

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

(3)

O.A. No. 565/89
T.A. No.

DATE OF DECISION 20-7-93

Shri Pusstam Khoda Petitioner

Shri I.S. Supehia Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri N.S. Shevde. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel Vice Chairman

The Hon'ble Mr. V. Radhakrishnan Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Pursotam Khoda
Safaiwala, Western Railway
Dahod.

Applicant.

Advocate Shri I.S. Suparia

Versus

1. Union of India
through the Medical Superintendent
Western Railway, Freelandgunj
Dahod.

2. Divisional Medical Officer,
I/O, Western Railway, Dahod.

Respondents

Advocate Shri N.S. Sheyde.

O R A L J U D G E M E N T

In

O.A.U 565 of 1989

Date: 20-7-1993

Per Hon'ble Shri N.B. Patel

Vice Chairman.

The applicant was working as a Sweeper since 1972 in the office of the Divisional Medical Officer, Western Railway Dahod, (Respondent no.2). On or about 6-9-1988, he was served with a charge-sheet charging him with being found drunk during working hours; being dis-loyal, wastrel and irregular in performing duties and having obstructed his superior by abusing and threatening him. After holding inquiry, the Inquiry Authority held the charges against the applicant to have been proved and he forwarded the papers to the respondent no.2, i.e. Divisional Medical Officer, who is the Disciplinay Authority vis-a-vis the applicant. The respondent no.2 accepted the findings of the Inquiry Authority and passed the impunged order dated

(5)

28-7-1989, removing the applicant from service. The applicant then preferred an appeal against this punishment order and the said appeal has been rejected by the Medical Superintendent, Dahod by his order dated 25-11-1989.

By filing the present application, the applicant challenges the removal order dated 28-7-1988, which is confirmed in appeal by the Appellate Authority by its order dated 25-11-1989.

2. The impugned order passed by the Disciplinary Authority and confirmed by the Appellate Authority is challenged by the applicant on several grounds but it may not be necessary to advert to the grounds other than the ground that Disciplinary Authority had, at no stage, furnished a copy of the inquiry authority's report to the applicant so as to give him an opportunity of making his submissions against the said report. It may be noted that the averment that copy of the enquiry authority's report was, at no stage, furnished to the applicant, either before passing the punishment order or even at the time of passing the punishment order, is not disputed in the reply filed by the Railway Administration. Since the copy of the report was not furnished to the applicant, the contention of Mr. Supehia, on behalf of the applicant, that the principles of natural justice were violated and the impugned order is liable to be quashed and set aside on that ground, has got to be upheld. However, since the impugned order is being set aside on this technical ground, the matter will have to be remitted back to the Disciplinary Authority for resuming the inquiry from the stage of furnishing a copy of the inquiry authority's report to the applicant. So far as the second relief as to back-wages is concerned, Mr. Supehia states that, at this stage the

applicant will be satisfied with his reinstatement in service and the question of payment of back wages to him from the date of the impunged order of removal onwards may be kept open for the authorities to decide at appropriate stage.

3. In the result, therefore, the impunged order dated 28-7-1989 removing the applicant from service, which is confirmed in appeal by the order dated 25-11-89, is hereby quashed and set aside as being illegal and void and the respondents are directed to reinstate the applicant in service, within two weeks from the date of the receipt of a copy of this order by them. The question about back-wages for the period between the date of impunged order of removal and the date of actual reinstatement of the applicant ^{pursuant to this order} is kept open for being decided by the Railway Authorities at appropriate stage. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 02/565/89 of 19

Transfer Application No. _____ Old W.Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 23/07/93

Countersigned :

DR/MAH
Section Officer/Court officer

RSR

Signature of the Dealing
Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE 0A1965/89 OF 19

NAMES OF THE PARTIES Pungutan Pusakam Krida

VERSUS

U-ef 7 2028

PART A B & C

SR. NO.	DESCRIPTION OF DOCUMENTS	PAGE
1.	Application	1 to 15.
2.	Written statement	16 to 23
3.	Oral judgment dtd: 20/07/93.	
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15.		

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Submitted :

C.A.T./JUDICIAL
SECTION.

Original Petition No. : 565 of 89.

Miscellaneous Petition No. _____ of _____.

Shri

Punshotam Khoda

Petitioner(s).

Versus.

Union of India

Respondent(s).

This application has been submitted to the Tribunal by Shri I S Supchia under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application ~~has~~ not been found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

S
20/12
AM

W
DRM

We may fix 15 date for
admission of copy served to other side.

Order

Office 29/12/88
28/12/88 K Sane
28/12/88

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

APPLICANT (S)

Purshottam Khoda

RESPONDENT (S)

Union & India

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO
RESULT OF
EXAMINATION.

1. Is the application competent ?

Y

2. (A) Is the application in
the prescribed form?

Y

(B) Is the application in
paper book form ?

Y

(C) Have prescribed number
complete sets of the
application been filed ?

Y

3. Is the application in time ?

Y

If not, by how many days is
it beyond time ?Has sufficient cause for not
making the application in
time stated ?4. Has the document of authorisation/
Vakalat Nama been filed.?

Y

5. Is the application accompanied by
B.D./I.P.O. for Rs.50/-? Number of
B.D./I.P.O. to be recorded.DD 196650
6286. Has the copy/copies of the order(s)
against which the application is
made, been filed ?Yes (Anne A2 p.15
Anne A4 p.22)7. (a) Have the copies of the documents
relied upon by the applicant and
mentioned in the application
been filed ?

Y

(b) Have the documents referred to
in (a) above duly attested and
numbered accordingly ?

Y

(c) Are the documents referred to
in (a) above neatly typed in
double space ?

Y

8. Has the index of documents has been
filed and has the paging been done
properly ?

Y

PARTICULARS TO BE EXAMINEDENDORSEMENT AS TO BE
RESULT OF EXAMINATION.

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application ? *Y*

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *PM*

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

12. Are extra copies of the application with annexures filed.

- (a) Identical with the original.
- (b) Defective.
- (c) Wanting in Annexures
No. _____ Page Nos. _____ ? *Y*
- (d) Distinctly Typed ? *Y*

13. Have full size envelopes bearing full address of the Respondents been filed ? *PM*

14. Are the given addressed, the registered addressed ? *Y*

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

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

17. Are the facts for the cases mentioned under item No.6 of the application.

- (a) Concise ? *Y*
- (b) Under Distinct heads ? *Y*
- (c) Numbered consecutively ? *Y*
- (d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for, stated with reasons ? *Y*

checked
S. A
20/28

598/89
28/12/89

(1)

In the Central Administrative Tribunal
Additional Bench, Ahmedabad

Original Application No. 565 of 1989

Purshotam Khoda.

... Applicant

Vs.

1. The Union of India & Anr. ... Respondents.

I N D E X.

Sr.No.	Annex.	Particulars.	Page Nos.
1.	-	Memo of Application	1 to 8
2.	'A-1'	A copy of memo dt. 6-9-88	9 - 14
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4.	'A-3'	A copy of Appeal memo dated 6-9-89.	17 - 21
5.	'A-4'	A copy of letter, dated 25-11-89.	22
6.	'A-5'	A copy of order dt. 20-7-75	23 - 25

Received copy:
Y.M. Dureshia
Ch. Ct. No. 1
N.S. Shrestha
Advocate
A.D. 27/12/89
D. 19/11/89
6/28
AS/2
2x2

4 (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : AHMADABAD.

Original Application No. 565 of 1989.

Pursotam Khoda,

Safaiwala, Western Railway,

Dohad. ... Applicant.

Versus.

1. Union of India,

through the Medical Superintendent,

Western Railway, Freelandgunj,

Dohad.

2. Divisional Medical Officer, I/O,

Western Railway, Dohad. ... Respondents.

Details of Application :

1. Particulars of the applicant.

(i) Name of Applicant. : Pursotam Khoda

(ii) Name of Applicant's father : Khoda Kalu

(iii) Designation and office in which employed. : Safaiwala, employed in the office of Divisional Medical Officer, Western Railway, Dohad.

(iv) Office address : -do-

(v) Address for service of : - do -
all notices.

2. Particulars of Respondents.

(i) Names and designations : (i) Union of India,
of Respondents. through Medical
Superintendent,
Western Railway,
Freelandgunj,
Dohad.

(ii) Divisional Medical
Officer,
Western Railway,
Dohad.

(ii) Office address of the : - do -
Respondents.

(iii) Address for service of : - do -
all notices.

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

(i) Order No. E(DAR/308/PIL/S.Wala.

(ii) Date 29-7-89 and appellate order dt. 25-11-89.

(iii) Passed by respondent Nos. 2 and 1 respectively.

(iv) Subject in brief.

The applicant was serving as Safaiwala under

the respondents. He has been removed from

service after holding departmental inquiry.

Appeal also dismissed.

4. Jurisdiction of the Tribunal.

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

5. The applicant further declares that the application is within the limitation prescribed in section 21 of the A.T.Act, 1985.

6. Facts of the case.

(1) The applicant was serving as a Safaiwala under the respondents. A Memo dated 6th September 1988 under Rule 9 of the Railway servants (Discipline and Appeal) Rules 1968 for holding a departmental inquiry in respect of certain charges was issued to him. Hereto annexed and marked Annexure A-1 is a copy of the memo alongwith the Articles of charges.

(2) It seems that the Inquiry Officer found the applicant guilty of the charges, though the applicant is not aware of that because a copy of the Inquiry Report has not been supplied to the applicant either before or after the order of removal.

(3) The respondent No.2 by his order dated 28-7-89 removed the applicant from service. A copy of the order dated 28-7-89 is annexed hereto and marked Annexure "A-2".

Annex.A-2.

(4) Against the order of removal the applicant preferred an appeal to the Medical Superintendent, Western Railway, Dahanu on 11-8-1989. This appeal was supplemented by additional grounds on 6-9-1989. A copy of the appeal memo dated 6-9-1989 is annexed hereto and marked Annexure "A-3". One more reminder was sent in this behalf on 18-11-1989.

Annex.A-3.

(5) Though the appeal was sent to the Medical Superintendent, it seems that it was forwarded by him to the General Manager. The Medical Superintendent by his letter dated 25-11-89 conveyed to the applicant that the GM/CCG has not approved of the revision of penalty and had stated that "Punishment stands - there is no extenuating circumstances to warrant any changes".

Here to annexed and marked Annexure "A-4" is a copy of the letter dated 25-11-89.

Annex.A-4.

7. Relief sought :

In view of the facts mentioned above, the applicant prays that the orders dated 28-7-1989 and 25-11-1989 may be set aside and the applicant may be reinstated in service with all consequential benefits including back wages with interest.

G R O U N D S :

(1) That the applicant has not been supplied with a copy of the Inquiry Report either prior to the passing of the order of removal or subsequent thereto or along with the same. The disciplinary authority has based his conclusion on the findings of the Inquiry Report. Thus, he has relied upon a document, in order to hold the applicant guilty, which is kept back from him and this has resulted into breach of principles of natural justice. Not only that but as per Rule 12 of the Railway servants (Discipline and Appeal) Rules, 1968, it was obligatory ~~upon~~ upon the respondents to supply a copy of the Inquiry Report.

(2) That the applicant has been removed from service ^{by} ~~an~~ authority lower in rank than the appointing authority. Though the applicant does not have a copy of his initial order of appointment, but he was confirmed in the post of Sanitary cleaner by the order dated 20-7-75 passed by the Medical Superintendent, who became his appointing authority. The applicant has been removed by the Divisional Medical Officer, who is lower in rank than the Medical Superintendent. Hereto annexed and marked Annexure "A-5" is a copy of the order dated 20-7-75.

~~(3) That the order of removal cannot be sustained~~

(3) That the order of removal cannot be sustained in so far as the charges against the applicants are concerned. The charge as per Article I is vague, unspecific. No evidence has been brought on the record to prove that the applicant was negligent in public duty, etc. during the period from 1985 to 1988. No delinquent can meet with such a general charge pertaining to a period of 4 years. The applicant must have rendered reasonable and sufficient explanations at the relevant time and the concerned authorities must have condoned the lapse at that time, and this cannot be made a subject matter of departmental inquiry at a later stage.

(4) So far as the charge as per Article II is concerned, it is true that the applicant has been convicted and sentenced, on his plea of guilty, for breach of sections 85(1)(3) and 66(1)(B) of the Bombay Prohibition Act. However, looking to the lowest strata to which the applicant belongs coupled with the nature of his duties, which is street cleaning, the penalty of removal from service is uncalled for. Besides, drinking of liquor is not an offence involving moral turpitude which would call for such a drastic penalty.

(5) As regards charge as per Article III ^{it} is submitted that it is not proved that the applicant was found drunk while on duty and he has abused, threatened or obstructed H. & MT. This was not the charge in the Criminal Court where the charges was of drinking of alcohol in a public place only.

(6) That the D.M.O.(I/C) 'D' Site Health Unit, who has passed the order of removal is not the disciplinary authority of the applicant and thus the order of removal is without jurisdiction and liable to be set aside. The Disciplinary Authority of the applicant is DMO (MH)/Dahod, who has issued the charge sheet. The applicant was not under the administrative control of the D.M.O.(I/C) 'D' Site, Health Unit, and thus he cannot be removed by him.

(7) That the penalty imposed is harsh, excessive and unreasonable and it is required to be interfered with since it is based mainly on conviction by the court.

(8) That the appeal filed by the applicant has not been decided by the competent authority and as per law.

8. Interim relief :

Pending final decision on the application, the respondents should be directed to reinstate the applicant in service.

9. Details of the remedy exhausted :

Against the order of penalty the applicant has filed an appeal before the Medical Superintendent who was the appellate authority. However, the appeal has been decided by the general Manager who is the highest authority, Hence the applicant has exhausted all the remedies available to him.

10. The applicant further declares that the matter

regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of the postal order.

1. Number of Indian Postal Order. DP 1944 50

2. Name of the issuing post office-Gujarat High Court post office, Ahmedabad.

3. Date of Issue : 27-12-89

4. Post office at which payable - Navrangpura,
Ahmedabad.

12. Index enclosed.

13. List of documents as per index.

(Purshottam Khoda)
Applicant.

In Verification.

I, Pursottam Khoda, son of Khoda Kalu, aged about 38 years, working as Safaiwala, resident of Dahod, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Ahmadabad.

Date : 29/12 December, 1989.

(Purshottam Khoda)
Applicant,

(I.S.Supchia)
Advocate for the Applicant.

三

The Registrar,
C.A.T., Ahmadabad.

filed by Mr. S. S. Sankar
Learned Advocate for Petitioners
with second set & 2 copies
copy served/not served to
other side

DA 28/12/89 Dy. Registrar C.A.T.U. ^{Branch}

STANDARD FORM OF CHARGE SHEET
(Rule 9 of the Railways Servants (Discipline and Appeal)
Rules 1968)

Name of Rly. Admn. MS Office/Dahod :
No. E.308/DAR/PK/S. Wala : Place of issue Dahod :

Dated 6 SEP 1988

MEMORANDUM

The undersigned propose(s) to hold an inquiry against Shri PARSOTAM KHODA, SAFAIWALA under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputations of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV). Further, copies of documents mentioned in the list of documents, as per Annexure III are enclosed.

Shri PARSOTAM KHODA, SAFAIWALA is further informed that he may, if he so desires take the assistance of any other Railway servant/an official of Railway Trade Union (who satisfies the requirements of Rule 9(13) of the Railway Servants (Discipline and Appeal) Rules, 1968 and Note 1 and/or Note 2 thereunder as the case may be) for inspecting the documents and assisting him in presenting his case before the inquiring authority in the event of an oral inquiry being held. For this purpose ~~PARSOTAM KHODA, SAFAIWALA~~ he should nominate one or more persons in order of preference. Before nominating ~~authority~~ in the event of an oral inquiry being held. For this purpose PARSOTAM KHODA

the assisting railway servant(s) or Railway Trade Union Official(s) Shri PARROTAM KHODA, SAFAIWALA should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case(s) if any, in which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned alongwith the nomination.

Shri PARROTAM KHODA / SAFAIWALA : is hereby directed to submit to the undersigned a written statement of his defence which should reach, the undersigned within ten days of receipt of this Memorandum, if he does not require to inspect any documents for the preparation of his defence, and within ten days after completion of inspection of documents if he desire to inspect document and also

- (a) to state whether he wishes to be heard in person;
- and
- (b) to furnish the names and addresses of the witnesses if any; whom he wishes to call in support of his defence.

Shri PARROTAM KHODA / SAFAIWALA is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

Shri PARROTAM KHODA / SAFAIWALA is further informed that if he does not submit his written statement of defence within the period specified in para 4 or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provision of Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 or the orders/

/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry ex-parte.

The attention of Shri PARROTAM KHODA / SAFAIWALA is invited to Rule 20 of the Railway Services (Conduct) Rules 1966, under which no railway servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect matters pertain to his service under Government if any, representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Shri PARROTAM KHODA is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Service (Conduct) Rules, 1966.

8. The receipt of this Memorandum may be acknowledged.

Sd/-

(Dr.R.M.Batwara)
DMO(MH)/DAHOD.

Encls : Copies of documents as
mentioned in Annexure/III.

To

Shri PARROTAM KHODA

SAFAIWALA

SANITATION DEPARTMENT/DAHOD

S.R.AGGARWAL, H&MI(GRADE/II)/DAHOD

Strike out whichever is not applicable.

To be deleted if copies are given/not given with the Memorandum as the case may be.

Name of the authority. (This would imply that whenever a case is referred to the disciplinary authority by the investigating authority or any authority who are in the custody of the listed documents or who would be arranging for inspection of the x documents to enable that authority being mentioned in the draft memorandum.

Annexure T

Memorandum of Charge Sheet under Rule 9 of the Railway
servants (Discipline and Appeal) Rules, 1968.

Statement of Articles of charge framed against Shri
PARSOTAM KHODA / SAFAIWALA. SANITATION DEPARTMENT/DAHOD.

Article 'I'

That the said Shri Parsotam Khoda while functioning as
Safaiwala during the period 1985 to 1988 had committed
an offences of disloyal, waster, and irregular in public
duties thus charged under Sec.(i)(ii) '&' (iii) of Rule 3
of Service Conduct Rules.

Article 'II'

That during the aforesaid period and while function-
ing in the aforesaid office, the said Shri Parshotam Khoda,
Safaiwala, had committed an offences of misconduct during
the course of duty having found drunked some Alchohol and
arrested by City Police, as well as imprisonment till rising
of Court of Law as well as fine of Rs.20/- (1 +) Rs.20/- ordered
by Judicial Magistrate First Class, Dahod, resulting into
breach of law under section (A) '&' (B) of Rule 22 (1) '&'
(2) under Service Conduct Rules.

Article 'III'

That during the aforesaid period while functioning
in the aforesaid office the said Shri Parsotam Khoda /
Safaiwala, had committed an offence of misconduct by
obstructing the offence working abusing and threatening
to senior supervisor under he was working, as well as
arrested by City Police. Thus resulting into breach of
Law under section (A) '&' (B) of Rule 22(1) '&' (2) of
Service Conduct Rules.

Statement of imputations of misconduct or misbehaviour
in support of the articles of charge frame against Shri
Parsotam Khoda, Safaiwala/Sanitation Department/Dohad.

Article 'I' Parsotam Khoda while functioning as Safaiwala during the period 1985/to/1988 lead to a public complaint due to his negligence in Public Duty, proving himself as disloyal to the Administration and highly wasteful by hardly working for 10 days in a month.

Article 'II' Shri Parsotam Khoda, Safaiwala has committed an offence of serious misconduct and breach of Law having found drunked while on duty and arrested by City Police under Prohibition Act and registered a case resulting into simple imprisonment on 6-8-86 till rising of the Court and fine of Rs.20/- (+) Rs.20/- ordered by the Judicial First Class Magistrate, Dabod under sections 85(1)(3) 'amp;' 66(1)(B).

Article 'III' Shri Parsotam Khoda, Safaiwala has committed an offence of serious misconduct and breach of Law, for having drunked while on duty abused H&MI, threatened him and obstructed his office working ...on 24-6-88.

Annexure 'III'

List of documents by which the articles of charge framed against Shri Parsotam Khoda, Safaiwala, are proposed to be sustained :-

01/ Staff complaint dated 28-10-1985.

6/-,

02/ H&MI/DHD's letter No.E/PC/PK/HI(I)DHD dated
10/02/1988.

03/ Judgment dated 6-8-86 in the summary case No.2563
of 1985 given by First Class Magistrate of Dahod-
under Code of Criminal Procedure Act X of 1982
received on 02/09/1986.

04/ H&MI/DHD's Letter No.E/MD/840/PK/SFA dt.24-6-88
to PSI DHD Town.

05/ H&MI/DHD's letter No.E/MD/840/PK/SC/HI/DHD dated
25-06-1988.

Annexure IV

List of witnesses by whom the articles of charge
framed against Shri Parsotam Khoda/ Safaiwala are
proposed to be sustained.

Shri Soma Nana, Jamadar

Shri S.J.Parmar, H&MI (Grade/IV)

Shri Hussain Iqbal, Khallasi.

True copy
JM
John

Notice of Imposition of a Penalty (N.L.P.) under
Rule 6 of the Railway Servants (Discipline & Appeal) Rules,
1968.

No.E(DAR)/308/PK/S.Wala

Office :Of the DMO (I/C)

D'SITE Health Unit
W.Rly, Dahod

Dated : 28-07-1989

(Through H&MI (Gd.II) DHD)

Ref : Memorandum on Std.
Form No.5 of even
No.dt.6-9-1988

1. You are hereby informed that the following penalty has been awarded to you :-

"REMOVAL FROM RAILWAY SERVICE WITH EFFECT FROM
31/07/1989 AN"

2. You are required to acknowledge receipt of this Notice on the form subjoined.

Name Dr.S.G.Makodey
DMO (I/c) D'Site Health Unit
Dahod.

Sd/-
Signature.

Instructions.

- (a) You will be relieved of your duties on 31-07-1989 AN
- (b) Settlement of your dues will be at Dahod
- (c) Under Rule 18 of the Railway Servants (Discipline and Appeal Rules, 1968, an appeal against these orders lies to MS/Dahod. ... provided -
 - (i) The appeal is preferred within forty five days of the date of receipt of this notice, and
 - (ii) The appeal contains no disrespectful or improper language.

SPEAKING ORDER

"After going carefully through enquiry findings in a DAR case against Shri Pursotam Khoda, Safaiwala under H&MI (Gr.II)/DAHOD, it has proved

that employee is found guilty of remaining absent from duties and negligent in his work. It has also proved that he was arrested and convicted twice by the Court of Law, which is seriously viewed as far as Government Servant is concerned, specifically when he was on duty.

Thus I have come to the conclusion that N.I.P. for his removal from service with immediate effect be issued considering that his services are of no use to the Railway Administration."

Sd/-
Civil Medical Officer I/O
Western Railway, Dahod.

True copy
Jm
Daw

Dt. 6-9-89

From

Purshottam Khoda,
Safaiwala, M.S. Dahod.

To
The Medical Superintendent,
Western Railway, Dahod.

Sub : DMO/ I/C D Site, Health Unit, Dahod's
No.E/DAR/308/PK/S.Wala dated 28-7-89.

Ref : My appeal dated 11.8.89.

Respected Sir,

In continuation of my appeal dated 11.8.89
further I submit that :

(1) The Disciplinary Authority & D.M.O. (MH) DHD who was not the Enquiry Officer, but E.O. Mr. M.D. Deshmukh, Physiotherapist, Dahod has conducted D.A.R. Inquiry against me. When E.O. is not the D.A. the records of the Enquiry should have been sent to the appropriate Disciplinary Authority and that Authority may act on the findings report. But in my case D.M.O. Incharge 'D' Site Health Unit is not Disciplinary Authority at all and as such penalty imposed by the Third Authority i.e. D.M.O. I/C Health Unit, Dahod is not within his Jurisdiction. Therefore the penalty imposed vide NIP No.E(DAR/308/PK/S'wala dated 28th July, 1989 should be quashed and set aside.

(2)

(2) I am appointed as Sanitary Cleaner by the D.M.O. (w) DHD now M.S. DHD who is the competent authority and hence the SF 5 was issued from the office of M.S. DHD and therefore M.S. DHD is the highest authority amongst the group of D.M.Os. In other words, it would be the function of the appointing authority to award the penalty i.e. removal from service. As the D.M.O. I/C 'D' site may have been delegated such powers by virtue of his status but function of Disciplinary Authority is out of his jurisdiction. So removal order is liable to be quashed and set aside. This illegal order violates the constitution of India.

(3) It has not been proved from the statement of independent witnesses that I was under influence of intoxication condition & and no any proof of evidence was produced that intoxicating drinks, alcohol and drug was consumed by me. I was sentenced by the Court of Law ~~xx~~ on the complaint

11

filed by the police authority and to escape from the police hindrances I had accepted offence for that I have already paid fine of Rs.20/- for the Court of Law. You are well aware that Gujarat State is completely prohibited area and there should be no cause of availability of liquor, wine. For this I may please be exonerated from the charges framed against me as I am belonging to poor category of Safaiwala.

(4) It has not been proved from the public complaint that I am negligent and irregular in service and nowhere it has been established that I have misbehaved with my superiors. It has been proved that H.I. Shri S.R.Agarwal has fabricated and reported false matter against me as it reveals from his answer to the question that almost statements are contradictory and not beyond bias. Hence I may please be exonerated from the imposed penalty of removal from the service.

(5) H.I. Shri S.R.Agarwal who put allegations in

question are not supported by documentary evidence and not deposed particular days of absence whether authorised or unauthorised, and the Enquiry Officer has relied upon the basis of report sent to M.S. DHD by the complainant Shri S.R. Agarwal. It was not fair to allow the malafide, fabricated and false report to harm my service life as he has already mentioned in his report that I Purshottam Khoda should not be retained in Railway service. His recommendation/Proposal to remove/dissmiss me from service is out of his jurisdiction. It is the authority to decide it and hence punishment resulted into removal order from service should be quashed and set aside.

(6) It was not fairm on the part of H.I. to have a copy of the judgment of case filed by the Police Authority, in the Court of Law. This proves that without any authority he acted beyond his competency and produced the copy of the judgment in the Enquiry because he was bent upon to remove me from service

by any way and means. It is crystal clear matter that Mr. Agrawal has acted in the same fashion at every places of his posting at various places like Godhra, Rajkot and Baroda. In Staff College, Baroda, there was happened an incident of P.F.A. case filed by H.I. Shri Agarwal in his capacity of Food Inspector, against Principal of Staff College under P.F.A. Act, and the Principal was sentenced a fine of Rs.500/- by the Court of Law. Thus, I was also sentenced by the Court of Law and undergone the punishment there & there. But I have not undergone the imprisonment which may disqualify me as Govt. Servant. This incident is quoted for the reference to show the nature of Shri Agarwal that how he is acting with his superior and with the subordinates.

In view of my above submissions, Your Honour is requested to consider my this appeal and treat the removal order as bias, vague and must be quashed and set aside.

Please acknowledge the receipt.

Yours faithfully,

Sd/-
(Purshottam Khoda)
Safaiwala.

Trickey
J.R.
Son

WESTERN RAILWAY

(CONFIDENTIAL) (BY R.P.A.D. only) Office:MS/DAHOD
No.E/DAR/308/PK/S.WALA Dated :25-11-1989

From The Medical Supdt., Dahod.

To Shri Parsotam Khoda, Ex.Safaiwala, Block No.373/B, m
Filter Site, P.O.Freelandgunj-389 160, DAHOD
(Dist.Panchmahal's) Gujarat.

Subject : Action under DAR - Appeal against penalty of
removal from service of Non.Gazetted Class/IV.
Staff - Sanitation Department, DAHOD.

Reference:1/ This Office order of even No. dated 31-07-1989.

2/ Your Appeal dated 11/08/1989, 06/09/1989, and
further application dated 18-11-1989.

In response to your above appeals, the issue was referred to HQ Office/CCG, and in reply it has been advised that GM/CCG has not approved of the revision of the penalty from removal to re-appointment a fresh, on minimum scale of pay.

GM's views are as under :

"Punishment stands - There is no extenuating Circumstances to warrant any changes"

This is for your information please.

Sd/-
Medical Superintendent,
Western Railway,
Freelandgunj,
DAHOD.

True copy
SA
Dah

2504

Annexure "A-5"

WESTERN RAILWAY
No.B.850/10

M.S.Office,DHD
Dt.30-7-75

OFFICE ORDER

Sub : Confirmation of Class IV Staff-
Sanitation Deptt.-DHD.

The following class IV staff who have completed
Probation period are confirmed against the existing vacancies
with effect from date shown against each.

Sr.Nq.	Name of employee	Designation	Scale of pay	Date of confirmation
S/Shri				
1.	Parsinghi Bhura	AM/Khallas	196-232(R)	10-5-71
2.	Kodar Valji	"	"	26-5-71
3.	Bhavsingh M.	Bhisty	"	6-6-72
4.	Bhura Ratna	"	"	1-7-72
5.	Keval Panchia	R/Cart Driver	"	10-5-71
6.	Chuna Bhada	"	"	26-5-71
7.	Prem Chuni	"	"	1-7-72
8.	Gopal Laloo	Sanitary Cleaner	"	6-12-67
9.	Badia Dita	"	"	10-5-71
10.	Gotia Kanji	"	"	10-5-71
11.	Mrs. Chaturi M.	"	"	10-5-71
12.	Hira Chuni	"	"	10-5-71
13.	Dita Kadwa	"	"	10-5-71
14.	Dita Kika	"	"	10-5-71
15.	Mrs. Rukhi K.	"	"	10-5-71 6-2-72 10-5-71
16.	Valia Ranchhod	"	"	8-3-72
17.	Sania Kalia	"	"	6-6-72
18.	Mrs. Dhuli Chandu	"	"	6-6-72
19.	" Jasi Soma	"	"	6-6-72
20.	" Diwali Daya	"	"	6-6-72
21.	Manilal Nana	"	"	6-6-72
22.	Ramchandra C.	"	"	6-6-72

23. Babulal M.	Sanitary Cleaner	196-232(R)	6-6-72
24. Shyamlal R.	"	"	6-6-72
25. Kalia Ranchhod	"	"	6-6-72
26. Chhangan Nana	"	"	6-6-72
27. Raman Laloo	"	"	6-6-72
28. Bhura Kalia	"	"	1-7-72
29. Bachu Bhura	"	"	1-7-72
30. Rajendra Zaver	"	"	1-7-72
31. Jawla Mathur	"	"	1-7-72
32. Hira Makna	"	"	1-7-72
33. Mohan Parbhati	"	"	1-7-72
34. Kalia Natha	"	"	1-7-72
35. Devla Kalia	"	"	1-7-72
36. Magan Kadwa	"	"	1-7-72
37. Madan Mania	"	"	1-7-72
38. Mithoo Sansi	"	2"	1-7-72
39. Baboo Bansi	"	"	1-7-72
40. Laloo Mathur	"	"	1-7-72
41. Somchand Nana	"	"	1-7-72
42. Natha Hirkha	"	"	1-7-72
43. Purshottam K.	"	"	1-7-72
44. Bhawla Hira	"	"	1-7-72
45. Govind Parthi	"	"	1-7-72
46. Mrs. Soni Kaloo	"	"	1-7-72
47. Baboo Panna	"	"	1-7-72
48. Chandu Lallu	"	"	13-10-72
49. Mangal Kaloo	"	"	18-8-73
50. Madia Bulka	"	"	1-6-73
51. Mrs. Kashi Mohan	"	"	25-12-73
52. Mansingh Punja	"	"	15-3-74
53. Ramooram G.	"	"	15-3-74
54. Nana Lala	"	"	15-3-74
55. Ramesh G.	"	"	15-3-74

56. Matha Kika Sanitary Cleaner 196-232(R) 15-3-74
57. Magan Mathur " " 15-3-74
58. Mrs. Soni Manilal " " 30-1-75

Sd/- 30-7-75

Medical Superintendent
DOHAD

Copy forwarded to :

1. HI DHD
2. Individuals.
3. Personal cases.
4. Secretary WREU/WRMS DHD
5. Seniority list.
6. E2, E3, & E4.

*Temporary
J.B
Done*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

O. A. NO.565 OF 1989

Pursotam Khoda.... Applicant

v/s

Union of India & Anr... Respondents

WRITTEN STATEMENT.

The respondents humbly beg to file written statement to the application as under:-

1. Contents of paras 1 and 2 need no reply.
2. Regarding para 3 of the application, it is submitted that the orders passed by the disciplinary authority and the appellate authority are legal and proper.
3. Contents of paras 4 & 5 need no reply.
4. Regarding para 6(1), it is submitted that the applicant was working as Safaiwala in Sanitary Department, Western Railway, Dohad. The applicant was charge-sheeted vide Standard Form No.5 No.E 308/DAR/PK/~~Swa~~ S.wala, dated 6.9.88 under rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968 stating inter alia that the applicant while functioning as Safaiwala during the period

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Sathesh
2/3/91

1985 to 1988 had committed an offence of disloyal, waster and ~~irregular~~ irregular in public duties thus charged under section (i) (ii) & (iii) of rule 3 of the Service Conduct Rules, the applicant had committed an offence of misconduct during the course of duty having found drunk some alcohol and arrested by City Police and imprisonment till rising of the Court of Law as well as fine of Rs.20/-plus Rs.20/- ordered by Judicial Magistrate, First Class, Dohad, resulting into breach of law under section (A) & (B) of Rule 22(1) & (2) under Service Conduct Rules and that the applicant had committed an offence of misconduct by obstructing the Office working, absuing and threatening to Senior Supervisor under whom the was working, and was ~~xx~~ also arrested by City Police and thus resulting into breach of law under section (A) & (B) of Rule 22(1) & (2) of Service Conduct Rules. The respondents rely on the charge-sheet issued to the applicant (Annexure A/1 with the application).

5. Contents of para 6(2) are not fully true and are not admitted. It is submitted that Inquiry Officer was appointed to inquire into the charges levelled against the applicant. On finalisation of the inquiry, the Inquiry Officer submitted his report of inquiry holding the applicant guilty of charges to the effect that the applicant was negligent in his work on account of his frequent absence and that the applicant was found drunk on 3.9.1985 and

24.6.88 as per judgement dated 6.8.86 and 14.9.88 respectively passed by the Judicial Magistrate, First Class Dahod. It is not admitted that the applicant is not aware of the findings of the inquiry officer. It is submitted that Applicant was held guilty by the Criminal Court in aforesaid 2 cases. It is submitted that the report of the Inquiry Officer has never been supplied to the applicant before or along with Notice of Imposition of Penalty but copy of the proceedings from time to time were handed over to the Applicant during the course of the Inquiry.

6. Contents of para 6(3) are not disputed. It is not disputed that the applicant has been removed from service vide order dated 28.7.89 (Annexure A/2 with the Application) issued by the Respondent No.2. It is submitted that the applicant has been removed from the service with effect from 31.7.89 A.N. by a speaking order.

7. Regarding para 6(4), it is stated that the applicant preferred an appeal dated 11.8.89 against the order of removal to the Medical Superintendent, Western Railway, Dahod and also submitted another representation dated 6.9.89 (Annexure A/3 with the application) for addition of more grounds in the appeal. It is submitted that the applicant has not produced a copy of Memorandum of Appeal dated 11.8.89 along with the application. The

applicant has also not produced copy of reminder dated

18.11.89 along with the application.

30.2.81 dated 20.10.89 was on 30.6.89

8. Regarding para 6(5), it is submitted that the applicant/ filed appeal before the Medical Superintendent, Dohad. The Medical Superintendent, Dahod, considered the appeal dated 11.8.89 by the applicant and had proposed to revise the penalty of the applicant and had proposed to revise the penalty of the applicant to reappointment. Since reappointment/re-employment of dismissed/removed or compulsory retired railway employees cannot be done with the specific approval of the General Manager, the case was put up to the General Manager for his decision and he passed orders to the effect that punishment stands, there is no extenuating circumstances to warrant any changes in the revision of punishment to reappointment. In view of the decision of the ~~Central~~ General Manager the Medical Superintendent, Dahod communicated the decision on applicant's appeal to the applicant vide letter dated 25.11.89 (Annexure A/4 with the application). It is submitted that there is no violation of any rule while deciding the appeal

9. Applicant is not entitled to any of the reliefs claimed on the grounds mentioned in para 7 of the application.

(1) Contents of ground (1) are not true and

are not admitted. It is not disputed that the applicant

has not been supplied with a copy of the inquiry report either prior to the passing of the order of removal or subsequent thereto along with the same. It is submitted that copies of day to day proceedings are supplied to the Applicant during the course of inquiry. It is stated that the Disciplinary Authority has gone through the findings of the Inquiry Officer while passing the order of punishment. It is submitted that the Disciplinary Authority also considered the proceeding of Inquiry before passing the order. It is denied that the Disciplinary Authority had relied upon a document, in order to hold the applicant guilty, which is kept back * from him and it has resulted into breach of principles of natural justice. The Disciplinary Authority has given his own reasons for passing the order of punishment. It is submitted that in the facts of the case there is no violation or breach of principles of natural justice.

(2) Contents of ground (2) are not true and are denied. It is denied that the applicant has been removed from service by an authority lower in rank than the Appointing Authority. It is submitted that the applicant was appointed as a substitute cleaner/safaiwala by the Divisional Medical Officer(W), Dahod, vide Office Order No.E 891/10/C1 IV, dated 28.6.1972 and was removed from service by the Divisional Medical Officer, 'D' Site, Dahod vide NIP NO.E(DAR) 308/PK/S/ wala, dated 28.7.1989. It is submitted that both

these Officers are of equivalent designation, rank, scale and authority. It is submitted as per

Note below Items 6, 7 & 8 of Schedule II vide sub-
rule (2) of Rule 7/ Discipline & Appeal Rules, 1968

appointing authority or an authority of equivalent rank or any other higher authority is empowered to impose the said penalty of removal, etc. A copy

of Office Order No.E 891/10/C1 IV dated 28.6.1972

appointing the applicant as substitute, S/Cleaner

is produced herewith as Annexure R/1. The said

Ann. R/1

or has been issued by D.M.O. (W), Dohad. It

is denied that the Medical Superintendent, Dohad, who issued Office Order NO.B 850/10, dated 30.7.75

(Annexure A/5 with the application) confirming the employees mentioned in the said Office Order on completion of probation period became the appointing authority of the applicant. It is not disputed

that the applicant has been removed by the

Divisional Medical Officer, Dohad, who is lower

in rank than the Medical Superintendent but it is

denied that he had no authority to pass the order

of removal. It is submitted that the Medical

Superintendent, Dohad, who has issued order dated

30.7.75 confirming the employees against existing

vacancies in Class IV staff does not become the appointing authority of the applicant.

(3) Contents of ground (3) are not true

as per the facts as follows

: denied

and are denied. It is that the charges as per Article I
is vague and unspecific. It is denied that no evidence
has been brought on record to prove that the applicant was
negligent in public duty, etc., during the period from 1985
to 1988. It is submitted that the Inquiry Officer was
appointed to enquire into the charges levelled against the
applicant. In the course of enquiry it was brought out
before the Inquiry Officer from the applicant's leave
record for the period from 1985 to 1988 that the attendance
of the applicant is very poor during the said period.

Negligence of duty during the said period is noted due to
absence of the applicant and his absconding from the allotted
area. A copy of the proceedings of the inquiry, statement,
etc., has been already supplied to the applicant during the
course of inquiry. It is denied that the applicant must
have rendered reasonable and sufficient explanation at the
relevant time and the concerned authorities must have
condoned the lapse at that time and the said absence cannot
be made a subject matter of departmental inquiry at a later
stage. It is submitted that the applicant had not
rendered reasonable and sufficient explanation at the
relevant time and the concerned authority had not condoned
the lapse at that time. It is submitted that the applicant
has been charged of offence of disloyal, waster and irregular
in public duties, which was a subject matter of departmental
inquiry. The departmental inquiry was not in respect of any
period during which the applicant may have remained ^{ab} sent on
leave with prior permission.

Opposite regular disciplinary unit of the Bombay and Sind

(4) Contents of ground (4) are not true and

regular disciplinary unit of the Bombay and Sind are denied. The applicant has been convicted and sentenced for offence under section 85(1) (3) & 66

(1) (b) of the Bombay Prohibition Act by the Judicial

Magistrate, First Class, Dohad, vide judgements dated

6.8.86 and 14.9.88 respectively. It is denied

that the following ground is tenable to sustain said allegations that looking to the lowest strata to which the

applicant belongs coupled with the nature of his duties the penalty of removal from service is uncalled for

or that drinking of liquor is not an offence involving

moral tur/itude which would call for such a drastic

penalty as alleged. It is submitted that the applicant

has violated Rule 22 of the Railway Service (Conduct)

Rules, 1966. It is submitted that any violation of

said rule is to be viewed seriously and ~~severest~~

severest penalty is to be imposed on a Railway Servant,

who is proved guilty of violation of the Conduct Rules

in the disciplinary proceedings as per Government of

India's decision conveyed through the Railway

Board's letter NO.E(D&A)75 GS 1-12, dated 20.3.76.

It is submitted that punishment has been imposed

on the applicant by the Disciplinary Authority,

which is commensurate with the gravity of misconduct

committed by the applicant.

(5) Contents of ground(5) are not true and are

denied. It is denied that the charge as per Article III

is not proved in that the applicant was not found drunk

on while duty and had abused, threatened or obstructed H. & M. I. as alleged. The applicant has averred that the charge against him in the Criminal Court was of drinking of alcohol in a public place. It is submitted that on 24.6.88 when the police arrested the applicant 13-15 hrs. for offence under Bombay Prohibition Act, the applicant was on duty for the working hours from 7.30 hrs. to 17.30 hrs., with recess from 12.30 hrs. to 14.00 hrs. It is submitted that the offence of drinking alcohol in public place ~~was~~ under Bombay Prohibition Act is a violation of rule 22 of Railway Servants (Conduct) Rules, 1966. The applicant was arrested by the Police when he was on duty. The charge under Article III was also partially proved during the departmental Inquiry.

(6) Contents of ground (6) are not true and are denied. It is denied that the D.M.C. (I/C) 'D' site Health Unit, who passed the order of removal is not the Disciplinary Authority of the applicant and thus the order of removal is without jurisdiction and liable to be set aside as alleged. It is denied that the Disciplinary Authority of the applicant is only the D.M.C. (MH), Dohad, who has issued the charge-sheet. It is denied that the applicant cannot be removed by the D.M.C. (I/C) 'D' Site, Health Unit, Dohad, since the applicant was not under the administrative control of the D.M.C. (I/C) 'D' Site, Health Unit, Dohad, as alleged. As stated herein above the D.M.C. 'D' site

and D.M.O., Dohad, both are competent authorities to take disciplinary action under the Railway Servants (Discipline & Appeal) Rules, 1968. Both the authorities are of equivalent rank and have authority to impose penalty of removal on the applicant. Both the authorities are from the same department.

(7) Contents of ground (7) are not true and are denied. It is denied that the penalty imposed on the applicant is harsh, excessive and unreasonable and is required to be interfered with since it is based mainly on conviction by the Court as alleged. As stated herein above the penalty has been imposed on the applicant commensurate with the gravity of misconduct and in accordance with the relevant rules and instructions issued by the Government of India and the Railway Board on the subject. It is denied that the punishment has been imposed mainly on the conviction by the Court.

It is submitted that the applicant has been held guilty of charges levelled against him by the Inquiry Officer. The disciplinary authority considered the facts and the circumstances of the case, applied its mind and passed the order of punishment by a speaking order giving reasons for the same.

(8) Contents of ground (8) are not true and are denied. It is denied that the appeal filed by the applicant has not been decided by the Competent Authority and as per law as alleged. As stated herein

above the appeal was filed by the applicant before the Medical Superintendent on 11.8.89. The Medical Superintendent was of the view that the penalty imposed by the Disciplinary Authority may be revised and the applicant may be reappointed afresh on the minimum of the scale of pay and as such the matter was referred to the General Manager, Churchgate, whose specific approval was required to be obtained. On receipt of the decision from the General Manager, the Medical Superintendent issued letter dated 25.11.89. There is no illegality or violation of any rules in deciding the appeal preferred by the applicant.

10. The applicant is not entitled to any interim relief as prayed for in para 8 of the application.

11. It is submitted that the charge-sheet was issued by the Disciplinary Authority and Inquiry Officer was also appointed by him. The applicant was given full opportunity to defend himself in the inquiry. Rules of natural justice were also followed. The proceedings of inquiry were supplied to the applicant during the inquiry. The inquiry was conducted as per rules and there is no infirmity, lacuna or flaw in the inquiry. The Inquiry Officer held the applicant guilty of charges levelled against him. The Disciplinary Authority passed a speaking order imposing punishment of removal on the applicant. The appeal preferred by the applicant has been also turned down by the appellate authority. The orders are

passed through the hands of Dohad say before the said order was passed by the authorities, who were competent to pass such orders. The said orders are legal, proper

and valid and are not unconstitutional and constitutional.

12. Contents of paras 9 to 13 need no reply.

In view of what is stated above, the application for permission to file a writ petition may be dismissed and may be dismissed with costs.

VERIFICATION.

to the Hon'ble Mr. Justice A. B. Mulla, and of the learned advocates.

I, Dr. V K Vashishth, working as Medical Superintendent, Western Railway, Dohad and residing at Dohad, do hereby state that what is stated above is true to my knowledge and information received from the record of the case and I believe the same to be true. I have not suppressed any material facts.

Dohad

Dated 4.10.1990

Dr. V K Vashishth
(4.10.1990)

Medical Superintendent,
Western Railway, Dohad.

Find 20.3.91

22

Reply/Rejoinder/written submissions
filed by M/s. N. S. Shende.....

learned advocate for petitioner/

Respondent with second set. ————— to be verified by

Copy served/not served & other side

For

12.10.1991, Dy. Registrar C.A.T. (J)
A'bad Bench, Ahmedabad, 1991

"COPY"

WESTERN RAILWAY

No.E.891/10/C1.IV.

DMO(W)'s Office Dahod
Dt : 28.6.1972.

"OFFICE ORDER"

Sub: Recruitment of Class IV Staff-Sanitation
Dahod.

The following casual labours who were selected by the screening committee are hereby appointed in order of merits as substitutes in authorised scales of pay Rs.70-85(A) against the newly sanctioned posts as per H.Q. Office letter No.E.E.261/10/9 dated 6th, June 1972. (viz.Jammadar) Rs.75-95(A), -5., S/Cleaners Rs.70-85(A) -30, & Bhisty-Scale Rs.70-85(A) -2.)

<u>Sr.No.</u>	<u>Name.</u>	<u>Post against which appointed.</u>
1.	Shri Bachu Bhura	S/Cleaner.
2.	" Punja Kaloo.	"
3.	" Rajendra Javer.	"
4.	" Javla Mathur.	"
5.	" Hira Makna	"
6.	" Mohan Prabhati.	"
7.	" Kalia Natha.	"
8.	" Devla Kalia.	"
9.	" Magan Kadwa.	"
10.	" Madan Monia.	"
11.	" Mithoo Sanai.	"
12.	" Baboo Bansi	"
13.	" Laloo Mathur	"
14.	" Somchand Nana.	"
15.	" Natha Hirka.	"
16.	" Purshottam Khoda.	"
17.	" Bavla Hira.	"
18.	" Govind Parthi.	"
19.	Mrs. Soni Kaloo.	"
20.	Shri Baboo Panna.	"
21.	" Chandu Laloo.	"
22.	" Mangal Kaloo.	"
23.	" Madia Balka.	"
24.	Mrs. Kashi Mohan.	"
25.	Shri Mansingh Punja.	"
26.	" Ramooram Govindram.	"
27.	" Nana Lala.	"
28.	" Ramesh G.	"
29.	" Matha Kika.	"
30.	" Natwar Kodar.	"
31.	" Magan Mathur.	"
32.	Mrs. Soni Manilal.	"
33.	Shri Bhura Ratna.	Bhisty.
34.	" Abdul Hakim Abdul Latiff.	Bhisty.

Their appointments are subject to the following conditions.

1. Their appointments are subject to their passing the medical examination of fitness on first appointment by the railway Doctor.
2. They will have to conform to all rules and regulations applicable to your appointment on this railway as amended from time to time.
3. Their appointments as substitutes will be purely on ad-hoc basis and will have no claim for their permanent posting irrespective of the period for which they work as substitute.
4. In case they desire to get himself absorbed against class IV vacancy, they will have to apply and appear for selection when called for the same. If they are found eligible, their selection as C1.IV employee will be done by an approved selection Board alongwith other applicants.

Dr. L. Patel
Medical Superintendent
Western Railway

Contd..2..

5. They will not get any benefit of their service as casual labour/substitute during the process of selection on the percentage basis or otherwise.

6. They will be paid regular scale of pay and allowance as admissible as Class IV employee.

7. Their appointment will be subject to the following production of certificates in original.

- i. Subject to production of proof of age in original.
- ii. Educational qualification certificate in original if any.

8. Every individual appointed to the post shall if so required, be liable for military service in the Railway Engineer Units of the Territorial Army for a period of 12 years in the Territorial Army Service and 3 years in the Territorial Army Service or for such period as may be laid down in this behalf from time to time.

9. Their appointment as substitute will be purely on ad-hoc basis and their services are liable to be terminated on 14 days notice.

10. If they are willing to accept the offer on the above conditions they should report to HI DHD for duty (provided they have passed the medical examination) from 1.7.72 B.N.

Sd/-
DMO (W) -DHD.

C/- HI DHD for information and necessary action. The EIA in connection with the additional work operated upto now should be discontinued with effect from 1.7.72.

C/- Dy. CME (L) -DHD.

C/- WAO DHD

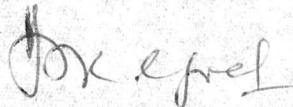
C/- Secretary-WREU/WRMS DHD.

C/- Individuals.

C/- Personal cases.

C/- E2, E3, E4 & G2.

- Attested True Copy -



Medical Superintendent,
Western Railway
Mehmedganj, DAHOD