.72	13.11.73	9.4.73	Surendra Singh	Daya Nand Jha
34.	" Dayanand Jha	-do-	1.2.72	-do-	-do-	Sirajuddin Ansari	Birendra Pratap Singh
35.	" Birendra Pratap Singh	Clerk Gr.II	4.2.69	6.6.75	25.4.73	Dayanand Jha	Binoy Kumar Sinha
36.	" Ashok Ranjan Chakaravorty	-do-	11.11.69	7.2.75	8.5.73	B.K. Sinha	Nicodim Horo
37.	" Nicodom Horo	-do-	-do-	-do-	-do-	A.R. Chakravorty	S.N. Tiwary
38.	" S.N. Tiwary	C/N Exam.Gr.II	1.2.72	15.1.74	20.5.73	Nicodom Horo	S.P. Singh
39.	" Suresh Pd. Singh	-do-	-do-	-do-	-do-	S.N. Tiwary	Abdul Shakoor 'Bekas'
40.	" Abdul Shakoor 'Bekas'	-do-	-do-	-do-	-do-	S.P. Singh	Baidya Nath Das
41.	" Baidya Nath Das	-do-	-do-	-do-	-do-	A.S. Bekas	P.K. Ghosh
42.	" Pallab Kumar Ghosh	-do-	18.12.69	22.3.75	21.6.73	B.N. Dass	P.K. Bhattacharjee
43.	" P.K. Bhattacharjee	C/N Exam.Gr.I	15.4.68	12.2.76	3.7.73	P.K. Ghosh	R.P. Jha

1.	2.	3.	4.	5.	6.	7.	8.
44.	Sri R.P. Jha	C/N Exam.Gr.I	15.4.68	12.2.76	3.7.73	P. Bhattacharjee	S.C. Lal
45.	" S.C. Lal	C/N Exam.Gr.II	11.11.69	4.6.75	26.7.73	R.P. Jha	A.K. Singh
46.	" Ashok Kumar Singh	Clerk Gr.II	19.11.69	-do-	29.7.73	S.C. Lal	B.P. Sahu
47.	" B.P. Sahu	-do-	-do-	-do-	-do-	A.K. Singh	Tara Rajak
48.	" Tara Rajak	-do-	-do-	-do-	-do-	B. Sahu	A.B. Mhapatra
49.	" D.N. Chowdhary	C/N Exam.Gr.II	19.12.68	31.1.76	17.9.73	Sk. Inamuddin Ansari	Raja Prasad
50.	" Bindeshwari Prasad	-do-	4.2.69	12.2.76	9.10.73	Raja Prasad	Bhikhari Prasad
51.	" V.S. Ravindran	-do-	16.6.69	7.1.76	31.10.73	Bhihari Prasad	S.K. Das
52.	" S.K. Das	-do-	-do-	12.2.76	23.11.73	V.S. Ravindran	Sheojee Singh
53.	" Sheojee Singh	-do-	11.11.69	31.1.76	4.1.74	S.K. Das	Upendra Nath Das
54.	" Upendra Nath Das	-do-	1.12.69	31.1.76	11.1.74	Sheojee Singh	Abadh Kishore Pd.

1	2	3	4	5	6	7	8
55.	Sri Abadh Kishore Lal.	C/N Exe 1. Gr.II	1.12.69	12.2.76	18.1.74	Upendra Nath Das	M.N.Dubey
56.	Mahendra Nath Dubey	- do -	18.12.69	- do -	24.1.74	A.K.Prasad	Harkesh Shukla
57.	Harkesh Shukla	- do -	- do -	- do -	- do -	M.N. Dubey	M.N.Lal
58.	Mahendra Naraya n Lal	- do -	11.11.69.	4.3.76.	26.1.74	Harkesh Shukla	Girija Shankar Pd.
59.	Girija Shankar Prasad	- do -	29.12.69	- do -	12.2.74	M.N.Lal	Mahendra Singh *
60.	Anjan Kumar Sarkar.	- do -	1.2.72	4.6.75	2.4.74	Ajit Kumar Sarka Thakur	Shatrughna Pandey
61.	Shatrughna Pandey.	- do -	- do -	- do -	- do -	Anjan Kr.Sarkar*	Onkar Barat*
62.	Onkar Barat.	- do -	17.3.72	- do -	8.5.74	Shatrughna Pandey*	Rajendra Kumar.*
63.	Tarkeshwar Pd(II)	- do -	15.10.71	7.1.76	10.9.74	Moti Chhand.*	Kailash Pd.Modi*
64.	Kailash Pd.Modi.	- do -	1.2.72	12.2.76	8.10.74	Tarkeshwar Prasad*	Upendra Jha .*
65.	Madhu Kant Jha Upendra Jha	- do -	- do -	4.3.76.	23.10.74.	Kailash Pd.Modi*	Madhu Kant Jha*
66.	Madhu Ka nt Jha.	- do -	- do -	- do -	- do -	Upendra Jha	Brahmadeo Jha*

(* Common code).

Annexure-4

MEMORANDUM

No. Staff, 2358/102A-77/78.

Dated 13th September, 1977

From:-

To:-

Reserve Bank of India
Manager's Section
Patna.

Sri Bharat Kumar,
Clerk Gr. II,
Verification Section,
R. B. I. PATNA.

Through:- Cy. Officer, R.B.I., Patna

Switchover from non-clerical to clerical
Cadre- Fixation of Seniority.

With reference to his representation on the above noted subject Sri Bharat Kumar is advised that it is not in the intention to assign to non-clerical optee a seniority position in the combined seniority higher than 1/3rd service in the non-clerical cadre. As his seniority had been fixed inadvertently contrary to the above provisions it was but necessary to revise his seniority strictly in accordance with the relevant provision of the combined seniority scheme and switchover from non-

from non-clerical to clerical cadre .

Sd/-

P. Manager.

.....

Annexure-5

YQ

To

The Chief Manager,

Reserve Bank of India,

Department of Administration and Personnel,

Central Office.

Bombay.

Through:- The Manager, Reserve Bank of India,
Patna.

Sir,

Subject:- Over from non-clerical to clerical
cadre fixation of seniority.

We have to submit that although we were eligible and willing for switchover to the clerical cadre when settlement, inter alia, on combined seniority was arrived at between the All India Reserve Bank Employees' Associations for seniority-consequential deterrent restrictive provisions for seniority-fixation proved to the prosecutive for us and under such consistent psychological stories we were unable to take decision within the stipulated period we were unable to take decision within the stipulated period of two months.

Fortunately, however, at the request of our All India Association yet another opportunity was off

opportunity was offered to the employees vide local Manager's office Order No.24 dated 15th July, 1974.

The terms of the new switch over scheme, enshrined therein, were further discouraging tantamounting to punishment for not taking the decision at the first available opportunity. This would be evident from the stipulation that the employees who were still working in the Cash Department as sufficiently juniors were deemed to be seniors under the new arrangement simply because they had opted for switchover earlier. Despite these disincentives we exercised the required option so that we might not lose the opportunity for all time to come.

Notwithstanding the above, we have to state that consequent upon the exercise of option by us we were due to be transferred under clause 7(a) which is the relevant clause for invoking the option under the aforesaid agreement and in our cases this clause was invoked prior to certain junior employees who have now

who have now been termed seniors ignoring the fact that they, part from being juniors, were transferred also subsequently as explained here above. This is the basic crux of our grievance and we hold that since we were already seniors and were actually transferred first, we continued to be seniors and as such we have legitimate preferential claim on seniority as against our juniors.

We feel that justice has been denied to us as would appear from the following:-

(1) Although applications for the transfer from the non-clerical to the clerical cadre were invited twice i.e. firstly in pursuance of the settlement dated ~~15th~~ 7th May, 1972 and secondly in terms of office order dated 15th July, 1974 the applications received from our juniors were given effect to only after 15th July, 1974 and therefore seniority could be determined as from the date of actual transfer. Seniority determined

determined on the basis of the date of application is, thus, irregular and illegal.

(ii) . Many persons who applied earlier but were actually transferred subsequent to our transfers having been effected, have been termed seniors on the plea of their application having been received earlier. Since they, having acquired the right to be transferred first, on the strength of their applications of prior dates, were actually transferred afterwards, they continue to be our juniors in the general side also. As such Bank's ~~xx~~ action in accepting them as having superseded their seniors despite the fact of actual transfers subsequently is irregular and illegal.

(iii) Clause 7(a) of the settlements dated the 7th May, 1972 continues to be in operation notwithstanding the provisions contained in the office order dated 15th July, 1974 since the said office order was issued in pursuence of the aforesaid settlement and had

and had no independent validity. And after actual transfers to the general side the seniority has to be determined under clause 7(a) in terms of which we continue to be seniors as against our juniors who cannot supersede us after having been transferred subsequently to a cadre (thereby being less experienced as compared to us) for switch over to which employees are required to forego substantial seniority acquired as a Coin/Note Examiners.

You will, thus, kindly appreciate that when certain contradictory stipulations have created contradistinctive positions at the implementation stage we cannot be punished by pushing back the factual position which evidently supports our legitimate claim over the seniority ~~visu~~ vis-a-vis our juniors right from the dates of our appointments. In such cases the benefit of contradictions has to go to the actually senior employees which we are, we may kindly be permitted to add further that if just by not exercising option within the stipu-

the stipulated period we could be considered juniors - which virtually cannot be treated more than an exercise on paper in the absence of actual transfers having been effected as on the date of second available opportunity under similar logic we cannot be restrained from acquiring legitimate seniority consequent upon actual transfers on prior date.

In view of the foregoing the balance of justice is obviously on our side and we stake our claim through this representation and seek justice from your kind self.

Yours faithfully

Sd/- (Bharat Kumar)

20.2.78

Sd/- (Jagnath
Prasad) II.

Dated 20th February, 1979.

Annexure - 6MEMORANDUM

No. Staff. 8742/102(A)-77/78.

Dated 2nd June, 1978.

From :-

To :-

Reserve Bank of India,
Manager's Section,
Patna.

S/Sri Bharat Kumar & Jagannath Pd.
Clerk Gr.II
Reserve Bank of India
Issue Department, Patna.

(Through :- Cy. Officer, R.B.I., I.D., Patna).

Switchover from Non-Clerical to Clerical
Cadre - Fixation of Seniority.

With reference to their joint representation dated 20.2.1978 Sarvashri B. Kumar and J. Prasad

are advised that Central Office have carefully considered

their request for re-fixation of their seniority in the

combined seniority list and are satisfied that their

seniority list and are satisfied that their seniority has

been correctly fixed in accordance with the Office

Order No.24 dated 15.7.1974. In this connection they

are further advised that clause 7(a) of the combined

seniority scheme.

the combined seniority scheme only speaks of the method of effecting transfer of switchees to the clerical duties and not of fixation of seniority as contended by them in paragraph 4(iii) of their representation.

Sd/- B. P. Gupta.

p. Manager.

- - - - -

A n n e x u r e - 7

True copy.

Staff/8963/102(A)-78/79

8th June / 79

18th Jysistha 1901

MANAGER'S SECTION. Shri Bharat Kumar

Clerk Grade II

Reserve Bank of India.

Public Debt Office, Patna.

(Through: the Accounts Officer, Public Debt Office,

Reserve Bank of India, Patna).

With reference to his representation dated 2nd March 1979 addressed to the Governor, Shri Bharat Kumar is advised that his representation has been considered by Central Office and Central Office have instructed that he may be advised as under:-

2. In terms of clause(2)(a) of the 'Scheme for combined seniority and Switchover from non-clerical to clerical cadre' enclosed to the Administration Circular no, 9 dated 13th May 1972, non-clerical employees who were eligible to opt for switchover to clerical cadre under Clause 1(a) thereof, were required to exercise their

option within two months from the date of the settlement.

On a request made by the All India Reserve Bank

Employees' Association, the Bank decided to grant, to

non-clerical employees in the above category who had not

exercised their option within the specified period,

extension of time to exercise option for switchover to

the clerical cadre. The extension of time was granted

subject to the following terms and conditions in regard

to fixation of the seniority in the clerical cadre:-

a) In the case of employees whose applications

were received by the Bank up to 7th August

1972, on the basis of 1/3rd service up to

7th May 1972.

b) In the case of employees whose application

were received by the Bank after 7th August

1972, but up to 31st July 1974, on the basis

of 1/3rd service up to 15th January 1974.

Thus non-clerical employees eligible as on 7th May 1972

who would have otherwise lost the right to exercise

option for switchover, were given an opportunity to

switchover by extending the period for exercising

option. Their seniority in the combined seniority list was subject to the terms and conditions mentioned in the office order no. 24 dated 15th July 1974.

3. The provisions of clause 3(c) of the scheme dated 13th May 1972 regarding maintenance of inter se position of the non-clerical employees in the concerned seniority list as it stood immediately before 7th May 1972 are not applicable in the case of employees exercising option in terms of office Order no. 24 dated 15th July 1974. Inter se seniority is maintained only as between the employees in each batch of Shri Bharat Kumar who exercised option in terms of the said office order no. 24 has been correctly fixed according to the principles stated above.

4. As regards the specific points raised by him in his representation, Shri Bharat Kumar is advised as under:

1) As regards his contention that his seniority had been correctly fixed at Sl.no.168 in terms of office

order no.384 dated 18th June 1975, Shri Bharat Kumar is advised that on his exercising option to switchover, while fixing his seniority in the combined seniority list, his inter se position was erroneously maintained with reference to the seniority position of the optees who had applied for ~~y~~ switchover within the time specified as under the scheme annexed to Administration Circular no. 9 dated 13th May 1972. His seniority position was, therefore, not then correctly fixed and had to be rectified. The error was rectified and the revised seniority position of Shri Bharat Kumar was notified by this office vide office order no. 17 dated 8th July 1976. His contention that his seniority had been revised arbitrarily by placing him at Sl. no.221 in the seniority list is not correct.

ii) His submission that although applications for transfer were invited twice, all the applications were given effect to only after 15th July 1974 is not relevant for the purpose of fixation of seniority in the combined seniority list.

(iii) His submission that the seniority should be fixed on the basis of the date of actual transfer and not on the basis of date of application is contrary to the provisions of the combined seniority scheme.

(iv) As regards his contention that some non-clerical staff who joined the Rank's service after him and had been actually transferred subsequent to him, become senior to him merely because they had applied earlier, Shri Bharat Kumar is advised that inter-se position is maintained only as between employees of each batch of optees. He is advised that the employees listed by him in Annexures II and III who have become senior to him in the combined list ~~are~~ had exercised option before 7th August, 1972. The date of actual transfer to clerical duties is not relevant for fixation of seniority.

(v) His contention that clause 3 of the settlement dated 7th May 1972 clearly provides that "in no case a junior will be made a senior and vice versa" is not correct as inter-se seniority is maintained only as between the employees exercising option in each batch. Clause 4(a)

of the scheme is not relevant as he had exercised option in terms of office order no.24, clause 7(a) is not relevant as it deals with actual transfer to clerical duties.

5. In the result, the request of Shri Bharat Kumar for restoring him seniority position as contained in Annexure II cannot be allowed and is rejected.

P.Manager.