

①
18/1
TA
53

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NUMBER 597 of 1986

KRIPA SHANKER AWASTHI

..... APPLICANT

VERSUS

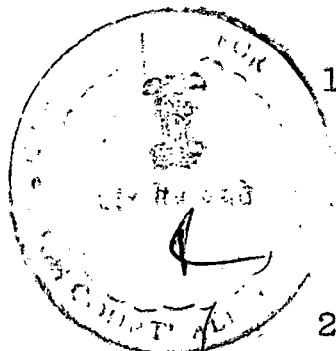
UNION OF INDIA AND OTHERS

..... RESPONDENTS

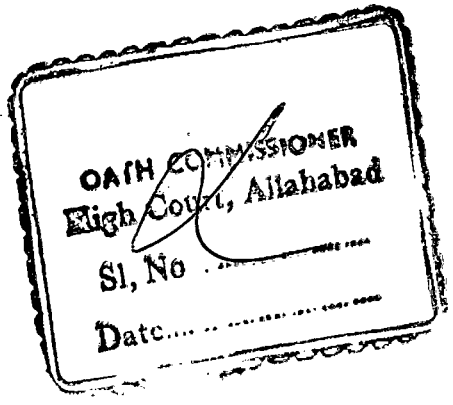
Written Rejoinder on behalf of the applicant

The humble applicant submits as under:-

1. That from the contents of para 1 of the written reply the contents of para 1,2,3 and 4 of the earlier application becomes undisputed.
2. That the contents of para 2 of the written reply are denied and the applicant reiterates the contents of para 5 of his earlier application as correct. The application is well in time as the applicant, for the first time, came to know about his removal from service on 22-11-1985 vide letter dated 18-10-1985 (filed as annexure no. 6 to the application) On the perusal of the same it appears that it was issued by Mandal Sanraksha Adhikari, Izetnagar, in which the applicant is informed that he is no more in service and accordingly asked to vacate the official residence within 15 days of its receipt. Immediately after



*Received
18/10/87*



41/2/87 31/10/87

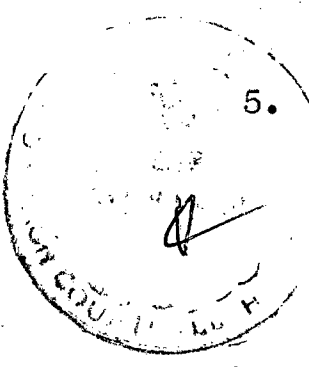
(2)
Hb
2

(54)

receiving the said letter the applicant represented to the respondent no. 2 through his letters dated 30-11-1985, 31-12-1985. The applicant is filing herewith the copies of those letters and their despatch receipts marked as annexure no. R - 1 to this rejoinder.

The applicant awaited for six months i.e. upto 1-7-1986 but the authorities did not bother to reply those letters. Thereafter before expiry of the period of one year (i.e. before 1-7-1987) the applicant filed this application on 9-9-1986. Hence the application is well in time in view of section 21 of the Administrative Tribunals Act, 1985.

3. That the contents of para 3 of the written reply are denied and the applicant reiterates that the contents of para 6 of his earlier application as correct.
4. That the contents of para 4 of the written reply are denied and the applicant reiterates that the contents of para 7 of his earlier application as correct. And as such he is fully entitled for relief.
5. That the contents of para 5 of the written reply are denied and the applicant reiterates that the contents of para 8 of his earlier application as correct. In this connection the application submits that the dacoity took place at Pauta Railway Station where the applicant was posted as Station Master some times in the first half of the year of 1984 and being the station master, with due permission of his superiors co-operated with the



अतिरिक्त प्रमाण

3
16/5
35

prosecution authorities and appeared before the trial court as prosecution witness and accordingly the accused were convicted.

Obviously the life and property of his own and of his family came into extreme danger.

As a matter of proof of dacoity a copy of the letter dated 9-5-1984 is filed herewith as annexure no. R - 2 to this rejoinder.

Moreover, the order of the acceptance of the so called voluntary retirement of the applicant dated 30-10-1984 marked as annexure no. 5 to the earlier application has neither been served upon the applicant nor has been signed by the competent appointing authority. The copy of the same was came in to the notice of the applicant accidentally when he received a letter dated 18-10-1985 marked as annexure no. 6 to the earlier application for the first time on 22-11-1985. During the period from October/November 1984 to November/December 1985 the applicant could not received his pay due to illness however he wrote number of letters to the authorities but the authorities did not bother to reply those letters. The said order dated 18-10-1985 appears to be manufactured and forged one in order to harrase the applicant. On its perusal it is clear that when the services of the applicant were terminated on 9-11-1984 how the applicant became unauthorised occupant from tne date 30-10-1979. Further, on the perusal of the order dated 30-10-1984 the same appears to be the manufactured and forged one on the grounds that its syntex is incorrect like

दस्तावेजों के माता

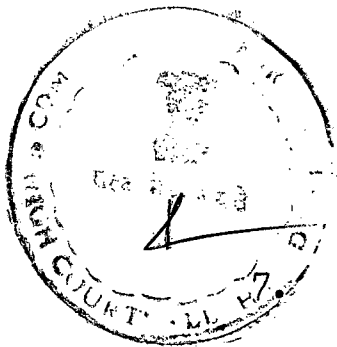
मे कृपा शंकर अवस्थी सहायक

9
16
58

स्टेशन मास्टर 1435-7001 पौटा का स्वेच्छा
सेवा विमुक्त का अनुरोध जिसके लिए उन्होंने अपने
प्रार्थना पत्र दिनांक 9-8-84 द्वारा किया था दिनांक
11-8-84 पूर्वदिन से स्वीकृत किया जाता है। 4
and the letter is also not signed by the

competent appointing authority. It appears that
some clerk of the department has issued it
on behalf of the Divisional Railway Manager
(S), Izzetnagar. The order should have been
signed by the competent appointing authority
and the applicant pays his reliance on the
ruling framed by the Hon'ble Division Bench
of the Hon'ble High Court of Judicature at
Allahabad, Lucknow Bench, Lucknow. A photocopy
is filed herewith as annexure no. R-3 to
this rejoinder.

6. That the contents of para 6 of the written
reply are denied and the applicant reiterates
that the contents of para 9 of his earlier
application as correct. The alternative
remedy available to the applicant has
already been exhausted as after first information
that he is not in service the applicant
represented to the authorities vide his
letters dated 30-11-1985 and 31-12-1985
and did not get the reply within six months.



That the contents of para 10 of the earlier
application has been replied in para 16
of the written reply. The applicant reiterates
that the contents of para 10 of his earlier
application as correct. The contents of
para 7 of the written reply are undisputed.

8. That the contents of para 8 and 9 of the
written reply are denied and the applicant

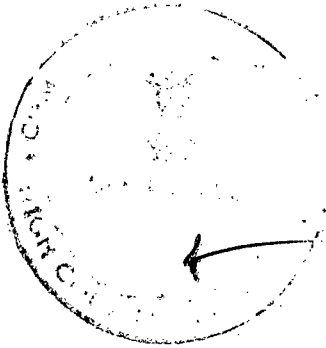
हुनाईनात हावना

5
14/5
57

reiterates that the contents of para 1 of his earlier application as correct. The applicant submits that the dacoity took place on the same station where the applicant was posted and that too during the period of his posting. It is hardly disputed that the Pauta Railway Station whether comes under the District Pilibhit or District Lakhimpur.

9. That the contents of para 10 of the written reply are denied and the applicant reiterates that the contents of para 2 and 3 of his earlier application as correct. The Service records of the applicant upto 1980 has not burnt in the fire accident. The same has been destroyed or concealed by the authorities in order to harrase the applicant. Moreover how Shri Ram Narain Prasad, the Assistant Personal Officer, Izzetnagar has verified in the written reply the date of the appointment of the applicant.

So far as the suspension of the applicant in the February 1981 is concerned, the facts in para 10 of the written reply have wrongly been placed. It is true that the applicant was suspended in February 1981 and was served with a charged sheet in March 1981. But after due enquiry no punishment was imposed and the charge sheet and the order of suspension was cancelled vide letter dated 3-2-1982. A photocopy is filed herewith as annexure no. R - 4 to this rejoinder.



10. That the contents of para 11 of the written reply are denied and the applicant reiterates

as stated in para 11

6
AB
6
58

that the contents of para 4 of his application as correct. It is very much surprising that on the one hand vide para 10 of the written reply it is verified by Shri Ram Narain Prasad, the Assistant Personal Officer, Izzetnagar that the service records up to February 1980 were burnt in a fire accident and on the other hand vide para 11 of the written reply he verifies and challenges the date of appointment of the applicant. So far as representation by the applicant for his seniority is concerned it is submitted that he represented many times earlier vide letters dated 27-2-1961, 15-11-1972, 13-5-1982, 8-9-1983, 29-5-1984 in writing and several other times orally. Few of the photocopies of those letters are filed herewith as annexure no. R - 5 to this rejoinder.

11. That the contents of para 12 of the written reply are denied and the applicant reiterates that the contents of para 5 and 6 of his earlier ~~affidavit~~ application as correct. Moreover, during the posting at Pauta Railway Station the applicant became ill and was admitted to the Railway Hospital and also keeping in view of the said station dacoity it was highly desirable in the interest of the safety of the applicant and his family that he should have been transferred to some other place. On 30-7-1984 (vide annexure no. 1 to the application) the wife of the applicant requested the authorities to transfer her husband thereafter the applicant himself requested the authorities for the 9-8-1984 (via.

7
186
7
59

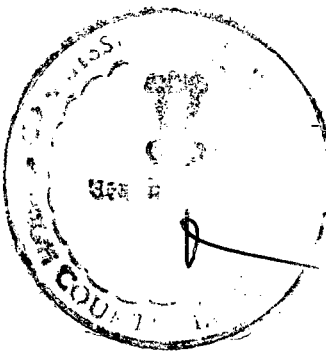
12. That the contents of para 13 of the written reply are denied and the applicant reiterates that the contents of para 7 of his earlier application as correct.
13. That the contents of para 14 of the written reply are denied and the applicant reiterates that the contents of para 8 of his earlier application as correct. Official records may or may not be available with the authorities how far the applicant is concerned and responsible. In fact most of the service records of the applicant have been manipulated and destroyed by the authorities who were annoyed with the applicant. And for this reason the authorities are avoiding to produce the official records.
14. That the contents of para 15 of the written statement are denied and the applicant reiterates that the contents of para 9 of his earlier application as correct. It is clearly evident from the annexure no. 1 to the application vide its para 4 that there was clear question of safety and security of the applicant and his family and the health wise suitability of the place for the applicant.
15. That the contents of para 16 of the written reply are denied and the applicant reiterates that the contents of para 10 of his earlier application as correct. It is true that the voluntary retirement was sought by the applicant but why? When the applicant applied for the voluntary retirement he was physically as well as mentally not fit and

27/2/2018

8
16
C
60

and under duress and coercion as being deliberately kept at the most unsafe and insecure place of work the applicant lost his balance of mind for which authorities were responsible, tendered his requisition for voluntary retirement. The authorities did not allow him to avail the compensatory rest which is most essential for efficient working and performance of the employee.

16. That the contents of para 17 of the written reply are denied and the applicant reiterates that the contents of para 11 of his earlier application as correct. On the perusal of the annexure no. 5 to the application it is very clear that neither the syntax of the order is correct nor it is signed by the competent authorities and appears to be manufactured and forged one. Moreover the applicant tendered his request for voluntary retirement on 9-8-1984 and before expiry of the period of notice of three months i.e. before 9-11-1984 the order should not have been passed on 30-10-1984. And if it was passed the same should have been revoked or cancelled or re-called keeping in view that before the period of three months notice the applicant withdrew his requisition on 5-11-1984.



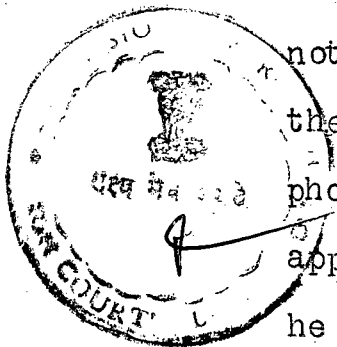
16. That the contents of para 18 of the written reply are denied and the applicant reiterates that the contents of para 12 of his earlier application as correct. No matter when the letter dated 5-11-1984 reached at the office of the respondents it is important that

अनुरोध है कि

9
No
C
61

that such an order dated 30-10-1984 should not have been passed before 9-11-1984. Moreover, that unsigned order dated 30-10-1984 has never been served upon the applicant. After more than one year the applicant came to know that he is no more in service only on 22-11-1985 when he received a notice dated 18-10-1985 to vacate the official residence.

17. That the contents of para 19 and 20 of the written reply are denied and the applicant reiterates that the contents of para 13 and 14 of his earlier application as correct. It is not correct to say that the applicant had full knowledge of his retirement. During his illness when the applicant revoked his request within the period of notice and the authorities did not bother to reply that letter then how the applicant came to know about it. After revocation of the voluntary retirement notice the applicant approached to the authorities. But the authorities kept themselves mum. On 22-5-1985 the applicant went to the Pauta Railway Station to know that why the authorities are not speaking about his representations. One of the friends of the applicant provided him a photocopy of the order dated 30-10-1984. The applicant was surprised to know that ~~he~~ why he was not intimated by the authorities about it. Number of letters were written by the applicant to confirm the authenticity of the order dated 30-10-1984 and in the mean time on 22-11-1985 the applicant came to know through the letter of Mandal Samraksha Adhikari dated 18-10-1985 to vacate the official residence as the applicant was no more in service. Thereafter the applicant



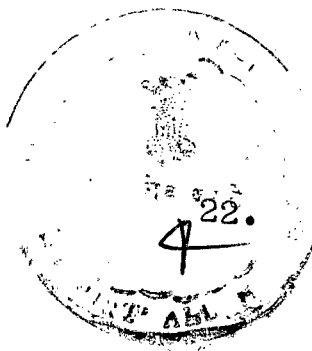
हस्ताक्षर

10
Ab
10
62

represented the authorities but even then the authorities did not reply. However after filing this claim petition before the Hon'ble Central Administrative Tribunal on 9-12-1986 the office of the Divisional Railway Manager (S), Izzetnagar informed the applicant that the request for voluntary retirement has been accepted ~~on~~ from 9-11-1984. A photocopy of the same is filed herewith as annexure no. R - 6 to this rejoinder.

18. That the contents of para 21 of the written reply are denied and the applicant reiterates that the contents of para 15 of his earlier application as correct.
19. That the contents of para 22 of the written reply are not disputed.
20. That the contents of para 23 of the written reply are denied and the applicant reiterates that the contents of para 17 of his earlier application as correct.
21. That the contents of para 24 of the written reply are denied and the applicant reiterates that the contents of para 18 of the earlier application as correct. The territorial jurisdiction is not disputed and the application is fully well in time under the section 21 of the Administrative Tribunals Act, 1985.

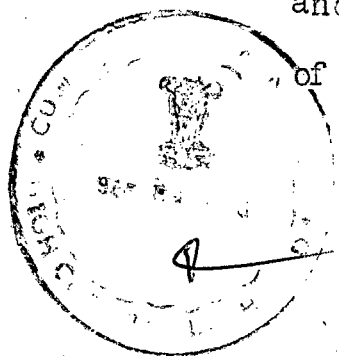
22. That the contents of para 25 of the written reply are denied and the applicant reiterates that the contents of para 19 of his earlier application as correct. The requisition for voluntary retirement was tendered by the applicant under the and unbalanced condition of authorities.



11
11
13

wrongly been accepted by some clerk of the department who has drafted the incorrect syntax and that too is passed before the expiry of the period of three month's notice. Moreover the order dated 30-10-1984 has never been served upon the applicant as yet.

23. That in view of the above facts and legal position it is highly desirable in the interest of justice that this Hon'ble Administrative Tribunal may be pleased to quash the order dated 30-10-1984 and allow the application with costs in favour of the application and as against the respondents.



श्री राज नथ अवस्थी
APPLICANT

VERIFICATION

I, Kripa Shanker Awasthi, aged about 53 years son of Shri Raj Nath Awasthi presently residing at Mohalla Bramhavarta, Post Office Bithoor, District Kanpur (U.P.), being the applicant in the above noted application do hereby verify that the contents of para 1 to 23 of the rejoinder are true to my personal knowledge. No part of it is false and nothing material has been concealed.

Signed and verified this 6th day of May 1987 in the premises of the Central Administrative Tribunal at Allahabad.

श्री राज नथ अवस्थी
APPLICANT

श्री राज नथ अवस्थी

12
12
64

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

..... APPLICANT

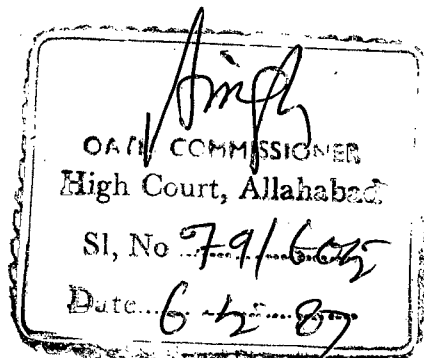
VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

ANNEXURE NO. R-1

अनुसूचित जाति



सेवा में,

13

श्री मान मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे, इज्जतनगर।

विषय:- चिकित्सा एवं उसके समर्थ का वेतन सुगन्त।

महोदय,

निवेदन के साथ मैं आपका ध्यान दिनांक 15-11-84, 28-12-84, 31-1-85, 18-2-85, 21-3-85, 25-4-85, 29-5-85, 22-6-85, 31-7-85, 23-8-85, 26-9-85 एवं 31-10-85 के

प्रार्थनापत्रों की ओर आकर्षित करना चाहता हूँ। कृपया आप परिणाम से अवगत कराइये कि मेरे प्रपत्रों पर क्या ध्यान दिया गया। मेरा अभी तक कोई भी वेतन नहीं मिला। मेरे अभी लगभग 500 से ऊपर (पाँच सौ से ऊपर) सी. आर. जो क्रमशः बुढ़ावन, कमालगंज एवं ब्रह्मावर्त आदि के कार्यकाल के शेष पड़े हैं, जो निरन्तर याचना करने पर भी नहीं दिये गये हैं, जिनकी लिस्ट भी समय समय पर वेरीफाई कराके प्रेषित की गई। बाद में यह तय हुआ कि ये सब एक साथ नहीं मिल पायेंगे, बल्कि ये एक एक महीना करके दे दिये जायेंगे, परन्तु जब ये सांगे गये, तो इसका उत्तर ही नहीं मिला। ये मेरे सिक या ड्यूटी में सन्तुष्ट किये गये, न ही इनका वेतन सुगन्त किया गया। मैं अभी बीमार हूँ। मेरे अभी ड्यूटी नहीं आइडन की ओर न अभी चार्ज आदि दे पाया हूँ। यह मेरा स्वेच्छा सेवानिवृत्ति का कोई कारण ही नहीं बनता है क्योंकि यह मेरा कम्पलसरी रिटायरमेन्ट नहीं है, जो मेरे ड्यूटी पर आये बिना हटा दिया जाऊँ।

अतः आपसे निवेदन है कि आप उपरोक्त प्रार्थनापत्र को मंजीमांति देवेंगे तथा आप उस पर सही निर्णय लेंगे तथा मेरे समस्त सुगन्त करने का शीघ्र कष्ट करेंगे।

मुझे आशा ही नहीं बल्कि पूर्ण विश्वास भी है कि आप उपरोक्त विषय पर अपना ध्यान कर्षण करेंगे एवं सही निर्णय लेकर मुझे सन्तुष्ट करेंगे, जिसके लिये मैं आपका सदैव आभारी रहूँगा।

कष्ट के लिये विशेष धन्यवाद,
दिनांक :- नवम्बर 30, 1985.

आपका विश्वसनीय :-

कुशाशंकर ठाकुर
(कुशाशंकर अवस्थी)

स्टेशन मास्टर, पौल (पीलीभीत)
मु. - ब्रह्मावर्त, पौ. - सिद्ध
जिला - कानपुर (उ.प्र.)।

निम्न प्रतिलिपियाँ सूचनाई, शीघ्र एवं उचित कार्यवाही हेतु प्रेषित हैं:-

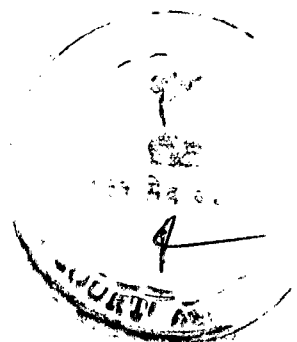
1. श्री मान मण्डल रेल प्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे, इज्जतनगर।
2. श्री मान महाप्रबन्धक, पूर्वोत्तर रेलवे, गोरखपुर।
3. श्री मान लैवर इन्फोर्समेन्ट आफिसर (सेंट्रल), चैरली / कानपुर एवं
4. श्री मान रेलमन्त्री, भारत सरकार, नई दिल्ली।

दिनांक :- नवम्बर 30, 1985.

कुशाशंकर ठाकुर
(कुशाशंकर अवस्थी)

स्टेशन मास्टर, पौल (पीलीभीत)

कुशाशंकर ठाकुर



सेवा में,

श्रीमान गणेश देव पुष्पन्त,
पुनर्निर्माण, पुनर्निर्माण।

विवरण :- विविधता एवं उच्चतम का मान भुगतान।

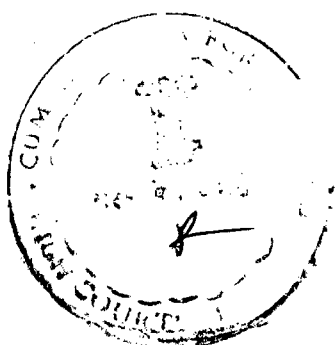
नोटव,

निवेदन केसबि में आपका पत्र दिनांक 15-11-84, 28-12-84, 31-1-85, 18-2-85, 21-3-85, 25-4-85, 29-5-85, 22-6-85, 31-7-85, 23-8-85, 26-9-85, 31-1-85 एवं 30-11-85 के पत्रों की ओर अवगत करना चाहता हूँ। आप पत्राचार से अवगत कराकर, कि मेरे पत्रों पर क्या ध्यान दिया गया। मेरा अभी भी कोई भी काम नहीं मिल रहा। मेरे अभी अभी 506 सी.आर.ओ. जो मुझे: पुनर्निर्माण, जहाँ मैंने सर्व प्रस्तावों काटि के काटका के पत्र हैं, जो रिप्लायर में करने पर भी नहीं टिके बने हैं, जिनका मैंने आपके पत्रों में प्रेषित की गयी। मैं अभी भी आर.ओ. का रहा हूँ। पत्राचार न होने के कारण प्राइमरी विविधता में भी प्र.ओ.ओ. नहीं हो पा रहा हूँ। मेरे काम का पुनर्निर्माण हो जाने पर तभी विविधता हो पाएगी। जब भी हो जायेगा, तो विविधता पर पुनः आऊंगा। सभी मुझे आप स्के.ओ. निवृत्ति कायम की। फिर सर्व स्टेज का कार्य देने का आदेश हो गया। तब तक स्के.ओ. सेवा-निवृत्ति का कोई कारण ही नहीं बताया है, क्योंकि वह मेरा आवश्यक रिटायरमेंट नहीं है, जो विविधता प्रदान करे बिना हटा दिया जाऊँ। फिर मैंने उसे के साथ रिटायरमेंट माँगा है। इस मानवीय नहीं गयी, तो वह स्के.ओ. से सेवा निवृत्ति कैसे हो जायेगी? दूसरे मोटिव कायम होने चाहिए। अन्दर मैंने आपस होने के पत्राचार का, जो दूसरे पत्रों को, वह भी नहीं माना गया। वह भी स्के.ओ. में आती है। फिर मेरा हरियर भुगतान भी नहीं किया गया, जो भी स्के.ओ. में आती है। जब मेरी स्के.ओ. से काम नहीं हुआ, तो फिर वह स्के.ओ. से सेवा निवृत्ति का माना जाता है न कि वह भी अन्दर से सेवा निवृत्ति का या रहा है, माना स्के.ओ. से सेवा निवृत्ति दिया कर।

अतः आपसे निवेदन है कि आप उपरोक्त प्रार्थना पत्रों की भीमति दृष्टि से आप उसपर तभी निर्णय लेंगे एवं उचित भुगतान करने का आदेश करेंगे।

आपका आज्ञाकारी शिष्य

कुलकर्णी:-----2



28/12/50
15
67

- 2 -

एवं मुझे प्रतिबन्धन सुविधा करके तन्मूट करीये। जिसके लिए मैं आपका सदैव आभारी रहूंगा।

कष्ट के बिना निवेदन सम्बोधित।

दिनांक :- 31-12-50

आपका विधासनीय,
हृदयेश्वर अग्रवाल
। कृपा कर अवधी।
स्टेशन मास्टर/पाटा। पीलीभीत।
मो- 9-8-4-4, डा- विर।
विता- कानपुर 130901

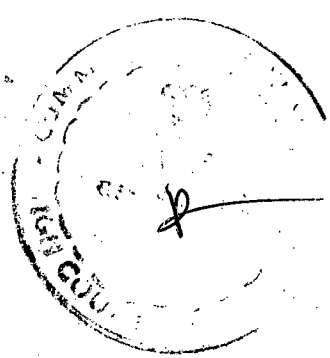
निम्न प्रतिलिपि का प्रमाण, एवं जीई, उचित कार्यवाही हेतु प्रेषित है :-

- 1- श्रीमान् अटल देव प्रसाद। कांकि, पूर्वांचल दे. के, हज्जामगर।
- 2- श्रीमान् महाप्रसाद, पूर्वांचल दे. के, गोरखपुर।
- 3- श्रीमान् देव प्रसाद अग्रवाल। अटल, कानपुर एवं कानपुर तथा
- 4- श्रीमान् दे. मंत्री, भारत सरकार, नई दिल्ली।

दिनांक:- 31-12-50

हृदयेश्वर अग्रवाल
। कृपा कर अवधी।
स्टेशन मास्टर/पाटा। पीलीभीत।
मो- 9-8-4-4, डा- विर।
विता- कानपुर 130901

हृदयेश्वर अग्रवाल



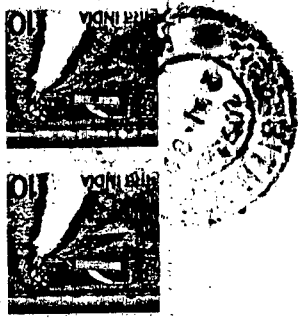
सटीफिकेट ऑफ पोस्टिंग

16

88

16/16

एक लिफाफा श्रीमान् मुरलीमनेहर जी श्रीवास्तव,
मण्डला रेल प्रबन्धक (कार्मिक),
पूर्वोत्तर रेलवे, इज्जत नगर,
जिला - खरेली (उ०प्र०),
एक लिफाफा श्रीमान् एस० डी० शर्मा जी,
मण्डला रेल प्रबन्धक,
पूर्वोत्तर रेलवे, इज्जत नगर,
जिला - खरेली (उ०प्र०),
एक लिफाफा श्रीमान् मुहा प्रबन्धक (कार्मिक),
पूर्वोत्तर रेलवे, गोरखपुर (उ०प्र०),



मान 3 (तीन) लिफाफे

सटीफिकेट ऑफ पोस्टिंग

एक लिफाफा श्रीमान् कम प्रवर्तन अधिकारी (के०डी०),
7/201,
स्वरूप नगर,
काठपुर - 2 (उ०प्र०)



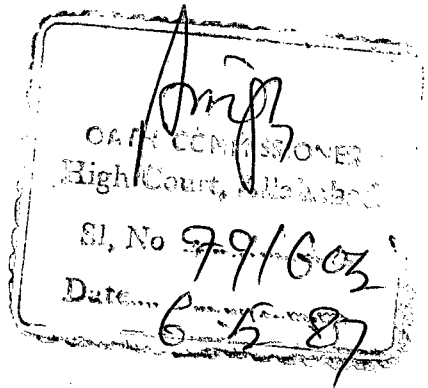
एक लिफाफा श्रीमान् प्रवर्तन अधिकारी (के०डी०),
164 स 3, सिविल लाइन्स, मालगोदास रोड,
खरेली - 243001

एक लिफाफा श्रीमान् योगेश बिहारी लाल जी माथुर,
मंडा प्रबन्धक,
पूर्वोत्तर रेलवे, गोरखपुर (उ०प्र०)



मान 3 (तीन) लिफाफे

कृष्ण चंदर भादवणी



4

17

17

17/17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

ANNEXURE NO. R-2

कृपाशंकर अवास्थी

ALLAHABAD

दिनांक 9-5-84

इष्टान मास्टर भिक्षु पोरा

जो कि रेल प्लायक
 पारथालू का आवक हुंदा है कि जो भी सामान
 डकैती में गया है उस शव भी रेल
 डकैती के शव का 138 के गार्ड के
 साथ भेजा।

महान् आवक है।

आपकी शक्ति धीमी
 9-5-84

1. सुपारी शव के शव का शव।

Amir

79/603
 6/2/21

19

71

16/19

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

..... APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

ANNEXURE NO. R-3

अनुचित व्यवहार



20
M
20
72

STATE OF U. P. & ANOTHER VS. U. P. PUBLIC SERVICES TRIBUNAL (HC, LB) 13

was started, it was not proceeded with and no punishment was inflicted on him. In these circumstances, therefore, if the appointing authority considered expedient to terminate the services of the respondent—a probationer—it cannot be said that the order of termination attracted the provisions of Article 311 of the Constitution. Thus, if the appellant found that the respondent was not suitable for being retained in service that will not vitiate the order impugned as held and observed by this Court in the cases cited above.

16. For these reasons, therefore, we are satisfied that the order terminating the services of the respondent was valid and did not involve any stigma and was fully justified in the facts and circumstances of the present case. The High Court, therefore, erred in law in quashing the impugned order. For these reasons, we allow this appeal, set aside the judgment and decree of the High Court and hold that the order terminating the services of the respondent was valid in law. In the circumstances of the case, there will be no order as to costs.

ALLAHABAD HIGH COURT, LUCKNOW BENCH

(BEFORE HON'BLE T. S. MISRA AND K. S. VERMA, JJ.)

Writ Petition No. 677 of 1977, decided on April, 25, 1980

State of U. P. and another

... Petitioner

Versus

U. P. Public Services Tribunal No. 1 and another

... Opp. Parties

Termination—Mere approval of the proposal of termination in the file by the competent authority cannot terminate services of a Government servant. By that order alone the employment could not be brought to an end. In order to bring the employment to an end it was necessary that a notice duly signed by the competent authority should have been served on the Government servant concerned.

(Para 2)

Petition dismissed.

(Delivered by Hon'ble T. S. Misra, J.)

The facts giving rise to this petition are as follows : The opposite-party No. 2 Raj Narain Singh was appointed as Family Planning Health Assistant in January, 1962, on temporary basis under the orders of the Additional Director, Medical Health and Family Planning, U. P., Lucknow. His services were terminated on 9th August, 1967 but that order was set aside by this Court by an order dated 3rd March, 1970 passed in Writ Petition No. 239 of 1968. The opposite-party No. 2 was re-instated on 10th April, 1970 but on 8th June, 1972 he was served with a certified copy of a notice dated 15th July, 1970 intimating him that his services were no longer required and would, therefore, come to an end on the date of the receipt of the notice and that he would be paid one month's salary in lieu of notice. This notice was not signed by the Director of Medical, Health and Family Planning nor by any other officer. The opposite-party No. 2, therefore, filed a claim petition before the U. P. Public Services Tribunal for having the said notice cancelled and for recovery of arrears of pay from 1st October, 1966 to 9th April, 1970. The said notice was impugned before the Tribunal on a number of grounds. It was contended that the order terminating the employment was penal in nature inasmuch as

Raj Narain Singh

21

72

A6
21

the earlier order of termination passed on 9th August, 1967 had been quashed by this Court on 3rd March, 1970 and within a short period of about four months a copy of the said notice was served on the opposite-party No. 2. It was also contended that with the previous termination order a bank draft for Rs. 277/- was to be sent to him as his one month's pay. That bank draft was dated 30th April, 1969. Curiously enough, the same bank draft was sent to the opposite party No. 2 with the impugned notice though the petitioner pay for the months of June, 1972 amounted to Rs. 326/-. This also indicated that the termination order was *mala fide* and a colourable exercise of power. Further, it was pointed out to the Tribunal that a copy of the notice which was served on the opposite-party No. 2 on 8-6-1972 bore the date 15th July 1970. Thus for about two years it remained in the office file and was not served on the opposite-party No. 2. Moreover, the said notice did not bear the signature of the Director of Medical and Health Services and could not, therefore, have the effect of terminating the services of the present opposite-party No. 2. These grounds found favour with the Tribunal which after considering all the facts and circumstances of the case and the contentions raised before it came to the conclusion that the impugned termination order was by way of penalty and was, therefore, violative of Article 311 of the Constitution. The impugned order dated 15th July, 1970 a copy of which was served on the opposite-party No. 2 on 8th June, 1972 was, therefore, quashed by the Tribunal and it was declared that the present opposite-party No. 2 continued in service with rights to full pay and allowances admissible to him. The State has challenged the said order of the Tribunal before us in this petition filed under Article 226 of the Constitution. The petition has been opposed by the present opposite-party No. 2.

2. For the State it was urged that it was open to the State Government to terminate the employment of the opposite-party No. 2 which was temporary in nature even after the first order of termination had been quashed by this Court and there was nothing on the record to show that the said order was by way of punishment and was, therefore, violative of Article 311 of the Constitution. We find no merits in the petition. It is admitted that the notice dated 15th June, 1970, which was served on the opposite-party No. 2 on 8th June, 1972, did not bear the signature of the Director of Medical and Health Services and that a certified copy of that notice was served on the opposite-party No. 2. This fact was brought to the notice of the Tribunal as well. It appears that the original order bearing the signature of the Director of Medical and Health Services could not be produced before the Tribunal and only a copy of that order was shown to the Tribunal. We asked the learned Standing Counsel to produce the original order dated 15th June, 1970 bearing the signature of the Director of Medical and Health Services before us. The learned Standing Counsel has produced before us the relevant file but could not show from that file any document which could be said to be containing the original order dated 15th July, 1970 and bearing the signature of the then Director of Medical and Health Services. The certified copy of that order was shown to us which was served on the opposite-party No. 2. That certified copy does not bear the signature of the Director. Another file was produced before us showing that the Government had directed the Director to terminate the services of the opposite-party No. 2 and a note was thereupon put up before the Director to terminate the employment of the opposite-party No. 2. The Director had, it is stated, endorsed his approval below that note. From this fact it was sought to be made out that the Director had actually terminated the services of the opposite-party No. 2 but we are unable to draw this inference for the reason that the Director had merely endorsed his approval that the services of the opposite-party No. 2 be terminated. By that order alone the employment

22/7/72

could not have been brought to an end. In order to bring the employment to an end it was necessary that a notice duly signed by the competent authority should have been served on the opposite-party No. 2. That was not done. On the other hand, a certified copy purporting to be copy of some order of 15th July, 1970 was served on the opposite-party No. 2 after the expiry of about 23 months. The Tribunal noticing these facts was of the view that the whole thing appeared to be shady. The inference drawn by the Tribunal in this behalf cannot be said to be unjustified. The Tribunal has given reasons for coming to the conclusion that the order was punitive in nature. We have considered those reasons and we do not find any ground to disagree with the conclusion reached by the Tribunal in this behalf. In our view the order passed by the Tribunal is unassailable.

3. In the result, the petition fails and is dismissed with costs.

ALLAHABAD HIGH COURT, LUCKNOW BENCH

(BEFORE HON'BLE J.C. SRIVASTAVA AND K. N. GOYAL, JJ.)

Writ Petition No. 252 of 1976, decided on March 6, 1979

Israr Ahmad

.. Petitioner

Versus

The Zila Parishad

... Opp. Parties

Alternative Remedy—The Public Services Tribunals have no power to grant stay in certain matters. There may be glaring cases where it is obvious even at the outset that the writ petition is bound to be allowed or a claim, if preferred before the Public Services Tribunal, is bound to be allowed. In such case, a person, whose services have been terminated, if required to go before the Tribunal, may have to remain out of job for a considerable length of time as the Tribunal may not be able to decide the case within a reasonable period. In such patent and glaring cases, where refusal of interim relief, would be clearly unjust, the alternative remedy of reference to the Tribunal being considered to be not adequate and effective, the writ petition is admissible.

(Para 17)

Termination of permanent employees of Zila Parishad by the Adhyaksha without making a scheme of retrenchment to retrench the various employees working in various departments of Zila Parishad as required by Sections 36 and 49 of the Zila Parishad Adhiniyam is illegal.

(Para 18)

Writ petition allowed.

Cases referred :

1. State of U. P. v. Mohammad Nooh, AIR 1958 SC 86.
2. Anilminic v. The Foreign Compensation Commission, (1969) 1 All ER 208.
3. Union of India v. Tarachand Gupta and Bros., AIR 1971 SC 1558.
4. Tata Engineering and Locomotive Co. Ltd. v. The Assistant Commissioner of Commercial Tax and another, AIR 1967 SC 1401.

अग्रिमत नतत

Amgh

High Court, Allahabad.

Sl. No. 79/602

Date 6-5-87

23
A6
23
75

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

.....APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

ANNEXURE NO. R-4

अग्रिम नमो



76

20/10/2020

25
A6
25
77

पूवोत्तर रेलवे
NORTH EASTERN RAILWAY

फ. उ. - सी. 353
N. E. - G. 353

मानक फार्म नं. 4
STANDARD FORM NO. 4

निलम्बन आदेश के प्रतिवहरण के लिए आदेश का मानक फार्म रेल सेक्टर (अनु. और अपी.) नियम,
1968 का नियम 5 (5) (ग)

Standard Form of order for revocation of suspension order
Rule 5(5)(c) of R. S. (D. & A.) Rules, 1968.

अनु. 2/12/81/अ. 1000

(रेल प्रशासन का नाम)
(Name of Railway Administration)
(निर्गम स्थान)
(Place of Issue)

दिनांक 11.3.81
Dated

आदेश
ORDER

जहाँ श्री 10-2-81 को निलम्बित करने का आदेश दिया गया/दिया गया समझा जाता है।
Whereas an order placing Shri. (name and designation of the Railway servant) under suspension was made/was deemed to have been made by

जहाँ यह राष्ट्रपति/रेल बोर्ड/निम्न हस्ताक्षरी (यह अधिकारी जिसने निलम्बन आदेश दिया है, या जिसके द्वारा दिया गया समझा जाता है) या कोई अन्य अधिकारी जिसका यह अधिकारी अधीनस्थ है, रेल सेक्टर (अनु. और अपी.) नियम, 1968 के नियम 5 के उप-नियम (5) के अन्तर्गत (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एवम्बारा उक्त निलम्बन आदेश को तत्काश/दिनांक 11-3-81 से निलम्बित करने का आदेश दिया गया।
Now, therefore, the President/the Railway Board/the undersigned (the authority which made or is deemed to have made the order of suspension or any other authority to which that authority is sub-ordinate) in exercise of the powers conferred by clause (c) of Sub-rule (5) of Rule 5 of the R.S. (D. & A.) Rules, 1968, hereby revokes the said order of suspension with immediate effect/with effect from

* (राष्ट्रपति के आदेश द्वारा और उनके नाम से)
*(By order and in the name of the President)

(हस्ताक्षर) अधिकारी
(Signature)

(नाम)
(Name)

आदेश देने वाले अधिकारी का पदनाम
Designation of the authority making this order

(अधिकारी, रेल बोर्ड यदि आदेश रेल बोर्ड द्वारा दिया जाये)
Secretary, Railway Board, where the order is made by the Railway Board.

(यदि राष्ट्रपति द्वारा आदेश दिया गया हो तो राष्ट्रपति का आदेश के अधिनियम के अनुच्छेद 77 (2) के अन्तर्गत राष्ट्रपति के अधिकारिता के अन्तर्गत आदेश प्रमाणित करने के लिए अधिकृत अधिकारी का पद)
(Designation of the Officer authorised under Article 77(2) of the Constitution to authenticate orders on behalf of the President, where the order is made by the President)

प्रतिलिपि
Copy to
श्री
अधी

(निलम्बित रेल सेक्टर का नाम)
(name and designation of the suspended Railway servant)

जहाँ आदेश का राष्ट्रपति के नाम से दिया जाये, अधिष्ठाता द्वारा आदेश
Where the order is expressed to be made in the name of the President

इस आदेश का अन्तर्गत

26

26

28

(41)

Sm/MDA

110/150

पूर्वोत्तर रेलवे
NORTH EASTERN RAILWAY

फ़ॉर्म नं०-जी० 350
N. E.-41.350

मानक फॉर्म नं० 1
STANDARD FORM NO. 1

निलम्बन आदेश का मानक फॉर्म, रेल सेवक (अनुशासन और अपील) नियम, 1968 का नियम 5 (1)
Standard Form of (Order of Suspension (Rule 5 (1) of the RS (D & A) Rule, 1968).

नं० 7/27/18/11/18/88
No.

(रेल प्रशासन का नाम)
(Name of Railway administration)

D. R. M. (Cptg.)

(निगम स्थान)
(Place of issue)

दिनांक 10-2-87
date

आदेश ORDER

यतः श्री.....

(रेल कर्मचारी का नाम और पद नाम) के विरुद्ध अनुशासनिक कार्यवाही अपेक्षित/पनिर्णीत है।

Where as a disciplinary proceeding against

Shri. K. S. Jaiswal
(name and designation of the Railway servant) is contemplated/pending.

यतः श्री.....

(रेल कर्मचारी का नाम और पद नाम) के विरुद्ध एक दण्डित अपराध के सम्बन्ध में जांच/पूछताछ की जा रही है/पुकारमा चल रहा है।

Where as case against Shri.....

(Name and designation of the Railway servant) in respect of a criminal offence is under investigation/inquiry/trail.

यतः यह राष्ट्रपति/रेलवे बोर्ड/निम्नहस्ताक्षरी रेल से० (प्र० और प्र०) नियम 1968 के साथ संलग्न अनुसूची I, II और III की शर्तों के अनुसार रेल कर्मचारी को निलम्बित करने वाला सक्षम प्राधिकारी/रेल से० (प्र० और प्र०) नियम 1968 के नियम 5 (1) के परन्तुक में उल्लिखित प्राधिकारी, रेल से० (प्र० और प्र०) नियम, 1968 के नियम 4/नियम 5 (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एमवद्वारा उक्त श्री को निलम्बित/सस्पेंड किया गया है।

Now, therefore, the president/the Railway Board/the undersigned (the authority competent to place the Railway servant under suspension in terms of the Schedules I, II and III appended to R. S. (D & A) Rules, 1968/an authority mentioned in proviso to Rule 5 (1) of the R. S. (D & A) Rules, 1968); in exercise of the powers conferred by Rule 4/proviso to Rule 5 (1) of the R. S. (D & A) Rules, 1968 hereby places the said Shri. K. S. Jaiswal under suspension with immediate effect/with effect from 10-2-87.

यह भी आदेश दिया जाता है कि जिस अवधि में यह आदेश प्रभावी रहेगा उसमें उक्त श्री सक्षम प्राधिकारी की अनुमति के बिना मुख्यालय नहीं छोड़ेगा।

It is further ordered that during the period this order shall remain in force, the said Shri. shall not leave the headquarters without obtaining the previous permission of the competent authority.

* (राष्ट्रपति के आदेश द्वारा और उनके नाम से)
(By order and in the name of the President)

हस्ताक्षर
(Signature)

नाम
(Name)

निलम्बन प्राधिकारी का पदनाम
Designation of the suspending authority.

(सचिव रेलवे बोर्ड, यदि निलम्बन प्राधिकारी रेलवे बोर्ड ही है)
(Secretary, Railway Board, where Railway Board is the suspending authority).

(यदि राष्ट्रपति निलम्बन प्राधिकारी हो तो प्राधिकृत अधिकारी का पदनाम, जिस संविधान के अनुच्छेद 77 (2) के अधीन राष्ट्रपति की ओर से आदेशों को अधिष्ठापित करने का अधिकार दिया गया है।)

(Designation of the officer authorised under article 77 (2) of the Constitution to authenticate order on behalf of the President, where the President is the suspending authority).

Not administered

Handwritten notes and signatures at the bottom left.

Handwritten signature at the bottom center.

27

116
27

79

(2)

प्रतिनिधि :-

Copy to :- *San/MOD Order Employee.*

श्री (निम्नलिखित रेल सेवक का नाम और पदनाम) निम्नलिखित की अवधि में उसे स्वी-
कार्य निर्वाह करते के सम्बन्ध में अलग से आदेश जारी किये जायेंगे।

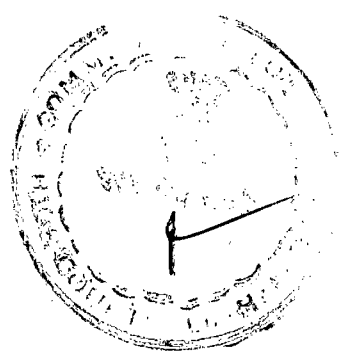
Shri
(name and designation of the suspended Railway servant). Orders regarding subsistence allowance admis-
sible to him during the period of suspension will issue separately.

* यदि आदेश को राष्ट्रपति के नाम से दिया जाना अभिप्रेक्षित किया जाय।
Where the order is expressed to be made in the name of President.

NER 77790885-20,000-8 8 78

इसका नाम (मयलका)

Amfz
OAM/COM/ORDER
High Court, Lucknow
Sl. No. 79/602
Date 6-3-87



28

76/22/80

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

..... APPLICANT

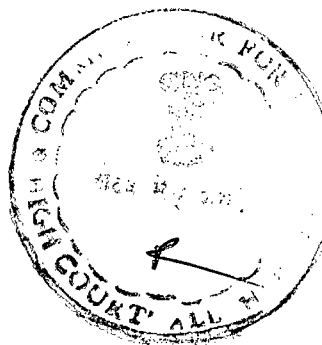
VERSUS

UNION OF INDIA AND OTHERS

..... RESPONDENTS

ANNEXURE NO. R-5

अप्रतिवादी



To,

The Distt Traffic Supdt,
N.E. Railway,
Fatehgarh.

Reg:- My original seniority from 1957 & original
confirmation from 1959.

Sir,

Most humbly and respectfully I beg to lay down the
following few lines for your kind consideration & favourable
orders:-

That I have passed the ASM's training on 1957 and then
I was sent for Practical training at Kuraghat station (which is
at present Gorakhpur Cantt. Station). from that time I was
working as ASM independantly after giving Assurance in Assurance
Register by order of Distt. Traffic Supdt. Gonda. After transfer
from Gonda Distt. to Fatehgarh Distt it was tried to make my
new appointment and hence I was sent for Practical Training again
at Kalianpur Station for few days only due is make my service new
and utilize me to work as Rest giver ASM and my seniority was
shown from 1958 instead of 1957. It is not a rule. Actually it
should be from 1957 as I was utilized to work as ASM's job in
dependently.

Under the above circumstances I very submissively request
to your goodself kindly to see the above case throughly and
arrange my original seniority from 1957 and original confirmation
from 1959.

Hoping that my request will be entertained, for which I
shall remain ever grateful to you.

Thanking you Sir,

Dated: Feb 27, 1961

Yours faithfully,

K. S. Avasthi
(K. S. Avasthi)
ASM/BHK.

K. S. Avasthi

To,

The Divl Supdt (P)
N.E. Railway,
IZATNAGAR.

Reg:- My original Seniority from 1957 & original
confirmation from 1959.

Sir,

I have to draw your kind attention to my application dated 29.2.61 and its reminders dated 13.12.61, 25.5.63, 28.12.62, 20.6.63, 15.11.63, 8.4.64, 21.10.64, 5.5.65, 26.11.65, 8.7.66, 19.12.66, 2.6.67, 22.11.67, 29.5.68, 20.11.68, 10.6.69, 27.12.69, 9.7.70, 24.12.70, 9.6.71, 23.12.71, & 11.5.72, regarding as above for early action I further request to your honour kindly to apprise me with the results at an early date and oblige.

With thanks,

Yours faithfully,

Sd/-
(K. S. Awasthi)
ASM/ FBD.

Copy of the above is forwarded to :-

1. The Divl, Supdt N.E. Railway Izatnagar for information and necessary action &
2. The Regional Labour Commissioner (Central) Swraoop Nagar Kanpur for information and necessary action.

Dated Nov. 15, 1972

K. S. Awasthi
(K. S. Awasthi)
R ASM/ FBD.

K. S. Awasthi

31

32

33

Due cover	The Manager Verma & Company P.B. 51, Saharanpur U.P.	100
due cover	The Jwal Supt. (P) N-2 Rly. Jal nagar	100
Due cover	The Regional Labour Commissioner (Central) Saharanpur Kapur	100
three		
Three covers only		

कृपया शीघ्र भेजें

To,

The Divl Railway Manager
N.E. Railway,
IZATNAGAR.

Reg:- My original Seniority from 1957 and original
confirmation from 1959.

Sir,

Your kind attention is invited to my application
dated 27.2.61, and its reminders dated 13.12.61, 25.5.62,
28.12.62, 20.6.63, 15.11.63, 8.4.64, 21.10.64, 5.5.65,
26.11.65, 8.7.66, 19.12.66, 2.6.67, 22.11.67, 29.5.68, 20.11.68,
10.6.69, 27.12.69, 9.7.70, 24.12.70, 9.6.71, 23.12.71, 11.5.72,
15.11.72, 29.5.73, 15.11.73, 8.6.74, 15.12.74, 23.5.75,
13.11.75, 9.7.76, 27.12.76, 18.6.77, 26.12.77, 11.5.78, 10.12.78,
21.6.79, 6.12.79, 25.5.80, 14.12.80 17.6.81 & 22.12.81
regarding as above addressed to you & copy to all concerned for
early action I further request to your honour kindly to apprise
me with the results at and earliest possible date.

The matter is going to be more old hence I request to
your honour kindly to decided is very soon otherwise it will
go up and will be decided through the court of Justice. It is
a notice from my side for this I will wait for a month for your
reply for deciding the case.

Under the above circumstances I very selmissivly request
teoyour goodseld kindly to see the above case thoroughly and
arrange to decide my origional seniority from 1959 & original
confirmation from 1959.

Hoping that my request will be acceded to for which
I shall remain ever grateful to your

Yours faithfully,
K. S. Awasthi
(K.S. Awasthi)
Rg. ASM/MDA.

Dated May 13, 1982.

Copy to the above is forwarded to :-

1. The Divl Railway Manager, N.E. Rly IZH for information and
necessary action.

Dated May 13, 1982.

K. S. Awasthi
(K.S. Awasthi)
Rg. ASM/MDA.

अतिरिक्त

Recorded Delivery.

Enc Cover Shri S. P. Shukla,
Senior Dist. Personnel Officer,
N-E Railway,
12 AT NAGAR
Dist. Bareilly (U.P.)



(90)

13-5-82

मनोहर नारायण

(33)

(16/1/83)

(85)

सेवा में,

श्रीमान मण्डल रेल प्रबन्धक [कार्मिक],
पूर्वाञ्चल रेलवे, वृज्जिनगर।

विषय :- उच्च श्रेणी सूची। अप ग्रेडिंग लिस्ट में वरिष्ठ पद [सीनियरिटी] एवं वेतन की अवस्था।

सन्दर्भ :- मेरा प्रार्थना पत्र दिनांक सितम्बर 8, 1983

मान्यवर,

मेरा उपरोक्त प्रार्थना पत्र आपके ध्यानाकर्षण हेतु भेजा गया जिस पर उपरोक्त जवाब था, आपके ही पते पर भेजा गया, तथा प्रतिलिपियाँ अन्य सम्बन्धित अधिकारियों को भी दी गयीं। अब मैं आपका ध्यान परिणाम से अवगत कराने के लिए आकर्षित करना चाहूँगा।

प्रथम पैरा में यह बताया गया था कि मैं श्री के०के०गौतम, सहायक स्टेशन - मास्टर से वरिष्ठ पद का [सीनियर] हूँ। मेरा पद [सीनियरिटी] तो कम कर ही दिये गए परन्तु खेद इस बात का है कि मेरे मूल वेतन में भी ₹ 95/- का अन्तर रखा गया, जो कि अत्यन्त अनुचित एवं दुःखद है। मेरी नियुक्ति सन 1958 में श्री के०के०गौतम के साथ हुई थी, जिसमें मेरा नाम श्री के०के०गौतम के ऊपर ही था। कृपया आप 1959 की सूची को देखें एवं वही सीनियरिटी देने की व्यवस्था करें। यद्यपि मेरी सीनियरिटी तो एक वर्ष और पूर्व की है, जो मैंने दूसरे डिस्ट्रिक्ट [गोंडा डिस्ट्रिक्ट] में सहायक स्टेशन मास्टर के पद पर कार्य किया था परन्तु मैंने उसे आज से पहले प्राप्ति की याचना नहीं की थी। यदि मेरी सीनियरिटी सन 1958 से नहीं दी जाती है, तो मैं कैंट. द्वारा पुरानी सीनियरिटी [जो सन 1957 से है] भी लेने का पूरा प्रयास करूँगा क्योंकि मैंने सहायक स्टेशन मास्टर के पद पर ही सन 1957 से स्थायीन [इन डिपेंडेंट] कार्य किया था। यहाँ तो जबरदस्ती मेरी नई सर्विस बनाई गयी, जो कि अति अनुचित है, परन्तु तब मैं बिल्कुल नया एवं अनभिज्ञ था, इसलिए ध्यान नहीं दिया था, परन्तु मेरी सीनियरिटी प्रत्यक्ष रूप से सन 1957 से ही है।

द्वितीय पैरा में मैंने आपका ध्यानाकर्षण इस ओर किया था कि जिन लोगों ने गम्भीर दुर्घटना [सीरियस एक्सीडेंट] कराये एवं जो पद [इवनटि] [रिवर्सन] में रहे, उन लोगों को कैसे उठा दिया गया। यह मेरी समझ में नहीं आ रहा है। यदि उन्हें स्केल 455-700 को पास करने हेतु बुलाया गया था, तो मुझे क्यों नहीं बुलाया गया? यहाँ तो मात्र रिफ्रेशर की बात थी जो एक अधिकारी के क्रोध होने मात्र से मुझे दो बार जबरदस्ती फेल कराया गया। फेल कराने के लिए कन्डीडेंटल प्रपत्र भेजा गया। क्या यह अन्याय कम है? इसके बाद तीसरा अवसर ही नहीं दिया गया, जो कि मेरा ह्यू था। मेरा स्थाईकरण [कनफर्मेशन] जून मार्च 1960 में हुआ था, रोक दिया गया था स्थाईकरण [सूची लिस्ट] [देर] में बनाकर मुझे अवसर से परे रखा गया, जब कि मैं 1961 तक बराबर सहायक स्टेशन मास्टर के पद पर सफलता पूर्वक कार्य करता रहा। जिसमें मेरी ओर से दुर्घटना तो क्या, किसी गाड़ी में एक मिनट का भी विलम्ब [डिटेन्शन] तक नहीं हुआ। मेरा मामला बाद में देखा गया। उसके लिए रिफ्रेशन का तृतीय अवसर [चान्स] भी मान लिया गया, परन्तु

क्रमशः-----2

रुद्रा शिन्दर कवल्की

105

खेद है, कि मेरा पूरा काल पीरियर कमबद रेगुलैराइज नहीं किया गया, जो कि अत्यन्त दुर्भाग्यपूर्ण एवं अनुचित है। इतिहास इसी तरह से चार मामले दृष्टि में आये हैं, जिनको सही किया जा चुका है। जिनको पूर्ण सीनियारिटी दी गयी तथा पूर्ण शेष एरियर भी दिया गया। वही सब बोर्ड के विज्ञापन पत्र सर्कुलर के अनुसार किया गया। जो अब अच्छे पद पर तैनात हैं। फिर मेरे ऊपर यह दया दृष्टि क्यों नहीं हुई? क्या मैं ही मात्र एक ऐसा अभाग्य हूँ, जिसे यह अवसर प्राप्त का अधिकार ही नहीं मिल सका। इसका अर्थ ही यह हुआ कि मुझे जबरजस्ती ही परेशान हैरेस किया जा रहा है। फिर रेफरेंस के मामले में पद अवनति होता कहाँ है? आप ही बताइए कि ऐसा कौन सा सर्कुलर है? जिसके अनुसार इस मामले में पद अवनति की जा सकती है। फिर मेरा तो एक अवसर ही शेष था। मेरे फेल होने की भी कोई बात नहीं थी। परेशान करने के उद्देश्य से मेरा एक अवसर ही नहीं दे रहे थे। फिर जब तीसरा चान्स दे ही दिया, तो मेरा पूरा काल पीरियर कमबद रेगुलैराइज क्यों नहीं किया गया? निवेदन है कि आप मेरा मामला देखने का कष्ट करेंगे एवं तुरन्त तब भी करने का प्रयास करेंगे। मेरी पूर्ण सीनियारिटी जो भी होती है, प्रदान करने की कृपा करेंगे। मेरी सीनियारिटी सन 1957 से सहायक स्टेशन मास्टर पद की है। अतः अब मेरा नम्बर स्टेशन सुपरिन्टेन्डेन्ट। स्केल रू 700-900। मेरा होना चाहिए। इसे मात्र एक महीने में कर ही दी दीजिए, अन्यथा मैं इसे कोर्ट में ले जाकर तय करऊँगा।

तृतीय पत्र में मैंने बताया कि मेरी रुचि आपसन जबरन लिया गया तथा सीनियारिटी के आधार पर मेरी नियुक्ति भी तुरन्त सहायक स्टेशन मास्टर स्केल रू 425-640 से स्टेशन मास्टर स्केल रू 425-640 में कर दी गयी। मुझे सबसे खराब स्टेशन पर भेज दिया गया, जैसा कि हमेशा से मेरे लिये किया जाता रहा है। मुझे परेशान करने के लिए लगभग सन 1970 से सबसे खराब एवं जंगली स्टेशन पर ही मेरी नियुक्ति की जाती रही है। उदाहरणार्थ इन स्टेशन के नाम हैं हरसिंहपुर गोबा, खुदागंज, ब्रम्हावत एवं पौटा आदि। हरसिंहपुर गोबा में मुझे मात्र तीन महीने के लिए भेजा गया था। जो कि अस्थायी नियुक्ति थी। बाद में मुझे परेशान करने के लिए वहीं पर स्थाई बनया गया। अधिक लिखने के बावजूद भी मेरा मामला नहीं देखा गया। ऐसे स्टेशनों पर एक वर्ष तक ही रखने के आदेश थे। परन्तु मुझे परेशान करने के उद्देश्य से लगभग चार साल तक रखा गया। यदि उस समय हरसिंहपुर गोबा में डकैती न पड़ गयी होती, तो मुझे लगभग सर्वित ही चली पुरी करनी पड़ जाती। चार वर्ष में मुझे अत्यन्त यातनायें दी गयीं, जो कि अति ही दुखदाई थी। मुझे प्रतिदिन फतेहगढ़ से हरसिंहपुर गोबा जाना पड़ता था। बस का दोनों ओर का चार वर्ष का यात्रा भत्ता बहन करना पड़ा था। लगभग चार घंटे प्रतिदिन बर्बाद होते थे। जिसका सम्प्रोपरिभत्ता भी मिलना शेष है। भागा-दौड़ी में मैं अस्वस्थ तो होना ही गया तथा साथ ही साथ अपराधिक स्थान कमिन्ल एरिया होने से रात में नींद न आने से पूरी रात जगने से एवं रातरात भर डरकर रहने से प्रतिदिन मेरा आधा किलो खून सूख जाता था, जिससे मेरा

क्रमशः-----3

क्या शक्यता है

शरीर बिल्कुल जर्जर हो गया था। मेरी हड्डी पतली भी निकल आई थी। मैं मात्र रुपये 50/- प्रतिमाह उपचार में दिखाये, जबकि मैंने सैकड़ों रुपये प्रतिमाह उपचार में तथा अपने शरीर को सामान्य बनाने। सर्विस योग्य रखने। के लिए खर्च किये थे। इस तरह से मैंने रेल के अधिकारियों की ओर से परेशान होने। हरेसमेंट। का दावा कम से कम जो रुपये 25,300/- ही है, भेजा। जो अभी तक भुगतान नहीं हुआ। मुझे ब्रम्हावर्त जबरन ही भेजा गया, जब कि मैं उस नये स्थान में जाना नहीं चाहता था। उस नये स्थान का नाम सुनते भी मेरा स्वास्थ्य और अधिक खराब हो गया। क्योंकि स्वास्थ्य तो पहले ही हरसिंहपुर गोबा से ही खराब था। तीन महीने इलाज में पड़ा रहा, फिर भी मण्डल अधीक्षक ने जबरदस्ती अपनी कलम से ब्रम्हावर्त भेजा। किसी भी तरह से जब मैं स्थिर। रडजस्ट। हुआ तो मुझे वहाँ से भी हटाकर मन्थना जंक्शन भेज दिया गया। आपने अधिकारों को प्राप्त हेतु लिखने एवं अधिकारियों की ओर से तनिक भी ध्यान न दिये जाने आदि क्लेश। टसिल। के कारण अधिकारियों ने प्रतिष्ठा की बात। प्रेस्टिज एषू। बनाकर मुझे पहले तो दूर भेजने के लिए मात्र धमकी ही दी, परन्तु जब दाद में लिखा पढ़ी कम न देखकर मुझे परेशान करने के लिए मन्थना जंक्शन। कानपुर के समीप। से बहुत दूर। मेहरामऊ। मैलानी के समीप। जिसे हम नर्क की ही संज्ञा दें, तो भी कम है, भेज दिया। जब मैं वहाँ रडजस्ट। स्थिर। हुआ, तो मुझे परेशान करने के उद्देश्य से जबरदस्ती पौठा स्टेशन पर भेज दिया। मैंने अपनी नियुक्ति हेतु पुवर मण्डल परिचालन अधीक्षक इज्जतनगर के पास सबसे पहले प्रार्थना पत्र भेजा था, परन्तु ब्रम्हावर्त के सहायक स्टेशन मास्टर की पब्लिक द्वारा कोई परिवाद हो जाने से और जाँच। इन्क्वायरी। में अपने परिवाद को सुन्य करने के उद्देश्य से यह मामला मेरी ओर घुमा दिया गया। इन्क्वायरी में मण्डल सुरक्षा अधिकारी गये थे, जिनको स्टेशन मास्टर ने बिल्कुल गलत बात बताई। उन्होंने यह कहा कि कम्प्लेन्ट कराने वाला मैं ही था। यह भी कहा गया कि मैंने अपने स्वार्थ हेतु यह सब कुछ कराया, जबकि असलियत यह है कि मेरा यहाँ कोई स्वार्थ नहीं था, क्योंकि प्रथम बात तो यह है कि मेरा यहाँ पास में घर भी नहीं है एवं द्वितीय मेरा यहाँ स्केल भी नहीं है। सबसे बड़ी बात यह है कि जब यह कम्प्लेन्ट हुई थी, उस समय मैं मुजफ्फरपुर। बिहार। रिफरेशर में था। जहाँ मैं लगभग दो महीने रहा। क्योंकि मैं पन्द्रह दिन पहले ही भेज दिया गया था। इसके बाद मैं स्वयं इज्जतनगर में रहकर अपना इलाज करता रहा। इसके बाद मैं अपनी पत्नी का इलाज इज्जतनगर में रहकर कराता रहा। बाद में मैं अपनी पत्नी का इलाज मरियमपुर अस्पताल में कराता रहा। अब आप ही बताइए कि कब मैं ब्रम्हावर्त में रहा एवं यह कम्प्लेन्ट मैंने कब कराई ? अभी हाल में यह सब सुनने में आया कि ब्रम्हावर्त के सहायक स्टेशन मास्टर श्री गंगा प्रसाद विश्वजीत त्रिपाठी ने अपनी कम्प्लेन्ट को सुन्य करने के लिए मामला मेरी ओर घुमा दिया एवं अपने को बचा भी लिया। यह सब सुनकर क्रोध आने के बाजाय मुझे बड़ी हँसी आई कि अधिकारी भी कितना असत्य, अन्ध विश्वासी एवं अकर्मण्य हो सकता है। बिना ठोस प्रमाण के जो ऐसी बात माना लेता है तथा अपने स्वार्थ के लिए मुझे हानि पहुँचा सकता है एवं बदनाम कर सकता है। फलतः मेरा जो मामला पुवर मण्डल परिचालन अधीक्षक के पास था, उन्होंने मण्डल सुरक्षा अधिकारी के कहने मात्र से मेरे प्रार्थना पत्र पर तनिक भी ध्यान नहीं दिया तथा अपना प्रेस्टिज एषू बनाकर मेरा वेतन भी कटवा

कमशः-----4

दुःख होकर कब तक

37
16
37
59

दिया, जो कि आपरेशन के समय इक्स्टेन्सन छुट्टी की याचना की गयी थी। जो कि अत्यन्त अनुचित है। यही नहीं ग्यारह ।।।। स्टेशन मास्टरों की ऐक्षिक प्रार्थना पत्र को मानकर उनका स्थानान्तरण यथा स्थान कर दिया, परन्तु मैंने सबसे पहले ऐक्षिक प्रार्थना पत्र भेजा था, जो मात्र एक अधिकारी के असत्य कथन को मान लेने से रद्द कर दिया गया। यह कितना ही अनुचित एवं शर्मनाक है।

अतः आपसे विशेष निवेदन है कि आप मेरे उपरोक्त प्रार्थना पत्र को भली भाँति पढ़ें तथा उसपर सही न्याय देंगे अर्थात् मेरी सीनियारिटी सही कर देंगे। मेरी सीनियारिटी वेतनमान रुपये 700=900 के पद पर होती है। अतः उसपद पर नियुक्ति अविलम्ब की जाये। मेरे वेतन का स्वल्प अभी तक श्री के०के०गौतम, सहाय स्टेशन मास्टर से अधिक होता है। इसे तुरन्त दिया जाये। मेरा वेतन जो मेरी पत्नी के इलाज एवं आपरेशन के समय का है, तुरन्त भुगतान किया जाये। मेरी नियुक्ति कानपुर एवं कन्नौज के मध्य की जाय। यदि मेरी ऐक्षिक रिक्वेस्ट मानी जाय, तो मेरी नियुक्ति मधना जंक्शन पर की जाय। ब्रम्हावत के सहायक स्टेशन मास्टर श्री त्रिपाठी जी के अपने गलत कारनामों जिसमें मुख्यतः अपने परिवार को शून्य करने के लिए गलत बयान दिये जाने पर उन्हें कड़ा से कड़ा दण्ड देने एवं उन्हें अपने घर जो ब्रम्हावत के समीप है, से बहुत दूर स्थानान्तरित करने के लिए तुरन्त आदेश करने की व्यवस्था की जाय, अन्यथा यह मामला हाई कोर्ट में दिया जायेगा, जिसमें मान हानि का दावा भी होना निश्चित है, जिसमें सम्बन्धित अधिकारी जो गलत बात को बिना प्रमाण के आसानी से मान लिया तथा गलत रिपोर्ट लिखी। को भी कड़े से कड़े दण्ड देने की व्यवस्था है। अतः मामले को त्वल्लाने की शीघ्र व्यवस्था कीजिए। श्री इसके लिए मेरी ओर से एक महीने का जो समय प्राप्त है अवसर दिया जा रहा है।

आशा है कि आप उपरोक्त मामले को शीघ्रातिशीघ्र निपटाने हेतु पूरी रूचि से कार्य प्रारम्भ करेंगे, इसके लिए प्रार्थना आपका सदैव आभारी रहेगा।
सधन्यवाद।

दिनांक मार्च 12, 1984

आपका विश्वासपत्र,
कृपा शंकर अवस्थी
स्टेशन मास्टर पोटा।

निम्न प्रतिलिपियाँ सुचनाय, उचित एवं शीघ्र कार्यवाही हेतु प्रेषित की जाती है :-

- 1- श्रीमान मण्डल संरक्षाधिकारी, पूर्वात्तर रेलवे, इज्जतनगर।
- 2- श्रीमान पुवर मण्डल परिचालन अधीक्षक, पूर्वात्तर रेलवे, इज्जतनगर।
- 3- श्रीमान पुवर मण्डल वाणिज्य अधीक्षक, पूर्वात्तर रेलवे, इज्जतनगर।
- 4- श्रीमान मण्डल रेल प्रबन्धक, पूर्वात्तर रेलवे, इज्जतनगर।
- 5- श्रीमान मुख्य कार्मिक अधिकारी, पूर्वात्तर रेलवे, गोरखपुर।
- 6- श्रीमान मुख्य परिचालन अधीक्षक, पूर्वात्तर रेलवे, गोरखपुर।
- 7- श्रीमान महाप्रबन्धक सतलुता, पूर्वात्तर रेलवे, गोरखपुर।
- 8- श्रीमान महाप्रबन्धक, पूर्वात्तर रेलवे, गोरखपुर।
- 9- श्रीमान लेवर इन्फोर्सेमेंट आफिसर, मेन्टलबरेली।
- 10- श्रीमान अध्यक्ष, रेलवे बोर्ड नई दिल्ली एवं
- 11- श्रीमान रेल मंत्री, भारत सरकार नई दिल्ली।

दिनांक मार्च 12, 1984

कृपा शंकर अवस्थी
स्टेशन मास्टर पोटा।

कृपा शंकर अवस्थी

सेवा में,

श्रीमान मण्डल रेल प्रबन्धक, कार्मिक,
पूर्वोत्तर रेलवे, इज्जतनगर

विषय :- उच्च ग्रेणी सुयी अप्रुग्रेडिंग लिस्ट में वरिष्ठ पद सीनियारिटी। एवं वेतन की अव्यवस्था।

सन्दर्भ :- मेरे प्रार्थना पत्र दिनांक सितम्बर 8, 1983 एवं मार्च 12, 1984

मान्यवर,

मेरे उपरोक्त प्रार्थना पत्रों पर अपना ध्यानाकर्षण भीभाँति की जिस तथा उसके परिणाम से भी शीघ्रातिशीघ्र अवगत कराइए।

जैसा कि मैंने आपको बताया कि मैंने सन 1957 से। अर्थात् लगभग 27 वर्ष। सहायक स्टेशन मास्टर के पद पर स्वाधीन कार्य किया है। इस तरह से मेरी सीनियारिटी कम से कम स्टेशन सुपरिन्टेन्डेन्ट। स्केल रु० 700-900। के पद पर होती है। यदि आप इसे बिना कोर्ट का सहारा लिए तय कर देते हैं तो मैं लिखित में इतना आश्वासन अवश्य देता हूँ कि इस सीनियारिटी के देने पर इसका सरियर जो 30,000 रु० के लगभग बनता है वह मैं नहीं लूँगा बल्कि सुरक्षा कोष में दे दूँगा। यदि यही सीनियारिटी कोर्ट के द्वारा तय की जाती है तो मैं इस सरियर को मुझे में ब्याज के तथा इतने दिन तक पेरेशान। हरेसमेन्ट। किए जाने के कारण जो मेरी हानि हुई है इसके दावे के साथ वसूल करूँगा।

अतः आपसे विवेक निवेदन है कि आप उपरोक्त विषय पर पूर्ण रुचि लेकर कार्य प्रारम्भ करेंगे तथा उसे शीघ्रातिशीघ्र निपटाने का भी पूर्ण प्रयास करेंगे जिससे मेरे कार्य के पूर्ण होने के साथ साथ सुरक्षा कोष को भी राजस्व की प्राप्ति हो सकेगी तथा केन्द्रीय सरकार भी अपने को उपरोक्त हानि से पूर्ण तया बचा लेगी।

सधन्यवाद।

संलग्नक - दो प्रार्थना पत्र।

दिनांक मई 29, 1984

आपका विश्वातनीय,
कुपलेशंकर ठाकुर
। कुपा शंकर अवस्थी ।
स्टेशन मास्टर। पीटा।

निम्नप्रतिलिपिभिर्वा सुधनार्थ शीघ्र एवं उचित कार्यवाही हेतु प्रेषित की जा रही है :-

- 1- श्रीमान मण्डल रेल प्रबन्धक, संरक्षा, पूर्वोत्तर रेलवे, इज्जतनगर।
- 2- श्रीमान मण्डल रेल प्रबन्धक, परिचालन, पूर्वोत्तर रेलवे, इज्जतनगर।
- 3- श्रीमान मण्डल रेल प्रबन्धक, वाणिज्य, पूर्वोत्तर रेलवे, इज्जतनगर।
- 4- मण्डल रेल प्रबन्धक, पूर्वोत्तर रेलवे, इज्जतनगर।
- 5- श्रीमान महाप्रबन्धक, कार्मिक, पूर्वोत्तर रेलवे, गोरखपुर।
- 6- महाप्रबन्धक, परिचालन, पूर्वोत्तर रेलवे, गोरखपुर।
- 7- श्रीमान महाप्रबन्धक, सतर्कता, पूर्वोत्तर रेलवे, गोरखपुर।
- 8- श्रीमान महाप्रबन्धक, मार्केटिंग, पूर्वोत्तर रेलवे, गोरखपुर।
- 9- श्रीमान महाप्रबन्धक, पूर्वोत्तर रेलवे, गोरखपुर।
- 10- श्रीमान लेवर इन्फोसमिन्ट आफीसर, सेन्ट्रल, बरेली।
- 11- श्रीमान अध्यक्ष, रेलवे बोर्ड नई दिल्ली।
- 12- श्रीमान कोषाध्यक्ष, केन्द्रीय सुरक्षा कोष, भारत सरकार, नई दिल्ली।
- 13- श्रीमान रेल मंत्री, भारत सरकार नई दिल्ली।

दिनांक मई 29, 1984

कुपलेशंकर ठाकुर
। कुपा शंकर अवस्थी ।
स्टेशन मास्टर। पीटा।

कुपलेशंकर ठाकुर

मेरा है

39

श्रीमान प्रमुख रेल प्रबन्धक,
पूर्वोत्तर रेलवे, इम्फाल

विषय :- पिछित पूर्व उत्तरे तय्य का रेल मुक्तान ।

महोदय,

निवेदन है कि माघ मासका दण्ड दि 15-11-84, 29-12-84, 31-1-85, 18-2-85, 21-3-85, 25-4-85, 29-5-85, 22-6-85, 31-7-85, 23-8-85, 26-9-85, 31-10-85, 30-11-85, 31-12-85, 31-1-86, 28-2-86, 30-3-86, 30-4-86, 31-5-86, 30-6-86, 26-7-86, 25-8-86, एवं 30-9-86 के प्राप्ति पत्रों की मीर प्राप्ति किया जाता है । इसका आप परिणाम से मुक्त प्रमाण प्रदान का कर देते । मेरा अभी तक कोई भी रेल का नम्बर 1984 से अब तक का है, मुक्तान नहीं हुआ है । मुक्तान मुक्तान किया आप । मेरी आपसे है तय्य में मुक्तान का कि वह तभी है अथवा माल है, परन्तु कोई उत्तर नहीं मिला । मैं अभी भीतर का रहा हूँ तथा मुक्तान उपचार का रहा हूँ । मेरी अभी के कारण बार बार डीक होता हूँ तथा मुक्तान प्रत्यक्ष ही बाधा हूँ ।

आपसे निवेदन है कि आप उपरोक्त प्राप्ति पत्र पर आपका पूर्ण दण्डनात्मक करें तथा उत्तर तभी निम्न केर मेरा तय्य मुक्तान करने एवं मेरी वास्तविक रिपोर्टों की तभी मुक्ति करने का कर देंगे । उक्ति दया होगी । इस कार्य के लिये मैं आपका धन्यवाद तय्य आभारी रहूँगा ।

तय्यवाद ।

दिनांक मंगलवार 28, 1986

आपका विधातनीय:-

कृष्णशंकर अचरणी

। मुक्तान प्रमाण प्रमाण ।

रामन मास्कर पोस्ट,

मुक्तान प्रमाण, डा. विक्टर,

जिला-कांगपुर (उ.प्र.)

निम्न प्रमाणितियाँ प्रमाणित, उक्ति एवं मीर प्राप्ति पत्रों की मुक्ति :-

1- श्रीमान प्रमुख रेल प्रबन्धक (कार्मिक) पूर्वोत्तर रेलवे, इम्फाल ।

2- श्रीमान प्रमुख प्रबन्धक (कार्मिक) पूर्वोत्तर रेलवे, गोरखपुर ।

3- श्रीमान प्रमुख प्रबन्धक, पूर्वोत्तर रेलवे, गोरखपुर ।

4- मेरा उक्तोक्ति प्राप्ति पत्र (मुक्तान) कांगपुर / पोली ।

5- श्रीमान प्रमुख, रेलवे बोर्ड, नई दिल्ली एवं

6- श्रीमान रेल मंत्री, भारत सरकार नई, दिल्ली ।

दिनांक मंगलवार 28, 1986

कृष्णशंकर अचरणी

। मुक्तान प्रमाण प्रमाण ।

रामन मास्कर पोस्ट,

मुक्तान प्रमाण (उ.प्र.)

जिला-कांगपुर (उ.प्र.)

कृष्णशंकर अचरणी

सेवा में,

श्रीमान मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे, इज्जतनगर।

विषय :- चिकित्सा एवं उसके समय का वेतन भुगतान।

महोदय,
निवेदन के साथ मैं आपका ध्यान दिनांक 15.11.84, 28.12.84, 31.1.85, 18.2.85, 21.3.85, 25.4.85, 29.5.85, 22.6.85, 31.7.85, 23.8.85 एवं 26.9.85 के प्रार्थनापत्रों की ओर आकर्षित करना चाहता हूँ। कृपया आप परिणाम से अवगत कराइये कि मेरे प्रपत्रों पर क्या ध्यान दिया गया। मेरा अभी तक कोई भी वेतन नहीं मिला। मेरे अभी लंबाभरा 500 से ऊपर (पाँच सौ से ऊपर) सी. आर. जो घुन्दावन, कमालगंज, ब्रह्मावर्त आदि के कार्यकाल के शेष हैं, जो निरन्तर याचना करने पर भी नहीं दिये गये हैं, जिनकी लिस्ट भी समय-समय पर भेजी गई। बाद में 180 दिन सी. आर. का क्लेम भी माँगा गया। चूंकि मैं उस समय अनामेज था, मैं यह समझता था कि रेल. र. पी. की तरह इसमें भी 180 दिन से ऊपर होने पर सी. आर. भी समाप्त हो जाते हैं, इसलिये मैंने 180 दिन ही क्लेम किये थे। परन्तु बाद में पता चलने पर कि सी. आर. कभी भी समाप्त नहीं होते हैं, इसलिये मैंने सारे सी. आर. का क्लेम कर दिया, जो मेरे सिक या ड्रट्टी में रजिस्ट्रार करने के लिये और वेतन भुगतान करने के लिये अधवा समस्त सी. आर. का वेतन भुगतान करने हेतु लिखा गया। मुझे आश्चर्य है कि मेरी कोई भी याचना नहीं मानी गई। मैं अभी बीमार चल रहा हूँ। मैंने अभी ड्रट्टी नहीं जवाबन की और न अभी चार्ज ही दिया है, इसलिये मेरा स्वेच्छा सेवानिवृत्त का कोई कारण ही नहीं बनता है, क्योंकि यह मेरा कम्पलसरी रिटायरमेंट नहीं है।

अतः आपसे निवेदन है कि आप उपरोक्त प्रार्थनापत्रों को पूर्णतया देखेंगे तथा आप मेरे सभी सी. आर. मेरे उपरोक्त स्टेशनों के मस्टर रेल तथा मेरे जोवरलडम बिल को देखकर निकालवायेंगे तथा उन सबको मेरे सिक या ड्रट्टी में रजिस्ट्रार करके मेरा सभी वेतन भुगतान कराने का कष्ट करेंगे।

मुझे आशा ही नहीं, पूर्ण विश्वास है कि आप उपरोक्त विषय पर सही निर्णय लेंगे तथा मुझे सन्तुष्ट करेंगे, जिसके लिये मैं आपका सदैव आभारी रहूँगा।

कष्ट के लिये धन्यवाद,
दिनांक :- अक्टूबर 31, 1985.
लिये, धि

आपका विश्वासनीय :-
लुप्रा शरद 81 25 रमी

रेशन मास्टर/पीय (प्रीमीमि)

सु. - ब्रह्मावर्त, पो. बिक्रम,

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

जिला - कानपुर (उप्र.)

- निम्न प्रतिलिपियाँ सूचनार्थ, शीघ्र एवं उचित कार्यवाही हेतु प्रेषित की जा रही हैं :-
1. श्रीमान मण्डल रेल प्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे, जोरखपुर।
 2. श्रीमान महाप्रबन्धक, पूर्वोत्तर रेलवे, जोरखपुर।
 3. श्रीमान लेबर इन्फोर्मेशन आफिसर (वेतन), बरेली।
 4. श्रीमान रेलमन्त्री, भारत सरकार, नई दिल्ली।
- दिनांक :- अक्टूबर 31, 1985.

र
राष्ट्रपति के आदेश पर

~~15~~

15

15

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर

राष्ट्रपति के आदेश पर



Amr
ONM CH...
High Court, Allahabad.
Sl. No 79/605
Date 6-5-87

7

42 (16) 42
(94)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 OF 1986

KRIPA SHANKER AWASTHI

.....APPLICANT

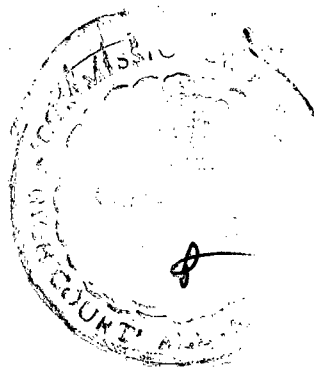
VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

ANNEXURE NO. R-6

अनुरोधित



पूर्वोत्तर रेलवे

सं०ई/पी.सी/अव.स्थी/त.स्टेमा/११

श्री कृपा शंकर अवस्थी
भू० पू० त.स्टेमा
मु० ब्रह्मावर्त
पो० बिठूर ।कानपुर।

रजिस्टर्ड

मंडल रेल प्रबन्धक ।का।
इज्जतनगर 9-12-86

43
116
113
65

आपके आवेदन दि० 28/10/86 कर्मचारी हित कक्षा में प्राप्त के तन्दर्भ में सूचित किया जाता है कि आपके पत्रों का उत्तर इस कार्यालय पत्र सं० ई/165/परि/त.स्टेमा/दि० 1-11-85 एवं तम संख्यक दि० 6-8-86 के द्वारा भेज दिया गया है ।

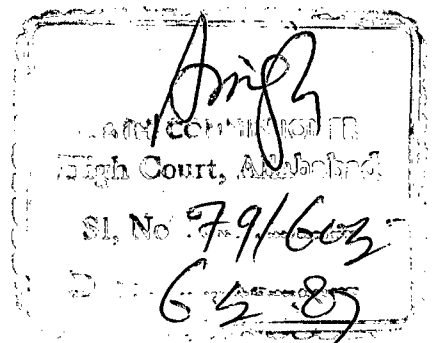
आपके अनुरोध पर दि० 9-11-84 से आपको सेवानिवृत्त किया गया है ।

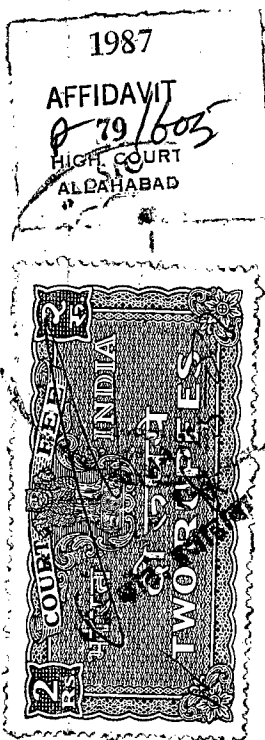
ह० अपठनीय

9-12-86

कृते मंडल रेल प्रबन्धक ।का।
इज्जतनगर

कृपा शंकर अवस्थी





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH AT ALLAHABAD

REGISTRATION NO. 597 of 1986

Kripa Shanker Awasthi

.....Applicant

versus

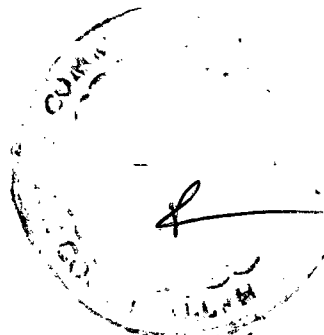
Union of India and others

.....Respondents

AFFIDAVIT IN SUPPORT OF THE WRITTEN REJOINDER
ON BEHALF OF THE APPLICANT

I, Kripa Shanker Awasthi, aged about 53 years,
son of Shri Raj Nath Awasthi, resident of Mohalla
Bramhavarta, Post Office Bithoor, District Kanpur (U.P.)
do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in the abovenoted application and as such he is fully conversant with the facts of the case.
2. That the contents of para 1 to 23 of the written rejoinder are true to my personal knowledge.
3. That the photocopies of the annexures no. R - 1 to R - 6 filed with the written rejoinder are the copies of their respective originals.



Kripa Shanker Awasthi
DEPONENT

45

116
45

97

VERIFICATION

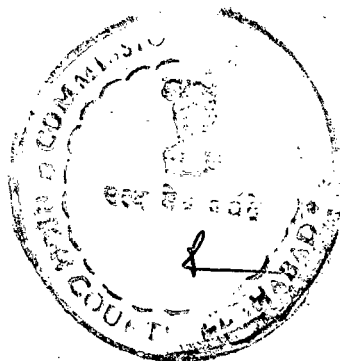
I, the above named deponent do hereby
verify that the contents of para 1 to 3 are
true to my personal knowledge which are deposed
hereinabove.

No part of it is false and nothing material
has been concealed. So help me God.

[Signature]
DEPONENT

I identify the deponent who has signed this
affidavit before me.

[Signature]
(G. A. SHRIVASTAVA)
6/5/87 Advocate.



[Signature]
District Court, Allahabad
Sl. No 79/605
Date... 6-5-87
9.25 AM
Hid L

AS/1

A
12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL REGIONAL
BENCH ALLAHABAD

REGISTRATION NO.597 of 1986

Kripa Shankar Awasthi ..

.. Applicant

Versus

Union of India & others ..

.. Respondents.

Written reply on behalf of the respondents

no. 1,2,3 are as under :-

1. That the contents of paragraphs no.2,2 & 3 and 4 of the application need no reply.
2. That the contents of paragraph 5 of the application are denied, the application is barred by time.
3. That the contents of paragraph 6 of the application are denied. The applicant has not given facts correctly in this paragraph.

Lead by
GA88
Adw.
21/4/87
1.15 P.M.

सहायक कार्यालय

11/2

13

-2-

4. That with regard to the contents of paragraph 7 of the application, the applicant is not entitled for any relief.

5. That the contents of paragraph 8 of the application are denied. The applicant had already been retired from the services as back as 30.10.1984, W.E. 7. 9.11.84.

6. That the contents of paragraph 9 of the application are denied. The application is barred inasmuch as the alternative remedy has not been exhausted.

7. That the contents of paragraphs 11 & 12 of the application need no reply.

8. That ~~th~~ with regard to the additional facts accompanying the claim petition, the parawise reply is as under :-

9. That with regard to the contents of paragraph 1,

it is admitted that the applicant was posted at

11/4/85
सहायक नायक अतिरिक्त
महाराष्ट्र सरकार

AS
3
A
in

-3-

Pauta Station and was working there as Station Master in grade of Rs.455-700 (R.S. 73). However, it is not correct that Pauta Station is near Lakhimpur Kheri but is located at next to Pilibhit Station on Pilibhit Shahjahanpur Metre Gage Section and is within the Pilibhit Civil District. It is further wrong to allege that he ought to have been given the scale of Rs.550-750. Higher grade promotion is given according to the seniority. Even Station Masters, who were senior to ~~applicant~~ applicant were also grade of Rs.455-700.

10. That the contents of paragraphs 2 & 3 are denied. The personal file and service folder of the applicant regarding entries upto February, 1980 have been burnt in fire accident, which took place in Personal Branch in February, 1980. Since after February, 1980, the applicant was suspended in Feb' 81 and was punished with the punishment of stoppage of increment for the 6 months on 13.2.1981.

सहायक जॉर्नल मजिस्ट्रेट
पूर्वोत्तर रेलवे, इज्जतनगर

-4-

11. That the contents of paragraph 4 are denied.
of
The date of appointment/~~and~~ the applicant is 12.8.1958
and not 1957. In any view of the matter, the averments
made in the paragraph under reply are not relevant
for the purpose of deciding the controversy involved
in the present case. The date of appointment i.e.
12.8.1958 had always been shown in the seniority list
published from time to time. No representation whatso-
ever was ever made by the applicant challenging the
correctness of the same.

12. That with regard to the contents of paragraphs
5&6, due to administrative reasons and public
exegencies, it was not practically possible to transfer
the applicant at the place of his choice. The seniority
position of the applicant was correctly mentioned,
which never required any alteration. The seniority
position was also not challenged by the applicant at
any time.

1/1/60
आयुक्त कार्यालय अधिकारी
पुणे जिल्हा, पुणे

AS
5
A
16

-5-

13. That the contents of paragraph 7 of the additional fact are denied. The letters of the applicant were duly replied vide letters dated 19.9.83, 21.7.1984 and 1.11.1985.

14. That the contents of paragraph 8 are denied. The facts averd in the paragraph under reply have been concocted for the purpose of this application. At no time, the applicant requested for security arrangement. There are no record available with the respondents indicating that at any time the applicant informed the opposite parties that there was any threat to life of applicant or to any of his family members.

15. That with regard to the contents of paragraph 9, it was not possible to accept the request of wife of the applicant due to administrative reasons. The transfers are done as per vacancies and classification of the Station. It is apparent from the

12/6 A/17

-6-

letter dated 30.7.1984 itself that it was never the case without there had been any threat to life of the applicant or his family members.

16. That with regard to the contents of paragraph 10, it is not permissible under Rules to allow six months compensatory rest. Generally the staff avail their rest on due dates. If for operational requirement they do not avail their due rest, they are suitably compensated by compensatory rest in lieu of rests within a specified period. It is apparent from letter dated 21.8.1984 that the request for voluntary retirement was unconditional.

17. That the contents of paragraph 11 are denied. It is apparent from Annexure-5 filed alongwith application itself that the request for voluntary retirement of the applicant was accepted on 30.10.84 by the competent authority, which was duly communicated

11/4/85
सहायक
मुख्यमंत्री, राजस्थान

AS
7/18

-7-

to him. The request of voluntary retirement was accepted wef. 9.11.1984 i.e. to be effective after 3 months of his application treating the period of 3 months notice as required under the Rules.

18. That with regard to the contents of paragraph 12, the request for Voluntary retirement as made on 9.6.1984 was accepted on 30.10.1984. The request for withdrawn dated 5.11.1984 was received in the office on 18.11.1984 i.e. after 3 months and that to after the request for voluntary retirement had already been accepted by the competent authority. The applicant was duly informed vide office letter no. E/161/OPTG/ASM/FC/II dated 20.12.1984 turning down the request of withdrawn dated 5.11.1984. The applicant has deliberately concealed the fact regarding letter dated 20.12.1984.

19. That with regard to the contents of paragraph 13, the representation as mentioned in paragraph were

11/4/85
सहायक सचिव, वृत्तियोग
दुर्गेश्वर सिंह, वृत्तियोग

As
19

-8-

made after the request for voluntary retirement had already been accepted as back as on 30.10.1984.

20. That the contents of paragraph 14 are denied. The applicant had full knowledge of the acceptance of voluntary retirement. The applicant himself had applied for voluntary retirement, which in any case stand accepted after ~~xxx~~ expiry of 3 months i.e. the period of notice required by the applicant before he could go on voluntary retirement.

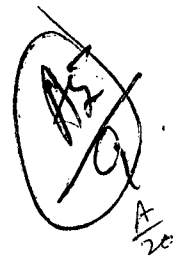
21. That the contents of paragraph 15 are denied. The letters were duly acknowledged.

22. That the contents of paragraph 16 need no reply.

23. That the contents of paragraph 17 are vague and denied.

24. That with regard to the contents of paragraph 18

सहायक/प्रशासनिक अधिकारी
मुख्यमंत्री कार्यालय, इंदौर

 A/20

(9)

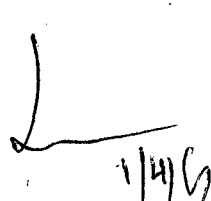
the application is barred by time.

25. That the contents of paragraph 19 are denied. There are no merits in the application and the same is liable to be dismissed.

VERIFICATION

I, Ram Narain Prasad, Assistant Personnel Officer, N. E. Railway, Izatnagar, Bareilly do hereby verify the written reply on behalf of Union of India do hereby verify that the contents of para 1 to 21 are true on the information derived from the records while para 22 to 25 are true on the basis of legal advice.

Verified this dated 1-4-87
at Bareilly.


SIGNATURE OF THE RESPONDANT

सहायक कानून अधिकारी
पुणे जिल्हा, इ. स. १९८७

Reg. No. 597 of 1986
Central Administrative Tribunal
Additional Bench
ALLAHABAD/PATNA/BALPUR
Date of Filing... 20.10.86 OR
Date of Receipt by Post

[Signature]
Deputy Registrar.

Before the Central Administrative Tribunal: Additional
Bench: Allahabad.

.....
I n d e x

In

Claim Petition No. of 1986
Kripa Shanker Awasthi Claimant
Versus

Union of India & others Respondents.

Sl.No.	Description of Documents	Pages
1.	Claim Petition with bank draft for Rs. 50/- NA. OT/A/661257 & Vakalatnama.	1 to 11
2.	Annexure '1' (Representation dt. 30.7.84)	12 to 14
3.	Annexure '2' (Representation dt. 9.8.84)	15 to 21
4.	Annexure '3' (Acknowledgement of above representation)	22
5.	Annexure '4' (Letter dt. 5.11.1984)	23 to 25
6.	Annexure '5' (Letter (Order) dt. 30.10.84)	26
7.	Annexure '6' (Letter from Divisional Safety Officer)	27
8.	Affidavit	28 to 29
9.	Stay Application	30 to 31
10.	Power	

Allahabad

Date: 20.10.1986

[Signature]
(Claimant)

(1)

4/2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CLAIM PETITION No. of 1986

BETWEEN

Kripa Shanker Awasthi --- Applicant

And

Union of India & two others -- Respondent

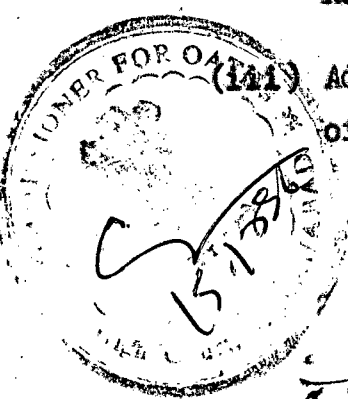
DETAILS OF APPLICATION AS REQUIRED UNDER THE ACT

1. Particulars of the Applicant :

- (i) Name of the Applicant - Kirpa Shanker Awasthi
- (ii) Name of Father - Sri Raj Nath Awasthi
- (iii) Designation and office in which employed. - Station Master- Pauta Station
N.E. Railway District Pilibhit.
- (iv) Office Address - Kirpa Shanker Awasthi
Station Master
Pauta Station, N.E. Rly.
District Pilibhit.
- (v) Address for service of all notices. Kirpa Shanker Awasthi
Mohalla - Brahmavarta
P.O. Bithoor
Distt. Kanpur. (U.P.)

2. Particulars of the Respondent :

- (i) Name and/or Designation of the Respondents.) (1) Union of India
through General Manager
N.E. Rly. Gorakhpur.
- (ii) Office address of the Respondents.) (2) Divisional Railway Manager
N.E. Rly. Izzatnagar
Bareilly.
- (iii) Address for services of all notices.) (3) Divisional Railway Manager
(Personnel)
N.E. Railway Izzatnagar
Bareilly.



अनुरोध

(2)
-2-

4/11/84

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

(i) Order No.

x x x x नं. 1/161 / पी. 1/सस्टे. 1/से. प्रि. 1/11

(ii) Date

30.10.84

(iii) Passed by -

Passed on behalf of Divisional
Railway Manager (Personnel) N.E.Rly
Izzatnagar.
Bareilly.

(iv) Subject in Relief- Removal of Service

(Acceptance of conditional voluntary
Retirement).

4. Jurisdiction of the
Tribunal.

Order was passed at Izzatnagar
Bareilly (U.P.)

5. Limitation .

The applicant further declares that the
application is within limitation
prescribed under Section 21(2)(a) of the
Administrative Tribunals Act 1985.

6. Facts of the Case :

The facts of the case are given below :-

That the applicant in vide his letter
requested that his six months Compensatory
Rest (i.e. (six months leave as compen-
satory rest) (C.R.) be given to him first
and thereafter his request for voluntary
retirement be accepted. His condition was
not accepted, meanwhile he withdrew his
request for voluntary retirement and he
was voluntary retired which amounted to
removal from service.

The details of the facts is given Separately from page

7. Reliefs Sought :

The acceptance of voluntary retirement
without fulfilling the condition which
to removal be quashed, he be deemed
in service continuously without any break
and he be given all the benefits of service
including salary, increments etc.etc.



अभिमान (अवस्था)

(3)

44/5

54

8. Interim Order, if prayed for :

Impugned order dated 30.10.84 be not implemented and applicant be deemed continuously in service with all privileges of service i.e. pay, increments and seniority etc.

9. Details of Remedies exhausted :

The applicant declares that he waited of all the remedies available to him under the relevant rules by sending representations.

10. Matter not pending with any Court.

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. ~~xxxxxx~~ He moved a writ petition before Hon'ble High Court Lucknow which was neither admitted nor dismissed.

11. Particulars of the Bank Draft :

Name of the Bank on which drawn: State Bank of India
Branch High Court,
Lucknow.

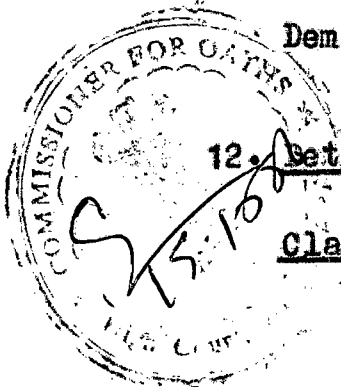
Demand Draft No. : OT/A 661257 dated 9.9.86.
58

12. Details of Index.

Claim Petition :

Annexure No.1 : True copy of Representation dated 30.7.84.

Annexure No.2 : True copy of representation dated 9.8.84.



अतिरिक्त प्रमाण

(4)
4-
25
Annexure no.3 - Photo stat copy of acknowledgment.

Annexure No.4 - True copy of letter dated 5.11.84
for withdrawl of request for
voluntary retirement.

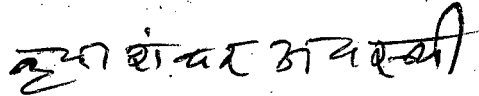
Annexure No.5 - True copy of order dated 30.10.84.

Annexure No.6 - True copy of letter from D.S.O.

13. List Enclosures : has been stated above .

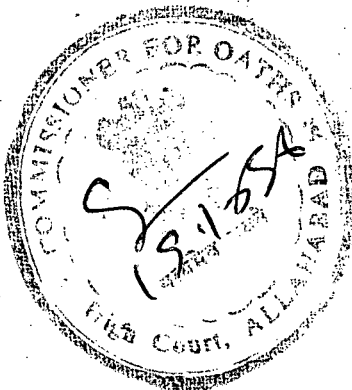
V e r i f i c a t i o n :

C2.
I, Kirpa Shanker Awasthi s/o Sri Raj Nath
Awasthi aged about 53 years , r/o mohalla Brahmavarta,
P.O.Bithcor, District Kanpur (U.P.) do hereby
verify that the contents paras 1 to 13 are true
to my personal knowledge and belief and that have
not been suppressed any material fact.


Signature of the Applicant

To

The Registrar,
Central Administrative Tribunal
Allahabad.



(5)

A4/6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,

26

CLAIM PETITION No.

OF 1986

Kripa Shanker Awasthi aged about 53 years son of
Sri Raj Nath Awasthi at present residing at ~~296,~~

~~Bajendra Nagar, Lucknow.~~ Mohalla - Brahmavarta,
P.O. - Bithoor; Dist. Kanpur (U.P.) Claimant
Versus

1. Union of India through General Manager North-Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Izzatnagar, Bareilly.
3. Divisional Railway Manager (Personnel) North Eastern Railway Izzatnagar, Bareilly.

---Opposite-Parties

CLAIM PETITION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985.

The above named Claimant respectfully sheweth
as under :-

1. That the claimant had been working as Station Master at Pauta station of North Eastern Railway near Iakhimpur Kheri (U.P.) station in pay scale of Rs.455- Rs.700/- whereas he ought to have been given the pay scale of Rs.550/- - Rs.750/- which is of the Station Master.



अभिज्ञान प्रकाश

(6)

AY
7

(7)

72

2. That the claimant has ever been sincere, honest and hard working throughout the tenure of his service and no adverse entry was ever communicated to the claimant.
3. That during the tenure of the claimant's service he was never charged for detaining the train for even a minute nor any accident occurred during his duty hours.
4. That the claimant was initially appointed as an Assistant Station Master in the year 1956 when he was sent for training by for Staff Training School N.E. Railway Gorakhpur and he ought to have been given the seniority of 1957 when he completed his training. But the authorities concerned for the reasons best known to them gave him the seniority of the year 1958.
5. That the claimant in the year 1979 was transferred from Brahmavart to Mandhana junction of North-Eastern Railway and in 1982 he was transferred from Mandhana to Sehramau. Thereafter in the year 1983 he was transferred to Pauta railway station. He joined as Station Master Pauta in June 1983.
6. That the climate of Pauta railway station did not suit the claimant as he fell ill so he moved application for his transfer to other place and giving him due due seniority but with no effects.
7. That the authorities concerned kept mum and did not take the trouble of acknowledging their receipt .



अतिरिक्त ब्राह्मवर्त

(7)

14/8

12/8

8. That the railway station Pauta was looted in May 1984 and the claimant identified the accused persons who became annoyed and their fellow persons threw the open challenge not only to the life and property of the claimant but also to his family members. As such security of the claimant was at stake so he requested several times for his transfer from the said station duties but with no effects.
9. That thereafter the claimant's wife named Smt. Rama Devi Awasthi dated 30.7.1984 made a representation with a request that her husband be transferred but with no effects, the true copy of which is marked as Annexure No.1 to this claim petition.
10. That the claimant being puffed up with the harassment and being very much mentally perturbed on the life and property of the claimant and his family members was at stake if he is not transferred. He made request that his six months Compensatory Rest i.e. (six months' leave on compensatory rest (C.R.) be given to him first and thereafter his request for voluntary retirement be accepted which was received by the opp-party no.2 on 21.8.84, the true copy of the representation and photostat copy of acknowledgment is marked as Annexure No.2 and 3 to this claim petition.
11. That again the claimant vide his letter dated 8.9.1984 requested the opp-party no.2 to allow him six months' compensatory rest which was received

5/9/86

अग्रिम प्रस्ताव

(8)

-4-

PM
9

29

by the office on 24.9.1984 but with no effects.

~~The true copy of letter dated 8.9.1984 is marked~~

~~as Annexure No. 4 to this claim petition. Then~~

again the claimant vide his letter dated 28.10.1984 made the aforesaid request which was received by the office of opp-party no.2 but with no effect.

12. That the claimant on finding that the opp-party no.2 did not even acknowledge the receipt withdrew his request of his conditional voluntary retirement vide his letter dated 5.11.1984 which was received by the office of the opp-party no.2 very much within time, the true copy of which is marked as Annexure No. 5 to this claim petition but with no reply. *200*
13. That thereafter the claimant sent representation dated 30.11.1984, 25.1.1985 and 10.3.1985 but with no reply.
14. That on getting no reply the claimant went to Pauta railway station on May 22, 1985 when he found a letter signed on behalf of Divisional Railway Manager (P) the opp-party no.3, the photostat copy of which is marked as Annexure no. 5 to this claim petition. *200*
15. That thereafter the claimant sent several letters to the opp-parties asking them about the said letter but with no effect.
16. That on 22-11-1985 the claimant received letter

9.9.85
CHABAD

अनुरोधित

(9)

-5-

AY
10

25

from Divisional Safety Officer who also reiterated
that the aforesaid order. The ^{Photo state copy} true copy of the
said letter is marked as Annexure No. 6 to this
claim petition.

17. That thereafter the claimant sent several reminders
but with no effect. Hence the necessity of the
present petition .

18. That the claim petition is within the jurisdiction
and within limitation and he has paid required
court fee.

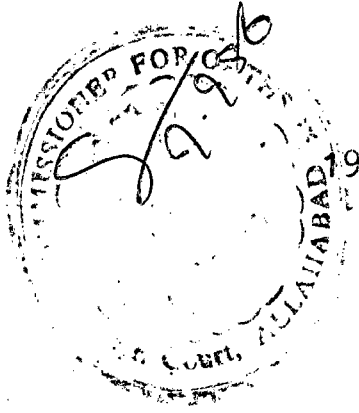
19. That being aggrieved of the aforesaid order the
claimant prefers this petition on the following
amongst other grounds :-

GROUND S :

A) Because the opposite-party no.2 committed an
illegality in treating the letter dated 9.8.1984
as a letter of making voluntary retirement which
ought to have been read as a whole which was not
done so. Such an error is manifestedly apparent
on the face of the record.

B) Because the opposite-party no.2 committed an
illegality in accepting the aforesaid letter dated
9.8.84 which was nothing but a request of voluntary
retirement ignoring the fact that it was withdrawn
vide letter dated 9.8.1984 ought to have been

generally correct



(10)
6-

AY
11
31

construed as a whole according to its tenor, the letter dated 9.8.1984 was merely an intimation or notice of the claimant's intention to retire from his office after availing six months' compensatory rest i.e. on a future date. Therefore the letter dated 9.8.1984 did not constitute a complete and operative voluntary retirement. Before the arrival of the indicated future date it was fully immature, mute, inoperative and ineffective and could not and in fact did not cause any jurial effect. As such the opposite-party's order of 30.10.1984 is illegal, invalid and ineffective.

- C) Because the order dated 30.10.1984 tantamounts to either compulsory retiring the claimant or removing him from his service which has visited him with evil consequences.
- D) Because the order dated 30.10.1984 is illegal as it has been passed without affording the adequate opportunity prior to its passing.
- E) Because the opp-party no.2 committed an illegality in ignoring the fact that the letter dated 9.8.1984 was a conditional one and he also ignored that the proposal for voluntary retirement was withdrawn before its acceptance. Hence the opp-party committed a manifest error of law in accepting the same ignoring the withdrawal.
- F) Because the opposite-party no.2 acted beyond his jurisdiction in accepting the letter dated 9.8.1984

अग्रिम अर्जित

(11)

-7-

14/12

32

G) Because the opp-party no.2 out of malice passed the order dated 30.10.84 which tantamounts to removal or compulsory retirement when there was no occasion for either of it.

P R A Y E R

WHEREFORE the Claimant prays for the following reliefs :-

- (i) that a order, direction or command be issued to the opp-parties quashing the order dated 30.10.84 which appear to have been signed on behalf of the opposite-party no.3.
- (ii) that an order be issued directing the opp-parties not to implement the impugned order dated 30.10.84.
- (iii) Any other order which the Hon'ble court may deem it just and proper be also passed in the circumstances of the case.
- (iv) Entire cost of the petition be awarded to the claimant.

Allahabad:

Dated: 9-7-86

क्रिप शंकर अवस्थी
(KRIPA SHANKER AVASTHI)

CLAIMANT.

8 (12)

14/13

माननीय सेन्ट्रल ऐडमिनिस्ट्रेटिव ट्रब्यूनल इलाहाबाद

23

कलम पिटीशन नम्बर

/86

कृपा शंकर अवस्थी

....

पिटीशनर

बनाम

यूनियन आफ इंडिया आदि

...

अपी०पाटीज

अनेकजर नम्बर-1:

सेवा में,

श्रीमान् मण्डल रेल प्रबन्धक कार्मिक,
पूर्वोत्तर रेलवे, इज्जतनगर।

विषय: -अफसरों की अठधर्मी स्व मेरी पेशानियां।

मेहरेदय,

मैं निम्न तथ्यों की ओर आपका ध्यान आकर्षित करने

हेतु निवेदन करना चाहती हूँ :-

1. यह कि मेरे पति श्री के०एस०अवस्थी स्टेशन मास्टर पौटा

मेरे इलाज के लिए 15 दिन की छुट्टी लेकर आये थे। इलाज में अधिक

समय लग गया, इसलिये 10 दिन का इक्सेन्शन छुट्टी के लिए तार

भेजा गया, परन्तु खेद है कि अफसर की अठधर्मी के कारण 10 दिन

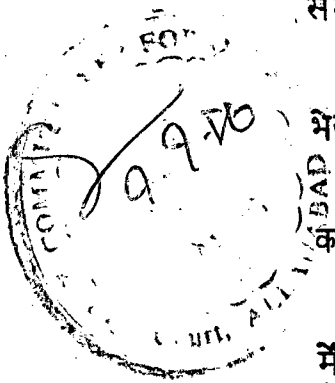
का वेतन काट लिया गया/फलस्वरूप मेरे बच्चों का विद्यालय

में प्रवेश नहीं कराया जा सका/कटौती का वेतन शीघ्र भुगतान

किया जाय, अन्यथा मामला आगे बढ़ाया जायेगा।

2. यह कि मेरे पति तीन दिन की छुट्टी को लेकर घर

आये थे/वहाँ से बीमारी अवस्था में घर आये/बाद में वह अधिक



कृपा शंकर अवस्थी

बीमार पड़ गये/अतः ये अनवरगंज में सिक करके लाज कराने ली। (134)

ये अब भी बीमार हैं, देखिए कब तक ठीक हों/यद्यपि सिकप्रमाणपत्र भेज दिया गया है, लेकिन मुझे डर है कि अप्सरा अपनी हठधर्मी से वेतन कहीं फिर न कटवा दें, जिससे परेशानी और बढ़ जाये यद्यपि बाद में इस केस में अप्सरा ही दोषी ठहराया जायेगा, क्योंकि अप्सरा की हठधर्मी से ही इनका मेरे पति का स्थानान्तरण बहुत दूर किया गया, जहां का जलवायु इनके लिए माफिक नहीं पड़ा/बार-बार बीमार हो जाते हैं/सारे शरीर में सूजन आ जाती है/पेट में पीड़ा होती है आदि आदि। किसी तरह से ये वहां समय काट रहे हैं।

3. यह कि सन् 1973-74 से मैं देख रही हूँ कि इनका स्थानान्तरण सबसे खराब स्टेशन पर, जो लगभग जंगल में होते हैं, जो अपराधिक इलाके हैं, जहां डकैती लूट आदि अधिक होती है, किया जाता है जैसे-हरसिंह पुर गोवा, जहां इनको लूटा गया/खुदा गंज जहां लूटते-लूटते बचे। पीटा जहां अपुनः लुटे, परन्तु किसी कारण से मात्र जान बच गयी। इनका व्यक्तिगत पैसा कपड़े तथा अन्य सामान तो चला ही गया, परन्तु खेद है कि इस पर भी इनका स्थानान्तरण अब भी ऐसे स्थान पर नहीं किया गया, जहां से सुरक्षित रह सकें तथा अच्छी जलवायु का सेवन कर सकें।

कृपया अतः अनुरोध

अतः आपसे विशेष अनुरोध है कि आप उपरोक्त विषय को ध्यान पूर्वक पढ़ें तथा इस पर उचित एवं शीघ्र कार्यवाही करें।

131

#(14)

14/12

उपरोक्त कटौती का वेतन शीघ्र भुगतान करें। इनका स्थानान्तरण कानपुर से नजदीक किसी स्टेशन पर किया जाय, जिससे बच्चे बढ़ सकें। इनकी अच्छी जलवायु प्राप्त हो सके। तथा मेरा इलाज भी हो सके। अति कृपा होगी।

निवेदिका;—

॥ रमा देवी अवस्थी ॥
पत्नी श्री के०स्स० अवस्थी, स्टेशन मास्टर,
पूर्वोत्तर रेलवे, ॥ पौटा ॥

दिनांक 30.7.84

निम्न प्रतिलिपियां सूचनार्थ, उचित एवं शीघ्र कार्यवाही हेतु प्रेषित की जा रही हैं :-

1. मण्डल रेल प्रबन्धक ॥ संरक्षा ॥ पूर्वोत्तर रेलवे, इज्जतनगर।
2. श्रीमान् मण्डल रेल प्रबन्धक ॥ परिचालन ॥ पूर्वोत्तर रेलवे, इज्जतनगर।
3. श्रीमान् मण्डल रेल प्रबन्धक, पूर्वोत्तर रेलवे, इज्जतनगर।

दिनांक 30.7.84

ह०:

॥ रमा देवी अवस्थी ॥

पत्नी श्री के०स्स० अवस्थी

/सत्य प्रतिलिपि/

9.9.86
कृपया शीघ्र कार्रवाई

कृपा शंकर अवस्थी

....

पिटीशनर

बनाम

यूनियन आफ् इंडिया आदि

...

अपोजिट पार्टीज

अनेकज नम्बर-2:

श्रीमान् मण्डल रेल प्रबन्धक,

पूर्वोत्तर रेल्वे इज्जतनगर ।

विषय:- वालण्टरी रिटायरमेंट ।

मानप्रवर,

कुछ तथ्यों की ओर आपका ध्यान आकर्षित करने हेतु आपसे निम्न

निवेदन है :-

यहकि पहले मैंने अपने अधिकारों की प्राप्ति हेतु मण्डल

स्तर पर कुछ लिखा पढ़ी की, परन्तु जब मण्डल अधिकारियों ने उस

पर कोई कार्यवाही नहीं की, तो रिमाण्डर की प्रतिलिपि मेरे

आर भेजना आरम्भ किया/यह सब क्रमबद्ध हुआ। यह पहले कम आर,

फिर बाद में और आर भेजा गया, जो कि अनाधिकृत नहीं था । इस

पर भी अधिकारियों ने अपनी प्रेस्टिज ईशू बनाकर मुझे मुलाकात

करने हेतु बुलाकर मात्र सप्ते प्रथम, धमकी दी/बाद में परेशान करने के

उद्देश्य से मुझे बहुत ही दूर स्थानान्तरण पर भेज दिया गया। जहाँ

की जलवायु मेरे लिए माफि क नहीं पड़ी/मैं बीमार रहने लगा/मेरे

पूरे शरीर में सूजन आ गयी थी। इस इलाज में मेरा बहुत रूपया व्यर्थ गया। इधर भी मैं तीन दिन की बुददी ४ जिसमें एक दिन

आकस्मिक अवकाश एवं दो दिन के सी०आर०हैं यातायात निरीक्षक

(37)

से लेकर बीमारी अवस्था में ही घर आया। मैं पीलीभीत में इसलिये

सिक नहीं किया, क्योंकि वहाँ मेरी सेवा करने वाला, दवा लाने

वाला तथा खाने पीने का प्रबन्ध करने वाला कोई नहीं था। सबसे

बड़ी बात यह है कि ^{ब्रह्म} जलवायु मुझे दवा पाने पर भी ठीक नहीं होने

देती। इसलिये मैं चला आया। तीन दिन में मैं कुछ ठीक हुआ। मैं कार्य

पर लौट पड़ा। जब शाहजहापुर पहुँचा, तो मेरी तबियत पुनः खराब

होगयी और मैं घर लौट पड़ा। कानपुर अनवरगंज में मैं सिक कर

दिया। मैं मरते-मरते बचा। अब मैं पुनः ठीक हुआ हूँ, परन्तु मेरा

साहस पुनः उधार जाने का नहीं होता है, क्योंकि मुझे डर है कि वहाँ

की जलवायु मुझे पुनः बीमारी से ग्रसित करेगी तथा हो सकता है कि

यह मेरे जीवन को हीसमाप्त कर दे। दूसरे मुझे बार-बार जंगली

स्टेशन पर भेजकर लुटवाया जा रहा है। जिससे मेरी जान एवं

माल का भी खतरा रहता है। मैं दो बार लुट भी चुका हूँ। प्रथम

अक्टूबर 1976 में हरसिंह पुराणा में तथा बाद में मई 1984 में

यही पौटा में मेरी जानकी बचत तो हो गयी, परन्तु मेरी

निजी सम्पत्ति तो लुटी ही गयी। जिससे मेरी विशेष आर्थिक

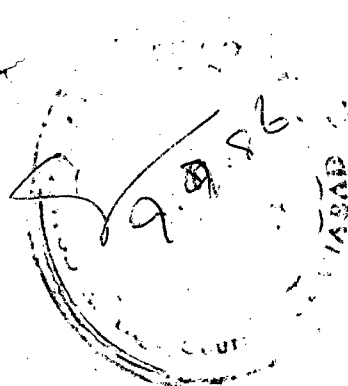
हानि हुई तथा स्वास्थ्य पर भी विशेष प्रभाव पड़ा।

मैं जिन अधिकारों हेतु लिखा पढ़ी करता था, उनमें

मुख्यतः दो गलत दण्ड के मामले भी हैं। प्रथम तो कमलागंज 1972

में बिना टेलीमैक्स के गाड़ी ^{बिना} पास होने पर, उसे दूसरे स्टेशन पर

दुपार 12:00 तक चली



रुक्वा कर टेलीमप जलाया गया/प्रतीक्षा करने वाली गाड़ी को
 तब चलाया गया, जब बिना टेलीमप गाड़ी का दूसरे स्टेशन से पूर्ण
 आगमन प्राप्त हो गया।/उसमें भी मुझे 6माह की तरक्की बन्द करके
 गलत दण्ड दिया गया, जबकि ऐसे ही मामले में महाप्रबन्धक द्वारा
 कई बार कर्मचारियों को पुरस्कृत किया गया। द्वितीय मामला बिलम्ब
 का है जो मधना में अक्टूबर 1980 का है, जिसमें सटिन्टिंग गार्ड ने कारवाई
 तथा ड्राइवर ने सटिन्टिंग की तो भी मेरी 6माह की तरक्की बन्द करके
 गलत दण्ड दिया गया। कुछ मामले पेमेंट न होने के हैं, जिसमें लगभग 50
 भुगतान के मामले मैं भुगतान हेतु आप के पास भेज भी चुका हूँ। जिसकी
 धनराशि भी लगभग रुपये पैंसठ हजार हैं, परन्तु परेशान करने के उद्देश्य
 से इनका भुगतान नहीं किया जा रहा है। यद्यपि इस मामले में स० कार्मिक
 अधिकारी से मुलाकात हुई थी, उन्होंने दस दिन का समय दिया था
 कि वे सभी आवश्यक ^{भुगतान} भुगतान करा देंगे। लगभग 6महीने हो गये, परन्तु
 भुगतान का श्रोगणेश भी नहीं हुआ/तृतीय मामला मेरी सोनियारिटी
 एवं कन्फर्मेशन का है। मैं सन् 1957 से स० स्टेशन मास्टर का कार्यरत
 रहा हूँ। मेरी सोनियारिटी स्टेशन अधीक्षक $\{$ स्केल रुपये 700-900 $\}$ में
 होती है, परन्तु परेशान करने के उद्देश्य से नहीं दी जा रही है।
 मेरा कन्फर्मेशन बिना किसी कारण के रोक दिया गया। मेरा कन्फर्मेशन
 मार्च 1960 में हुआ था, जब कि मुझसे जूनियर को मार्च 1960 में कन्फर्म
 किया गया। मात्र परेशान करने के कारण मुझे कन्फर्म नहीं किया गया।

कृपया संदर्भित करें

(10)

14/19

199

144

जिससे मेरा सीनियोरिटी न मिल पायी है सब मेरे अधिकार थे,
जिसके लिए लिखा पढ़ी की गयी। उसी में अधिकारियों
द्वारा प्रेस्टिज रूथ बनाकर मुझे परेशान किया गया तथा गलत
स्थान में स्थानान्तरित करके भेजा गया, जहां की जलवायु
मेरे माफिक नहीं पड़ती है तथा जंगली स्टेशन पर मुझे लुटवाने
स्व मरवा डालने के लिए भेजा गया/ चूंकि आप के द्वारा
मुझे ऐसे स्थान पर स्थानान्तरित करके नहीं भेजा जा सकेगा, जहां
मेरा स्वास्थ्य पुनः वापस हो सकता है। जहां में जीवित रह
सकता हूं तथा जहां में अधिक सुरक्षित रह सकूंगा। अधिक सुरक्षित
स्थान मेरे लिए मेरिट के हिसाब से उस प्रकार हैं:- १। ब्रम्हवर्त
२। मधना ३। चौबेपुर तथा ४। कल्यानपुर आदि। ये ही मेरे
सुरक्षित स्थान हैं। अब चूंकि आप मुझे वहां भेजना नहीं चाहेंगे,
इसलिए मेरे लिए उपरोक्त रिटायरमेंट पर आने के अलावा कोई
अन्य रास्ता नहीं है। इसलिए मैं आपसे अनुरोध करूंगा कि आप
मेरा उपरोक्त रिटायरमेंट दे दीजिए। इस रिटायरमेंट में
भेजने के लिए रेजिस्ट्रेंट में यदि समय लगे, तो मुझे 6 महीने सी०
आर० जो शेष है जिसकी लिस्ट भी आपके यहां उपलब्ध है पर
मुझे स्लाऊ कर दें। बाद में मुझे रिटायरमेंट पर भेज दिया जाय।
आपके यहां तो ऐसे मामले हैं कि जो कर्मचारी सन्
1990 तक दण्ड के भागी थे, जो अधिकृत रूप से दोषी हैं तथा

कृपया शिवाजी

दण्डनीय है, जिनकी फाइल पूर्णरूपेण खराब है। जो रेल की सर्विस करने योग्य नहीं है। आपके द्वारा पक्षपात पूर्ण रवैया अपना कर उनका समस्त दण्ड माफ कर दिया गया तथा जबरदस्ती तरक्की दे दी गयी। क्या ये सत्य नहीं है? जिन कर्मचारियों ने दुर्घटना सीरियस एक्सीडेंट करायें तथा जो रिवर्सन में रहे एवं जिन कर्मचारियों ने अधिक से अधिक गाड़ियों के बिलम्ब डिटेंशन किये तथा जिनके कारण दण्ड के भागी बने। उनको भी आपने तरक्की देकर उच्च आसन पर बिठा दिया। क्या यह सत्य नहीं है? मैंने ब्यस्त बिजी स्टेशनों पर कुशलतापूर्वक अधिक से अधिक कार्य किया तथा बिना बिलम्ब के गाड़ियाँ चलाई। दुर्घटना का तो कोई प्रश्न ही नहीं है। मुझे उसके बदले में क्या मिला? मिला तो मात्र पेशानी होशमेंट। क्या यह सत्य नहीं है? क्या ऐसा ही होना चाहिये? कैसी बिडम्बना है? क्या ये ही लोकतन्त्र है? क्या रेलवे अधिकारियों का यही धर्म है? क्या यह भ्रष्टाचार नहीं है? ऐसी जघन्य परिस्थितियों में कोई भी कर्तव्यनिष्ठ या रेल भक्त कर्मचारी क्या रेल सेवा करना चाहेगा? कभी नहीं। यही मेरी स्थिति है तथा मैं भी रेलवे में सेवा करने में असमर्थ बनाया जा रहा हूँ। स्थर मेरा कोई भी सोर्स नहीं है। न कोई अवस्थी खानदान का अधिकारी ही है, जो मेरा पक्षपात पूर्ण ढंग से कम से कम सही कार्य कराने में सहयोग करता।

कुलशंकर महाराज

#(20)

21

41

151

अतः मेरा आपसे विशेष अनुरोध है कि आप मेरे
उपरोक्त रिटायरमेंट की स्वीकृति प्रदान करने की स्वं स्क
रिलीफ भेजकर चार्ज लेने हेतु तुरन्त आदेश करें। अब रही रिकार्ड
चेक करने स्वं रेजिस्ट्रेशन करने की, जिसमें कुछ समय लगेगा, तो मेरे
6 महीने अर्थात् 180 दिन के सी०आर० ड्यू हैं, जिसकी लिस्ट
मण्डल कार्मिक अधिकारी के पास वेरीफाई कराके भेजी जा चुकी
है, उसे तुरन्त देने का आदेश कीजिए/बाद में मुझे सेवा निवृत्त
कर दीजिए। इतने दिनों में मैं भी दूसरा कार्य करने का प्रयास
करूंगा। नाहक ही मैं इसमें क्यों जान खपाऊँ, क्योंकि इसमें न तो मेरी
कोई तरक्की होनी है, न कोई मुझे सुरक्षित स्थान मिलना है,
जिससे मैं अपनी मेहनत का पैसा बचा सकूँ स्वं अपनी जान
बचा सकूँ। मेरे लिए तो मात्र उपरोक्त रिटायरमेंट के द्वारा
रास्ता ही नहीं है। जिसके लिए आप स्वीकृति देने का कष्ट
करेंगे, जिसमें आपकी जान रह जायेगी तथा एक नई सर्विस भी
खुल जायेगी और मैं भी रेल से उद्धार हो जाऊँगा। इस सराहनीय
कार्य के लिए मैं आपका सदैव आभारी रहूँगा। जीवन पर्यन्त
मैं आपका नाम लूँगा तथा आपके चिरायु होने के लिए भी
मैं सदैव ईश्वर से कामना करता रहूँगा।

दुखानंद मराठी

17(21)

Am
22

(12)

171

कष्ट के लिए धन्यवाद ।

दिनांक अगस्त 9. 1984

आपका विश्वसीय :
कृपा शंकर अवस्थी

(कृपा शंकर अवस्थी)

स्टेशन मास्टर/पौटा

8080 रेलवे ।

निम्न प्रतिलिपियां सूचनार्थ शीघ्र एवं उचित कार्यवाही हेतु प्रेषित की जा रही हैं :-

1. श्रीमान् मण्डल रेल प्रबन्धक § कार्मिक § पूर्वोत्तर रेलवे, इज्जतनगर।
2. श्रीमान् मण्डल रेल प्रबन्धक § संरक्षा § पूर्वोत्तर रेलवे, इज्जतनगर।
3. श्रीमान् मण्डल रेल प्रबन्धक § लेखा § पूर्वोत्तर रेलवे, इज्जतनगर एवं
4. श्रीमान् मण्डल रेल प्रबन्धक § परिचालन § पूर्वोत्तर रेलवे, इज्जतनगर।

दिनांक अगस्त 9, 1984

कृपा शंकर अवस्थी
(कृपा शंकर अवस्थी)

स्टेशन मास्टर/पौटा

पूर्वोत्तर रेलवे/पौटा

/सत्य प्रतिलिपि/

17.9.84

~~18~~ - (22)

186

3

- VS -

- opp- parties

Annexure No. 3

74/29

1. **TO** श्रीमान् मण्डला देव प्रबन्धक श्री के. सी. वामा
इन्दौर रेलवे, इ. ज. नगर, जिला-बरेली (उ.प्र.)
 2. **FROM** श्रीमान् मण्डला देव प्रबन्धक श्री के. सी. वामा
इन्दौर रेलवे, इ. ज. नगर, जिला-बरेली (उ.प्र.)
 3. **SUBJECT** श्रीमान् मण्डला देव प्रबन्धक श्री के. सी. वामा
इन्दौर रेलवे, इ. ज. नगर, जिला-बरेली (उ.प्र.)
 4. **REMARKS** श्रीमान् मण्डला देव प्रबन्धक श्री के. सी. वामा
इन्दौर रेलवे, इ. ज. नगर, जिला-बरेली (उ.प्र.)
 5. **DATE** 197
 6. **TIME** 197
 7. **PLACE** 197
 8. **INITIALS** 197
 9. **SIGNATURE** 197
 10. **STAMP** 197
 11. **REMARKS** 197
 12. **DATE** 197
 13. **TIME** 197
 14. **PLACE** 197
 15. **INITIALS** 197
 16. **SIGNATURE** 197
 17. **STAMP** 197
 18. **REMARKS** 197
 19. **DATE** 197
 20. **TIME** 197
 21. **PLACE** 197
 22. **INITIALS** 197
 23. **SIGNATURE** 197
 24. **STAMP** 197
 25. **REMARKS** 197
 26. **DATE** 197
 27. **TIME** 197
 28. **PLACE** 197
 29. **INITIALS** 197
 30. **SIGNATURE** 197
 31. **STAMP** 197
 32. **REMARKS** 197
 33. **DATE** 197
 34. **TIME** 197
 35. **PLACE** 197
 36. **INITIALS** 197
 37. **SIGNATURE** 197
 38. **STAMP** 197
 39. **REMARKS** 197
 40. **DATE** 197
 41. **TIME** 197
 42. **PLACE** 197
 43. **INITIALS** 197
 44. **SIGNATURE** 197
 45. **STAMP** 197
 46. **REMARKS** 197
 47. **DATE** 197
 48. **TIME** 197
 49. **PLACE** 197
 50. **INITIALS** 197
 51. **SIGNATURE** 197
 52. **STAMP** 197
 53. **REMARKS** 197
 54. **DATE** 197
 55. **TIME** 197
 56. **PLACE** 197
 57. **INITIALS** 197
 58. **SIGNATURE** 197
 59. **STAMP** 197
 60. **REMARKS** 197
 61. **DATE** 197
 62. **TIME** 197
 63. **PLACE** 197
 64. **INITIALS** 197
 65. **SIGNATURE** 197
 66. **STAMP** 197
 67. **REMARKS** 197
 68. **DATE** 197
 69. **TIME** 197
 70. **PLACE** 197
 71. **INITIALS** 197
 72. **SIGNATURE** 197
 73. **STAMP** 197
 74. **REMARKS** 197
 75. **DATE** 197
 76. **TIME** 197
 77. **PLACE** 197
 78. **INITIALS** 197
 79. **SIGNATURE** 197
 80. **STAMP** 197
 81. **REMARKS** 197
 82. **DATE** 197
 83. **TIME** 197
 84. **PLACE** 197
 85. **INITIALS** 197
 86. **SIGNATURE** 197
 87. **STAMP** 197
 88. **REMARKS** 197
 89. **DATE** 197
 90. **TIME** 197
 91. **PLACE** 197
 92. **INITIALS** 197
 93. **SIGNATURE** 197
 94. **STAMP** 197
 95. **REMARKS** 197
 96. **DATE** 197
 97. **TIME** 197
 98. **PLACE** 197
 99. **INITIALS** 197
 100. **SIGNATURE** 197
 101. **STAMP** 197
 102. **REMARKS** 197
 103. **DATE** 197
 104. **TIME** 197
 105. **PLACE** 197
 106. **INITIALS** 197
 107. **SIGNATURE** 197
 108. **STAMP** 197
 109. **REMARKS** 197
 110. **DATE** 197
 111. **TIME** 197
 112. **PLACE** 197
 113. **INITIALS** 197
 114. **SIGNATURE** 197
 115. **STAMP** 197
 116. **REMARKS** 197
 117. **DATE** 197
 118. **TIME** 197
 119. **PLACE** 197
 120. **INITIALS** 197
 121. **SIGNATURE** 197
 122. **STAMP** 197
 123. **REMARKS** 197
 124. **DATE** 197
 125. **TIME** 197
 126. **PLACE** 197
 127. **INITIALS** 197
 128. **SIGNATURE** 197
 129. **STAMP** 197
 130. **REMARKS** 197
 131. **DATE** 197
 132. **TIME** 197
 133. **PLACE** 197
 134. **INITIALS** 197
 135. **SIGNATURE** 197
 136. **STAMP** 197
 137. **REMARKS** 197
 138. **DATE** 197
 139. **TIME** 197
 140. **PLACE** 197
 141. **INITIALS** 197
 142. **SIGNATURE** 197
 143. **STAMP** 197
 144. **REMARKS** 197
 145. **DATE** 197
 146. **TIME** 197
 147. **PLACE** 197
 148. **INITIALS** 197
 149. **SIGNATURE** 197
 150. **STAMP** 197
 151. **REMARKS** 197
 152. **DATE** 197
 153. **TIME** 197
 154. **PLACE** 197
 155. **INIT**

-14 (23)

माननीय सेन्ट्रल स्टैडिमिनिस्ट्रेटिव ट्रब्यूनल इलाहाबाद

(Signature)

क्लेम पिटीशन नं०

/86

(14)

कृपा शंकर अवस्थी

पिटीशनर

बनाम

यूनियन आफ इंडिया आदि

अपोजाईट

अनेकज नम्बर-4:

सेवा में,

श्रीमान् मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे, इज्जतनगर।

विषय:- वालंटरी रिटायरमेंट के वापस लेने हेतु प्रार्थनापत्र।

सन्दर्भ :- मेरा प्रार्थना पत्र दिनांक अगस्त 9, 1984

मान्यवर,

उपरोक्त विषय मे आपका ध्यान आकर्षित करने हेतु

आपसे मेरा निम्न निवेदन है :-

यह कि मेरे द्वारा उपरोक्त रिटायरमेंट मांगने के दो
प्रमुख कारण थे । ये हैं प्रथम शारीरिक तनाव एवं द्वितीय मानसिक
तनाव ।

प्रथम तनाव तो इसलिए हुआ, क्योंकि यहां का जलवायु
क्लाइमेट मेरे माफिक नहीं पड़ा, जिससे मेरे पूरे शरीर में सूजन
आ गयी थी तथा मैं विशेष बीमार रहने लगा था। बहुत इलाज
होने के बाद बड़ी मुश्किल से मैं ठीक हुआ।

द्वितीय तनाव इसलिए हुआ, क्योंकि मेरे ऊपर डकैती
पड़ी मेरा पैसा एवं सारा सामान चला गया, परन्तु मेरी जान किसी तरह
से बच गयी।

कृपा शंकर अवस्थी

5/9/86

मेरी मौलिक सोनिया रिटि सीनियोरिटी एवं मौलिक स्थाईकरण नहीं मिल पाया ।
 रिस्टक्चरिंग में मेरा स्ट्रुक्चरमेंट भी सही नहीं हो पाया। मेरे पेमेंट की
 स्क बड़ी राशि का भुगतान नहीं हो पाया, जिसमें वेतन जो पांच महीने का
 है। समयोपरि भत्ते जो कमालगंज का का है माहका, ब्रम्हवर्त का टाईसालका,
 मंधना का कुछ माह का, सेहरामऊ का एक महीने का एवं पौटा का लगभग
 एक वर्ष का है। यात्रा भत्ते, स्थानान्तरण भत्ते, क्वार्टरीन्ट एवं पेंसरेन्ट, जो
 फ्लेहगट्ट एवं ब्रम्हवर्त के हैं, जिसके भुगतान के लिए मण्डल रेल प्रबन्धक कार्मिक
 का एक पत्र भी आया था, जिसमें भुगतान देने का था, फिर भी भुगतान नहीं
 हो पाया एवं स्थानान्तरण भत्ता जो फ्लेहगट्ट से ब्रम्हवर्त का है, जो अभी
 तक नहीं मिल पाया। आदि प्रमुख हैं। अनेक बार लिखने के बाद भी आज तक
 न तो भुगतान ही हो पाया और न सम्बन्धित अधिकारियों ने अपना ध्यान
 आकर्षित करने का कोई हवाला ही दिया।

शरीर अस्वस्थ होने से तथा कमजोरी अधिक होने से दोनों
 ही तनाव बढ़ गये थे, जिससे आवेष्ट में तथा जल्दबाजी में मैंने उपरोक्त
 रिटायरमेंट के लिए लिख डाला। जोकि परिस्थिति के अनुकूल नहीं है।
 मेरा बैंक बैलेन्स कुछ नहीं है तथा रहने के लिए आवास तक नहीं है।

अधिक इलाज हो जाने के बाद अब मैं स्वस्थ हुआ हूँ तथा

दोनों ही तनाव कम हो गये हैं। तनाव से जो असन्तुलन आ गया था, वह
 धीरे-धीरे समाप्त हो गया है। मैं अब दिव्यटी करने के योग्य भी हो गया हूँ
 इसलिए मैं उपरोक्त रिटायरमेंट के वापस लेने के लिए आपसे याचना

करता हूँ ।

हुना शीकर शयतनी

अतः आपसे मेरा विशेष अनुरोध है कि आप उपरोक्त

25 (25)

144/26

13/

(46)

रिटायरमेंट की आदेश स्वं जल्दबाजी में मांगा गया, उसे पुनः वापस लेने की याचना करता हूँ। कृपा करके आप उसे देने का स्वं डिप्लोमी पर शीघ्र भेजने का कष्ट करेंगे। अति कृपा महती दया होगी। मैं सदैव आपका आभारी रहूँगा। जीवन पर्यन्त आपका नाम लूँगा तथा आपके चिरायु होने की भी मैं सदैव ईश्वर से कामना करता रहूँगा।

"यदि करता विनय दयालु है,
तो उस पे दे दे ध्यान,
कहिं हो जाये उपकार कार्य से,
तो निश्चित है कल्याण ॥

सधन्यवाद ।

निवेदक:—

ह0/-
कृपा शंकर अवस्थी
स्टेशन मास्टर/पौटा।

दिनांक: नवम्बर 5, 1984

प्रतिलिपियां सूचनार्थ, शीघ्र स्वं सही कार्यवाही हेतु प्रेषित की जा रही हैं

1. श्रीमान् मण्डल रेल प्रबन्धक॥संरक्षा॥पूर्वोत्तर रेलवे, इज्जतनगर।
2. श्रीमान् मण्डल रेल प्रबन्धक॥लेखा॥, पूर्वोत्तर रेलवे, इज्जतनगर।
3. श्रीमान् मण्डल रेल प्रबन्धक॥कार्मिक॥, पूर्वोत्तर रेलवे, इज्जत नगर
4. श्रीमान् मण्डल रेल प्रबन्धक॥परिचालन॥, पूर्वोत्तर रेलवे इज्जतनगर।

ह0/-
कृपा शंकर अवस्थी
स्टेशन मास्टर/पौटा।

/सत्य प्रतिलिपि/

9-9-84

22(26)

AY
25

माननीय सेन्ट्रल स्टेशनमिनिस्ट्रेटिव ट्रब्यूनल हलाहाबाद

(17)

क्लेम पिटीशन नं०

/86.

कृपा शंकर अवस्थी

पिटीशनर

बनाम

यूनियन आफ इंडिया आदि

--- अपोजिट पार्टीज

अनेकजर नम्बर-5:

ज्ञापन

मैं कृपा शंकर अवस्थी सहायक स्टेशन मास्टर 455-700 पौटा का स्वेच्छा सेवा विमुक्त का अनुरोध जिसके लिए उन्होंने अपने प्रार्थना पत्र दिनांक 9.10.84 द्वारा किया था दिनांक 9.11.84 पूर्वान्ह से स्वीकृत किया जाता है।

इसे सक्षम अधिकारी की स्वीकृति प्राप्त है।

कृते मण्डल रेल प्रबन्धक सं॥
इज्जतनगर।

सं० ई/16/

/परि/ अस्ते मा/सि० नि०/॥ दिनांक 30.10.1984

प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु:-

- ॥ 1 ॥ सं० स्टेशन मास्टर/पौटा
- ॥ 2 ॥ मण्डल लेखाधिकारी/इज्जतनगर
- ॥ 3 ॥ कार्याधि॥ वि० त्त॥ सहायक भुगतान
- ॥ 4 ॥ खाता निरीक्षक/पोलीभीत ।
- ॥ 5 ॥ संबंधित कर्मचारी ।

ह० अपठनीय

॥ कृते मण्डल रेल प्रबन्धक ॥
इज्जतनगर।

कृपा शंकर अवस्थी

/सत्य प्रतिलिपि/

Annexure No 6

9/10/2019

संख्या - टी/२७२/अमा/BR/८५

काशी हिन्दू विश्वविद्यालय
इकादशम श्रेणी
दि. 13-10-85

सेवा के

जी के. एस. अग्रणी
 पद - भ. अ. सस्टेमा. (पौटा)
 बारा - स्टे मा. प्रहारात

विषय- सेवा निवृत्ति के पश्चात् प्रत्यावृत्त स्थित
आवास को अनिवार्य रूप से धरे रखना

आप दिनांक 9-11-84 को रेलसेवा सुकन हो चुके हैं, परन्तु आपने इन्चावुत स्थित रेलवे आवास को खाली नहीं किया है और अनाव्यक्त कप से दि० 30-10-79 से अनाक धरे हुए हैं, अतः इस नोटिस के पारते ही 15 दिन के अन्दर आप आवास को खाली कर दें, अन्यथा सरकारी गैरसर कुट्टियन अधिनियम 1971 के अन्तर्गत आपके विरुद्ध कानूनी कार्रवाई की जायेगी।

अध्यापक संस्था अधिकारी
इज्जत नगर—

प्रतिनिधि—

3. મોડલ કોમિતે ઓવિલ્લારી / રૂઝાતનગર, સુધરા રાજે
સેવનમેન્ટ સે ડાઉડ-સાઈડર રેડ જો નિયમ વર્ગ
અનુગત આવા છે, કારણ જામે ।

६. निम्नलिखित निरीक्षण कर्त्तव्य कृपया इनके आवश्यकता से नें।

०. महोदय (विश्व)
A. महोदय

म० रे० ७० (सुरक्षा)
इ.जात नगर

अतिशय महत्वा

Q. 286

2# (28)

Before the Central Administrative Tribunal
at Allahabad.

AM
R

(19)

Claim Petition No.

/86

Kripa Shanker Avasthi

--- Claimant

Versus

Union of India & ors.

--- Opp-Parties

1986
AFFIDAVIT
HIGH COURT
ALLAHABAD

A F F I D A V I T

S

I, Kripa Shanker Avasthi aged about 45³
years, son of Sri Raj Nath Avasthi at present
residing ~~at 226, Rajendra Nagar, Lucknow do~~
~~with Brahma Varva P.O. B. Chowk, Kanpur (U.P.)~~
hereby solemnly affirm and state on oath as
under :

1. That the deponent is the claimant and is fully conversant with the facts of the case.
2. That ~~annexures~~ contents of claim petition paragraphs 1 to 19 are true to my knowledge.
3. That Annexures 1 to 6 are true copies of their originals.

Dated: 9-9-86

Deponent

अनिल कुमार

Verification

I the abovenamed deponent do

26(30)

26/31

Before the Central Administrative Tribunal
at Allahabad.

5

Claim Petition

/86

Kripa Shanker Avasthi -- Claimant

Versus

Union of India & ors. --- Opp-Parties

STAY APPLICATION

In the above noted Claim Petition the claimant respectfully states as under :-

1. That the claimant has challenged the order dated 30.10.1984 (Annexure no.5) in the above noted claim petition which is pending in this Hon'ble Tribunal and the claimant is hopeful of his success.
2. That the aforesaid order dated 30.10.1984 has visited the claimant with evil consequences and it has so far not been implemented as the claimant is on sick list and which is being enclosed and the railway authorities have so far not served with the impugned order.
3. That if the implementation of the impugned order dated 30.10.1984 (Annexure no.5) is not suspended the claimant will suffer an irreparable loss.

कृपाशंकर अवास्थी

कृपाशंकर अवास्थी

27(31)

Am
32

-2-

5

4. That the balance of convenience lies in suspending the implementation of impugned order dated 30.10.1984 (Annexure 5).

It is therefore prayed that implementation of order dated 30.10.84 (Annexure 5) be kindly suspended till the pendency of the above noted claim petition.

Allahabad:

Dated: 9.5.86

सुनील शर्मा

5/11

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 597 of 1986

APPLICANT (s) Kripa Shankar Awasthi

RESPONDENT(s) Union of India through General Manager

N.E. Railway Gorakhpur & 2 others.

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Yes

Yes

Yes

Yes, 8 sets filed

No

144 days

The applicant kept on making representations

Yes

Yes

Yes

All document not filed.

Yes

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

..... No. 597 of 198 6

10-5 Awadh VS 10-5 Dada R. L. L. L.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
8-12-80	<p>Case is submitted for hearing as directed by court.</p> <p>ay JH</p>	

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

A/3

FORM OF INDEX

O.A./I.A./P.A./C.C.P./ No. 597-1986

Kripa Shankar Awasthi vs - U.O. 9/8/86

PART - I

1. Index Papers :- 1 to 5
2. Order Sheet :- 6 to 9
3. Any other orders :-
4. Judgement :- 10 to 13
5. S.L.P. :-

9/2/12/86
DY. Registrar

4
Supervising Officer

28/12/86
Dealing Clerk

Note :- If any original document is on record - Details.

N.D

- 1 - Check Civil - A1 to A3
- 2 - Index Sheet A3 to A4
- 3 - order sheet A5 to A7
- 4 - Jud. dt. 27-5-82 A8 to A11
- 5 - Reply A12 to A20
- 6 - Petition A21 to A52
Annexure
- 7 - RA A53 to A97

Dealing Clerk

V.K. Mishra

Recheck on
21-2-12
on

Page 2/3
S.C.C.

File B/C destroyed on 09-5-12

$\frac{A}{y}$

INDEX SHEET

1986

NAMES OF THE PARTIES.....

Kripa Shanker Awasthi

VERSUS

VERSUS
Union of India and Others

PART A B & C

[illegible]

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

.....NO. 597.....OF 1986

K.S. Awasthi vs. U.O.D.

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	5-11-86	Hon. D.S. Mishra - AM. Hon. G.S. Sharma - JM The applicant is present in person who is unable to explain the delay. The petition appears to be prima facie time barred. In the interest of justice, we adjourn the case to 10-12-86 for hearing. Members (A) Member (J)	
	17/12/86	No sick leave. Adj. to 8-1-87.	
8.1.87		Hon. S. Zahoor Hasan VC Hon. A. Jahan, Member (A) Shri K.C. Jambhri for the applicant. Issue notice to the respondents to show cause why this petition may not be admitted. Put up on 16.2.1987. VC. Member (A)	No hearing on 12/1/87. 12/1/87.

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

OA No. 597 of 1986

K.S. Awasthi VS. P. S. Datta, S. K. Datta

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
8-12-86	<p>OK</p> <p>Case is submitted for hearing on admission as directed by court.</p> <p>ap sh</p>	
6-2-87	<p>Hon. Justice Shri. G. Ramamurthy, VC.</p> <p>Hon. Shri. Ajay Johri, AM</p>	
	<p>Mr. P.N. Srivastava - for applicant.</p> <p>Mr. V.K. Goel - for respondents.</p> <p>Learned counsel for the respondents pray for and is granted three weeks' time to file counter affidavit. Put up on 23-3-1987. Rejoinder affidavit, if any, can be filed by the applicant by that time.</p> <p>VC.</p> <p>AM.</p>	

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

597 OF 1986

NO. OF 1986

... Kripa Shaker Awasthi ... VS ... G. S. Sharma & Others

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	21.4.87	Hon. D.S. Misra - J.A. Hon. G.S. Sharma - J.M. Counter affidavit has been filed today. Respondent's affidavit if any may be put within 15 days. The case is adjourned to 6.5.87. AM. J.M.	O.K. Case was adjourned to 21.4.87 for Expert hearing by Court. Submitted for Expert hearing. C.S. 11/4
	6/5/87	Hon. D.S. Misra - J.A. Hon. G.S. Sharma - J.M. Sri P.N. Srivastava for the applicant and Sri V.K. Goel for the respondents are present. Arguments heard. Judgment reserved. Respondent's affidavit has been filed today. AM. J.M.	O.K. RA 21/4 not filed. Submitted for order. 12/5/87
	27.5.87	It signed, at & pronounced today 1+2 It + its records are sent herewith for n/a.	C.S. 11/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

D.A. No.
T.A. No.

597

1986

DATE OF DECISION..... 29.5.87

Kripa Shanker Srivastava.....Petitioner(s)

P. N. Srivastava.....Advocate for the Petitioner(s)

Versus

Union of India.....Respondent

V. K. Goel.....Advocate for the Respondent(s).

CORAM:

The Hon'ble Mr. D. S. Rastogi - AM

The Hon'ble Mr. G. S. Sharma - J

1. Whether Reporters of local papers may be allowed to see the judgement
2. To be referred to Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgement ✓

.....



Dehu/-

AFC-5/87

A/B

(10) (A3)

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.597 of 1986

Kripa Shanker Awasthi ... Applicant.

Versus

Union of India and others ... Respondents.

Hon'ble D.S.Misra-AM

Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has challenged the order dated 30.10.1984 passed by the Divisional Railway Manager(Personnel) N.E.Railway Izat Nagar, (respondent no.3) removing the applicant from service.

2. The applicant has alleged that he had requested for 6 months leave as compensatory rest and thereafter for voluntary retirement; that his condition was not accepted; that meanwhile he withdrew his request for voluntary retirement but he was voluntarily retired which amounted to removal from service. He has requested for quashing the order dated 30.10.1984 passed by respondent no.3 and issue of a direction to the respondents not to implement the impugned order dated 30.10.1984.

bl

(11) AB
2 A
a

-2-

3. In the reply, filed on behalf of the respondents, it is stated that the applicant retired from service with effect from 9.11.1984; that the application is barred as applicant has not exhausted the departmental remedy available to him; that the applicant was posted as Station Master at Pauta Station in District Pilibhit and was drawing pay in the scale of Rs.455-700; that the personal file and service folder of the applicant regarding entries upto February, 1980 have been burnt in fire accident which took place in the Personnel Branch in February, 1980; that the applicant was suspended in February, 1981 and was awarded the punishment of stoppage of increment for six months on 13.2.1981; that due to administrative reasons and public exigencies, it was not possible to transfer the applicant at the place of his choice; that it was not possible to accept the request of the wife of the applicant for transfer to a place of their choice due to administrative reasons; that there was no threat to the life of the applicant or his family members at the place of his posting; that it is not permissible under the rules to allow six months compensatory rest; that if for operational requirement railway servants are not able to avail their due rest, they are suitably compensated by compensatory rest in lieu of rests within a specified period; that the request for voluntary retirement of the applicant was accepted on 30.10.1984 by the competent authority, which was duly communicated to

62

(12)

(13)

A/10

-3-

him and this was to become effective after three months of his application treating the period of 3 months notice as required under the rules; that the request for voluntary retirement made on 9.8.84, was accepted on 30.10.1984 to be effective on 9.11.1984 and the request for withdrawl dated 5.11.1984 was received in the office on 16.11.84 that the applicant was duly informed vide office letter dated 20.12.1984 turning down the request of withdrawl and that there was no merit in the application which is liable to be dismissed.

We have heard learned counsel for the parties and we have carefully gone through the record of the case. In the rejoinder filed by the applicant in which it was stated that the order dated 30.10.1984 retiring the applicant from service was not served on him. This statement of the applicant does not appear to be correct as he has himself filed a copy of this order as Annexure-5 to his application. The applicant has also filed a copy of his representation dated November 5, 1984 seeking withdrawl of the request for voluntary retirement made by him vide his letter dated 9.8.84(annexure-3 to the application). In his application dated 9.8.84, copy annexure-2, the applicant has expressed his inability to continue in the service of the railways because of his dissatisfaction about the conditions of service, and he had also requested for grant of 180 days

SL

(13)

(13/4)

-4-

compensatory leave. The applicant has not cited any rule or law, in support of his contention for grant of 180 days compensatory leave and the respondents while denying the claim of the applicant have explained that compensatory rest is allowed to a railway servant only within a specified period. The rules for voluntary retirement do not envisage conditional voluntary retirement. From the above narration, it is evident that the applicant has failed to make out any case in respect of his grievances, and we are of the opinion that the impugned order has been passed at the request of the applicant himself and there is no illegality in this order.

4. This application is also beyond limitation. The present application was filed on 15.1.1986 and the order of retirement of the applicant was passed on 30.10.1984. The cause of action arose on or about the date when this order was communicated to the applicant. Under Section 21 of the A.T. Act 1985, the application is, therefore, barred. The applicant has not filed any application for condonation of delay nor indicated any special circumstance justifying condonation of delay in filing this application.

For the reasons mentioned above, there is no merit in this application and the same is accordingly dismissed. Parties to bear their own costs.

A.M.
A.M. 27/5/87

J.M.
J.M. 27/5/87

27.5.87
JS.

5/11

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 597 of 1986

APPLICANT (s) Kripa Shankar Awasthi

RESPONDENT(s) Union of India through General Manager

N.E. Railway Gorakhpur & 2 others.

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Yes

Yes

Yes

Yes, 8 sets filed

No

144 days

The applicant kept on making representations

Yes

Yes

Yes

All document not filed.

Yes

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

..... No. 597 of 198 6

1st S. Awasthi vs. 1st S. D. S. R. K. L. M.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
8-12-80	<p>Case is submitted for hearing as directed by court.</p> <p>OK</p> <p>21/11/80</p>	

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

A/3

FORM OF INDEX

O.A./I.A./P.A./C.C.P./ No. 597-1986

Kripa Shankar Awasthi vs - U.O. 9/8/86

PART - I

1. Index Papers :- 1 to 5
2. Order Sheet :- 6 to 9
3. Any other orders :-
4. Judgement :- 10 to 13
5. S.L.P. :-

9/2/12/08
DY. Registrar

4
Supervising Officer

28/12/08
Dealing Clerk

Note :- If any original document is on record - Details.

N.D

- 1 - Check Civil - A1 to A3
- 2 - Index Sheet A3 to A4
- 3 - order sheet A5 to A7
- 4 - Jud. dt. 27-5-82 A8 to A11
- 5 - Reply A12 to A20
- 6 - Petition A21 to A52
Annexure
- 7 - RA A53 to A97

Dealing Clerk

V.K. Mishra

Recheck on
21-2-12
on

Page 2/3
S.C.C.

File B/C destroyed on 09-5-12

$\frac{A}{y}$

INDEX SHEET

NAMES OF THE PARTIES.....

Kripa Shanker Awasthi

VERSUS

VERSUS
Union of India and Others

PART A B & C

[illegible]

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

.....NO. 597.....OF 1986

K.S. Awasthi vs. U.O.D.

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	5-11-86	Hon. D.S. Mishra - AM. Hon. G.S. Shrivastava - JM The applicant is present in person who is unable to explain the delay. The petition appears to be prima facie time barred. In the interest of justice, we adjourn the case to 10-12-86 for hearing. Members (A) Member (J)	
	17/12/86	No sick leave. Adjourned to 8-1-87.	
8.1.87		Hon. S. Zahoor Hasan VC Hon. A. Jahan, Member (A) Shri K.C. Jambhri for the applicant. Issue notice to the respondents to show cause why this petition may not be admitted. Put up on 16.2.1987. VC. Member (A)	No hearing on 12/1/87. 12/1/87.

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

OA No. 597 of 1986

K.S. Awasthi VS. P. S. Datta, S. K. Datta

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
8-12-86	<p>OK</p> <p>Case is submitted for hearing on admission as directed by court.</p> <p>ap sh</p>	
6-2-87	<p>Hon. Justice Shri. G. Ramamurthy, VC.</p> <p>Hon. Shri. Ajay Johri, AM</p>	
	<p>Mr. P.N. Srivastava - for applicant.</p> <p>Mr. V.K. Goel - for respondents.</p> <p>Learned counsel for the respondents pray for and is granted three weeks' time to file counter affidavit. Put up on 23-3-1987. Rejoinder affidavit, if any, can be filed by the applicant by that time.</p> <p>VC.</p> <p>AM.</p>	

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

597 OF 1986

NO. OF 1986

... *Kripa Shaker Awasthi* ... VS. ... *U. C. Joshi & Others* ...

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	21.4.87	<p>Hon. D.S. Misra - J.A. Hon. G.S. Sharma - J.Y.</p> <p>Counter affidavit has been filed today. Respondent's affidavit if any may be put within 15 days. The case is adjourned to 6.5.87.</p> <p>AM. <i>[Signature]</i> J.Y.</p>	<p>O.K.</p> <p>Case was adjourned to 21.4.87 for Expert hearing by Court.</p> <p>Submitted for Expert hearing.</p> <p><i>[Signature]</i> 11/4</p>
	6/5/87	<p>Hon. D.S. Misra - J.A. Hon. G.S. Sharma - J.A.</p> <p>Sri P.N. Srivastava for the applicant and Sri V.K. Goel for the respondents are present. Arguments heard. Judgment reserved. Respondent's affidavit has been filed today.</p> <p>AM. <i>[Signature]</i> J.A.</p>	<p>O.K.</p> <p>RA 214 not filed.</p> <p>Submitted for order.</p> <p><i>[Signature]</i> 11/5/87</p>
	27.5.87	<p><i>[Signature]</i></p> <p>It signed, at & pronounced today 1+2 It + its records are sent herewith for n/a.</p>	<p><i>[Signature]</i> 1/6</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

D.A. No.
I.A. No.

597

1986

DATE OF DECISION.....27.5.87

Kripa Shanker Srivastava.....Petitioner(s)

P. N. Srivastava.....Advocate for the Petitioner(s)

Versus

Union of India.....Respondent

V. K. Goel.....Advocate for the Respondent(s).

CORAM:

The Hon'ble Mr. D. S. Mishra - AM

The Hon'ble Mr. G. S. Sharma - J181

1. Whether Reporters of local papers may be allowed to see the judgement
2. To be referred to Reporter or not? +
2. Whether their Lordships wish to see the fair copy of the judgement

.....

Dehu/-

AFD-5/87

A/B

(10) (A3)

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.597 of 1986

Kripa Shanker Awasthi Applicant.

Versus

Union of India and others Respondents.

Hon'ble D.S.Misra-AM

Hon'ble G.S.Sharma-JM

(Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has challenged the order dated 30.10.1984 passed by the Divisional Railway Manager(Personnel) N.E.Railway Izat Nagar, (respondent no.3) removing the applicant from service.

2. The applicant has alleged that he had requested for 6 months leave as compensatory rest and thereafter for voluntary retirement; that his condition was not accepted; that meanwhile he withdrew his request for voluntary retirement but he was voluntarily retired which amounted to removal from service. He has requested for quashing the order dated 30.10.1984 passed by respondent no.3 and issue of a direction to the respondents not to implement the impugned order dated 30.10.1984.

bl

(11) AB
2 A
a

-2-

3. In the reply, filed on behalf of the respondents, it is stated that the applicant retired from service with effect from 9.11.1984; that the application is barred as applicant has not exhausted the departmental remedy available to him; that the applicant was posted as Station Master at Pauta Station in District Pilibhit and was drawing pay in the scale of Rs.455-700; that the personal file and service folder of the applicant regarding entries upto February, 1980 have been burnt in fire accident which took place in the Personnel Branch in February, 1980; that the applicant was suspended in February, 1981 and was awarded the punishment of stoppage of increment for six months on 13.2.1981; that due to administrative reasons and public exigencies, it was not possible to transfer the applicant at the place of his choice; that it was not possible to accept the request of the wife of the applicant for transfer to a place of their choice due to administrative reasons; that there was no threat to the life of the applicant or his family members at the place of his posting; that it is not permissible under the rules to allow six months compensatory rest; that if for operational requirement railway servants are not able to avail their due rest, they are suitably compensated by compensatory rest in lieu of rests within a specified period; that the request for voluntary retirement of the applicant was accepted on 30.10.1984 by the competent authority, which was duly communicated to

62

(12)

(13)

A/10

-3-

him and this was to become effective after three months of his application treating the period of 3 months notice as required under the rules; that the request for voluntary retirement made on 9.8.84, was accepted on 30.10.1984 to be effective on 9.11.1984 and the request for withdrawl dated 5.11.1984 was received in the office on 16.11.84 that the applicant was duly informed vide office letter dated 20.12.1984 turning down the request of withdrawl and that there was no merit in the application which is liable to be dismissed.

We have heard learned counsel for the parties and we have carefully gone through the record of the case. In the rejoinder filed by the applicant in which it was stated that the order dated 30.10.1984 retiring the applicant from service was not served on him. This statement of the applicant does not appear to be correct as he has himself filed a copy of this order as Annexure-5 to his application. The applicant has also filed a copy of his representation dated November 5, 1984 seeking withdrawl of the request for voluntary retirement made by him vide his letter dated 9.8.84(annexure-3 to the application). In his application dated 9.8.84, copy annexure-2, the applicant has expressed his inability to continue in the service of the railways because of his dissatisfaction about the conditions of service, and he had also requested for grant of 180 days

SL

(13)

(13/4)

-4-

compensatory leave. The applicant has not cited any rule or law, in support of his contention for grant of 180 days compensatory leave and the respondents while denying the claim of the applicant have explained that compensatory rest is allowed to a railway servant only within a specified period. The rules for voluntary retirement do not envisage conditional voluntary retirement. From the above narration, it is evident that the applicant has failed to make out any case in respect of his grievances, and we are of the opinion that the impugned order has been passed at the request of the applicant himself and there is no illegality in this order.

4. This application is also beyond limitation. The present application was filed on 15.1.1986 and the order of retirement of the applicant was passed on 30.10.1984. The cause of action arose on or about the date when this order was communicated to the applicant. Under Section 21 of the A.T. Act 1985, the application is, therefore, barred. The applicant has not filed any application for condonation of delay nor indicated any special circumstance justifying condonation of delay in filing this application.

For the reasons mentioned above, there is no merit in this application and the same is accordingly dismissed. Parties to bear their own costs.

A.M.
A.M. 27/5/87

J.M.
J.M. 27/5/87

27.5.87
JS.