

A/258

अभिभावक पत्र (वकालतनामा)

# हाईकोर्ट आफ जूडीकेचर, इलाहाबाद

ज० .....

सन् १९७०

Roop Chand

वादी प्रतिवादी

अपीलान्ट

बनाव

Union of India & Others

वादी प्रतिवादी

रेस्पान्डेन्ट

मैं/हम कि

Roop Chand s/o Late Shri Bhag Chand

551 G.H/40 Govind nager Nalikhara Road

Alam bagh, Lucknow.

उपरोक्त प्रकरण में/हम अपनी ओर के पक्ष समर्थन के हेतु

RAKESH VARMA

श्री

एडवोकेट हाईकोर्ट इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभावक वकील (वकील) नियत करता है/करते हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनर्विलोकन एवं पुनर्निर्णय प्रार्थना पत्र (दरखास्त) शापथीय कथन (हलफनामा) प्रवर्तन पत्र (दरखास्त इजराय) मुजवात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथीय पुष्टीकरण करें और आवश्यक सवाल-जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्रायश्चन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को यध्य पत्र तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करें अथवा प्रकरण में सम्बन्ध रखने वाली कुल कार्यवाही डिप्री भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको/हमको स्वस्था स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दें तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की तैरवी न करें। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभावक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि

माह

वकालतनामा मन्जूर है

20/10/81

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Annexure B

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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd  
Fireman, Loco Shed, Lucknow.

F A C T S.

As a result of surprise check of a Pay Clerk's Accounts by an Accounts Checking Party on 31.3.67, a paid voucher for Rs. 963.54 in respect of over time allowance came to their notice. It was drawn in favour of Sh. S.N. Nigam Shunter, Lucknow and as the amount paid as Over Time to a Shunter was too heavy, it was suspected that there was some thing wrong some where. To probe further into the matter a Fact Finding Enquiry was held jointly by A.P.O. and A.D.A.O, Lucknow. It was revealed that numerous bogus O.T. claims had been prepared and passed for payment to some members of the running staff.

It was a triangular racket amongst the clerks of the Adjudication Section, their counter parts in the Accounts Branch and the payees. They seem to have enjoyed an unholy <sup>alliance</sup> ~~alliance~~ of the cashiers as well who have perhaps escaped the clutches of law as well as those of the departmental rules because of some procedural lacunae. However, before any action could be taken on the recommendation made by the committee the case was taken over by the SP, SPE Lucknow for further investigations. The matter was ultimately reported to the Divisional Authorities for taking necessary departmental action against the defaulters. Shri Roop Chand, 2nd Fireman, Lucknow has consequently been charged as under;-

" That the said Shri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway during the

Copy of the report of the committee of 1972 was sent to the Loco Shed, Lucknow.



संसाधारण

वादी/प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

(आदेश १३, नियम १)

जिला

Court of Civil Judge

सन् १९७७ ई०

वादी

संख्या

Roop chand

बनाम

प्रतिवादी

Union of Gura

वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची।

प्रथम मुद्देवाई के समय

Shankar

ने आज सन् १९७७ ई० के

July 26 दिवस को पेश किया।

सूची की

क्रम संख्या	दस्तावेज का वर्णन और उसकी तारीख यदि कोई हो	यदि अभिलेख से सम्मिलित किया गया तो प्रदर्शन सिल्ले जो उस पर डाला गया	यदि नामजूर हुआ तो पक्षकार को लौटाये जाने की तारीख और पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कामज लौटाया गया	यदि वाद के विनिश्चय पश्चात् कामज अभिलेख में खूबा और अक्षय ३, नियम २४ के तहत कामज बन्द किया गया तो लिफाफे बन्द किये जाने की तारीख
१	original suspension order dated 5.10.67			
२	original Gurgaon proceeding 98 Page			
३	original Show Cause notice dated 10.11.71			
४	Reply to Show Cause notice dated 3.2.72 in 4 Page			
५	notice u/s Sec. 9.c from Plaintiff to Defd dated 8.12.71 in 6 Page			
६	original Acknowledgment dated 20.11.71			
७	Application dated 16.3.69			

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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed. Lucknow.

from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of over time claims amounting to Rs. 169.54, Rs. 461.40, Rs. 238.91, Rs. 428.09, Rs. 338.63, Rs. 400.00, Rs. 361.82, Rs. 391.14, Rs. 223.95, Rs. 227.05, Rs. 429.73, and Rs. 501.12 by causing alteration in bills A.B.No. 64 EOT/4 dated 12.4.67, AB No. 49 EOT/5 dated 8.5.67, AB No. 79 EOT/5 dt. 16.5.67, AB No. 80/EOT/5 dated 16.5.67, AB No. 45 EOT/6 dated 7.6.67, AB No. 54/EOT/6 dated 7.6.67, AB No. 78 EOT/5 dated 16.5.67, AB No. 217 EOT/5 dated 31.5.67, AB No. 40 EOT/5 dated 6.5.67, AB No. 72 EOT/7 dated 12.7.67, AB No. 133 EOT/4 dated 18.4.67, and AB No. 127 EOT/8 dated 21.8.67 respectively in collusion with the Railway Staff while he was not actually entitled to receive the said amounts and he thus contravened Rule No. 3 of Railway Servants Conduct Rules, 1966.

EVIDENCE.

Shri Dev Raj, APO, PW-1.

2. Shri Dev Raj exhibited the various documents as Ex.P-1 to P-4. The over time bill bearing AB No. 127/EOT/8 dated 21.8.67 in favour of Shri Roop Chand, Second Fireman, Lucknow had been signed by him. There were no erasures, additions, alterations or over-writings at the time the bill was signed by him.

He was a member of the Fact Finding Enquiry Committee which looked into the over time allowance fraud case. Shri Roop Chand admitted that a large number of additions and alterations were made by him in his own hand. He had done so at the instance of Shri R.K. Sinha at his house whereas some of the additions and alterations were made by Shri Sinha himself. The committee found that some of the over time claims i.e. Adj.4 forms prepared in favour of Shri Roop Chand were forged. The Hand Writing Expert, however, could not give any definite opinion on this aspect.

in the Court of Sessions of Lucknow  
 R.S. No. of 1972  
 Roop Chand vs Union of India

*Handwritten signature/initials*



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Shri B.M. Joshi, PW-2.

3. Shri B.M. Joshi had worked as DPI on Lucknow Division from 1958 to 1968. A fraud case came to his notice in the month of August, 1967. He was a member of Fact Finding Enquiry Committee, but before they could complete the same, the case was entrusted to another Fact Finding Enquiry Committee consisting of two gazetted officers. According to Ex.P-3, Shri Roop Chand was entitled to the payment of over time for 5 hours plus 146 hours. The amount of the bill as per office copy was Rs. 147.98 whereas he had been paid Rs. 317.52 as per Ex.P-1. The bill bears additions and corrections. The enfacement on the paid voucher had been signed by the Senior Accountant. As per additions and alterations made therein the employee was understood to have availed rest only for 55 hours in the fortnight period of 14 days which was humanly not possible. Nor the Accounts Branch could furnish the supporting voucher on the authority of which the claim had been passed by them. Similar glaring discrepancies as well as additions and alterations existed in the following Exhibits;-

Ex.P-4, P-7, P-10, P-13, P-16, P-19,  
Ex.P-22, P-23, P-24, P-26 and P-27.

Shri S.K. Chatterji, Pay Clerk (PW-2(a)).

4. Shri S.K. Chatterji confirmed that he made the payments on the paid vouchers detailed below;-

Ex.P-4. Rs. 283.91.

Ex.P-7. Rs. 428.09

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Ex.P-10	Rs. 361.82
Ex.P-13	Rs. 388.68
Ex.P-16	Rs. 419.00
Ex.P-19	Rs. 391.14
Ex.P-22	Rs. 468.60
Ex.P-23	Rs. 509.76
Ex.P-26	Rs. 228.95
Ex.P-27	Rs. 429.73

All these payments were made by him directly to the payee without getting the same attested by any witnessing official as the employee was known to him. The additions and alterations did not arise any suspicion.

Shri Shiv Charan Lal, P.W.-3

5. Shri Shiv Charan Lal was a clerk in the Loco Shed LKO since 1959. He had prepared Ex.P-3 and Ex.P-17. They had been correctly prepared by him for 151 and 20 hours respectively on the basis of the information contained in the Register G-164. (Ex.P-39 and P-41).

Shri Partap Singh P.W. 4

6. Shri Partap Singh was working as a clerk in the Ticket Section of the Loco Shed, Lucknow from 1958 to August, 1966. According to G.164 registers Shri Roop Chand had earned no overtime for the periods mentioned below:-

18-7-65	to 31-7-65
1-8-65	to 14-8-65
3-1-65	to 16-1-65

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17-1-65 to 30-1-65

6-12-64 to 19-12-64

20-12-64 to 3-1-65

8-11-64 to 21-11-64

22-11-64 to 5-12-64

23-5-65 to 5-6-65

6-6-65 to 19-6-65

Consequently Shri Partap Singh prepared no Adj-4 for these periods.

After examination of the Exhibits P-5, P-9, P-12, P-15, P-21 and P-25 which were Adj-4, Shri Partap Singh stated that they had not been prepared by him nor these were in his hand. The signatures of the Foreman thereon also appeared to be forged.

Shri B.L. Karamchandani, P.W. 5

7. Shri B.L. Karamchandani was A.P.O. Lucknow Division from 1961 to 1967. He had signed overtime bills vide exhibits mentioned below and the actual payments made to the employee were, however, far in excess as noted against each :-

Ex.P-4 for Rs. 85.32 altered and paid for Rs. 283.91

Ex.P-13 for Rs. 186.14 altered and paid for Rs. 388.68

Ex.P-16 for Rs. 19.00 altered and paid for Rs. 419.00

Ex.P-10 for Rs. 61.62 altered and paid for Rs. 361.82

Ex.P-1 for Rs. 147.98 altered and paid for Rs. 317.52

Ex.P-7 for Rs. 178.24 altered and paid for Rs. 428.09

Ex.P-26 for Rs. 31.35 altered and paid for Rs. 228.95

It is found that in the Cont. of Enquiry Report of 1972 of Lucknow R.S. no. Roopchand vs Union of India & others



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Ex.P-22 for Rs. 52.56 altered and paid for Rs. 468.60

Ex.P-27 for Rs. 43 & altered and paid for Rs. 429.73  
some paise

Ex.P-24 Unable to altered and paid for Rs. 227.06  
state the  
exact amount  
(office copy  
being not  
available.)

Ex.P-19 for Rs. 188.66 altered and paid for Rs. 391.14  
(Rs. 188.60 )

There were no additions or corrections in these bills when he signed them. These additions and alterations have obviously taken place in the Accounts after the bills had been sent to them. Absence of the Adj-4 forms sent to the Accounts Branch along with the Bills supports his contention.

Shri S. K. Gupta P.W. 6

8. Shri S. K. Gupta, Asstt. Director Documents, Central Forensic Science Laboratory, New Delhi while working as Asstt. Questioned Documents Examiner, Calcutta examined the questioned documents in this case and came to the following conclusion:-  
"The person who wrote the blue enclosed writings stamped and marked S-1 to S-10 and A-1 to A-6 also wrote the blue enclosed writings similarly stamped and marked Q1F, Q3E, Q5E, Q7E, Q8D, Q9C, Q10D, Q11D, Q12D, Q13E, Q14D, Q16D. The specimen writings marked S-1 to S-10 show an attempt at disguise".

His opinion was endorsed by Shri S.K. Jain. Shri Gupta further revealed that the writer had tried to conceal his writing habits while giving specimens.

the Court of Inquiry  
Rs. No. of 1772  
Roopchand vs Union of India  
2 and others

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register indicates the particulars of the bill and its gross amount. The bill is then made over to the Dealer for scrutiny and passing the same for payment giving CO-7 number and the gross amount for which the bill has been passed. The Adj-4 of the individual staff with the Adj-7 is retained in Accounts Office before sending the voucher to the pay clerk for payment of the amount.

11. So did Shri Roop Chand earn overtime allowance for 171 hours in the months of March and May '67. However, the Adjudication Section apart from preparing the O.T. bills in favour of Shri Roop Chand for these periods submitted to the Accounts overtime bills in his favour for the undermentioned periods as well. These bills were evidently prepared on the basis of faked Adj-4 or even without it as is apparent from the ~~records~~ <sup>remarks</sup> in the last column.

Ext. No.	Period from to:	Hours	Remark
P-5 )	6-12-64 to 19-12-64	108	O.T. Nil acco
P-6 )		108	Genl.164 (Ex.
P-9 )	14-2-64 to 27-2-64	191	
)	28-2-64 to 13-3-64	48	
)	Periods changed		
)	to		O.T. Nil- acco
)	8-11-64 to 21-11-64		to Genl-164
)	22-11-64 to 5-12-64		
P-8 )	14-2-64 to 27-2-64		
)	28-2-64 to 13-3-64		
P-12 )	3-1-65 to 16-1-65	78	O.T. Nil as per
P-11 )			(Ex.P. 3).

for the Court of Enquiry at Lucknow  
2nd Judge Mr. Mohan Lal  
of 1972  
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Ext. No.	Period from to:	Hours	Remark
P-15 }	18-7-65 to 31-7-65	133	O.T. Nil as per Genl-164 (Ex.P-35)
	1-8-65 to 14-8-65	94	
P-14 }		133	
		94	
P-21 }	23-5-65 to 6-5-65(5-6-65)	101	O.T. Nil as per Genl. 164
	6-6-65 to 19-6-65	129	
P-20 }		101	
		129	
P-22	11-4-64 to 24-4-64	73	No Adj-4, o/c of Adj-7 or Genl-164 available in support.
	25-4-64 to 8-5-64	107	
P-23	1-7-67 to 15-7-67	-	Genl.164 shows O.T. as 9.22 hrs. but no Adj-4 office copy of Adj-7 available in support
P-25	1-6-67 to 15-6-67	18	O.T. Nil as per Genl. (Ex.P-42). No o/c of Adj-7 available in support
P-26	1-3 to 15-3-	33	No year is given for period of O.T. charged. No Adj-4 o/c of Adj-7 or Genl.164 is available in support.
P-27	5-12 to 18-12-	74	O.T. Nil as per Genl. from 5.12.65 to 1.1.66. No Adj-4, o/c of Adj-7 is available in support
	19-12 to 1-1-66	99	

12. This was not all. Encouraged by initial successes in the manoeuvres and to further swell their false claims the allies indulged in their modus-operandi of additions and alterations in periods and hours and consequential increase in the amounts of these fictitious O.T. allowance Bills as well. The following figures show in a nutshell the over all result of these additions and alterations ~~xxxx~~ :-

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S. No.	Ext. No. of Adj-7 ( Office Copy)	Amount for which the bill was originally prepared.	Amount for which the bill was passed and paid.	Ext. No. of Adj-7 Accounts Copy.
1.	P-2	Rs. 147.98	Rs. 317.52	Ex. P-1
2.	P-18	Rs. 19.00	Rs. 419.00	P-16
3.	P-6	Rs. 85.32	Rs. 233.91	P-4
4.	P-8	Rs. <del>178.34</del> (178.34)	Rs. 428.09	P-7
5.	P-11	Rs. 61.62	Rs. 361.82	P-10
6.	P-14	Rs. 186.14	Rs. 388.68	P-13
7.	P-20	Rs. 188.60	Rs. 391.14	P-19
8.	-	Rs. 52.56	Rs. 468.60	P-22
9.	-	Rs. 9.74	Rs. 509.76	P-23
10.	-	Rs. 27.10	Rs. 227.05	P-24
11.	-	Rs. 31.35	Rs. 228.95	P-26
12.	-	Rs. 143.59	Rs. 429.73	P-27

No overtime allowance was admissible in respect of items 3 to 12.

13. For a proper appreciation of the charge brought out against the employee it would not be impertinent to bifurcate the same into two parts:-

- Payment of false overtime claims amounting to Rs. 4287.27 P.
- Shri Roop Chand knowingly received the payment in question in collusion with the Railway staff.

14. Overwhelming evidence documentary as well as oral is available to the effect that these overtime bills were originally prepared for lesser amounts and later on altered and passed for

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higher sums including those where even no overtime allowance was due. These facts are visibly patent from a comparison of the paid vouchers and office copies thereof as stated in the foregoing paragraph.

DOCUMENTARY EVIDENCE:

i) The additions and alterations are very much apparent. Difference in ink, variance in hand and irregular entries of periods etc. are visibly perceptible even to a layman.

ii) Genl-164 reveals that Shri Roop Chand had worked for 151.00 hours during March, 67 and 20 hours in May, 67 only in excess of the scheduled hours of work and as such he was entitled for payment of overtime allowance for the same hours and not for the excess hours for which the overtime Bills had been prepared and/or altered and paid vide Exhibits P-1, P-16, P-4, P-7, P-10, P-13, P-19, P-22, P-23, P-24, P-26 and P-27.

iii) He was in fact in respect of Exts. P-4, P-7, P-10, P-13, P-19, P-22, P-23, P-24, P-26 and P-27 was not eligible <sup>for</sup> any overtime allowance and, therefore, neither the Adj-4 nor Adj-7 should have been prepared for the same. Adj-4 Ext. P-5, P-9, P-12, P-15, P-21, P-25 and P-25 available in this case have not been verified as genuine documents by the staff of the Loco Foreman. Hence Adj-7 prepared by the D.S. Office staff of the Adjudication Section on the basis of these Adj-4 cannot, therefore, be regarded as valid documents for drawal of overtime allowance in favour of Shri Roop Chand. Similar is the position regarding the remaining cases where no office copy of Adj-7 is available i.e. Ex. P-22, P-23, P-24, P-26 and P-27.

In the Court of ~~Mr. J. S. Chandra~~  
Circuit Judge, Lucknow  
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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow:

iv) Shri S. K. Gupta, Govt. Examiner of Questioned Documents Calcutta, P.W. 6 has confirmed as under:-

"The person who wrote the blue enclosed writings stamped and marked S-1 to S-10 and A-1 to A-6 also wrote the blue enclosed writings similarly stamped and marked Q1F, Q3E, Q7E, Q8D, Q9C, Q10D, Q11D, Q13E, Q14D, Q16D. The specimen writings marked S-1 to S-10 show an attempt at disguise."

His opinion has been endorsed by Shri S. K. Jain. Shri Gupta further revealed that the writer had tried to conceal his writing habits while giving specimens.

ORAL EVIDENCE:

1) Shri Dev Raj, APO (P.W. 1) stated at the enquiry as under:-

"The Over time bill bearing AB No. 127EOT dt. 21-8-67 in favour of Shri Roop Chand 2nd Fireman, Lucknow was signed by me. There were no erasures, additions alterations and other writings at the time bill was signed by me....It also came to light before the Fact Finding Enquiry Committee that some of the over time claims i.e. Adj-4 forms prepared in the name of Shri Roop Chand were forged. These Adj-4 forms bore the signatures of the Loco Foreman concerned who were also examined by the Fact Finding Committee and they did not deny the signatures. From this it follows that there was definite hand of Shri Roop Chand in getting the forged over time claims prepared in his name and then delivering those in the Adjudication Section of D.S. Office, Lucknow."

11) Shri B.L. Karamchandani, APO P.W-5 during the course of enquiry stated as under:-

"All the additions and alterations have been made after I signed the original bills. These additions and alterations obviously took place in the Accounts Office after the bill were submitted there. As these do not find place in the office copy of the O.T. Bills....None of the alterations and additions etc. bears initials or signatures of anybody from the Executive much less the signing officer i.e. myself....The maximum amount earned as over time allowance should not in any case exceed the total amount of the salary drawn by the employee. Additions and alterations relate to very

In the Court of ~~Justice~~ ~~Magistrate~~ ~~First Class~~ ~~Lucknow~~  
R.S. No. ~~10~~  
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*[Handwritten signature]*

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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco shed, Lucknow:

old periods for which separate bills should have been prepared in the form of supplementary bills and the bills should not have been passed for payment by the Accounts."

iii) Shri Partap Singh, Clerk Loco Foreman, Lucknow, P.W.4  
deposed as under at the enquiry:-

"I have seen Ext.P-5, P-9, P-12, P-15, P-21, P-25. These are Adj-4 prepared in favour of Shri Roop Chand, 2nd Fireman.. It appears somebody has tried to forge the signatures of Shri Santokh Singh, Foreman (Running) as he would not have signed without the initials of the clerk preparing these Adj-4 or dealing with these. These exts. do not bear the initials of any clerk under stamp of Foreman (Running)....."

iv) S/Shri S.K. Chatterji, Pay Clerk, Lucknow P.W.2(a) and S.D. Chatterji, Pay Clerk, P.W.7 have confirmed the payments made to Shri Roop Chand as under:-

"All these payments were made by me direct to the payee Shri Roop Chand without getting the same attested by any witnessing official as the employee was known to me.  
(P.W. 2-A)

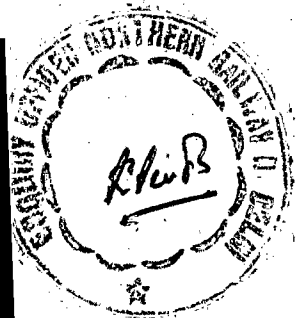
"I have seen Ext.P-1....The payment against this paid voucher had been made to Shri Roop Chand in presence of Shri H.N. Saxena, TXR who witnessed the payment."

Above all Shri Roop Chand has himself accepted the receipt of the amount in question:-

L P-24, "I have seen all the paid vouchers Ext.P-1, P-4, P-7, P-10, P-13, P-16, P-19, P-22, P-23, P-26 and P-27. They bear my signatures over the revenue stamps affixed in the receipt column thereon and I admit to have received the amount....."

15. It is as such an established fact that Shri Roop Chand has received false claims of overtime allowance as detailed below:-

In the Court of Hon'ble Civil Judge-Maharaja Lucknow  
N.S. No. of 1772  
Roop Chand vs Union of India & Another



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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow:

<u>S. No.</u>	<u>Exhibit</u>	<u>Excess amount</u>
1.	P-1	169.54
2.	P-16	400.00
3.	P-4	283.91
4.	P-7	428.09
5.	P-10	361.82
6.	P-13	388.68
7.	P-19	391.14
8.	P-22	468.60
9.	P-23	509.76
10.	P-24	227.05
11.	P-26	228.95
12.	P-27	429.73

In respect of Ex.P-22 the amount paid excess as overtime allowance shown in the chargesheet is Rs. 461.<sup>40</sup>~~60~~ as against Rs. 468.60 and in respect of Ex.P-23 the amount shown in the charge sheet is Rs. 501.12 as against Rs. 509.76. The correctness of these amounts may, however, be verified by the Discipline authority before ordering any recovery of the same & others.

16. Albeit there is little direct evidence to prove his connivance with others or knowledge of false drawal of overtime allowance, there is more than enough circumstantial evidence wherefrom it can be safely inferred that these payments were received by Shri Roop Chand knowingly in collusion with other members of the staff concerned in payment of the overtime allowance.

is a list of chargesheet of Roopchand vs. Shri. L. Chandra & others.

Shri. Roop Chand

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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow.

17. It is a rule of Law that Courts or Juries shall or may draw a particular inference from a particular fact or from particular evidence, unless and until the truth of such inference is disproved by the other party. Such inferences are presumptions of fact and are the result of general experience of a connection between certain facts or things, the one being usually found to be companion or the effect of the other. Presumptions of fact are inferences which the mind naturally or logically draws from given facts. These are formed by the spontaneous operation of the reasoning faculty.

The staff responsible for passing the overtime allowance bills would not have indulged in all these forgeries for an unknown entity and without any personal gain to themselves. They could achieve only through some confederate and this was evidently an accomplice in this game and he could hardly be not guilty.

18. It would be observed from Ext. P-4/6 that the A. me bill ) was signed by APO on 16-5-67, it reached the Accounts Branch on 16-5-67 and payment to the employee was made on or about 18.5.67 i.e. the entire work of the preparation of O.T. Bill in the Executive as also passing of the same in the Accounts Branch and payment thereof by the Pay Clerk hardly took 3 days in all. Similarly in other cases the preparation of the bill in the Accounts Branch as also their receipt and ultimate payment by the Accounts Branch after the same had been passed by the Accounts was so fast

In the Court of ~~Command Haverhill~~ Civil Judge Malihabad Lucknow of 1972  
R.S. no. Union of India vs Roop Chand



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does not appear to be a normal state of affairs. The following data gives a bird's eye-view of some of the overtime bills prepared and passed in favour of Shri Roop Chand. Extraordinary promptness in the payments thereof is a clear indication of the triangular conspiracy amongst the Adj. Section, Accounts Clerk, and the payee as well as conspicuous connection with the Pay Clerks.

Ext. No.	Date the bill was prepared in D.S. Office.	Date of receipt in Accounts Office.	Paid on or about
P-1	10-4-67	12-4-67	14-4-67
P-4	16-5-67	16-5-67	18-5-67
P-7	-do-	-do-	-do-
P-10	-do-	-do-	-do-
P-19	30-5-67	31-5-67	3-6-67
P-22	9-5-67(8-5-67)	8-5-67	14-5-
P-26	-	6-5-67	8-5-

19. The overtime claims are prepared on the basis of hours as recorded in Genl. 164. The information in Genl. 164 is in fact correlated with the 'Signing on and Signing Off' registers or JTR and these registers are signed by the employees. In such circumstances the employee cannot claim complete ignorance of the extent of overtime allowance earned by him. He may be in a position to remember the exact hours put in by him and claim for overtime allowance but he is certainly not unaware of the approximate total hours which he had worked.

In the Court of Hon'ble Judge Metropolitan Lucknow  
R.S. No. 1972  
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20. Shri Roop Chand received payments of 12 overtime bills vide Ext.P-1, P-4,P-7,P-10,P-13,P-16,P-2219,P-22,P-23,P-24,P-27 to the tune of Rs. 4,454.25P in <sup>a</sup> spells of just few months viz. from April '67 to August '67. For the sake of an easy appraisal, however, a brief break up of these payments monthwise is given below:-

April, 67

Ex.P-1 Rs. 317.52

Ex.P-27 Rs. 429.73

Rs. 747.25

May '67

Ex.P-26 Rs. 228.95

Ex.P-22 Rs. 468.60

Ex.P-4 Rs. 283.91

Ex.P-7 Rs. 428.09

Ex.P-10 Rs. 361.82

Rs. 1771.37

June, 67

Ex.P-19 Rs. 391.14

Ex.P-13 Rs. 388.68

Ex.P-16 Rs. 419.00

1198.82

July, 67

Ex.P-24 Rs. 227.05

August, 67

Ex.P-23 Rs. 509.76

Grand Total

Rs. 4454.25

It will thus be observed that Shri Roop Chand had received the payment of overtime allowance twice in April, five times in May, thrice in June and once each in July and August, 1967. It is not worthy of belief that payments of such heavy amounts as overtime allowance to a Fireman at so short and frequent intervals were received by him as a mere routine without any advance knowledge. It was infact a clear indication of the factum of

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his collusion with those concerned with the intrigue, and his complicity in this fraudulent drawal of the overtime allowances is patently there. A collaborator - active or passive is certainly not free from blame. An abettor is as much guilty as an offender as the ~~former~~ <sup>former</sup> even though not actively cooperating with the principal offender prepares the ground to facilitate his work and as such the extent of his responsibility in regard to commission of an offence is almost as grave as that of the principal offender. The partners of this fraud could not have achieved their objective without an alliance of the payees.

21. The receipt of the payments by the defendant from the cashiers through a direct approach every now and then is not without significance either. The cashiers were/are scheduled to visit the shed on specific days (11th to 13th of each month). As such Shri Roop Chand had apparently gone to them in D.P.M's Office or anywhere else than the loco shed specifically for payment of these overtime allowance bills. The motives loom large.

22. Little doubt regarding the veracity of the allegations appears to be left in one's mind after having gone through the entire evidence. However, lest the defence by the defendant might give rise to some sort of suspicion regarding the solidarity of the accusations, it is considered desirable to offer concise comments on the various points raised by the employee in his written statement of defence as well as defence note. All sorts of doubts need be dispelled while arriving at an

In H. Court of ~~Enquiry~~ <sup>Enquiry</sup> at Lucknow  
Civil Judge Malabar Road  
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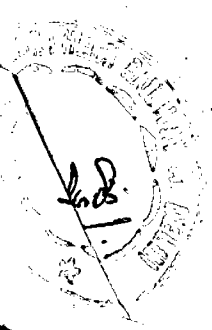
Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow.

He guided me that I should contact one clerk named Shri R.K. Sinha in Accounts Branch who deals with your bills. I went in the Accounts Branch and incidently Shri Sinha was not available. I came to know from the Accounts Branch that he is putting up in Alambagh Railway Colony. I am also putting in Alambagh Railway Colony. I enquired about his whereabouts in the colony. Some 2nd Fireman told me that his quarter was located near a tree and he guided me to his house. He was selling milk of buffalo and had two buffalos at that time. Normally my wife used to go there to purchase milk but with the purpose of contacting him I went to his home for purchasing milk. I may add that he was at that time not keeping the buffalo at his house but he was keeping them near railway godown in open place. I contacted him there and talked with him about the bill. I told him that the dealing clerk Shri J.P. Srivastava has told me that you have returned the bill as it required sanction of the competent authority for investigation of the claim arrears as it was an old bill. He stated that he would help me without any signature of the DPO etc. later on he passed the bill and the payment was made to me.

Later on I went to Amritsar and Chitranjan on duty. I became entitled to heavy overtime. I approached him for passing my bills of overtime pertaining to Amritsar and Chitranjan. He told me that I should become his partner in buffalo and should pay to me all that amount. He got those bills passed expeditiously and took all the money amounting to about Rs. 300/- by persuading me. This matter pertains to the period of about six or seven months ago. I came with his contact only six or seven months ago. How my money was with him and became a tool in his hand. He used to get all the additions, alterations made by me according to his wishes in his house under these circumstances. I made additions, alterations in about six bills where I could not make any addition alterations etc. he used to make himself."

A perusal of these extracts from his statement would show that the details regarding the sequence of events as disclosed by him are quite natural and in no way indicate the existance of any duress. It was a mere fact finding enquiry and the Committee consisted of two gazetted officers one from the

used to go there to purchase milk but with the purpose of contacting him I went to his home for purchasing milk.  
R.K. Sinha of 1972  
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Defence.

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adverse verdict.

- (I) 'The O.T. Bills were not prepared or passed by the Defendant himself.'

Albeit the defendant is alleged to have made some additions and alterations in some of the O.T. Bills drawn in his favour, little responsibility befalls on him for having prepared or passed the bills in question. Glaring additions and corrections should have attracted the attention of the bill passing and auditing clerks of the Accounts Branch who should not have let these vouchers through without proper scrutiny. However, as the defendant was in league with them, he is not free from blame altogether. Further he has received the payments of all these O.T. Claims despite the fact that he had never earned as much O.T. allowance. His O.T. allowance was in fact nil for many periods as is evident from the evidence of Shri Partap Singh (P.W. 4).

So frequent receipts on his part are a clear indication of his prior knowledge and collusion with the staff concerned in the preparation and passing of the O.T. Bills as well as payments thereof.

- (II) 'The Prosecution produced witnesses in the Enquiry which were not mentioned in the list of witnesses supplied to him.'

His contention is a sheer fabrication. No witness has been examined from the Prosecution side that had not been mentioned in the list of Prosecution Witnesses supplied to him along with the Memorandum. He is probably harping on Shri Yadhubir Singh who had investigated the case on behalf of CBI/SPE and has been

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civil Judge Mohd. Ali Khan  
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Enquiry Report in the DAR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow:

examined as a Court Witness. Apart from the fact that the evidence of an I.O. is just a formality, it would not be out of place to point out that Shri Yadhvir Singh was not examined at behest of the prosecution but to enable the defendant an opportunity to cross-examine the witness otherwise the evidence of the I.O. is but a sheer endorsement of his report. Nor there is any ban on the Enquiry Officer to examine any witness as such. Above all the evidence of the I.O. has little impact on the merits of the case.

(III) 'The Fact Finding Enquiry Committee examined the witnesses in the absence of the defendant and he was as such deprived of his right to cross-examine those witnesses.'

It is a matter of common prudence that until and unless he has been held responsible for the alleged gross irregularities, the right of cross-examination of the witnesses did not accrue to him. A Fact Finding Enquiry is held to find out the fact and is not an opportunity for the delinquent employee to defend himself. A fact finding enquiry is a sort of a formal investigation. Witnesses are examined ex-parte and ex-parte report is given. The main purpose of his inquiry is to apprise the Competent Authority whether the employee should be charge sheeted or not.

(IV) 'The Chief Enquiry Officer has relied upon the Documents and Prosecution Witness, the copies of which were not not supplied to the defendant.'

It is an absolutely false deduction and is blatantly belied by the very documents themselves as well as his replies to the various questions in the course of his examination. He has been

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Civil Jt. Magistrate Lucknow  
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supplied copies of all the statements of the witnesses under his clear signatures. To quote him: "I was given every facility and all opportunities to cross-examine Shri Yadhubir Singh. I was given every opportunity and all facilities similarly to cross-examine the other prosecution witnesses examined in the course of the DAR Enquiry. It is correct that I have been supplied copies of all the relied upon documents but I was not given a copy of the report of the Fact Finding Enquiry Committee and the report of the SPE. However, I have gone through the report of the Fact Finding Enquiry Committee including the statements recorded by that committee and taken extracts therefrom. I admit that all the documents except SPE's report have been shown to me and there is no document left which I had asked for and has not been shown to me."

(V) 'That no Board of Enquiry or the Enquiry Officer was validly constituted and neither the appointment of Enquiry Officer was ever communicated to him.'

This office is not aware whether his acknowledgement had been obtained or for the letter regarding the nomination of the Enquiry Officer but the very fact that he has been spared by his immediate superior viz. Loco Foreman to attend the D.A.R. Enquiry every now and then and has been informed of his in writing by him ever since this case started, his plea falls flat and loses all its force. Nor Shri Roop Chand raised any objection to this effect till the enquiry had been finalised. He himself in course of his examination accepted "I admit that I did not raise any objection regarding this aspect viz. non

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supply of a letter nominating the Enquiry Officer so far."

- (VI) 'The defendant never gave any confessional statement voluntarily before the Enquiry Officer and, if any such confessional statement exists, it has been recorded under undue pressure and coercion.'

Shri Roop Chand is evidently referring to the confessional statement made by him in the course of the Fact Finding Enquiry conducted by the A.D.A.O. and A.P.O./LKO before this case was registered and taken up by the CBI/SPE. The relevant portion of his deposition is reproduced below:-

"Q.6 Did you ever help Sh. R.K. Sinha, Accounts Clerk in checking and passing the bills?

Ans. I did not help him in the office but he is residing near my quarter. I used to visit his house for taking milk and I helped him in checking and passing bills of overtime which he used to bring to his house.

Q.7 Did you ever make any additions and alterations, corrections in the bill on his advice?

Ans. I used to make additions, alterations, corrections as told to me and dictated to me by him (Shri R.K. Sinha).

Q.8 Can you say since when you have been making corrections, additions and alterations etc. at his residence?

Ans. As far as I remember I have been doing these corrections alterations and additions in his house since about six or seven months.

Q.9 What were the compelling circumstances which made you to do this work of making additions, alterations and corrections in the official records?

Ans. Once my bill of Rs. 39/- pertaining to overtime of January or February, 1966 was not being passed. I contacted Shri J.P. Srivastava.

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Civil Judge Malabar Road of 1972  
P.S. No. 1  
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Accounts and the other from the Personnel Branch of D.S. Office, Lucknow. There was hardly any sense on the part of these Officers to coerce Shri Roop Chand to confess something.

Nevertheless whether this confession on his part is accredited with any significance or not it hardly affects the merits of the case. ~~His~~ His confession has little impact on the findings.

23. The accusations against him are by and large based on various documents which bear his signatures and he has nowhere denied the same. It is in fact as a result of an analytical analysis of the receipts of the overtime allowance, the dates of payment, amounts involved and the basis on which these bills had been prepared and subsequently altered that a presumption has been raised that Shri Roop Chand received excess payments of overtime allowance knowingly in collusion with other staff. A presumption of fact is a rule of law that a fact otherwise doubtful may be inferred from a fact which stands proved.

C O N C L U S I O N

The charge is proved.

  
(Kapur Singh)  
Enquiry Officer.

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civil judge Mahabub of Lucknow  
of 1972  
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No. VI/3/SPR/63/LCS.

Statement of charges framed against Shri Roop Chand, 2nd Fireman, Loco Shed, Lucknow.

" That the said Shri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of over time claims amounting to Rs. 169.54, Rs. 461.40, Rs. 283.91, Rs. 428.09, Rs. 388.68, Rs. 400.00, Rs. 361.82, Rs. 391.14, Rs. 228.95, Rs. 227.05, Rs. 429.73 and Rs. 501.12 by causing alterations in bills A.B.No. 64 EOT/4 dated 12.4.67, AB No. 49 EOT/5 dated 3.5.67, AB No. 79 EOT/5 dated 16.5.67, AB No. 80 EOT/5 dated 16.5.67, AB No. 46/EOT/6 dated 7.6.67, AB No. 54 EOT/6 dated 7.6.67, AB No. 73/EOT/5 dated 16.5.67, AB No. 217 EOT/5 dated 31.5.67, AB No. 40 EOT/5 dated 6.5.67, AB No. 72 EOT/7 dated 12.7.67, AB No. 133 EOT/4 dated 13.4.67 and AB No. 127 EOT/3 dt. 21.3.67, respectively in collusion with the Railway Staff while he was not actually entitled to receive the said amounts and he <sup>thereby</sup> thus contravened Rule No. 3 of Railway Servants Conduct Rules, 1966."

In the Court of Shri Haveli  
Shri Jagdeep Mohan of Lucknow  
of 1972  
Roop Chand vs Union of India



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No. VI 2/3/SPE/63/LCS.

Statement of allegations on the basis of which charges are framed against Shri Roop Chand, 2nd Fireman, Lucknow.

" Shri Roop Chand was working as Fireman II in Loco Shed, N. Railway, Lucknow, during the year 1965 to 1967. He knowingly received excess payments of overtime claims amounting to Rs. 169.54, Rs. 461.40, Rs. 283.91, Rs. 428.09, Rs. 388.68, Rs. 400.00, Rs. 361.82, Rs. 391.14, Rs. 228.95, Rs. 227.05, Rs. 429.73, Rs. 501.12, by causing alterations in bills AB No. 64 EOT/4 dated 12.4.67, AB No. 49 EOT/5 dated 8.5.67, AB No. 79 EOT/5 dated 16.5.67, AB No. 80 EOT/5 dated 16.5.67, AB No. 45 EOT/6 dated 7.6.67, AB No. 54 EOT/6 dated 7.6.67, AB No. 78 EOT/5 dated 16.5.67, AB No. 217 EOT/5 dated 31.5.67, AB No. 40 EOT/5 dated 6.5.67, AB No. 72 EOT/7 dated 12.7.67, AB No. 133 EOT/4 dated 12.4.67 and AB No. 127 EOT/8 dated 21.8.67 in collusion with the Railway staff for the periods 1.3.67 to 31.3.67, 12.4.67 to 24.4.67, 6.12.67 to 19.12.67, 14.2. to 12.3.67, 13.7.65 to 14.3.65, 1.5. to 15.5.67, 3.1.65 to 16.1.65, 23.5.65 to 19.6.65, 1.3 to 15.3.67, 1.6. to 15.6.67, 5.12. to 1.1.66 and 1.7 to 15.7.67 respectively.

Actually he was entitled to over time claims for nil hours, 10 hrs, nil hrs, nil hrs, nil hrs, , 20 hrs, nil hrs, nil hrs, nil hrs, nil hrs, nil hrs and 9 hrs, but he received payment for 333 hrs, 560 hrs, 319 hrs, 431 hrs, 474 hrs, 442 hrs, 453 hrs, 477 hrs, 241 hrs, 239 hrs, 465 hrs, and 531 hrs. respectively in respect of the aforesaid period.

He has thereby contravened Rule No. 3 of Railway Servants Conduct Rules, 1966."



In the Court of ~~Chief Judge~~ <sup>Magistrate</sup> of Lucknow  
civil Judge Magistrate of 1972  
Roopchand vs Union of India

NORTHERN RAILWAY  
Divisional Supdt.'s Office  
Lucknow

No: Vtg/3/SPE/68/LCS  
Dated: November 10, 1971.

MEMORANDUM

1. Shri Roop Chand, II Fireman, Running Shed, Northern Railway, Lucknow, is informed that the Officer appointed to enquire into the charges against him has submitted his report. A copy of the report of the Enquiry Officer is enclosed.

2. On careful consideration of the enquiry report aforesaid, the undersigned agrees with the findings of the Enquiry Officer and holds that the article of charge is proved. A copy of the findings as recorded by the Disciplinary authority is enclosed as Annexure 'A'. The undersigned has, therefore, provisionally come to the conclusion that Shri Roop Chand, II Fireman is not a fit person to be retained in service and so the undersigned proposes to impose on him the penalty of removal from service.

3. Shri Roop Chand is given an opportunity of making a representation against the penalty proposed but only on the basis of evidence adduced during the enquiry. Any representation which he wish to make on the penalty proposed will be considered by the undersigned. Such representation, if any, should be made in writing and submitted so as to reach the undersigned not later than 15 days from the date of receipt of this Memorandum by Shri Roop Chand.

4. Receipt of the Memorandum should be acknowledged.

( J.W. Guha )  
Divl. Personnel Officer,  
Northern Railway, Lucknow.

DA :- Copy of report of  
Inquiry Officer in 35 Pages.

Findings of the  
Disciplinary authority  
Annexure 'A' (One page)

To

Shri Roop Chand,  
II Fireman,  
Through - Locd Foreman,  
Northern Railway, Lucknow.

3  
Annexure C To 6

X/8

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civil judge Malihabad Lucknow  
of 1972  
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Viz/3/PT/33/CCS.

List of witnesses examined during the course of DAR Enquiry  
against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow.

Prosecution witnesses.

1. Shri Dev Raj, APO, Northern Railway, D3 Office, Lucknow.
2. Shri B.M. Joshi, DPI, Baroda House, New Delhi.
- 2(a). Shri S.K. Chatterji, Sr. Pay Clerk under DCPM, Lucknow.
3. Shri Shiv Charan Lal Clerk under LF, Lucknow.
4. Shri Partap Singh, Clerk. Loco, Lucknow.
5. Shri H.L. Karamchandani, APO, Moradabad.
6. Shri S.K. Gupta, AEQD now Asstt. Director Documents, Central Forensic Science Laboratory, New Delhi.

Court witnesses.

1. Shri Yadhvir Singh Retired Inspector, CBI, SPE, LKO.

Defense.

Defendant.

Shri Roop Chand, 2nd Fireman, Loco, Lucknow.

In the Court of ~~Magistrate~~  
Civil Judge, Muzaffarnagar  
Rs no 1972  
Roop Chand vs Union of India



NORTHERN RAILWAY  
Divisional Supdt.'s Office  
Lucknow

No: Vug/3/SPE/68/LCS  
Dated: November 10, 1971.

MEMORANDUM

1. Shri Roop Chand, II Fireman, Running Shed, Northern Railway, Lucknow, is informed that the Officer appointed to enquire into the charges against him has submitted his report. A copy of the report of the Enquiry Officer is enclosed.

2. On careful consideration of the enquiry report aforesaid, the undersigned agrees with the findings of the Enquiry Officer and holds that the article of charge is proved. A copy of the findings as recorded by the Disciplinary authority is enclosed as Annexure 'A'. The undersigned has, therefore, provisionally come to the conclusion that Shri Roop Chand, II Fireman is not a fit person to be retained in service and so the undersigned proposes to impose on him the penalty of removal from service.

3. Shri Roop Chand is given an opportunity of making a representation against the penalty proposed but only on the basis of evidence adduced during the enquiry. Any representation which he wish to make on the penalty proposed will be considered by the undersigned. Such representation, if any, should be made in writing and submitted so as to reach the undersigned not later than 15 days from the date of receipt of this Memorandum by Shri Roop Chand.

4. Receipt of the Memorandum should be acknowledged.

( J.N. Guha )

Divl. Personnel Officer,  
Northern Railway, Lucknow.

DA :- Copy of report of  
Inquiry Officer in 35 Pages.

Findings of the  
Disciplinary authority  
Annexure 'A' (One page)

To

Shri Roop Chand,  
II Fireman,  
Through - Local Foreman,  
Northern Railway, Lucknow.

Ameywre C

X/8

2

Handwritten notes in left margin:  
civil judge Malihabad of 1972  
Roopchand vs Union of India  
6/10/71

Annexure D.

(4)

20/26/3

To

The Divisional Superintendent,  
Northern Railway, Hazratganj,  
LUCKNOW.

Subject: Disciplinary proceedings against Sri Roop  
Chand, II Fireman, Running Shed, Northern  
Railway, Lucknow.

Reference: SHOW CAUSE NOTICE.

Sir,

With reference to your office Memorandum No. Vig/3/  
SPE/LCS dated November 10, 1971, I have to submit my  
representation as under :-

- (A) That the findings of the Enquiry Officer are bad in law as well as facts on the following grounds:
- (i) That the statement of P.W.1. (Sri Deo Raj A.P.O.) itself discloses that there were no erasers, additions, alteration or over-writing at the time the bill was signed by me. Hence it cannot be held otherwise contrary to the evidence recorded by the Enquiry Officer.
- (ii) That the above fact is further corroborated by the statement of P.W.6 Sri B.L. Gupta, Assistant Director Documents which also nowhere mentions that additions and alterations are made by me.
- (iii) That P.W.5 Sri B.L. Karamchandani A.P.O. Lucknow also confirms this fact that there were no additions or corrections in these bills when he signed them.
- (iv) That even C.W.I. Sri Radhubir Singh Inspector CBI/SPE mentions that no direct evidence is forthcoming to prove that I have made these additions and alterations in the paid bills.
- (v) That even the documentary evidence (Page 12)

In the Court of Enquiry Hazratganj  
Sri Judge Mahabharat Singh  
R.S. no. of 1972  
Roop Chand vs Union of India

That in the circumstances narrated above and from the evidence on record, oral as well as documentary, it cannot be held that I am responsible for making any additions and alterations on these bills.

(1) That as regards the findings of the Enquiry Officer that I knowingly received Excessive payments, it is submitted that when it is established fact that no bill containing excessive payments were prepared by me, no question of its drawal in excess arises.

3

via the Court - of ~~Washington~~ Hancock  
civil Judge Malibonhead had known  
~~Ris no~~ of 1972

Roochard vs Union of India  
to Justice

24/6/32  
 [Signature]

- (C) (1) That the Admn. referred the matter to the Special Police Establishment Lucknow for investigation and trial, but the S.P.E. made out no Prima facie case against me and on the basis of the same charge, I am being tried departmentally and thus no proceedings can be initiated twice, which is against the Discipline and Appeal Rules and also against the principles of natural justice. Further more I was reinstated in service on the basis of the S.P.E. Investigation report.
- (D) That no Board of Enquiry was validly constituted as provided under the Rules and neither its appointment was ever communicated to me and as such, the findings of the Enquiry Officer are bad in law.
- (E) That Board of Enquiry disbelieved my defence without any cogent reasons.
- (F) That I was deprived of a reasonable opportunity of being heard and to defend by producing evidence in rebuttal against the statements recorded by the Enquiry Officer behind my back, which is against the principles of natural justice.
- (G) That charges framed against me are wrong, hence malafide, and the findings of the Enquiry Officer are perverse, malafide and not based on the evidence on record.
- (H) That even I was not supplied with copies of certain documents despite repeated demands and those documents have been read in evidence against me by the E. which is against the principles of natural justice.
- (I) That the findings of the Board of Enquiry are

In the Court of Justice of Lucknow  
 civil judge Malihabad of 1972  
 Reop chand vs Union of India

based merely on presumption (page 25 of the Enquiry Report). Hence the proving of the charge on the basis of the presumption is bad in law.

- (J) That I may be afforded a chance of personal hearing before the proposed penalty is confirmed by the appointing authority.
- (K) That in view of the circumstances narrated above even the proposed removal penalty is excessive and beyond the ends of justice.

I am, therefore, to request your kind honour to withdraw the show-cause notice dated November 10, 1971, and I be allowed an opportunity to defend myself properly and reconsider my case after personal hearing.

Yours faithfully,

*Roop Chand*

Dated, Lucknow:

February 3, 1972.

( ROOP CHAND )  
IInd Fireman,  
through Loco Foreman, N.Rly.  
Lucknow.

for the Court - of Enquiry Haveli  
is recommended by me  
of 1972  
Roop Chand is through Lucknow

~~Private~~  
Registered Acknowledgement Due.

(5)

29/6/38

From:

Sri D.B. Lulla,  
Advocate, Yadav Bhawan, Arya Nagar,  
LUCKNOW.

A  
TUD

To

The General Manager,  
Northern Railway, Baroda House,  
NEW DELHI.

52.98  
9

Notice under Section 80 C.P.C. on behalf of Sri  
Roop Chand, II Fireman, Running Shed, Northern Railway  
Lucknow.

Dear Sir,

Under instructions of my client Sri Roop Chand, II Fireman, Running Shed, Northern Railway, Lucknow, resident of House No. Fg Block No. 1/60, Railway Colony, Behind Alambagh, Gurdwara, Lucknow, I have to serve you with the notice as under :-

1. That my client was appointed as a Cleaner in the grade of Rs.75-1-80 by the Divisional Superintendent, Northern Railway, Lucknow.
2. That my client was promoted as a II Fireman in the grade of Rs.85-95 by ~~said~~ the said appointing authority, i.e. Divisional Superintendent, Northern Railway, Lucknow.
3. That my client since his appointment was executing the duties enjoined upon him upto the entire satisfaction of his superiors.
4. That my client till today working as a II Fireman, in the Running Shed, Northern Railway, Lucknow under your administrative control since his appointment.
5. That my client was put under suspension on 5th October 1967 by the Assistant Personnel Officer, Office of the

In the Court of ~~President~~ ~~Havelin~~  
Civil Judge-Mainpuri Lucknow  
1972  
Roopchand vs Union of India &  
Another

Divisional Superintendent, N.Rly., Lucknow, vide order No. EB/S/Suspension, dated 5.1.1967.

6. That my client was served with a charge sheet by the A.P.O., N.Railway, Lucknow, stating that while working as a Fireman II in Lucknow N.Rly during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of certain claims amounting to Rs.                      in collusion with the Railway staff while he was not actually entitled to receive the said amounts and thereby contravened Rule No. 3 of Railway Services Conduct Rules 1966.
7. That my client submitted reply to the above charges denying all the allegations and charges found against him.
8. That in the meanwhile the Railway Administration referred the matter to the Special Police Establishment Lucknow to investigate and launch the prosecution of my client on the basis of the charge sheet framed against him.
9. That the Special Police Establishment submitted to the Railway administration that no prima facie case appears to have been made out against my client.
10. That the Railway authorities also sent the over-time bills in dispute containing additions and alterations to the Government handwriting expert at Calcutta and the expert has submitted its report that the additions and alterations in the overtime bills do not resemble the handwriting of my client.
11. That even then a Board of Enquiry was appointed by the said A.P.O. to enquire into the charge framed against my client.

*in the Court of  
Civil Judge Mahabud  
of 1972  
Roopchand vs Director of Lucknow*



- in the Court of ~~James of~~ Massachusetts  
 civil Judge Mahalanand Unknown  
U.S. No of 1872  
Roop Chand US Union of India.

21. That prosecution witnesses were examined behind the back of my client and he was not afforded an opportunity to cross-examine them and as such the defence of my client has been highly prejudiced.
22. That the report of the Government Handwriting Expert Calcutta never disclosed anywhere that my client made any additions and alterations in the overtime bills, and even then that report has been read in evidence against my client.
23. That my client was even not supplied with copies of certain documents despite his requests and those documents have been relied upon by the Board of Enquiry.
24. That after investigation of the matter by the S.P.E., Lucknow my client was reinstated and put to duty, but he has not been paid full pay and allowances from the date of suspension to the date of reinstatement.
25. That from the findings itself there is no iota of evidence against my client, by which it can be inferred that the charge against him stands proved.
26. That the findings by the Board of Enquiry are only based on a presumption. But, in fact, no presumption can be drawn and nor a presumption of a fact can be a presumption of law.
27. That the findings of the Enquiry Officer are not only vindictive apart from being mala fide, but clearly raises a inference that the E.O. was highly biased against my client.
28. That no cogent reasons have been given by the E.O. for disbelieving the defence of my client.

for the Court of Enquiry to be held in  
civil Judge's Court at Lucknow  
F.S. no 1222 of 1928  
Roop Chand vs Union of India

2. 6/12/72  
cdh/JP  
1/12

29. That in view of the facts narrated above, the entire departmental proceedings initiated against my client are illegal, mala fide and against the principles of natural justice and the findings are not based on the evidence on record.

The information required by the Government under Section 80 C.P.C. is given below:

(A) Name of the plaintiff

Sri Roop Chand, II Fireman, Running Shed, Northern Railway, Lucknow, resident of House No. F. Block No. 1/60, Railway Colony, Alambagh Gurdwara, Lucknow.

(B) Cause of Action

The cause of action accrued to the plaintiff, when he was put under suspension, and subsequently thereafter on each day and lastly on 29th Nov. 1971 when the show cause notice was received by him.

(C) Reliefs claimed:

The plaintiff prays for the following reliefs:-

- (i) That the show cause notice dated Vig/3/SPE/68/LCS dated November 10, 1971 be withdrawn and the entire departmental proceedings be quashed.
- (ii) That the plaintiff be not removed from service on the basis of the above departmental proceedings and show cause notice.
- (iii) That the plaintiff be paid full pay and allowances for the period from the date of suspension to the date of reinstatement as stated above.
- (iv) That any other relief that may be deemed fit in the circumstances of the case.

In the Court of Hon'ble Judge Mahabir Prasad, Lucknow  
of 1972  
Roop Chand vs Union of India



Annexure F

In the Court of

Civil Judge Mohi  
Haveli  
Lucknow

6

14/1

CH-99

Roopchand

Plaintiff

vs

Union of India & Others

Defendants

Haveli  
ge Mohi had known  
105 no  
Roopchand vs Union of India

प्राप्ति-स्वीकृति (रसीद) ACKNOWLEDGMENT

\*एक रजिस्ट्री/पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ  
\*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम } General Manager  
Addressed to (name) } Northern Railway  
Baroda House, New Delhi

बीमे का मूल्य (रुपयों में) }  
Insured for Rupees. }

वितरण की तारीख } 196  
Date of delivery }

पाने वाले के हस्ताक्षर } Signature of addressee.

\*अनावश्यक को काट दिया जाए \*Score out the matter not required

बिमा वस्तुओं के लिए } For insured articles only.

20 DEC 1971

Dated 18th March 1972 Plaintiff Adv:  
Lucknow

Annexure G

(7)

29 ✓

The Divisional Superintendent,  
Northern Railway,  
L\_U\_C\_K\_N\_O\_W

A/150

422

Through Loco Foreman, Northern Railway, Lucknow.

Subject: Departmental enquiry against Sri Rup Chand, Fireman II,  
Loco Shed, Northern Railway, Lucknow.

Ref: Memo No. Vig/3/SPE/68/LCS, dated 13/2/1969.

Sir,

The applicant states as under:-

1. That the applicant has been served with a charge sheet with the Memorandum referred to above.
2. That before the applicant submits written statement of defence against the charges framed, the applicant wants to inspect and take extracts of the following official records:-

- (a) Statements of witnesses including the applicant as mentioned in Annexure IV and III of the charge sheet.
- (b) Opinion of CEQD Calcutta dated 11/9/69.
- (c) O.T. Bills as mentioned in Annexure III.
- (d) Basis of the suspension and contemplation of the departmental proceedings against the applicant.

3. That the above documents and statements are very relevant for the applicant to submit written statement of defence.

The applicant, therefore, request that he may be allowed access to the entire record, relating to the enquiry against the applicant and to take extracts of the above documents in the interests of justice.

Yours faithfully,

*Rup Chand*

(RUP CHAND)  
Fireman II under  
Suspension Loco Shed,  
Northern Railway,  
L\_U\_C\_K\_N\_O\_W

Dated 16.3.1969.  
Rup Chand  
Block No. I-60F,  
Behind Alambagh Gurdvara,  
Railway Colony,  
L\_U\_C\_K\_N\_O\_W

the Court of Directors  
Rup Chand was under suspension  
at 1922

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

न्यायालय ..... आदेश १३, नियम ९ ..... जिला

बाद संख्या ..... २५ ..... सन १९८१ ई०

..... Root Chand ..... वादी

वनाम

..... Union of India ..... प्रतिवादी

14.0.2.14 ..... वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को ..... ने आज सन १९८० ई० के ..... के ..... दिवस को पेश किया।

१	२	३			४
क्र०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो	कागज क्या हुआ			टिप्पणी
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया।	यदि नामजद हुआ तो पत्र कार को लौटाये जाने की तारीख और पत्रकार या उसके अभिवक्ता के हस्ता. जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख	
(1)	" True Copy of Memorandum No. 13-2-69. No Vig. 3/SPB/68/LCS				
(2)	" " ANNEXURE - I				
(3)	" " " - II				
(4)	" " " - III				
(5)	" " " - IV				
(6)	" " Memorandum No Vig. 3/SPB/68/LCS No 10. Nov 1971				
(7)	" " ANNEXURE - A				
(8)	" " Letter No Vig. 3/SPB/68/LCS No 10. March - 1972				
(9)	" " ANNEXURE - A				

न्यायालय का नाम—  
वाद संख्या—  
पत्रकारों का नाम—

सूची पेश करनेवाले पत्रकार या अभिवक्ता के हस्ताक्षर

# STANDARD FORM OF CHARGESHEET

Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968

Standard Form No. 5

OS Office

(Name of Railway Administration)

(Place of issue)

Lucknow

13.2.69

Genl. 188

## MEMORANDUM

Roop Chand 2nd Fireman

The President/Railway Board/Undersigned propose(s) to hold an inquiry against Shri. Roop Chand under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri. Roop Chand is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within five days of receipt of this memorandum. If he desires to be given access to any other documents which are in the possession of railway administration but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned/General Manager. Railway within ten days of the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The disciplinary authority may refuse permission to inspect all or any such documents as are, in its opinion, not relevant to the case or it would be against the public interest or security of the State to allow access there to. He should complete inspection of addition of documents within five days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.

3. Shri. Roop Chand is informed that request for access to documents made at later stages of the inquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstance shown clearly that the request could not have been made at an earlier stage. No request for access to additional documents will be entertained after the completion of the inquiry unless sufficient cause is shown for not making the request before the completion of the inquiry.

4. Shri. Roop Chand is further informed that he may, if he so desires, take the assistance of any other railway servant/an official of a Railway Trade Union (who satisfies the requirements of Rule 9 (9) of the Railway Servants (Discipline and Appeal) Rules, 1968 and Note 1 and/or Note 2 thereunder as the case may be for inspecting the documents and assisting him in presenting his case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assisting railway servant(s) or Rly. servant (s) or Railway Trade Union Official (s), Shri. should obtain an undertaking from the nominee(s) that he (they) is/are willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case (s), if any, in which the nominee (s) had already undertaken to assist and the undertaking should be furnished to the undersigned/General Manager. Railway alongwith the nomination.

5. Shri. Roop Chand is hereby directed to submit to the undersigned (through General Manager. Railway his immediate superior) a written statement of his defence (which should reach the said General Manager/his immediate superior) within ten days of receipt of this memorandum, if he does not require to inspect any documents for the preparation of his defence and within ten days after completion of inspection of document if the desires to inspect documents, and aslo.

(a) to state whether he wishes to be heard in person; and

(b) to furnish the names and addresses of the witnesses, if any whom he wishes to call in support of his defence; and

\*\* (c) to furnish a list of documents, if any, which he wishes to produce in support of his defence.

6. Shri. Roop Chand is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

7. Shri. Roop Chand is further informed that if he does not submit his written statement of defence within the period specified in para 5 or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry ex-parte.

8. The attention of Shri. Roop Chand is invited to Rule 20 of the Railway Services (Conduct) Rules 1968, under which no railway servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri. Roop Chand is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Services (Conduct) Rules, 1966.

9. The receipt of this Memorandum may be acknowledged.

\*By order and in the name of the President.

Encis.

To

Shri. Roop Chand

2nd Fireman, (designation)

Loco Foreman, N. Rly/LKO (Place etc.)

@Copy to Shri

Signature

Name and designation of competent authority.

Sd/- S.S.R. Yadav

Asst. Person

Officer/N.R.

Lucknow

Chandulal

महल रेलवे प्रबन्धक

महल रेलवे, लखनऊ

(Name and designation of the lending authority) for information.

† This time limit may be extended upto ten days at the discretion of the competent authority. Strike out whichever is not applicable.

‡ To be retained wherever President or the Railway Board is the competent authority.

§ To be used wherever applicable—See Rule 16 (1) of the Railway Servants (Discipline & Appeal) Rules, 1968.

\*\* Submission of such list at this stage need not be insisted upon if the employee does not comply with this rule.

N. 2. - 2069/17 - April, 1980 - 25,000 F.

Not to be in.



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8/13

ANNEXURE I.

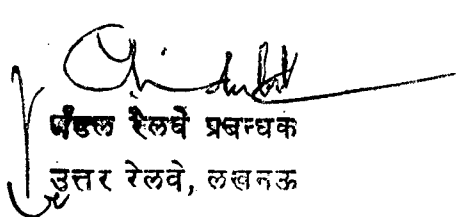
Statement of article of charge against  
Shri Roop Chand, 2nd Fireman, Lucknow.

.....

That the said Shri Roop Chand, while working and as a fireman II in Loco Shed, N. Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of overtime claims amounting to Rs. 169.54, Rs. 416.04, Rs. 108.59 Rs. 249.75, Rs. 202.54, Rs. 400.00, Rs. ~~286.14~~, and Rs. 202.54, Rs. 197.60, Rs. 209.95, Rs. 286.14, and Rs. 500.02 by causing alteration in bills A.B. No. 64 E.O. T/4 dt. 12.4.67, A.B.No. 49 E.O.T/5 dt. 8.5.67, A.B.No.79 E.O.T/5 dt. 16.5.67, A.B.No.80 E.O.T/5 dt. 16.5.67, A.B.No. 45 E.O.T/6 dt. 7.6.67, A.B.No. 54 E.O.T./6 dt. 7.6.67, A.B.No.78 E.O.T./5 dt.16.5.67, A.B.No. 217 E.O.T./5 dt. 31.5.67, A.B.No.40 E.O.T./5 dt.6.5.67, A.B.No.72 E.O.T./7 dt. 12.7.67, A.B.No. 133 E.O.T./4 dt. 18.4.67, A.B.No. 127 E.O.T./8 dt. 21.3.67 respectively in collusion with the Rly.staff while he was not actually entitled to receive the said amounts and he thereby contravened Rule No. 3 of Rly. Services Conduct Rules 1966.

Attested

sd/-  
( S.S R.Yadav )  
Asstt. Personnel Officer,  
N.Rly, Lucknow.

  
पंडित रेलवे प्रबन्धक  
उत्तर रेलवे, लखनऊ

B. Sharma  
2005

(3) 44  
J

ANNEXURE-II.

Statement of imputation of misconduct against  
Shri Roop Chand, Gaireman II, Lucknow.

....

Shri Roop Chand was working as Fireman II in Loco Shed, N.Rly., Lucknow, during the year 1965 to 1967.

He knowingly received excess payments of overtime claims amounting to Rs.169.54, Rs.416.04, Rs.198.59, Rs.249.75, Rs.202.54, Rs.400.00, Rs. 300.20, Rs.202.54, Rs.197.60, Rs.209.95, Rs.286.14, Rs.500.02, by causing alterations in bills A.B. No. 64 E.O.T./4 dt. 12.4.67, A.B.No.49 E.O.T./5 dt.8.5.67, A.B.No. 79 E.O.T./5 dt. 16.5.67, A.B.No. 80 E.O.T./5 dt.16.5.67, A.B.N. 45 E.O.T./6 dt. 7.6.67, A.B.N. 54 E.O.T./~~5~~ 6 dt. 7.6.67, A.B.No. 78 E.O.T./5 dt. 16.5.67, A.B.No.217 E.O.T./5 dt. 31.5.67, A.B.No.40 E.O.T./5 dt. 6.5.67, A.B.No.72 E.O.T./7 dt. 12.7.67, A.B.No.133 E.O.T./4 dt.18.4.67 and A.B.No.127 E.O.T./8 dt. 21.8.67 in collusion with the Railway staff for the periods 1.3.67 to 31.3.67, 12.4.67 to 24.4.67, 6.12.67 to 19.12.67, 14.2.to 13.3.67, 18.7.65 to 14.8.65, 1.5.to 15.5.67, 3.1.65to 16.1.65, 23.5.65 to 19.6.65, 1.3 to 15.3.67, 1.5to 15.6.67, 5.12 to 1.1.66 and 1.7 to 15.7. respectively.

Actually he was entitled to overtime claims for 151 hrs. 73 hrs., 108 hrs., 241 hrs., 227 hrs., 20 hrs., 78 hrs., 230 hrs. 33 hrs., 18 hrs., 173.hrs., and 10 hrs., but he received payment for 383 hrs., 487hrs., 319 hrs., 481hrs., 474 hrs., 442 hrs., 458.hrs., 477 hrs., 241 hrs., 239 hrs., 465 hrs., and 531 hrs. respectively in respect of the aforesaid period.

He has thereby contravened rule No.3 of Railway Service Conduct Rules 1966.

Attested

नेहरू रेलवे प्रबन्धक

उत्तर रेलवे, लखनऊ

Asstt. S.S.R.V.

(4) 2/2  
A/S

ANNEXURE III.

1. O.T. Bill bearing A.B. No. 64 dt. 12.4.67 its office copy & Adj. 4

-do-	79 dt. 16.5.67	-do-
-do-	80 dt. 16.5.67	-do-
-do-	78 dt. 16.5.67	-do-
-do-	45 dt. 7.6.67	-do-
-do-	54 dt. 7.6.67	-do-
-do-	217 dt. 31.5.67	-do-
-do-	49 dt. 8.5.67	-do-
-do-	127 dt. 21.8.67	-do-
-do-	72 dt. 12.7.67 alongwith Adj. 4	
-do-	40 dt. 6.5.67	
-do-	133 dt. 18.4.67	

in respect of Shri Room Chand II Fireman.

2. General 164 for running staff for the year 1964-67.
3. CO6 Register for the month of January 1967 to August 1967.
4. Opinion of the G.E. D- Calcutta No. DXC 174/68 dt. 11.9.68.
5. Specimen Signature of Shri Room Chand taken on blank sheets.
6. Statement of Shri Room Chand given before the Enquiry Committee composed of Shri M.G. Awasthi, A.D. & O, Northern Railway, Lucknow and Shri Dev Raj, A.P.O. (II) D.S. Office N. Railway, Lucknow.

Sd/-  
( S.S.R. YADAV )  
Asstt. Personnel Officer,  
Northern Railway,  
Lucknow.

Attested

Chand II  
मंडल रेलवे प्रबन्धक 9/2/02  
मंडल रेलवे, लखनऊ

ANNEXURE IV

LIST OF WITNESSES

1. Shri B.L.Karamchandani, APO(II), N.Railway, Lucknow  
now as APO(II), Moradabad.
2. Shri Dev Raj, APO(II), OS Office, N.Railway, Lucknow.
3. Shri B.M.Joshi, Divl. Personnel Inspector, Adj. Section,  
D.S. Office, Lucknow Divl. Personnel Inspector, Delhi.
4. Shri S.W.Chatterje, Sr. Pay Clerk, Office of DCPM,  
N.Railway, Lucknow.
5. Shri D.S.Chatterje, Sr. Pay Clerk, Office of DCPM.,  
N.Railway, Lucknow.
6. Shri Pratap Singh, Clerk, Loco Shed, N.Railway, Alambagh,  
Lucknow.
7. Shri Sheo Charan Lal, Clerk, Loco Shed, Alambagh,  
Lucknow.
8. Shri S.K.Gupta, G.E.O.D. Sh.21 of E.O. Office File.

Sd/-

(S.S.R.Yadav),  
Asstt. Personnel Officer,  
Northern Railway  
Lucknow.

*Handwritten signature*  
पुँडल रेलवे प्रबन्धक 17/2/87  
उत्तर रेलवे, लखनऊ

(6)  
5142  
A/56

NORTHERN RAILWAY  
Divisional Supdt's Office  
Lucknow

No.: Vig/S/SPE/68/LCS  
Dated: November 10., 1971

MEMORANDUM

1. Shri Roop Chand, II Fireman, Running Shed, Northern Railway, Lucknow, is informed that the Officer appointed to enquire into the charge against him has submitted his report. A copy of the report of the Enquiry Officer is enclosed.

2. On careful consideration of the enquiry report aforesaid the undersigned agrees with the findings of the Enquiry Officer and holds that the article of charge is proved. A copy of the findings as recorded by the Disciplinary Authority is enclosed as Annexure 'A'. The undersigned has, therefore, provisionally come to the conclusion that Shri Roop Chand, II Fireman is not a fit person to be retained in service and so the undersigned proposes to impose on him the penalty of removal from service.

3. Shri Roop Chand is given an opportunity of making a representation against the penalty proposed but only on the basis of evidence adduced during the enquiry. Any representation which he may wish to make against the penalty proposed will be considered by the undersigned. Such representation, if any, should be made in writing and submitted so as to reach the undersigned not later than 15 days from the date of receipt.

4. Receipt of the Memorandum should be acknowledged.

Sd/-

(J.N. Guha)  
Divl. Personnel Officer,  
Northern Railway, Lucknow.

DA: Copy of report  
Enquiry Officer (in 35 pages)

Findings of the  
Disciplinary Authority  
Annexure 'A' (One Page)

To  
Shri Roop Chand  
II Fireman  
Through :- Loco Foreman,  
Northern Railway, Lucknow.

Attn: -

उत्तर रेलवे, लखनऊ

ANNEXURE 'A'

As regards para 5 of the Findings, the amounts have been verified. In case of Bill Ex.P-22, the overtime Register G-164 indicates that Shri Roop Chand, II Fireman worked overtime for 9-45" from 12.4.64 to 27.4.64. He has, therefore, been given credit for working 10 hours, the amount for which comes to Rs.7/20 paise. He actually received Rs.468/60 paise. After deducting an amount of Rs.7/20 paise, has correctly been shown on the charge sheet.

Similarly, in case of Bill Ex.P-23, the Overtime Register G-164 indicates that Shri Roop Chand, 2nd Fireman worked for 9-22" hours during the period from 1.4.67 to 15.4.67. He has, therefore, been given credit for working 9 hours, the amount for which comes to Rs.8/64 paise. He actually received Rs.509-76 paise. After deducting an amount of Rs.8/64 paise, the balance comes to Rs.501-12 paise. Thus this amount has correctly been shown on the charge Sheet.

After considering the case from all aspects, I hold Shri Roop Chand responsible for the charges framed against him as he failed to maintain absolute integrity and devotion to duty and committed the misconduct and hereby contravened Rule No.3 of Railway Services Conduct Rules 1966 and therefore, he should be served with a 'Show Cause Notice' for removal from service".

Sd: J.N.Guha  
D.P.O.  
22.10.71

*Handwritten signature*

*Handwritten signature*

बिड़ल रेलवे प्रबन्धक

उत्तर रेलवे, लखनऊ

NORTHERN RAILWAY

Divl. Supdt's Office  
Lucknow, Dated: March, 10, 1972.

No. Vig/3/SPE/68/Lcs

Sri Roop Chand,  
2nd Firman,  
N.Rly., Loco Shed,  
Lucknow.

Through: Loco Forman, Lucknow.

Ref: This Office show cause Notice No. Vig/3/SPE/68  
LCs dated 10.11.71 and your letter No. Nil dated  
16.12.71.

.....

With reference to your letter dated 16.12.71 in response to  
this office show cause Notice dated 10.11.71, you are hereby  
informed that the undersigned has passed the following orders:—

" Sri Roop Chandis adopting dilatory tactics. The  
period asked for to submit explanation to show cause  
Notice is over but no explanation given. Obviously he  
has none to give. He is held responsible for the charges  
as indicated in Annexure 'A' enclosed and removed from  
service."

You are therefore removed service with immediate effect.

Under Rule 18 of Railway Servants Discipline & Appeal Rules,  
1968, an appeal against these orders lies to the Divl. Supdt.  
Lucknow, provided:—

- i) The appeal is preferred within 45 days from the date  
on which you receive the orders and,
- ii) The appeal contains no disrespectful or improper  
language.

Please acknowledge receipt of this letter on the form  
Sub-joined.

Sd/-  
(J.N.Guha),  
Divl. Personnel Officer,  
Lucknow.  
DA/As above.

पंडित रेलवे प्रबन्धक  
उत्तर रेलवे, लखनऊ

Acknowledgement.

Received Removal Notice No. Vig/3/SPE/68/LCs dated.....3.72  
issued by D.P.O., N.Rly., Lucknow.

Dated: .....3.72.

Sig:  
Desig:-

contd...2

(9)  
5159

ANNEXURE 'A'

Charges against Sri Roop Chand, 2nd Fireman.

.....

That the said Sri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of over time claims amounting to Rs.169.54, Rs.461.40, Rs. 283.91, Rs.428.09, Rs.388.68, Rs.400.00, Rs.161.82, Rs.391.14, Rs.288.95, Rs.227.05, Rs.429.73, and Rs.501.12 by causing alteration in bills A.B.No.64 EOT/4 dated 12.4.67, AB No.49 EOT/5 dated 8.5.67, AB No.79 EOT/5 dated 16.3.67, AB No. 217 EOT/5 dated 31.5.67, AB No.40 EOT/5 dated 6.5.67, AB No. 72 EOT/7 dated 12.7.67, AB No.133 EOT/5 dated 18.4.67, and AB No.127 EOT/8 dated 21.8.67, respectively, in collusion with the Railway Staff while he was not actually entitled to receive the said amounts and hetherby contravened Rule 3 of Railway Servants Conduct Rules, 1966.

Sd/-

✓ A.B.No80 EOT/5 dated 16.5.67  
AB No45 EOT/6 dated 7.6.67  
AB No54 EOT/6 dated 7.6.67  
AB No.78 EOT/5 dated 16.5.67.

(J.N. Guha)  
Divl. Personnel Officer,  
Lucknow.

*Attest*

*J. Guha*  
मंडल रेलवे प्रबन्धक  
उत्तर रेलवे, लखनऊ



# वादी प्रतिवादी द्वारा किये गए दस्तावेजों की सूची

न्यायालय Me 9 आदेश १३, नियम ९  
 वाद संख्या 24/81 स्थान Maharaj जिला Meer  
 सन १९ 81 ई० 1981 Prep वादी  
Meer प्रतिवादी  
 वादी / प्रतिवादी की ओर से किये गये दस्तावेजों की सूची

## प्रथम सनवाई के समय

इस सूची को ————— में आज सन १९ 81 ई० के 1981 के दिवस को पेश किया गया।

१	२	३	४
क्र० स०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	टिप्पणी
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया। यदि नामजद हुआ तो पदाकार को लौटाये जाने की तारीख और पदाकार या उसके अभि- वक्ता के हस्ताक्षर जि- सको कागज लौटाया।	यदि वाद विनिश्चय के प- श्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अर्धीन लिफाफा में बन्द करने की तारीख
1	original Service Book of Plaintiff	1 Capt in Sealed Cover No 6/83 <u>87/83</u>	न्यायालय का नाम— वाद संख्या— पदाकारों का नाम—

सूची पेश करने वाले पदाकार या अभिवक्ता के हस्ताक्षर

16

IN THE COURT OF CIVIL JUDGE., MALIHABAD, LUCKNOW.

Roop Chand ..... Plaintiff.

versus

Union of India and others .... Defendants.

R.S.No. 24 of 1981

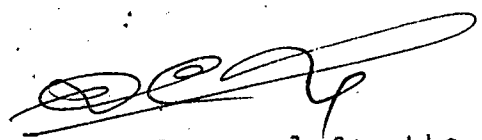
Fixed for 16.12.81

The plaintiff applicant above named begs to state  
as under :

1. That in the above noted case the applicant was permitted to file papers by 4th December, 1981 but ~~the~~ since the entire documents could not be availed the the same were not filed on the same date.
2. That now since the documents have been availed the same may be permitted to be filed .
3. That the documents sought to be filed are necessary for the disposal of the case.

It is therefore prayed that the delay in filing the documents may kindly be condoned.

Dated: Lucknow:  
December 10, 1981.

  
Coun-sel for the plaintiff.

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

162

न्यायालय Civil Judge स्थान Malihabad

जिला Lucknow

58

वाद संख्या R.S.No. 24/1981 सन १९ ई०

Roop Chand

वादी

बनाम

Union of India and others प्रतिवादी

Plaintiff. वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को ... Plaintiff ... ने आज सन १९.८१ ई० के ... के ... ० दिवस को पेश किया।

क्र०	सं०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	टिप्पणी
1.		Memorandum dated 13.2.69 No. Vilg/3/SPE/68/LCS from Divisional Super. Office Lucknow, to Roop Chand.		
2.		DAR Enquiry proceedings in case of Sri Roop Chand 2nd Fireman N.Rly. Lucknow dated 15.9.1970 (P.W.1) - Statement of Sri Dev Raj, A.P.O. N.Rly., D.S. Office Lucknow - in five pages		
3.		DAR Enquiry proceedings in case of Sri Roop Chand NDLS: dated 15.9.70 (order sheet) - in one page		
4.		DAR Enquiry against Sri Roop Chand Statement of B.M. Joshi, D.P.I./Baroda House, New Delhi dated 30.9.70 (PW-2) in two pages.		
5.		DAR Enquiry Proceedings against Sri Roop Chand		

Former Prof. of Law  
V.S.  
407  
18/11/71

न्यायालय का नाम—  
वाद संख्या—  
पक्षकारों का नाम—

(contd. on page 2)

98-12-27

सूची पेश करने वाले पक्षकार या अभिवक्ता के हस्ताक्षर

24/11/81

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

आदेश १३, नियम ९

न्यायालय Civil Judge

स्थान Malihabad

जिला Lucknow

वाद संख्या R.S.No. 24/1981 सन १९

ई०

Reop Chand

वादी

बनाम

Union of India and others.

प्रतिवादी

वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को ..... ने आज सन १९८६ ई० के ... १३ ... के ... १८ ... दिवस को पेश किया।

क्र० सं०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	टिप्पणी
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया।	यदि नामजद हुआ तो पत्र कार को लौटाये जाने की तारीख और पत्रकार या उसके अभिवक्ता के हस्ता. जिसको कागज लौटाया
		यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख	
	2nd Fireman, N.Ely.Lko. Statement of Dev Raj, APO (PW-1) dated 15.10.1970- in two pages.		
6.	DAR Enquiry proceedings against Reop Chand, 2nd Fire- man, Lucknow- Statement of Sri S.K. Chatterji, Sr. Pay Clerk under D.C.P.M. Lucknow dated 15.10.70 - in one page		
7.	DAR Enquiry proceedings against Sri Reop Chand- Statement of Sri Shiv Charan Lal, Clerk under L.F.Lko., dated 15.10.70 - in one page.		
8.	DAR Enquiry proceeding against Reop Chand Statement of Sri Partap Singh, Clerk, Loco Foreman Lucknow, dated 15.10.70- in two pages.		
9.	DAR Enquiry proceedings against Sri Reop Chand Statement of Sri B.L. Karamchandani, Asstt. Personnel	(contd. on page 3)	

सूची पेश करने वाले पत्रकार या अभिवक्ता के हस्ताक्षर

न्यायालय का नाम-  
वाद संख्या-  
पत्रकारों का नाम-

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

आदेश १३, नियम ९

न्यायालय Civil Judge

स्थान

Malihabad

जिला Lucknow

वाद संख्या R.S.No. 24/1981

सन १९

ई०

Roop Chand

वादी

बनाम

Union of India and others

प्रतिवादी

वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को ... ने आज सन १९... ई० के ... दिवस को पेश किया।

क्र० सं०	१	२	३	४
	दस्तावेज का अभि-वर्णन और उसकी तारीख यदि कोई हो।	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया।	यदि नामजद हुआ तो पत्र कार को लौटाये जाने की तारीख और पत्रकार या उसके अभिवक्ता के हस्ता- जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख
	Officer, N.Rly, Lucknow P.W.-5 dated 6.11.70 in two pages.			
10.	DAR Enquiry proceeding against Sri Roop Chand Statement of Sri S.K. Gupta, A.E.Q.D. now Asstt. Director Documents, Central Forensic Science Laboratory, New Delhi (PW-6) dated 24.11.70 -in one page.			
11.	DAR Enquiry proceedings against Roop Chand - Statement of Dev Raj P.W.1 dated 14.12.70 Cross Examination - in one page.			
12.	DAR Enquiry proceedings against Roop Chand - Statement of Yadhvir Singh, Retired Inspector, CBI SPE/Lucknow dated 17.12.70			

(contd. on page 4)

सूची पेश करने वाले पत्रकार या अभिवक्ता के हस्ताक्षर

99.82

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

आदेश १३, नियम ९  
न्यायालय Civil Judge स्थान Malihabad

जिला Lucknow

वाद संख्या R.S.No. 24 / 8 जन १९ ई०

.....Roop Chand

वादी

बनाम

Union of India and others.

प्रतिवादी

..... वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को .....ने आज सन १९.....ई० के.....के..... दिवस को पेश किया।

क्र०	दस्तावेज का अभि-वर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	दिप्पशि
सं०	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया।	यदि नामजद हुआ तो पत्र कार को लौटाये जाने की तारीख और पत्रकार या उसके अभिवक्ता के हस्ता. जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख
13.	DAR Enquiry proceeding against Roop Chand -Statement of Sri S.D. Chatterji, retired Pay Clerk, dated 17.12.70 in one page.		
14.	DAR Enquiry proceeding against Roop Chand Written Statement of Roop Chand, 2nd Fireman, N.Rly. Lucknow dated 8.2.1971 in four pages.		
15.	Enquiry Report in the D&AR against Roop Chand No. Vig/3/SpE/68-LCS from Sri Kapur Singh Enquiry Officer.		
16.	Annexure I- reg. statement of article of charge against Roop Chand.- in one page		
17.	Annexure II- reg. statement of imputation of misconduct against Roop Chand, from S.S.R. Yadav, Asstt. Personnel Officer, N.Rly. Lucknow.		

(contd. on page 5)

सूची पेश करने वाले पत्रकार या अभिवक्ता के हस्ताक्षर

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

न्यायालय Civil Judge आदेश १३, नियम १ स्थान Malihabad

जिला Lucknow

वाद संख्या R.S.No.24/81 सन १९ ई०

.....Roop Chand..... वादी

यनाम

Union of India and others.

.....प्रतिवादी

..... वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को .....ने आज सन १९...ई० के.....के... दिवस को पेश किया।

क्र० सं०	२	३	४
	दस्तावेज का अभि-वर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	टिप्पणी
18.	Annexure III- reg. List of documents in one page, from S.S.R. Yadav Asstt. Personnel Officer N.Rly. Lucknow.	यदि नामजद हुआ तो पत्र कार को लौटाये जाने की तारीख और पत्रकार या उसके अभिवक्ता के हस्ता. जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख
19.	Annexure IV- reg. List of witnesses from S.S.R. Yadav, Asstt. Personnel officer, N.Rly. Lucknow.		

न्यायालय का नाम—  
वाद संख्या—  
पत्रकारों का नाम—

११-१२-८१

सूची पेश करने वाले पत्रकार या अभिवक्ता के हस्ताक्षर

Divisional Supdt.'s Office,  
Lucknow, dated 18/2/68 1968.

XXXX VBg/3/SPE/68/LCS

MEMORANDUMFireman, Lucknow

Shri Roop Chand 2nd / is hereby informed that it is proposed to hold an enquiry against him under Rules 9 & 10 of the Railway Servants (Discipline and Appeal) Rule, 1968. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). The statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure -II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed.

2. Shri Roop Chand is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III), at any time during office hours within (5 days \*) of receipt of this Memorandum. If he desires to be given access to any other documents, which are in the possession of the Administration, he should submit to the undersigned a notice to that effect within 10 days \* of receipt of the Memorandum, indicating the relevance of the documents required by him for inspection. Access will be given only to such of the additional documents considered relevant to the case; he will not be permitted to inspect any documents if it is considered that it is against the public interest or security of the State to give him such access. He should complete inspection of the additional documents within 5 days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.

3. Shri Roop Chand, is informed that the request for access to documents made at the later stages of the enquiry will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances show clearly that the request could not have been made at an earlier stage. No request for access to additional documents will be entertained after the completion of the enquiry unless sufficient cause is shown for not making the request before the completion of the enquiry.

4. Shri Roop Chand is further informed that he may, if he so desires, take the assistance of another Railway servant who satisfies the requirements of Rule 9(9) of the Railway Servants (Discipline and Appeal) Rules, 1968, for inspecting the documents and assisting him in presenting his case before the enquiring Authority in the event of an oral enquiry being held. For this purpose, he should nominate one or more persons in order of preference. Before nominating the assistant Railway servant, Shri Roop Chand should obtain an undertaking from the nominee(s) that he(they) is(are)

.... p.t.o.



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D. ENQUIRY PROCEEDINGS IN THE CASE OF SHRI ROOP CHAND,  
27/RENU, LUCKNOW

-----

NDLS: DT. 15.9.70

Shri Roop Chand,  
Fireman,  
Northern Railway,  
Lucknow. (Now present in the Enquiry)

You are hereby presented with the following charges:-

"That the said Shri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of overtime claims amounting to Rs. 169.54, Rs. 451.40, Rs. 283.91, Rs. 428.09, Rs. 388.68, Rs. 400.00, Rs. 361.82, Rs. 391.14, Rs. 228.95, Rs. 227.05, Rs. 429.73 and Rs. 501.12 by causing alteration in bills A.B. No. 64 E.O.T./4 dated 12-4-67, A.B. No. 49 E.O.T./5 dated 8-5-67, A.B. No. 79 E.O.T./5 dated 16-5-67, A.B. No. 80 E.O.T./5 dated 16-5-67, A.B.No. 45 E.O.T./6 dated 7-6-67, A.B. No. 54 E.O.T./6 dated 7-6-67, A.B.No. 78 E.O.T./5 dated 16-5-67, A.B.217 E.O.T./5, dt.31-5-67, A.B. No.40, E.O.T./5 dated 6-5-67, A.B.No. 72 E.O.T./7 dated 12-7-67, A.B.No.133 E.O.T./4 dt. 18-4-67, and A.B.No.127 E.O.T./8 dated 21-3-67 respectively in collusion with the Railway staff while he was not actually entitled to receive the said amounts and he thereby contravened Rule No.3 of Railway Servants Conduct Rules, 1966."

Q. Do you accept the above charges?

*Kapur Singh*  
(Kapur Singh)  
ENQUIRY OFFICER

Ans. I deny the above charges.

*Roop Chand*  
(Roop Chand)  
Defendant

D.R. Enquiry Proceedings in case of Sh. Roop Chand 2nd Fireman  
Northern Railway, Lucknow.

Statement of Sh. Dev Raj,  
APO, Northern Railway, DS Office,  
Lucknow.

NDLS: Dt. 15.9.70.

PW-1.

1. I shall speak the truth.

2. At the out-set the following documents are exhibited as under;-

- Ex.P-1. Original Over Time Bill ( Paid voucher ) bearing A.B. No. 64 dated 12.4.67 in favour of Sh. Roop Chand 2nd Fireman ( One sheet ).
- Ex.P-2. Office copy of Over Time Bill ( Paid Voucher ) bearing A.B. No. 64 dt. 12.4.67 ( of Ex.P-1) one sheet.
- Ex.P-3. Over time Claim ( Adj -4) -office copy- of Sh.Roop Chand 2nd Fireman of LF LKO for the period 1.3 to 15.3. and 16.3. to 31.3.67 in connection with Ex.P-1. (One sheet ).
- Ex.P-4. Original Over Time Bill ( Paid Voucher ) bearing A.B.No. 79 dated 16.5.67 in favour of Sh. Roop Chand 2nd Fireman ( One sheet ).
- Ex.P-5. Over Time Claim ( A DJ-4) -office copy- of Sh. Roop Chand 2nd Fireman of LF LKO for the period 6.12. to 19.12.64. (One sheet ).
- Ex.P-6. Officer copy of Ex.P-4 ( one sheet ).
- Ex.P-7. Original Over Time Bill ( Paid Voucher ) bearing A.B. No. 80 dated 16.5.67 in favour of Sh. Roop Chand 2nd Fireman ( One sheet ).
- Ex.P-8. Office copy of Ex.P-7. ( One sheet ).
- Ex.P-9. Over Time claim (Adj-4) -office copy- of Sh. Roop Chand 2nd Fireman of LF LKO for the period 8.11.64 to 5.12.64 ( One sheet ).
- Ex.P-10. Original Over Time Bill ( Paid Voucher ) bearing AB No. 78 dated 16.5.67 in favour of Sh. Roop Chand 2nd Fireman ( One sheet ).
- Ex.P-11. Office copy of Ex.P-10. ( One sheet ).
- Ex.P-12. Over Time claim ( ADJ-4) - office copy of Sh. Roop Chand 2nd Fireman for the period 3.1.65 to 16.1.65 ( One sheet ).

Roop Chand

Enquiry Proceedings in case of Sh. Roop Chand 2nd Fireman  
Northern Railway, Lucknow.

Statement of Sh. Dev Rai APO PW-1 continued from prepage.

NDLG: Dt. 15.9.70.

- Ex.P-13. Original Over time Bill ( Paid voucher ) bearing AB No. 45 dated 7.6.67 in favour Sh. Roop Chand ( One sheet ).  
( Right hand top corner torn )
- Ex.P-14. Office copy of Ex.P-13. ( One sheet ).
- Ex.P-15. Over Time claim ( ADJ 4 ) -office copy - of Sh.Roop Chand for the period 13.7 to 14.8.65. ( One sheet ).
- Ex.P-16. Original Over Time Bill ( Paid Voucher ) bearing No. AB 54 dated 7.6.67 in favour of Shri Roop Chand ( One sheet )
- Ex.P-17. Over Time claim ( ADJ-4 ) -office copy - of Sh. Roop Chand for the period 1.5.67 to 31.5.67.( One sheet ).
- Ex.P-18. Office copy of Ex.P-16 ( One sheet ).
- Ex.P-19. Original Over Time Bill ( Paid Voucher ) bearing No. AB 217 dated 31.5.67 in favour of Sh. Roop Chand (One sheet
- Ex.P-20. Office copy of Ex.P-19.
- Ex.P-21. Over Time claim (ADJ-4)-office copy ) of Sh.Roop Chand for the period 23.5.65 to 19.6.65.( One sheet ).
- Ex.P-22. Original Over Time Bill ( Paid Voucher) bearing AB No. 49 dated 8.5.67 in favour of Sh.Roop Chand ( one sheet ).
- Ex.P-23. Original Over Time Bill (Paid Voucher) bearing AB No. 127 dated 21.8.67 in favour of Sh.Roop Chand(One sheet).
- Ex.P-24. Original Over Time Bill ( Paid Voucher) bearing AB No. 72 dt. 12.7.67 in favour of Sh.Roop Chand( One sheet ).
- Ex.P-25. Over Time claim (ADJ-4)-office copy- of Sh-Roop Chand for the period 1.6.67 to 15.6.67.( One sheet ).
- Ex.P-26. Over Time (original) bill-paid voucher- bearing AB No. 40 dated 6.5.67 in favour of Sh.Roop Chand ( One sheet ).
- Ex.P-27. Original Over Time Bill (Paid Voucher) bearing AB No. 133 dated 13.4.67 in favour of Sh.Roop Chand ( One sheet ).
- Ex.P-28. Relevant S.No. 99 of General 164 Register for the running staff (Firemen) of Lucknow Shed for the period 16.2.64 to 14.3.64 contg. SNs. 1 to 106.
- Ex.P-29. Relevant S.No. 8 of General 164 Register of the running staff ( Firemen) of Lucknow shed for the period 12.4.64 to 27.4.64 contg. SNs. 1 to 97.
- Ex.P-30. Relevant SN. 9 of Register as detailed vide Ex.P-29.

Roop Chand

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Enquiry proceedings in case of Sh. Roop Chand 2nd Fireman  
Northern Railway, Lucknow.

-Statement of Sh. Dev Raj APO PW-1 continued from pre-page.-

NDLs: Dt. 15.9.70.

- Ex.P-31. Relevant S.No. 102 of General 164 Register for the running staff ( Firemen) of Lucknow Division for the period 8.11.64 to 5.12.64 contg. SNs. 1 to 109.
- Ex.P-32. Relevant S.No. 108 of General 164 Register for the running staff ( Firemen) of Lucknow Shed for the period 6.12.64 to 2.1.65 contg. SNs. 1 to 115.
- Ex.P-33. Relevant S.No. 121 of General 164 Register for the running staff ( Firemen) of Lucknow Shed for the period 3.1.65 to 30.1.65 contg. SNs. 1 to 127.
- Ex.P-34. Relevant SN 109 of General 164 Register for the running staff of Lucknow Shed for the period 23.5.65 to 19.6.65 contg. SNs. 1 to 127.
- Ex.P-35. Relevant SN 104 of General 164 Register for the running staff of Lucknow Shed for the period 18.7.65 to 14.8.65 contg. SNs. 1 to 122.
- Ex.P-36. Relevant SN 100 of General 164 Register for the running staff of Lucknow Shed for the period 5.12.65 to 1.1.66 contg. SNs. 1 to 118.
- Ex.P-37. Relevant SN. 17 of General 164 Register for the running staff of Lucknow Shed for the period 1.1.67 to 28.1.67 contg. SNs. 1 to 116.
- Ex.P-38. Relevant SN.17 of General 164 Register for the running staff of Lucknow Shed for the period 29.1.67 to 26.2.67 contg. SNs. 1 to 115.
- Ex.P-39. Relevant SN 17 of General 164 Register for the running staff of Lucknow Shed for the period 26.2.67 to 31.3.67 contg. SNs. 1 to 121.
- Ex.p-40. Relevant S.No. 17 of General 164 Register for the running staff of Lucknow Shed for the period 1.4.67 to 30.4.67 contg SNs. 1 to 119.
- Ex.P-41. Relevant SN. 17 of General 164 Register for the running staff of Lucknow Shed for the period 1.5.67 to 31.5.67 contg. SNs. 1 to 117.
- Ex.P-42. Relevant SN 17 of General 164 Register for the running staff of Lucknow Shed for the period 1.6.67 to 30.6.67 contg SNs. 1 to 116.
- Ex.P-43. Relevant SN 17 of General 164 Register for the running staff of Lucknow Shed for the period 1.7.67 to 31.7.67 contg. SNs. 1 to 116.

*Dev Chand*

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Enquiry proceedings in case of Sh. Roop Chand 2nd Fireman  
Northern Railway, Lucknow.

Statement of Sh. Dev Raj APO PW-1 continued from pre-page.

NELs: Dt. 15.9.67.

Asstt.

- Ex.P-44. Original Opinion of the/GRPO Calcutta vide No.DXC/174/68 dated 11.9.68 ( One sheet )
- Ex.P-45. Specimen writings of Shri Roop Chand, 2nd Fireman marked as S-1 ~~xxxxx~~. ( One sheet ).
- Ex.P-46. Specimen writings of Shri Roop Chand, 2nd Fireman marked as S-2. ( One sheet )
- Ex.P-47. Specimen writings of Shri Roop Chand, 2nd Fireman marked as S-3. ( One sheet )
- Ex.P-48. Specimen writings of Shri Roop Chand 2nd Fireman marked as S-4 ( One sheet ).
- Ex.P-49. Specimen writings of Shri Roop Chand 2nd Fireman marked as S-5. ( One sheet ).
- Ex.P-50. Specimen writings of Shri Roop Chand 2nd Fireman marked as S-6 ( One sheet ).
- Ex.P-51. Specimen writings of Shri Roop Chand 2nd Fireman marked as S-7 ( one sheet ).
- Ex.P-52. Specimen writings of Sh. Roop Chand 2nd Fireman marked as S-8 ( One sheet ).
- Ex.P-53. Specimen writings of Sh. Roop Chand 2nd Fireman marked as S-9 ( One sheet ).
- Ex.P-54. Specimen writings of Shri Roop Chand 2nd Fireman marked as S-10 ( One sheet ).
- Ex.P-55. Relevant SN 3 of CO-6 Register for the month of April, 67 contg. SNs. 1 to 12. ( two portions ).
- Ex.P-56. Relevant SN. 6 of CO-6 Register for the month of April, 67 contg. SNs .1 to 12 ( in two portions ).
- Ex.P-57. Relevant SN. 3 of CO-6 Register for the month of May, 67 contg. SNs. 1 to 12 ( two portions ).
- Ex.P-58. Relevant SN 6 of CO-6 Register for the month of May, 67 Contg. SNs. 1 to 12 ( two portions )
- Ex.P-59. Relevant SN. 10 of CO-6 Register for the month of May, 67 contg. SNs. 1 to 12 ( two portions ).

*Dev Raj*

*[Signature]*

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JAR Enquiry proceedings in case of Sh. Roop Chand 2nd Fireman  
Northern Railway, Lucknow.

Statement of Shri Dev Raj APO PH-1 continued from prepage-

NDLS: Dt. 15.9.70.

- Ex.P-60. Relevant SN. 3 of CO-6 Register for the month of June, 67 contg. SNs. 1 to 10 ( two portions)
- Ex.P-61. Relevant SN 5 of CO-6 Register for the month of June, 67 contg. SNs. 1 to 10 ( two portions).
- Ex.P-62. Relevant SN 5 of CO 6 Register for the month of July, 67 contg. SNs. 1 to 10 ( two portions).
- NOTE: Ex.P-3 , relevant SN. 6 of CO-6 Register for the month of August, 67 contg. SNs. 1 to 12 1st portion belongs to Sh. Bhagwan Din and 2nd portion belongs to Sh. Roop Chand) .
- Ex.P-63. Relevant SN 6 ( 2nd portion ) belong to Sh. Roop Chand of CO-6 Register for the month of August, 1967 contg. SNs. 1 to 12.
- Ex.P-64. Statement of Shri Roop Chand , 2nd Fireman S/o Sh. Bhag Chand recorded in the Fact Finding Enquiry conducted by APO II and ADAO of Lucknow Division in eight sheets available at SN. 60 to 67 in the Enquiry Report file contg. SNs. 1 to 101.

bill

The overtime/bearing AB No. 127 EOT/8 dated 21-8-67 in favour of Shri Roop Chand, IInd Fireman LKO was signed by me. There is no erasures , additions, alterations and other writings at the time the bill was signed by me.

EXAMINATION TO BE CONTINUED ON A LATER DATE.

Read over and accepted as correct.

*Roop Chand*  
Deponent.



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Enquiry proceedings in case of Sh. Roop Chand 2nd Fireman

( Ordersheet )

NDLS: Dt. 15.9.70.

Shri Roop Chand, 2nd Fireman, Lucknow (Defendant), two PWs S/Sh. Dev Raj, APO and B.M.Joshi, CPI are present. His Defence Helper Shri H.S.Lal has since withdrawn his consent. Accordingly D.S., LKO was advised vide this office telegram No.Vig/3/SPE/63/LCS/D22/P328/EO dated 10.9.70 to ask the defendant to nominate another helper and to attend enquiry on 15.9.70 along with him.

Defendant has not nominated another helper so far. He is allowed to do so by the next date if he so desires.

Meanwhile the charges have been presented to him and on his denial of the same voluntary statement of Sh. Dev Raj (PW-1) has been recorded and relied upon documents have been exhibited. His cross examination will, however, be done by the defendant and his Helper on the next date which is fixed on 30.9.70.

*Roopchand*

*Rhod*  
E.O.,

NDLS: Dt. 30.9.70

Defendant present. His helper has not turned up being under examination of DMO/LKO for vision test. P.Ws S/Shri B.M.Joshi and Dev Raj present. Voluntary statement of Shri B.M. Joshi recorded in presence of the defendant. The examination of P.Ws will be conducted on the next sitting in presence of his Helper. Proceedings of the enquiry conducted on date were explained to the defendant in vernacular. Next date is fixed for 15.10.70.

*Roopchand*

*Rhod*  
E.O.

NDLS: Dt. 15.10.70.

S/Sh. Dev Raj PW-1, S.K.Chatterji PW-2, Shiv Charan Lal PW-3, Partap Singh PW-4 examined in presence of Defendant and his Helper Sh. A.K.Chatterji Driver.

2. S/Sh. Shiv Charan Lal and Partap Singh who were present in this office on 14.10.70 in connection with enquiry against Sh. R.K.Sinha were detained for today as they were also cited as prosecution witnesses against Sh. Roop Chand whose enquiry is fixed for today. Next sitting is fixed for 6.11.70.

*Roopchand*

*Sh. Chatterji*  
*Def. Counsel*  
*15/10/70*

*Rhod*  
E.O.,

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D & AR ENQUIRY AGAINST SHRI KINNY ROOP CHAND, 2ND FIREMAN/LKO

Statement of Shri B. M. Joshi,  
D. P.I./ Baroda House, New Delhi.  
Pay - Rs. 430 + Rs. 120/-  
Service - About 29 years  
Age - About 50 years

NDLS: DT. 30.9.70

( P.W. 2 )

1. I shall speak the truth.
2. I worked as DPO on LKO division from 1958 to 1968. A fraud case came to notice in the month of August 1967 when Accounts Party was inspecting the accounts of the cashier. I was appointed as a Fact Finding Official along with one Shri S. A. Aggarwal, Sr. Accountant of D.A. Office. We started enquiry but in the meanwhile there was intervention from the DAO and she directed not to record the statement of the Casual Labour Khalasi who was deputed by the Accounts authorities to work as a Clerk on the post of CO-6 Clerk. Since I refused to have any intervention either from the DAO or the DPO in the course of Fact Finding Enquiry as such interventions tantamounts to prejudice the enquiring authority. First of all only one paid voucher was detected and it was in favour of Shri S. N. Nigam amounting to Rs. 63 and some paise. Later on some more bills were brought after tracing from the paid vouchers and those were also handed over. The Fact Finding Enquiry was then appointed in a gazetted level and it was conducted by the AFO-II and ADAO. As regards procedure I have explained the details in my statement recorded in the course of Fact Finding Enquiry wherein I have quoted certain rules after consulting the books of Accounts and Executive Departments. Overtime papers for which office copies of the bills, office copies of the supporting bill, Peon Book etc. took by the Accounts in a haphazard manner without giving any receipt or taking inventory thereof before taking the records in the custody. But the Accounts authorities during the course when I was conducting the Fact Finding Enquiry never produced the overtime vouchers for necessary checks, whereas according to the rules no overtime bill can be passed without supporting voucher. There are definite and categorical instructions on the subject a copy of which has already been given during the course of my statement in case of Shri S. N. Nigam. My statement in the Fact Finding Enquiry was recorded, nearly three years back i.e. very near to the date of incidence when everything was fresh to my memory.

3. I have seen Ex.P-1, 2 and 3. According to Ex.P-3 Shri Roop Chand was entitled to the payment of overtime for 5 hrs. plus 146 hrs. This Ex.P-3 office copy of Adj-4. The amount of the bill was Rs. 147.98 as per office copy of the bill

Looking 30/9/70

*[Handwritten signature]*  
30/9/70



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JTC 2  
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D & AR ENQUIRY AGAINST SHRI ROOP CHAND, 2ND FIRMAN/LKO

Statement of Shri B. M. Joshi (P.W. 2) continued from prepage.

NDLB DT. 30.9.70

1.e. Ex.P-2 and from the paid vouchers it is observed that Rs. 317.52 have been paid to him. The bill bears corrections/over-writings and additions etc. The infacement of the bill has been signed by the Sr. Accountant for the Accounts Officer. In the added period, 13-2 to 25-2-67 it has been shown that he earned overtime for 173 hrs. whereas in the total period total hours works to 336 hrs. out of which 108 hrs. work could be taken without payment of any overtime. If he is paid further overtime for 173 hrs. it means that out of 336 hrs. of the period he had only availed rest for 55 hrs. in the entire period of 14 days which is humanly not possible. No supporting voucher has been furnished by the Accounts on the authority of which the claim was passed the Accounts.

4. I have seen Ex.P-4, 5 and 6 and find that according to Ex.P-5 he was entitled to the payment of overtime for 108 hrs. and the carbon copy of the bill viz. Ex.P-6 indicates that the bill was only for Rs. 85.32 whereas the paid voucher viz. Ex.P-4 indicates that the payment has been made for Rs. 283.91P to him. This bill also bears additions and alterations in different hands and inks. The supporting voucher has not been produced by the accounts in this case also.

5. I have seen Ex.P-7 to P-27 which are original overtime bills in favour of Shri Roop Chand. I have seen Ex.P-7 to Ex.P-27 and I notice that almost in all paid vouchers there have been corrections, additions, alterations and erasing etc. whereas the supporting vouchers of which the Accounts is the custodian had not been furnished by the Accounts Authorities for the fact finding enquiry or the Disciplinary enquiry to arrive at the conclusion correctly to give the natural justice to the employees and find out the fact. In this case I would particularly point out that up to 7.9.63, the payments of over time to the running staff were being made on the basis of the wage period for the entire month whereas while making additions in the paid vouchers this fact has lost sight of by the defaulters. It is further pointed out that the period from 6.9.62 to 21.9.62 and 22.9.62 to 3.10.63 has been shown in Ex.P-4 and P-22. In Ex.P-4 only 211 hours have been shown for the period from 6.9.62 to 10.10.62 whereas in Ex.P-22, the overtime has been shown to be earned for hours 330 only for the period from 6.9.62 to 3.10.62 which evidently shows that the additions had been made with a motive to draw more amount without even considering as to what period of the over time and how much hours of over time can be paid.

Examination to be continued.

Roop Chand  
30/9/70

*[Signature]*  
30/9/70

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- 9 -

STATEMENT OF SHRI DEV RAJ APO(PW1) CONTD. FROM PAGE NO. 6

NORTHERN RAILWAY, LUCKNOW.

NDLS: DT. 15.10.70

4. It is correct that there were no additions and alterations in overtime bill bearing no. AB No. 127 EOT/8 dated 21.7.67 while it was signed by me. The additions and alterations were made at later stage.
5. While the fraud in overtime bills came to light, a Fact Finding Enquiry Committee comprising of APO-II and ADO of Lucknow Division was formed. That Enquiry Committee took statement of Shri Roop Chand, 2nd Fireman which is Ex. 64. Shri Roop Chand before the Fact Finding Enquiry Committee stated that he used to make additions, alterations and corrections in the overtime bills as told to him and dictated to him by Shri R.K. Sinha, Clerk of the Accounts Office. All the bills which were in the custody of the Fact Finding Enquiry Committee were shown to Shri Roop Chand one by one. In his statement he admitted that in large number of bills the additions and alterations were made by him in his own handwriting. He also stated that he used to make additions and alterations in the house of Shri R.K. Sinha and this work he has started about 6-7 months past. He also stated that some of the additions were made by Shri R.K. Sinha. Shri Roop Chand further admitted that he used to collect overtime claims from the Dealing Clerk in Loco Shed, LKO and deliver the same in Adj-Section of D.S. Office. This goes to indicate that he had full knowledge of the amounts due to him. It also came to light before the Fact Finding Enquiry Committee that some of the overtime claims i.e. Adj-4 forms prepared in the name of Shri Roop Chand were forged. These Adj-4 forms bore the signatures of the Loco-Foreman concerned/were also examined by the Fact Finding Committee and they did not deny the signatures. From this it follows that there was definite hand of Shri Roop Chand in getting the overtime claims prepared in his name and then delivering those in the Adj-Section of D.S. Office/Lucknow. In the Fact Finding Enquiry Committee none is treated as defendant or accused, the question of defence counsel in the Fact Finding Committee therefore does not arise.
6. Although Shri Roop Chand himself has admitted before the Fact Finding Enquiry Committee that he made additions and alterations in his own hand-writing but the handwriting expert to whom the matter was referred by the SPE could not give any definite opinion on this aspect.

7. The statement given by Shri Roop Chand was not taken under any pressure or duress. He gave his confessional statement as he liked.

his  
Shri Roop Chand  
Def Counsel  
18/10/70

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AN ENQUIRY PROCEEDINGS IN CASE OF SHRI ROOP CHAND 2ND FIREMAN  
NORTHERN RAILWAY, LUCKNOW

NDS: DT. 15.10.70

Statement of Shri Dev Raj, APO P.W.1 continued from prepage.

QTS BY E. O.

AT THIS STAGE SHRI ROOP CHAND INTERVENED AND STATED THAT A LOT OF PRESSURE WAS EXERTED ON HIM BY REPRESENTATIVES OF THE DIFFERENT PARTIES INVOLVED IN THIS CASE AND IT WAS UNDER THEIR PRESSURE THAT HE MADE THIS CONFESSIONAL STATEMENT IN THE FACT FINDING ENQUIRY COMMITTEE.

Question by E. O. to the Defendant

Q. Was any pressure put on you while you were making this statement before the Fact Finding Enquiry Committee consisting of APO and AADAO?

Ans. Yes, Shri Dev Raj A.P.O. pressed me to confess the facts.

TS BY P. O.

THE WITNESS DENIED TO HAVE EXERCISED ANY PRESSURE WHATSOEVER ON SHRI ROOP CHAND AND EXPLAINED THE POSITION AS UNDER:-

IN HIS STATEMENT SHRI ROOP CHAND HAS GIVEN EXACT DATES AND WORDS WRITTEN BY HIM AND SCRUTINY OF HIS ENTIRE STATEMENT WOULD REVEAL THAT HE GAVE HIS STATEMENT IN A NATURAL WAY AND IN CASE ANY PRESSURE WAS EXERCISED ON HIM HE COULD HAVE MADE A NOTE OF HIS STATEMENT.

At the first instance Fact Finding Enquiry Committee was formed but later on F.I.R. was registered by SPE and they conducted further enquiries and the case was referred to the handwriting expert ~~xxxxxx~~ by the SPE and not by us. Regarding the suggestion of the defence that why the opinion of the handwriting expert is not taken as over riding, in fact the handwriting expert has not given definite opinion he neither says that this is the handwriting of Shri Roop Chand nor he says this is not the handwriting of Shri Roop Chand.

EXAMINATION CLOSED

Read over and accepted as correct.

*Looked*

*[Signature]*

*[Signature]*  
(Deponent)

*[Signature]*

18/10/70

(11)

51C9  
92  
8/29

DAB Enquiry proceedings in case of Sh. Roop Chand, 2nd Fireman, LKO.

Statement of Sh. S.K. Chatterji.,  
Sr. Pay Clerk under DCPM, Lucknow.  
Age; 47 years.  
Service; 23 years.

NDLS: Dt. 15.10.70.  
PW. 2

1. I shall speak the truth.

2. I am working as Sr. Pay Clerk since, 1951. I have seen carefully the following paid vouchers and confirm that the payment thereon was made by me to the payee Sh. Roop Chand for the amounts mentioned against each under his clear signatures.

Ex.P-4.	Rs. 283.91p
Ex.P-7.	428.09
Ex.P-10.	361.82
Ex.P-13.	383.68
Ex.P-16.	412.00
Ex.P-19.	391.14
Ex.P-22.	468.60
Ex.P-23.	509.76
Ex.P-24.	227.05
Ex.P-26.	228.95
Ex.P-27.	429.73

The payment against Ex.P-1 has not been made by me.

Examination by E.O.

All these payments were made by me direct to the payee Sh. Roop Chand without getting the same attested by any witnessing official as the employee was known to me. Various additions and alterations and over writings in the bill did not arise suspicion as these were a common feature nor did bigger amounts create any suspicion in my mind.

Cross Examination.

-nil-

Cross Examination closed.

Read over and accepted as correct.

Deponent.

*S.K. Chatterji*  
*Sd/-*  
*18/10/70*  
*Verdict*



(12)

552/93  
A/VSO

248 Enquiry proceedings in case of Sh. Roop Chand, 2nd Fireman, LKO.

Statement of Sh. Shiv Charan Lal,  
Clerk under LF LKO.  
age; 53 Service; 30 years.

NOLs: Dt. 15.10.70.

PK- 3 .

1. I shall speak the truth.
2. I am working as clerk since 1969. I joined the ticket section in 1967.
3. I have seen Ex.P-41 G164 and Adj-4 Ex.P-17 relating to OT Bill Ex.P-16 bearing AB No. 54 EOT/16 dated 7.6.67. Adj-4 Ex.P-17 has been correctly prepared for 20 hours on the basis of G-164 Ex.P-41.
4. I have seen Ex.P-39 G.164 and Adj-4 Ex.P-3 relating to OT Bill ex.P-1 bearing AB No. 64/EOT/4 dated 12.4.67. Adj-4 Ex.P-3 has been correctly prepared for 151 hours on the basis of G-164 Ex.P-39.

Cross Examination.

There is no addition and alterations in Adj-4 and G 164 mentioned above are concerned.

Examination by E.O.

The Adj-4s when signed by the Loco Foreman were sent to the DS Office for necessary payment thereon through a peon of the office. As far as I know these had not been sent to DS Office through Sh. Roop Chand.

Cross Examination closed.

Read over and accepted as correct.

*Shiv Charan Lal*  
Deponent. *Shiv*

*Shiv*  
*Deputy Commr*  
*Looked*  
*15/10/70.*



7129  
98/181

D & AN ENQUIRY AGAINST SHRI ROOP CHAND, 2ND FIREMAN/LKO DIVN.

NULS: DT. 15.10.70

Statement of Shri Partap Singh

Designation: Clerk,

Loco Foreman/LKO

Pay : Rs. 255/-

Service : 21 years

Age : 46 years.

( P.W. 4 )

1. I shall speak the truth.

2. I am working as a Clerk in Loco Shed, LKO since 1949. I worked in the Ticket section from 1958 to August 1966. I have seen Ex. P-5, 9, 12, 16, 21 and 25. These are Adj-4, prepared in favour of Shri Roop Chand, 2nd Fireman for the periods as indicated below:-

Ex.P-5 6-12 to 19-12-64

Ex.P-9 8-11-64 to 21-11-64  
21-11-64 to 5-12-64

Ex.P-12 3-1-65 to 16-1-65

Ex.P-15 18.7.65 to 31.7.65  
1.8.65 to 14.8.65

Ex.P-21 23.5.65 to 6.5.65  
6.5.65 to 19.6.65

Ex.P-25 1.6.67 to 16.6.67

had been

3. None of these/ prepared by me or is in my hand. I don't that these Adj-4 don't bear the signature of Foreman (Running). It appears somebody has tried to forged the signatures of Shri Santokh Singh, Foreman (Running) as he would not have signed without the initials of the Clerk preparing these Adj-4 or dealing with these. These exhibits don't bear the initials of any clerk under stamp of Foreman (Running). I have seen Genl-164 for the above mentioned period and have to state as under:-

18.7.65 to 31.7.65  
1.8.65 to 14.8.65

Overtime Nil. Hence Adj-4 not prepared by me ( Ex.P-35)

3.1.65 to 16.1.65  
17.1.65 to 30.1.65

Overtime Nil. Hence Adj-4 not prepared by me (Ex.P-33)

6.12.64 to 19.12.64  
20.12.65 to 3.1.65

Overtime Nil. Hence Adj-4 not prepared by me (Ex.P-32)

*Roop Chand*

*Partap Singh*  
15/10/70

Partap Singh  
15/10/70

5129  
74  
18

D & AR ENQUIRY AGAINST SHRI ROOP CHAND, 2ND FIREMAN/LKO DIVN.  
-----

NDLS: DT. 15.10.70.

Statement of Shri Partap Singh (P.W. 4) contd...

8.11.64 to 21.11.64  
22.11.64 to 5.12.64

Ex Overtime Nil. Hence Adj-4  
not prepared by me.

23.5.65 to 5.6.65  
6.6.65 to 19.8.65

Overtime Nil. Hence Adj-4  
not prepared by me.

CROSS EXAMINATION

I have never sent Adj-4 to D.S. Office through Shri Roop Chand. There were occasions when Shri Roop Chand approached me enquiring about his overtime allowance bills viz. Adj-4 as other colleagues of his did.

Examination Closed.

Read over and accepted as correct.

*Shri P. Singh*  
*Def Counsel*  
*15/10/20.*  
*Kodur*

*Partap Singh*  
( Deponent )

*Hood*

129  
93

AR ENQUIRY AGAINST SHRI ROOP CHAND, 2ND FIREMAN/LKO DIVN.

NDLS: DT. 6.11.70

8/87

Statement of Shri B.L. Karamchandani,  
Asstt. Personnel Officer,  
Northern Railway,  
Moradabad.

( P.W. 5)

1. I shall speak the truth.
2. I was APO/LKO division from 1961 to the middle of 1967. During this period I had worked as APO Incharge of the Adj. Branch. In the course of the duty I used to sign overtime bills. Ex.P-6 is office copy of Ex.P-4. Ex.P-6 has been initialed by me and Ex.P-4 signed by me. The bill as signed by me was for Rs. 85.32P as at Ex.P-6. Many interpolations have been made in Ex.P-4 and the bill has been changed as for Rs. 283.91.
3. Ex.P-20 is the office copy of Ex.P-19. Ex.P-20 bears my initials and Ex.P-19 my signatures. The bill as originally prepared was for Rs. 138.66P. Alterations and interpolations had been made in Ex.P-19 and the bill has been converted as for Rs. 391.14P.
4. Ex.P-14 is the office copy of Ex.P-13. Ex.P-14 has been initialed by me and Ex.P-13 bears my signatures. The bill as originally prepared and signed by me was for Rs. 186.14P which has later been changed by additions and alterations as for Rs. 388.68P.
5. Ex.P-18 is the office copy of Ex.P-16. Ex.P-16 bears my signatures and Ex.P-18 my initials. The bill as originally prepared and signed was for Rs. 19/- and by alterations and interpolations Ex.P-16 has been converted for Rs. 419/-.
6. Ex.P-11 is the office copy of overtime bill of Ex.P-10. Ex.P-11 bears my initials and Ex.P-10 my signatures. The bill as originally prepared and signed by me was for Rs. 61.62P. Later on alterations and additions had been made and Ex.P-10 has been converted as for Rs. 361.82P.
7. Ex.P-2 is the office copy of Ex.P-1. Ex.P-2 bears my ~~signatures~~ and Ex.P-1 my signatures. The bill was originally prepared and signed by me as for Rs. 147.98. By interpolations and alterations this bill has been converted as for Rs. 317.52. Ex.P-8 is the office copy of Ex.P-7. Ex.P-8 bears my initials and Ex.P-7 my signatures. The bill as originally prepared and signed was for Rs. 178.34 P. Later on alterations and additions have been made and Ex.P-7 has been converted as for Rs. 428.09P.

Ba

9/1/70

Shri B.L. Karamchandani

Karamchandani



ENQUIRY AGAINST SHRI ROOP CHAND, 2ND FIREMAN / LKO DIVN.

NDLS/DT. 6.11.70

Statement of Shri B.L. Karamchandani (P.N. 5) contd...

8. All these additions and alterations in the bills ~~have been made~~ have been made after my signatures.

9. Ex.P-26 is the bill passed for Rs. 228.95P. This bill ~~was~~ my signatures. The bill as originally prepared was for Rs. 31.35P. interpolations and additions it has been converted as for Rs. 95P.

10. In Ex.P-22 additions ~~had~~ been made. ~~The~~ The bill as originally prepared for Rs. 52.56 and the bill has been converted as for Rs. 468.60.

11. Ex.P-27 as originally signed by me was for Rs. 43 and some it has been converted into Rs. 429.73 P.

12. Similar corrections have also been made in Ex.P-24. I say the exact amount for which the bill was originally prepared as the amount has been cleverly rubbed out, and it has been written afresh for Rs. 227.05P.

13. All the additions and alterations have been made after the original bills. These additions and alterations took place in the Accounts Office after the bills were prepared there. As these do not find place in the office copy of Bills. The supporting overtime slips ~~which~~ which are along with overtime bills would also support this view. None of the alterations and additions etc. bears initials or signatures of any body from the Executive much less the signing officer i.e.

Conclusion by E.O.

The maximum amount earned as overtime allowance should not exceed the total amount of the salary drawn by the employee. The alterations relate to very old periods for which bills should have been prepared in the form of statutory bills and the bills should not have been passed for the accounts. The bills also could not be passed in the present form without alterations and additions being signed by the signing officer. The Adj-4 received from the shed are put up for sanction by Officer viz. A.M.E. In this case the A.M.E. sanctions the allowance and thereafter the bills are prepared by the Officer. Ex.P3, 5, 9, 15, 17, 12, 21 and 26 bear initials of the Officer.

Conclusion - Nil

Case closed.

Read over and accepted as correct.

(Deponent)

6/21/70

1129  
72/8/80

Enquiry proceedings in case of Shri Roop Chand 2nd Fireman, LXX

Statement of Sh. Dev Raj APW PW-1 continued from page No. 10-  
after recalling.

NDLS: Dt. 14.12.70.

Cross Examination

7. There was no officer of the Loco Department on the Fact Finding Enquiry held in this case. I was nominated as Enquiry Officer by the Divl. Personnel Officer, Lucknow. It was for him to consider whether I should be on the Fact Finding Enquiry Committee or not. Shri Roop Chand himself stated that he had made additions and alterations in the Over Time Bills. While the bills were shown to him he himself pointed out the additions made by him. Specific instances point out and admitted by him are mentioned in his statement Ex.P-64. The Headquarters Office was requested that extra staff should be provided for post check of over time bills as it was not possible to conduct the post check with the present strength of staff. But in the instant case the additions and alterations of amounts and over time hours was made in the original bills and the post check was to be conducted with the office copies. If the post check had been conducted even then the fraud would not have come to light as a result of this check by the Adj. Section of the Divisional Officer.

Examination by F.O. -Nil-

Cross Examination closed.

Read over and accepted as correct.

*[Signature]*  
Deponent.

*[Signature]*  
Def. and  
14/12/70

Q & A.R. ENQUIRY PROCEEDINGS IN THE CASE OF SHRI ROOP CHAND 2ND FIREMAN/LKO

CAMP AT LUCKNOW 17.12.70

Statement of Shri Yadhvir Singh,  
Address Retired Inspector, CBI/SPE/Lucknow  
K-67/30 Iahawar Gangi, Varanasi,  
Age 60 yrs.

(C.W.I)

1. I shall speak the truth.

2. I was Inspector CBI from 1st March 1966 to 30th June, 1970. The investigation of this case was entrusted to me by SP/SPE/CBI/Lucknow. During the course of investigation the witnesses concerned and documents concerned were examined and it was found that Shri Roop Chand while working as Fireman, Loco Shed, N. Ry. Lucknow during the period from 1966 to 1967 he knowingly received excess payment of overtime claims amounting to Rs. 169.54, 416.04, 198.59, 249.75, 202.54, 400, 300.20, 202.54, 197.60, 209.92, 286.14 and 500.02 by causing alterations in bills AB No. 64 EOT/4 dt. 12.4.67, AB No. 49 EOT/5 dt. 8.5.67, AB No. 79 EOT/5 dt. 16.5.67, ~~AB~~ AB No. 80 EOT/5 dt. 16.5.67, AB No. 45 EOT/6 dt. 17.6.67, AB No. 54 EOT/6 dt. 7.6.67, AB No. 78 EOT/5 dt. 16.5.67, AB No. 217 EOT/5 dt. 31.5.67, AB No. 40 EOT/5 dt. 6.5.67, AB No. 72 EOT/7 dt. 12.7.67, AB No. 133 EOT/4 dt. 18.4.67 and AB No. 127 EOT/8 dt. 21.8.67 in ~~the~~ collusion with the Railway Staff while he was not actually entitled to receive the said amount. After completion of the investigation the report was submitted to the SP/SPE/CBI/Lucknow for necessary action.

CROSS EXAMINATION

3. Except Shri Roop Chand's own confession no direct evidence came forth in the course of investigation to prove that he had made these additions and alterations in the paid vouchers. His confession was not recorded in the ~~xxxxxxx~~ court of law as he has already admitted in the course of Fact Finding Enquiry Committee consisting of two gazetted officers. Even though Shri Roop Chand had confessed his guilt it was for the SPE to prosecute the case in the Court of Law to whom I had submitted my report. The plea of the defence that I persuaded Shri Roop Chand to confess his guilt with-a-view to save his colleagues and other is not correct. I have seen Ext. P-4 the additions-cum-alterations in figures in the column of period, hours etc. and the amount mentioned in words "Rupees Two Hundred" were admitted by him to have been made by him. Similar additions and alterations in Ext. P-10 were admitted by Shri Roop Chand has done by him.

Examination by R.O.

- N 11 -

CROSS EXAMINATION CLOSED

Read and accepted as correct.

*Yadhvir Singh*  
(Deponent) 17/12/70

5129  
25  
1/12/70

Inquiry proceedings in case of Shri Roop Chand, 2nd Fireman, Lucknow.

Statement of Shri S.D. Chatterji 8/9 L. Panchkarry Chatterji, PW-7.

Retired Sr. Pay Clerk since 17th March, 1970.

Retirement pay Re. 320/-.

Address: Railway Cash Colony, Pan Dariba, Lucknow.

LKO. Dt. 17.12.70.

1. I shall speak the truth.

2. I was working as a Sr. Pay Clerk, DPM, Office Lucknow from 1945 till my retirement in 1970. I did not make payments to the Shunters and Firemen etc. but in case the concerned cashier was on leave I may have made the payments against certain paid vouchers to this category of staff. I have seen Ex.P-I bearing AB No. 64 ECF/4 dated 12.4.67. I may have made the payment against this paid voucher. Generally I did not initial the paid vouchers but entered the same in the summary sent to the Accounts. The payment against this paid voucher had been made to Shri Roop Chand in presence of Sh. B.N. Saxena, TMR who witnessed the payment.

Cross Examination. -nil-

Examination by E.O.

3. The additions and alterations in the paid voucher did not raise any suspicion in my mind as the entry in the endorsement stamp had no over writings etc. and the amount for which the paid voucher had been passed as per this endorsement tallied with the exact amount required to be paid.

Cross examination closed.

Read over and accepted as correct.

*[Signature]*  
of and  
Kodand

*[Signature]*  
Deponent. 17/12/70

*[Signature]*

DAR ENQUIRY PROCEEDINGS IN THE CASE OF SH. ROOP CHAND, 2nd FIREMAN  
LOCO SHED, LUCKNOW.

NBLS: Dt. 8.2.1971.

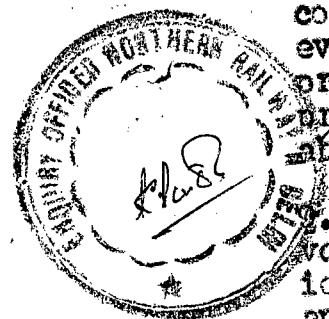
Written Statement of  
Sh. Roop Chand,  
Designation: 2nd Fireman/LKO  
Pay: Rs. 95/-  
Service: 20 Years.  
Age: 38 Years.

(Defendant)

1. That the charges framed against the defendant are denied. The defendant neither knowingly receives the excess payments of over time claims mentioned in Annexure II of the charge sheet nor the defendant caused any additions and alterations in those bills, as alleged.
2. That the defendant himself never prepared the over time bills nor the defendant produced those bills either to A.D.J. Section or to the Accounts Section for payment.
3. That the defendant was never in collusion with the Railway Staff in drawing the excess payments of over time bills, but only drew the payments which the defendant was paid by the administration.
4. That the Prosecution examined the witnesses which were not mentioned in the list of witnesses supplied to the defendant which is in violation of the Principles of Natural Justice, by which the defendant has been highly prejudiced.
5. That the fact finding enquiry committee examined the witnesses behind the back of the defendant and as such, the defendant has been deprived of his right to cross examine those witnesses and their statements can not be read in evidence against the defendant, as being in violation of provisions of the Railway Establishment Code and Discipline and Appeal Rules.
6. That the Chief Enquiry Officer has relied upon the documents and prosecution witnesses, the copies of which are not supplied to the defendant, and, as such, there is a denial of reasonable opportunity of being heard to the defendant.
7. That the defendant was suspended on 5th Oct., 1967 and the charge sheet was issued against the defendant on 13th February, 1969, and, as such, the suspension order was not followed by a charge sheet within a reasonable time, which is in violation of Rules and against the principles of natural justice.
8. That no Board of Enquiry or the Enquiry Officer was ever constituted and neither the appointment of Enquiry Officer was ever communicated to the defendant, which is in violation of provisions of Railway Establishment Code and, as such, the entire proceedings conducted by the Enquiry Committee are ~~void~~ void ab initio and cannot be sustained in the eye of law.

That the defendant never gave any confessional statement voluntarily before the Enquiry Officer and, if any such confessional statement exists, it has been recorded under undue pressure and coercion and, as such, cannot be read in evidence against the defendant.

Contd....



*Roop Chand*

229  
23  
4/10

- 22 -

DAR ENQUIRY PROCEEDINGS IN THE CASE OF SH. ROOP CHAND,  
And FIREMAN, LOCO SHED LUCKNOW.

Written statement of Sh. Roop Chand (Defendant) contd. from prepage.

NDLS. Dt. 8.2.71.

10. That the defendant was not supplied with copies of the investigation made by the S.P.R., and even other relevant copies have not been supplied to the defendant, which is in utter violation of the provisions of the ~~Railway~~ Railway Establishment Code.

11. That the prosecution has failed to establish a prima facie case against the defendant on the evidence recorded by the Enquiry Officer.

12. That there is nothing on the record to substantiate the allegations of the charges framed against the defendant.

13. That the defendant was suspended from service on 5th October, 1967 and reinstated on 3.8.1969, which automatically meant the extinguishment of the Departmental enquiry contemplated against the defendant and no proceedings can be initiated afresh against the defendant.

14. That the defendant has not been paid the full pay and allowances for the intervening period of suspension, to which the defendant is legally entitled to.

That in view of the facts stated above, the entire departmental proceedings against the defendant be dropped in the interest of justice.



*Sh. Roop Chand*  
*D/C*

Read over and accepted as correct.

*1-1*  
*Last*  
*page of finding*  
*Roop Chand*  
(Roop Chand)  
Defendant.

1129  
28  
1/91

DAR Enquiry proceedings in the case of Shri Roop Chand 2nd Fireman Loco Shed, Lucknow.

-Statement of Shri Roop Chand Defendant continued from prepage-

NDLS: Dt. 9.2.71.

15. I was promoted as a Second Fireman in 1957 and I am working in Lucknow Loco Shed since then. I have been earning over time allowance ever since my promotion as a second fireman. There ~~are~~ occasions when we earned no over time but there are occasions when we do earn over time. I am not in a position to tell the approximate average over time allowance. It depends upon the working hours put in by an individual. Normally the duty working hours per day are seven and a half hours. Normally rest at the Headquarter is 12 hours whereas at out station it is six hours. The over time allowance for a fortnight is worked out by subtracting 108 hours from the total hours of duty performed by an individual. I have seen all the paid vouchers Ex. P-1, Ex. P-4, Ex. P-7, Ex. P-10, Ex. P-13, Ex. P-16, Ex. P-19, Ex. P-22, Ex. P-23, Ex. P-24, Ex. P-26 and Ex. P-27. They bear my signatures over the revenue stamps affixed in the receipt column there on and I admit to have received the amounts mentioned against each as below:-

Ex. P-1.	Rs.	169.54	=
Ex. P-4.		283.91	✓
Ex. P-7.		428.09	✓
Ex. P-10.		361.82	✓
Ex. P-13.		388.68	✓
Ex. P-16.		419.00	✓
Ex. P-19.		391.14	✓
Ex. P-22.		468.60	✓ <del>62</del>
Ex. P-23.		509.76	= <del>14</del>
Ex. P-24.		227.05	✓
Ex. P-26.		228.95	✓
Ex. P-27.		429.73	✓

It is not correct that I have made any additions or alterations in these paid vouchers or office copies there-of. I am not in a position to differentiate between the Fact Finding Enquiry and the DAR Enquiry. It was only Shri Yadubir Singh whose name had not been mentioned in the list of prosecution witnesses and has been examined in the course of DAR Enquiry. There was no other witness who has

*Shri Roop Chand*

11/9/71  
A/PZ

DAR Enquiry proceedings in the case of Shri Roop Chand 2nd Fireman Loco Shed, Lucknow.

--Statement of Shri Roop Chand Defendant continued from pre-page---

NDLS: Dt. 9.2.71.

been examined. I was given every facility and all opportunities to cross examine Shri Yadubir Singh. I was given every opportunity and all facilities similarly to cross examine the other prosecution witnesses examined in the course of the DAR Enquiry. It is correct that I have been supplied copies of ~~all~~ all the relied upon documents but I was not given a copy of the report of the Fact Finding Enquiry Committee and the report of the SPE. However, I have gone through the report of the Fact Finding Enquiry Committee including the statements recorded by that committee and taken extracts there from. I admit that all the documents except SPE's report have been shown to me ~~there~~ and there is no documents left which I had asked for and has not been shown to me. I have not got the copy of the letter nominating the Enquiry Officer from the Disciplinary Authority but I have been attending the Enquiry as directed by my Loco Foreman ever since this case started. I admit that I did not raise any objection regarding this aspect viz. none supply of a letter nominating the Enquiry Officer so far. By the word (used) as Enquiry Officer in para 9 of my written defence statement I mean the officer who conducted the Fact Finding Enquiry. By copies of the investigations made by the SPE I mean the report submitted by the SPE in this case. I have no defence witness to produce. Except the SPE's report I need no other document to put in my defence. I shall submit my Defence Note within two weeks.

*Page*

Read over and accepted as correct.

*Roop Chand*  
Defendant.





Confidential.

No. Vig/3/SpE/68-LCS.

Enquiry Report in the D&AR Enquiry against Sh. Roop Chand, 2nd Fireman, Loco Shed, Lucknow:

Accounts and the other from the personnel Branch of D.S. office, Lucknow. There was hardly any sense on the part of these Officers to coerce Shri Roop Chand to confess something.

Nevertheless whether this confession on his part is accredited with any significance or not it hardly affects the merits of the case. His confession has little impact on the findings.

23. The accusations against him are by and large based on various documents which bear his signatures and he has nowhere denied the same. It is in fact as a result of an analytical analysis of the receipts involved and the basis on which these bills had been prepared and subsequently altered that a presumption has been raised that Shri Roop Chand received excess payments of overtime allowance knowingly in collusion with other staff. A presumption of fact is a rule of law that a fact otherwise doubtful may be inferred from a fact which stands proved.

#### CONCLUSION

The charge is proved.


(Kapur Singh)  
Enquiry Officer.

ANNEXURE I.

Statement of article of charge against  
Shri Roop Chand, 2nd Fireman, Lucknow.

27/4/67  
29  
17/10/64

That the said Shri Roop Chand, while working as a fireman II in Loco Shed, N.Railway, during the period from 1966 to 1967 ~~and~~ failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of overtime claims amounting to Rs. 169.54, Rs. 416.04, Rs. 198.59, Rs. 249.75, Rs. 202.54, Rs. 400.00, Rs. 300.20, Rs. 202.54, Rs. 197.60, Rs. 209.95, Rs. 286.14, and Rs. 500.02 by causing alteration in bills A.B.No. 64 E.O.T./4 dt.12.4.67, A.B.No.49 E.O.T./5 dt. 8.5.67, A.B.No.79 E.O.T./5 dt. 16.5.67, A.B.No.80 E.O.T./5 dt. 16.5.67, A.B.No. 45 E.O.T./6 dt. 7.6.67, A.B.No. 54 E.O.T./6 dt.7.6.67, A.B.No.78 E.O.T./5 dt. 16.5.67, A.B.No. 217 E.O.T./5 dt. 31.5.67, A.B.No.40 E.O.T./5 dt. 6.5.67, A.B.No.72 E.O.T./7 dt. 12.7.67, A.B.No.133 E.O.T./ 4 dt. 18.4.67, and A.B.No. 127 E.O.T./8 dt. 21.8.67 respectively in collusion with the Rly.staff while he was not actually entitled to receive the said amounts and he thereby contravened Rule No. 3 of Rly. Services Conduct Rules 1966.

  
( S.S.R.YADAV )  
Asstt. Personnel Officer,  
N.Rly, Lucknow.

ANNEXURE-II.

Statement of imputation of misconduct against  
Shri Roop Chand, Fireman II, Lucknow.

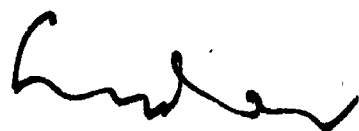
179  
22  
A/105

Shri Roop Chand was working as Fireman II in Loco Shed,  
N, Railway, Lucknow, during the year 1965 to 1967.

He knowingly received excess payments of overtime claims  
amounting to Rs. 169.54, Rs. 416.04, Rs. 198.59, Rs. 249.75,  
Rs. 202.54, Rs. 400.00, Rs. 300.20, Rs. 202.54, Rs. 197.60, Rs. 209.95,  
Rs. 286.14, Rs. 500.02, by causing alterations in bills A.B. No.  
64 E.O.T./4 dt. 12.4.67, A.B.No. 49 E.O.T./5 dt. 8.5.67, A.B.  
No. 79 E.O.T./5 dt. 16.5.67, A.B.N. 80 E.O.T./5 dt. 16.5.67,  
A.B.N. 45 E.O.T./6 dt. 7.6.67, A.B.N. 54 E.O.T./6 dt. 7.6.67,  
A.B.No. 78 E.O.T./5 dt. 16.5.67, A.B.No. 217 E.O.T./5 dt.  
31.5.67, A.B.No. 40 E.O.T./5 dt. 6.5.67, A.B.No. 72 E.O.T./7  
dt. 12.7.67, A.B.No. 133 E.O.T./4 dt. 18.4.67 and A.B.No. 127  
E.O.T./8 dt. 21.8.67 in collusion with the Railway staff for  
the periods 1.3.67 to 31.3.67, 12.4.67 to 24.4.67, 6.12.67  
to 19.12.67, 14.2 to 13.3.67, 18.7.65 to 14.8.65, 1.5 to  
15.5.67, 3.1.65 to 16.1.65, 23.5.65 to 19.6.65, 1.3 to 15.3.67,  
1.6 to 15.6.67, 5.12 to 1.1.66 and 1.7 to 15.7. respectively.

Actually he was entitled to overtime claims for 151 hrs.,  
73 hrs., 108 hrs., 241 hrs., 227 hrs., 20 hrs., 78 hrs., 230 hrs.,  
33 hrs., 18 hrs., 173 hrs., and 10 hrs., but he received payment  
for 383 hrs., 487 hrs., 319 hrs., 481 hrs., 474 hrs., 442 hrs.,  
458 hrs., 477 hrs., 241 hrs., 239 hrs., 465 hrs. and 531 hrs.,  
respectively in respect of the aforesaid period.

He has thereby contravened rule No.3 of Railway Service  
Conduct Rules 1966.

  
( S. S. R. YADAV )  
Asstt. Personnel Officer,  
Northern Railway,  
LUCKNOW.

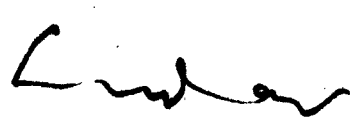
ANNEXURE-III.

5729/22  
List of documents

1. O.T.Bill bearing A.B.No.64 dt. 12.4.67 its office copy & Adj.4  
-do- 79 dt. 16.5.67 -do-  
-do- 80 dt. 16.5.67 -do-  
-do- 78 dt. 16.5.67 -do-  
-do- 45 dt. 7.6.67 -do-  
-do- 54 dt. 7.6.67 -do-  
-do- 217 dt. 31.5.67 -do-  
-do- 49 dt. 8.5.67 -do-  
-do- 127 dt. 21.8.67 -do-  
-do- 72 dt. 12.7.67 alongwith Adj. 4  
-do- 40 dt. 6.5.67,  
-do- 133 dt. 18.4.67.

in respect of Shri Roop Chand II Fireman.


2. General 164 for running staff for the year 1964-67.
3. CO6 Register for the month of January 1967 to August 1967.
4. Opinion of the G.E.Q.D. Calcutta No. DXC 174/68 dt. 11.9.68.
5. Specimen Signature of Shri Roop Chand taken on blank sheets.
6. Statement of Shri Roop Chand given before the Enquiry Committee composed of Shri M.G.Awasthi, A.D.A.O., Northern Railway, Lucknow and Shri Dev Raj, A.P.O.(II), D.S.office, N.Railway, Lucknow.

  
( S.S.R.YADAV )  
Asstt. Personnel Officer,  
Northern Railway,  
LUCKNOW.

ANNEXURE IV.

LIST OF WITNESSES.

- 5/22/30  
A/197
1. ✓ Shri B.L.Karamchandani, A.P.O.(II), N.Railway, Lucknow, now as A.P.O.(II), Moradabad.
  - ✓ 2. Shri Dev Raj, A.P.O.(II), D.S.office, N.Rly, Lucknow.
  - X 3. Shri B.M.Joshi, Divl. Personnel Inspector, Adj. Section, D.S.office, Lucknow now Divl. Personnel Inspector, Delhi.
  - ✓ 4. Shri S.K.Chatterji, Sr. Pay Clerk, Office of D.C.P.M., N.Railway, Lucknow.
  - X 5. Shri D.S.Chatterji, Sr. Pay Clerk, Office of D.C.P.M., N.Railway, Lucknow.
  - ✓ 6. Shri Pratap Singh, Clerk, Loco Shed, N.Railway, Alambagh, Lucknow.
  - ✓ 7. Shri Sheo Charan Lal, Clerk, Loco Shed, Alambagh, Lucknow.


  
( S.S.R.YADAV )  
Asstt. Personnel Officer,  
Northern Railway,  
Lucknow.

A  
201

ANNEXURE 'A'.

Charges against Sri Roop Chand 2nd Fireman.  
-----

That the said Sri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of over time claims amounting to Rs.169.54, Rs.461.40, Rs.283.91, Rs.428.09, Rs.388.68, Rs.400.00 Rs.331.82, Rs.391.14, Rs.288.95, Rs.227.05, Rs.429.73, and Rs.501.12 by causing alteration in bills A.B.No.64 EOT/4 dated 12-4-67, AB No.49 EOT/5 dated 8-5-67, AB No.<sup>79</sup>~~45~~ EOT/<sup>5</sup>~~6~~ dated 16-5-67, AB No.80 EOT/5 dated 16-5-67, AB No.46 EOT/6 dated 7-6-67, AB No.54 EOT/6 dated 7-6-67, AB No.78 EOT/5 dated 16-5-67, AB No.217 EOT/5 dated 31-5-67, AB No.40 EOT/5 dated 6-5-67 AB No.72 EOT/7 dated 12-2-67, AB No.133 EOT/4 dated 18-4-6 and AB No.127 EOT/8 dated 21-8-67, respectively in collusion with the Railway Staff while he was not actually entitled receive the said amounts and he thereby contravened Rule of Railway Servants Conduct Rules, 1966.

  
(J.N. Guha)  
Divl. Personnel Officer,  
Lucknow.

# NORTHERN RAILWAY

Refixation of pay in the Authorized Scales 1959.

Name R. S. Singh Designation Assistant Divisional Officer Office/Station Lucknow

Date of appointment 1-7-59 Date of last confirmation 1-7-59

Whether in Pre-1931 or Prescribed Scales of pay Pre-1931

Position in the existing scale/s of pay held on 1st July 1959 or subsequent date as opted.	Substantive Grade	Officiating Grade	Officiating Grade	Officiating Grade
1. Scale of pay :				
2. Basic pay :				
3. Dearness pay & Dearness allowance :				
4. Interim Relief : (Dearness Allowance) :				
5. Total present emoluments :				
6. Date from which continuously officiating :				
7. No. of stages necessary to arrive at the basic pay as at (2) above from the minimum/maximum of the existing scale :				
8. Date of next increment in the existing scale after 1-7-59 :				
9. Date on which maximum of the existing scale has been reached :				
10. No. of years of service completed at the maximum :				

1. Fixation of pay in the Authorized Scale (s) as on 1-7-59 (or date from which elected, if later).	Substantive Grade	Officiating Grade	Officiating Grade	Officiating Grade
1. Corresponding Authorized scale.				
2. Basic pay in the Authorized scale after adding/deducting the number of stages shown at I (7) above.				
3. No. and amount of additional increments admissible if reached at the maximum of the existing scale vide item I (9) & (10) above.				
4. Revised rate of Dearness Allowance.				
5. Revised emoluments in the Authorized Scales.				
6. Difference between the existing and revised emoluments.				
7. Prescribed ceiling limit.				
8. Basic pay with element of personal pay as } Pay Rs. finally fixed & Dearness Allowance thereon. } D.A. Rs.				
9. Date of next increment in the Authorized Scales.				

Checked by R. S. Singh Prepared by Clerk E

(Designation)

Supervisory check by R. S. Singh

(Designation)

Checked by R. S. Singh 23/10/60

CCE/HCE Lko. Div.

VERIFIED.

Divl. Accts. officer Lucknow

For Divisional Personal Officer Lucknow

Arrears drawn for the period from 1-7-59 to 1-7-59 vide A. B. No. 100

dated 1-7-59 and C. O. 7 No. 100 dated 1-7-59

Divisional Account Officer

8/20/59

**FORM II**  
**See Rule 9 (2)**

FOR ALL POST - 1931 ENTRANTS AND PRE - 1931 ENTRANTS WHO HAD ELECTED  
THE PRESCRIBED SCALES OF PAY.

\* (A) I, Noop Chand S/O Bhagchand  
(Name) (Father's name)

hereby elect the authorised scales of pay with effect from the 1st day of July, 1959.

\* (B) I, \_\_\_\_\_ S/O \_\_\_\_\_  
(Name) (Father's name)

hereby elect to continue on the existing scale of pay of Rs. \_\_\_\_\_ of  
my substantive/officiating post until :—

- \* (i) the date of my next increment.
- \* (ii) the date of my subsequent increment raising my pay to Rs. \_\_\_\_\_
- \* (iii) I vacate or cease to draw pay in the existing scales and to come on to the authorized scales of pay in respect of the remaining posts with effect from the 1st day of July, 1959.

Station PBH

Date 5/10/1960

Signature Noopel

Name Noopel

Designation II A/min

Office in which employed. Loc 8 h  
Station PBH

\*Score out whichever is not applicable



## Particulars of Service

EI/ A-G7/1

Left thumb impression of

Roopchand  
Clean  
1024

Signature

Date

1. 4. 51

Roopchand P.

Name (in full)

Roopchand

1024

Nationality or Caste

Sindhi (Hindu)

A/204

Father's Name

Bhagchand

Witnessed

Designation

Date

Accepted

Date

## Health Examinations

Date

Initials

Residence (in full)

C/o Bhagchand Compound

C.B. Dispensary Lucknow

Date of appointment

1st Dec 1950

Place

Rgshed Lucknow

Capacity on appointment

Cleaner

Pay

"

"

Rs 28/- P.m

Date of birth

19 years age on appnt

Place of birth

Kambar Distt Larkana Sind

Height

5'

ft.

4"

in.

Date of joining Provident Fund

1.1.52

Provident Fund Account No.

298253

Distinguishing marks

mole marks on right

side of neck

Special qualifications

## Termination of Service

Reason

Health certificate

A-1

Class.

Verifying Officer

[Signature]

Designation

Asstt. personnel officer

Date

13.4.51

## Gratuity

Ordinary/Compassionate passed.

Date

Amount

Abstract No.

Accounts Officer.

## Departmental Examinations (show failures in red)

Description

Date

Initials

Commendations.

## Particulars of leave

EI/ A-0

Name

Roope Chand.

Date of appointment

1-12-51

Nature	From	To	Months	Days	Remarks
Lwp	1-7-51	3-7-51	-	3	Rmc
Lwp	30-10-51	2-11-51	-	4	
Lwp	16-11-51	17-11-51	-	2	
LHP	18-12-51	23-12-51	-	6	
LWP	27-12-51	31-12-51	-	5	
LAP	10-5-52	14-5-52	-	5	
LWP	15-5-52	22-5-52	-	8	
LAP	15-6-52	19-6-52	-	5	
LAP	1-7-52	4-7-52	-	4	
LWP	25-7-52	26-7-52	-	2	Rmc
LHP	29-7-52	30-7-52	-	2	Rmc
LHP	1-10-52	22-10-52	-	6	
LHP	10-3-53	24-3-53	-	15	
LWP	25-3-53	26-3-53	-	2	Rmc
LHP	4-5-53	7-5-53	-	4	Rmc
LAP	10-6-53	12-6-53	-	3	
LAP	30-6-53	2-7-53	-	3	
LHP	6-7	8-7-53	-	3	
LAP	1-9	3-9-53	-	3	
LAP	19-6	29-6-54	-	11	Rmc
LAP	9-9	16-9-54	-	8	Rmc
LAP	22-11	24-11-54	-	3	
LAP	16-11	19-11-54	-	4	Rmc
LAP	25-12	27-12-54	-	3	
LAP	25-12	27-12-54	-	3	Rmc
LHP	23-12	3-3-56	-	10	Rmc
LHP	6-6	21-6-56	-	16	Rmc
LWP	8-11	19-11-56	-	10	Rmc
LHP	27-11	3-12-56	-	10	

# Punishments

El/ A-G7/4

Name Rupchand Aryasale

Serial No.	Date of Occurrence	Nature of Offence	Punishment inflicted	Initials of authority
	<u>EHL/16</u> <u>11/12/57</u>	for failing to turn up as 8 hrs on duty as B/man on 24 <sup>th</sup> 57	censured	<u>ASR</u> <u>12/12/57</u> <u>206</u>
	<u>EHL/16</u> <u>20/9/52</u>	for up absence on 10/9/52 and the same period treated as LWP	finally warned	<u>ASR</u> <u>20/9/52</u>
	<u>LS/21/10/11</u> <u>13/5/57</u>	For loss of one hand hammer on 12 <sup>th</sup> 57	Debit Rs 1/14/-	<u>ASR</u> <u>10/11/57</u>
	<u>LS/21/10/11</u> <u>1-2-58</u>	For shortage of one fire shovel	Debit Rs 1/75MP.	<u>ASR</u> <u>10/11/57</u>
	<u>X/3/ENB/57</u> <u>1/12/57</u>	Lat. turn out of 302 on T/ing. no: 8707 at Kampong Bhaeline on 21/7/52	W/T on 57	<u>ASR</u> <u>10/11/57</u>
	<u>No. Vig/3/SPB/60/20</u> <u>01 - 3-72</u>	For failure to maintain absolute integrity & devotion to duty and committing misconduct in as much as he knowingly received excess payment of overtime claims by causing alterations in bills. in Collinson with the Railway staff while he was not entitled to receive the said amounts.	Remove from service.	<u>ASR</u> <u>10/11/57</u> <u>OPO</u>

In the Court of Civil Judge Mahababad at

Lucknow

7/8

A  
2/3

Roop Chand \_\_\_\_\_ plaintiff

v.

Union of India & others - Defendant

R.S.No. 7 (1977)

Registered address of the plaintiff

Roop CHAND S/o. BHAG CHAND

11 FREMAN RUNNING SHED NORTHERN  
RAILWAY, LUCKNOW. R/O. H.M. 2F, BLOCK M  
RAILWAY COLONY ALAMBAGH, LUCKNOW.

Roop Chand  
plaintiff

Lucknow

28-4-77



कामा लप को नाना सिद्धि ल जात होत हवा ७७७३

३/५

४७

९

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा

कामा लप को नाना सिद्धि ल जात होत हवा  
३/५/७७

On the Court of Civil Judge  
Malik had the


A  
216

72

On 10th March \_\_\_\_\_ Plaintiff  
vs  
Union of Inds. ~~to be~~ \_\_\_\_\_ Defendant  
Rmo of  
Prised for 19-4-80

Received the duplicate of the  
annexure of the plaint. from Plaintiff

19-4-80

  
19-4-80  
H. U. O. I.

In the Court of Civil Judge Mahabadi  
Duelenow

1196

A/217

Roop Chand - Appellant  
vs

U. O. S.

--- opp party

Misc No - 43700

FF 13/1/78

L. Kailash Chandra

Taunshi Advocate State

Penal Counsel (Civil)

being authorized to  
appear for the State  
P. R.

Duelenow

Dated 13/1/78

(K. C. Taunshi)

Counsel

for

opp-party

(State Penal

Counsel)

(Civil)



In the Court of Civil Judge, Malihabad Lucknow.



1 = 1/50  
A  
2/18

Sri Roop Chand

.....Plaintiff.

Versus

Union of India and others, .....Defendant.

suit No. 43 of 77

fixed for 28.4.78

The plaintiff applicant above named begs to state as under:-

1. That in the above noted case the plaintiff filed a affidavit dated 2nd May 1977 in support of the plaint.
2. That inadvertently the applicant omitted to write the paragraphs number in verification of the affidavit.
3. That the mistake is liable to be condoned.

It is therefore prayed that the mistake may be kindly condoned and the applicant may be permitted to <sup>two</sup> fulfill numbers in the verification of the affidavit.

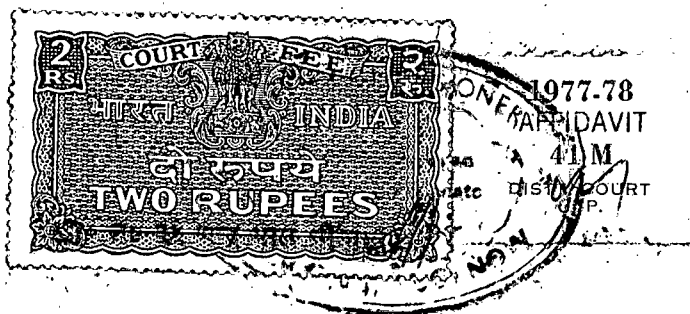
Lucknow: Dated: \_\_\_\_\_ Counsel for the plaintiff.

14.4.78.

Gullu Gullu civil Judge Malihabad  
Sri Roop Chand  
Union of India and others  
28.4.78

7129  
A  
219

In the court of Civil Judge Malihabad Lucknow.



Roop Chand

.....Plaintiff.

Versus

Union of India and others, .....Defendants.

R.S. No. 43 of 77

Fixed for

AFFIDAVIT

I, Roop Chand, aged about 46 years son of Late Sri Bhag Chand, resident of house No. F Block No. 1/60, Railway Colony, Behind Alambagh Gurdwara, Lucknow do hereby solemnly affirm:-

1. That the deponent is sole plaintiff in the above noted case and as such he is fully conversant with the facts deposed hereunder:-
2. That the deponent had filed the above suit in forma pauperies. The deponent is not possessed of sufficient means to enable him to pay court fee of Rs., 1,832.50.
3. That the deponent held the properties as enumerated in Appendix 'B' attached with the plaint.

*Roop Chand*

*J. Arayan*  
19/4/78

229  
2

A  
220

4. That the deponent had been no moveable or immoveable properties either in his own name or in the name of his family member. The deponent or his family member has not disposed off any property which they were not possessed.

Lucknow: Dated:

Deponent.

*Roopchand*

2.

Verification

I, the above named deponent do hereby verify that the contents of paragraphs ~~13~~ / <sup>th</sup> to <sup>4</sup> <sup>th</sup> are true to my personal knowledge and those of paragraphs <sup>to</sup> <sup>th</sup> ~~are believed by me to be true.~~ <sup>th</sup>

Signed and verified this 19 day of April 1978 at Lucknow.

Lucknow. Dated:

Deponent.

*Roopchand*

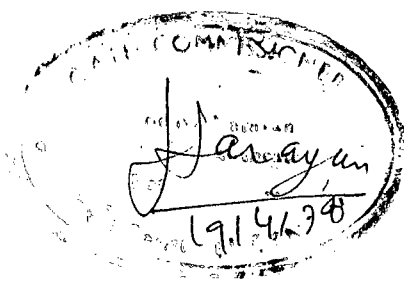
I identify that the deponent who has signed before me.

20/4/11

*Roopchand*  
*S.P. Singh*

*S.P. Singh*  
Advocate.

19. 4. 78



at 11.15 AM  
who is identified  
Clerk to Sri  
I am  
deponent  
this affidavit  
obtained by

Applicant

Roop Chandra

vs.

Union of India & another

op. Pwly

Mis. con no 43 of 77

F. F. 28.4.78

objections on behalf of the State

- 1) That the application is not maintainable as the applicant possesses of sufficient means to pay the requisite court fee.
- 2) That the applicant has concealed the property.
- 3) That the application itself is illegal & not maintainable.

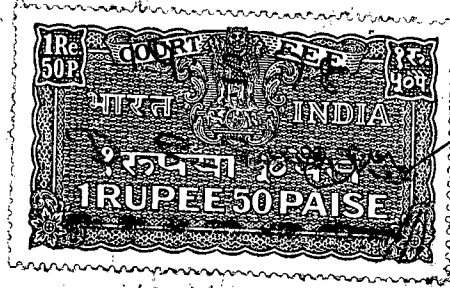
Under the circumstances  
Maled above the  
application is liable  
to be dismissed.

Let the  
20/4/78

Grate Paul Court  
Civil

in case of failure  
to pay court fee  
43/77

In the Court of Civil Judge Malihabad Luck



Roop Chand

.....Plaintiff.

Versus

Union of India and others. ....Defendants.

R.S. No. 42 of 73

Fixed for 19.5.78.

Application under order 6 Rule 17 C.P.C.

The plaintiff applicant above named begs to state as under:-

1. That in the above noted case in relief clause 22 (A) • The following sentence be added.

" However in case it comes out that the plaintiff's services have been terminated it be declared that the said order of termination is illegal , malafide and unsustainable. The plaintiff continues in the service."

2. That the aforesaid amendment has become necessary in view of the subsequent event as per allegations by the defendant that the plaintiff's services have already been terminated.

3. That the amendment prayed for is very material

Union of India - Civil Judge Malihabad  
Roop Chand  
Union of India  
Civil Judge Malihabad

112/3  
112

A/223

for the disposal of the case .

It is therefore prayed that the applicant  
be permitted to incorporate the proposed amendment  
in the plaint .

*Koolchand*  
Plaintiff.

Verification

I, the above named plaintiff ~~am~~ do hereby  
verify that the contents of paragraphs 1 and 2 are  
true to my personal knowled and those of paragraph  
3 ~~am~~ are believed by me to be true.

Signed and verified this 19th May, 1978 at

Lucknow.

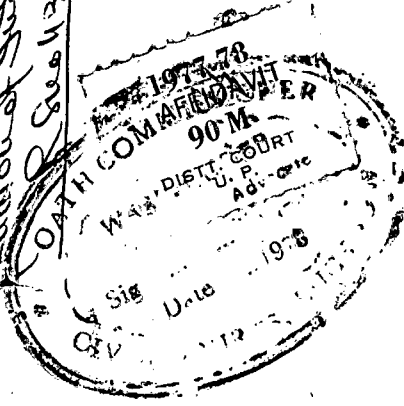
Lucknow:Dated:  
19.5.78.

*Koolchand*  
Plaintiff.

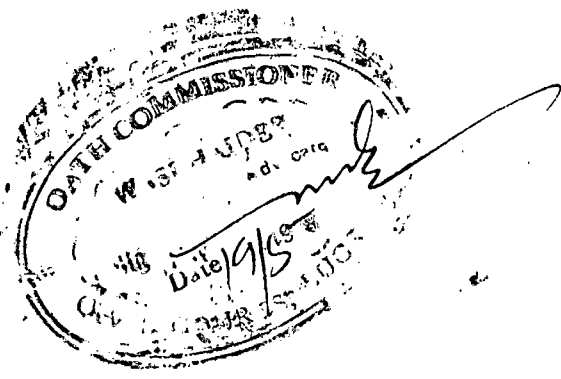
I identify that the plaintiff who has signed  
before me.

*[Signature]*  
Advocate.

*Gullu Gout of civil court Lucknow  
Prob chand 15  
Union of Gullu Gout*

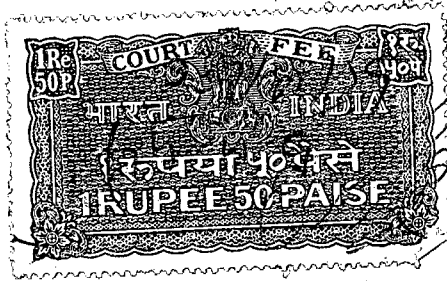


*9/507u*  
I have received the above before me  
16/5/78 MIP No. 1500 Paid Rs. 150/-



न्यायालय की मान सिविल जज मालिकावादी  
 ५५७३ ५५६

2/8.29



12/1/50  
 29/8/29

A  
 224

की तयचंद - - - वादी  
 पुत्रिय आका डा. 50 - - - जालवादी  
 मुं 51000-7 8347 66  
 - - - 98.2062

की मानुषी

वादी निगलित प्रथम कला

दो।

- 1 यह एक अयाक वाद में न्यायालय की मानुषी के वादी की लायन मल संशोधन वाद (मुं 98) दगा पर एकीका करके वादी को आदेश दिया था कि वाद में एक सप्ताह के अन्दर संशोधन को दे
- 2 यह एक वकील ने दगावा समुप के अन्दर अदा कर दिया है मगर वाद में वादी समुप के अन्दर संशोधन 1 को संकाई

आत की मानुषी से लायन कि वाद में संशोधन समुप के अन्दर न करने की देरी जाक जावाइ जाक

Allowed. incorporated and once.

28.8.59

दिनांक

22-26

8.8.12

जाय की तयचंद वादी  
 आका जी. सी. सि-ध एडिटर

आपाव्यय की मात्र गैरविलेय उज गोलेंछ बाए  
 सं १७३ ५ २६

4/28.0.29

की रूप च-५ - - - - वापस  
 शीनयन माक हो-आ माक - - - - डातवावेअम  
 (उ० इल्लि० न० ४३ स० ६६  
 - चकी १३-१०-६६

अपलक बाप में पाया हवान के रसीद  
 - दर्तावेक करत है।

दिनांक २१-८-७९  
 १३  
 वकील बापे

970360

उ० रे०/N.R. वाणिज्य/एम० २/एम० १  
 जी. सी. ३/एम० ३/एम० ३

मण्डल/Division  
 स्टेशन मुहर/Station Stamp

रसीद/Receipt  
 रकम रसीद/MONEY RECEIPT

प्राप्त/Received from M/s./Shri  
 पता/Address

से the sum of Rs. (in words)  
 निम्नलिखित विवरण में अंकित है  
 on account for the particulars noted below

हस्ताक्षर/Signature  
 पदनाम/Designation

दिनांक/Date

नोट - (1) यदि अग्रलिखित हो तो अग्रलिखित दस प्रमाणों के लिए यह रसीद दी जाएगी।  
 This receipt, for charges paid, shall be given, if required, at the time of payment.  
 (2) कारणों का उल्लेख करते हुए अग्रलिखित का विवरण दिया जाना चाहिए।  
 Complete particulars of the payment to be recorded specifying the purpose.  
 (3) जब रकम की वापसी अनिवार्य हो, यह रसीद प्रस्तुत किए बिना, वापसी के लिए किसी राशि पर  
 पर विचार नहीं किया जाएगा।  
 Where refund is admissible, no application for refund will be entertained  
 without the production of this receipt.

Rup Chand  
 21/8/79



5168

रूप चन्द

----- वादी

बनाम

यूनियन आफ़ इण्डिया

----- प्रतिवादी

वाद संख्या 24/82  
नियत तिथि 24-5-83

प्रार्थना पत्र अन्तर्गत आदेश 13 नियम 2

उपर्युक्त वाद में सविनय निवेदन है:-

1- यह कि वादी की नियुक्ति असिस्टेण्ट सुपरिटेण्डेण्ट  
[पावर] लखनऊ ने की। वादी की सर्विस बुक अत्यधिक  
अन्वेषण करने के पश्चात प्राप्त हो पायी है जिसमें वादी का मूल  
नियुक्ति पत्र उपलब्ध है। इस नियुक्ति पत्र से वादी का यह कथन की  
उत्तरी नियुक्ति डिवीजन सुपरिटेण्डेण्ट, उत्तरी रेलवे ने की थी, निश्चित  
रूप से गलत साबित हो जाती है।

2- यह कि न्याय के हित में उक्त सर्विस बुक मय नियुक्ति पत्र  
के इस माननीय न्यायालय में मूल रूप से ही दाखिल किया जाना आवश्यक  
है क्योंकि इसी में यह भी उल्लिखित है कि वादी की सेवा हटाने का  
आदेश डी०पी०ओ० ने दिया था।

अतः निवेदन है कि वादी की सर्विस बुक उक्त वाद में मूल रूप  
से दाखिल करने की आज्ञा प्रदान की जाय और उक्त सर्विस बुक को जो  
एक अत्यन्त महत्वपूर्ण दस्तावेज है, सीलकवर में रखने की भी आज्ञा प्रदान  
की जाय।

24/5/83

वी०एम०शर्मा  
रेलवे अधिवक्ता

Roop Chandra ..... Plaintiff.

versus

Union of India ..... Defendant.

R.S.No.24 of 1981

Fixed for 11.7.83

OBJECTION ON BEHALF OF THE PLAINTIFF TO THE  
DEFENDANT'S APPLICATION UNDER ORDER 13 RULE 2 C.P.C.

1. That no cause much less the sufficient cause has been made out by the applicant.
2. That the applicant has not even whispered as to why and under what circumstances he could not lay his hands on the documents earlier.
3. That the case had been repeatedly fixed for arguments and was reserved for judgment and thus this is no stage of filing the document unless good cause is re assigned by the applicant.
4. That the application under reply is a misconceived one and deserves to be rejected.
5. That the case is pending for the last 1972 and it is surprising that the defendants who are possessed immense staff could not lay their hands over the documents sought to be filed specially when the same

(cont'd. on page 2)

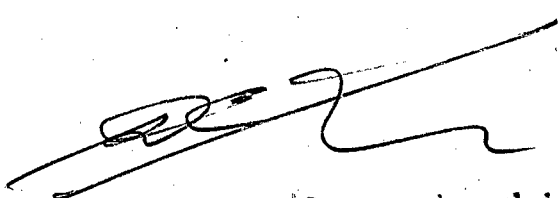
69  
11 2  
A  
228

favoured the pivot of their defence as alleged.

6. That the documents are forged and appear to have been prepared to defeat the claim of the objector.

7. That the application is not in accordance with the requirements of order 13 rule 2 C.P.C.

8. That in view of above the application under reply is liable to be rejected.



Dated: Lucknow:  
July 11, 1983.

Counsel for the objector.

IN The Court Of Civil Judge MALIHABAD  
LUCKNOW

R. S. No 24 of 1981

C-76,

Roop chand . . . . . Plaintiff

v/s

Union of India . . . . . Defendant

Fix for 13. 12. 1983

Application Under Section 157 C. P. C.

The defendant begs to state as under

1. That the defendant counsel instructed by the defendant that he wants to file Revision / Appeal against the order dated 21. 11. 83
2. That as such for filing Revision / Appeal against order dt 21. 11. 83 it requires formal order.
3. That this Honble be directed to the preparation of formal order of order dt. 21. 11. 83 and in the interest of Justice

Wherefore it is prayed that order for preparation of formal order dt 21. 11. 83

Lucknow Dated  
Nov 22. 1983

Ans. Jm. U.

Advocate  
for Union of India

In the Court of Civil Judge Malihabad at <sup>A/230</sup>  
LUCKNOW

5122

Roop chand ~~Appellant~~ Applicant  
plaintiff Complainant

VERSUS

Union of India Defendent Opposite party  
Respondent Accused

Original Suit 24 of 1901  
First  
Civil Appeal No. 19  
2nd  
Civil Case

Fixed for 13. 12 19 03 for Argument

In the above mentioned Case I appear for the U. O. 9  
Appeal

having been instructed by \_\_\_\_\_ to appear

and pleaded on his Union of India behalf  
their

LUCKNOW.

Dated 22-11- 19 03 Counsel for An Afzal  
C. A. K. AGNIHOTRI Advocate  
Advocate

न्याय अदालत, Civil Judge, Allahabad at Lucknow  
 सं० मुकदमा - 24-91901-  
 न्याय कर केन - Roop Chand v - दाता A.M.O. 2200

In the Court of Civil Judge Allahabad  
 व अदालत श्रीमति - at Lucknow  
 वादी अपीलांत श्री  
 प्रतिवादी रेस्पॉण्डेंट  
 231

Roop Chand  
 वादी अपीलांत  
 प्रतिवादी रेस्पॉण्डेंट  
 Union of India

सं० मुकदमा 24 सव 1981 पेजी की तह 19 हो  
 ऊपर मुकदमा में अपनी ओर से श्री- A.R. Agnihotri, Advocate

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रस्तावित करें या कोई कामज दाखिल करें या लौटावें या हमारी ओर से डिमरी जारी करावें और खयाल वसूल करें या मुलहमा या इकवाल दाया तथा अपनी व बिमरानी हमारी और से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई खयाल जमा करें या हमारी विपरीत करीबनी का दाखिल किया हुआ खयाल अपने या हमारे हस्ताक्षर मुफत हस्तबती रसीद से लेवें का पंच नियुक्त करें-----  
 वकील महोदय द्वारा की गई वह सब कार्यवाही हमको लक्ष्मी स्वीकार है और होगी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवें ।

Accepted  
 7/11/83  
 विन/20.7

Union of India through  
 & General Personnel Officer  
 Northern Railway, Lucknow.

वादी अपीलांत  
 प्रतिवादी रेस्पॉण्डेंट  
 नहीत - Nov - सव 19-83-हो

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232

गट्ट

डा. कप चन्द

वादी

मुनिमान डा. डी. डी. डी. — बगप

डा. कप चन्द

दाखल २८ ८ ६६

उपशान्त लाल शर्मा कुमरन व डी. डी. डी.

नलवान, गिरीदा २००० व डी. डी. डी. दाखल

डा. कप चन्द नलवान दाखल २८ ८ ६६

ताशी २६ ६६

Kap. Chandra

अप चन्द  
डा. कप चन्द

In the Court of Civil Judge Malilabod, Luckh

A  
333

21/12/2

Roop Chand

vs — Plaintiff

Union of India and

others — Defendant

R.S. No 43877

F.F. 284-78

That the plaintiff above named begs  
to state as under:-

1. That in the above noted case Hon'ble  
Court directed to file another Affidavit  
in support of the Plaintiff.
2. That today applicant is filing Affidavit  
it is therefore prayed that the  
above said Affidavit may  
be considered and allowed this application.

Dt. 19.4.78

S.P.S.

Civil Judge

Appr



In the Court of Civil Judge  
Maulhabad Lucknow =

1124 <sup>A</sup>/<sub>234</sub>  
2

Sh. Rook Chand

vs

Plaintiff

Union of India

Defendant

R. No. 43 of 77

Fixed for 5-11-77

Fulls above noted case for Retat Summons  
and two Regd cover with A.D. file here with  
and duplicate already returned and attached file  
the above case

Date 20-9-77

Rook Chand  
Plaintiff

Copy of case file maintained in  
Court of Civil Judge, Maulhabad  
Lucknow  
Union of India  
R. No. 43 of 77  
Fixed for 5-11-77

क्रमांक/No. 651

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Date-stamp

क्रमांक/No. 649

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Signature of Receiving Officer

24-3-81, TC

$$\frac{7}{213}$$

आर्य समाज ————— श्री

पुनर्मान काल दिनांक \_\_\_\_\_ प्रति

ॐ नमो भगवते वासुदेवाय २५/८/२०१९

ash-24-381-us.

31-3-81 Jones

उपरोक्त लिखित अनुवाद में त्रिंशत् बलवान्

तांदादी बुद्ध ६५०० विना दा  
५५०० विना दा  
५५०० विना दा

श्री जगदीश लाल व सोहन पात्र सम्मान तनिका विरक्त  
काता है।

2-3-1984

1813

*[Handwritten signature]*

2-3-1981

IN THE COURT OF CIVIL JUDGE MALINABAD, LUCKNOW.

12/236

C-100

Room Chand ..... Plaintiff.  
versus  
Union of India ..... Defendant

R.S.No. 24 of 1981  
Fixed for 19.7.84

The plaintiff applicant above named begs to state  
as under :-

1. That the case is listed for argument for 19th July 1984 .
2. That the counsel for the applicant has to remain out of station on the said date and as such will not be able to attend the case.
3. That the case is old one and the said ~~counsel~~ counsel is well conversant with the same as he has been doing it from the very beginning, and as such it will not be possible to change the counsel at this stage.

It is therefore prayed that some other date instead of 19th July 1984 may kindly be fixed.

Dated: Lucknow:  
July 6, 1984.

Counsel for the appli

No objection  
if date be fixed  
after 19.7.84.  
Anil Kumar  
Aashu  
For U.O.9.  
6/7

In the Court of the Civil Judge  
Melikabwa Luvuvu

A  
237

IT 909

Roopchand \_\_\_\_\_ Plaintiff

v/s

Union of India \_\_\_\_\_ Defendant

Fix. for 10.10.84

Applicable under Section 151 C.P.C.

The defendant begs to state as  
under

1. That the case was fixed for arguments on 27.9.84
2. That on 27.9.84 Plaintiff's Counsel addressed the arguments and Defendant's Counsel could not address the arguments due to unavailability of complete record as such it was presumed that today case is fixed for defendant's arguments.
3. That the Court file it transpires that the case fixed for judgment today
4. That an argument on behalf of defendant could not be addressed

Therefore it is necessary that defendant be permitted to address the arguments before judgment is pronounced.

Wherefore it is prayed that time be given for addressing the arguments.

Resd St

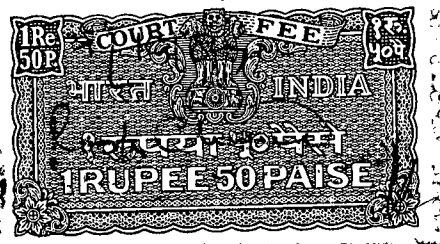
October 10, 1984

*[Signature]*

Adv

For U.O. 9.

In the Court of Chief Judge Mahabadi  
Lucknow -



258  
TT 902

Roop Chand — — — Plaintiff  
Union of India — — — Defendant.

R. S. No. 24 of 1981  
7-7-10-10-84.

The plaintiff's applicant above named begs  
to state as under:

1 - Just on the date of argument  
it was observed that a material  
portion of the file had been  
inadvertently consigned by the  
Office with the result there are  
certain material papers not  
available on the record which  
would place an impediment  
in the delivery of justice.

Misc No. 720672 was decided on 20.4.77 by JIR Adl. Munif.  
It is therefore prayed that the  
Office be directed to send the

requisition for summons and  
part of the file so that the  
delivery of judgment be  
given easily.

Papers be made  
the  
9/8/84

In case of  
or.

counsel for the  
Applicant

उपेक्षित क संश्लेषित विवरण

विशेष विवरण

07/07/20

90/100

विषय - उपरोक्त विवरण

विषय - विवरण

उपरोक्त

विषय - उपरोक्त विवरण

विषय - उपरोक्त विवरण

107/07/04

Signature

IN THE COURT OF DISTRICT JUDGE, LUCKNOW.

Shri Hira Lal Khanna, Aged about 69 years,  
S/o. Late Shri Bhagat Ram Khanna, R/o. 19-A,  
Krishna Nagar, Kanpur Road, Lucknow.

..Tenant-Appellant.

Versus.

1. Brahma Swarup Khetrapal, Aged about 60 years  
S/o. Late Shri D.P. Khetrapal, R/o. 19-A,  
Krishna Nagar, Kanpur Road, Lucknow.

2. Shri Lajpat Rai Khanna, S/o. Hira Lal Khanna,  
Aged about 48 years, R/o. 19-A, Krishna Nagar,  
Kanpur Road, Lucknow.

...Opp. Parties.

Rent Appeal under Section 22 of the U.P.  
Act 13 of 1972 against the order dt. 2.8.1982  
passed by the court of Civil Judge, Malihabad  
Lucknow, acting as Prescribed Authority in  
P.A. Case No. 64 of 1981, Brahma Swarup  
Khetrapal Vs. Hira Lal Khanna & Another  
allowing the application for release under  
Section 21 (1)(a) of the Landlord Opposite  
Party No. 1, on the following amongst other

G R O U N D S.

1. That the Learned Prescribed Authority below  
has erred in law in holding the alleged need  
of the Landlord opposite party No. 1 relative

Industrial orphanage.

40. That the agreement entered into between District Magistrate, Lucknow purporting to act as the President of the Committee of Management of the orphanage ~~XXXXXX~~ and the Vice Chairman of the Lucknow Development Authority would not confer any right, interest or possession in respect of the immoveable property over which the Industrial Orphanage exists.
41. That the immoveable property consisting of building and land over which the industrial orphanage exists, did never vest in the State Government and the charitable Endowment created under section 4 of the Charitable Endowments Act, 1890 does not have any right or authority in respect of the immoveable property of the orphanage.
42. That the committee of management notified section 5 of the Act does not have any legal authority to manage the affairs relating to immoveable property of the orphanage, as the immoveable property does not form part of the charitable endowment created under section 4 and 5 of the Act.
43. That so far as the main building over which the Industrial Orphanage is standing is concerned, the vice chairman of the Lucknow Development Authority or the District Magistrate have no legal authority to enter or to take possession of the same.
44. That the so called agreement entered into between the District Magistrate and the Vice Chairman of the L.D.A. does not have any legal sanction for lack of authority with the committee of Management of the Endowment established under section 4 and 5 of the Act.
45. That the Lucknow Development Authority without any legal right to take over possession of the land over which the building and less occupied by the R.T.O. or the building over which the Industrial Orphanage stand, is processing to make a plan for construction of a multi storied commercial complex at the site where the orphanage exists.



सं. १०० से १०० प्रपत्र सं. १ भाग IX

साक्ष्य सूची (अध्याय 4, नियम 4)  
District Judge, Lucknow.

पान

A-1

CR सं. 167 of 84

पान

पान

राज्य सरकार बनाम

~~Shahid Hussain~~ Vs. ~~Shahid Hussain~~

प्रपत्र सं.

Union of India vs. Rosh Chaudhary

प्रपत्र सं. १०० से १०० प्रपत्र सं. १ भाग IX

क्र. सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.
क्र. सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.	प्रपत्र सं.
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1	1 Fly List	A	+	✓	-	2/1/84
2	2 Order Sheet	A	1	✓	-	
3	3 Revision	A	2	✓	6 5.23	
4	4 Address...	C	2	✓	2 1.50	
5	5 Copy of order	C	2	✓	2 3.4	4
6	6 Copy of Po.	C	1	✓	2 1.50	4
7	7 Application	C	2	✓	2 2.00	-
8	8 Affidavit	C	1	✓	-	-
9	9 मीटिंग	C	1	✓	-	18/3/84
10	10 मीटिंग	C	1	✓	-	2/3/84
			14	13	13.25	-

17/1 19/1 1/2 8/2 16/2  
In the court of the District Judge, Lucknow.

Civil Revision No. 14 of 84 A2  
Union of India Vs. Roop Chand A/242

9.1.84 Revision Under Section 115 c & c  
along with stay application is being  
put up with office report.

Order

Steps in the light of the office be taken  
be 13.1.84.

DJ

9.1.84.

17.1.84. Let steps in the light of the office report be  
taken by 18.1.84. Office report by 19.1.84.

DJ

17.1.84.

20-1-1984 8-C Let the valuation be done and necessary  
~~xxx~~ correction be made by 21-1-1984. Subsidiary  
office report be made by 23-1-1984.

Distt. Judge  
20-1-1984.

23-1-1984 Heard the counsel. I doubt if a revision  
lies against the impugned order inasmuch as it  
does not amount to a 'case decided', as contemplated  
under Sec. 115 of the C.P.C. Let the counsel satisfy  
the Court on this aspect and the matter may come  
up on 1-2-1984.

Distt. Judge  
23-1-1984.

1.2.1984

Put up on 8.2.1984.

District Judge,  
Lko.

8.2.84

Put up on 16.2.84 before the  
district judge.

9/c distt. judge

A 37/12  
8/2/83

IN THE COURT OF DISTRICT JUDGE LUCKNOW  
CIVIL REVISION NO. 14 OF 1984

1. Union of India Hon. General Manager (Northern Rly)  
Baroda House, New Delhi.
2. D.S. (N.R.) Northern Rly, Lucknow Loco Rly Shed  
Alambagh. Revisionist appl.

V/s

Roop Chand about 40 years s/o Bog Chand Foreman  
Running shed (Northern Railway) Lucknow resident  
of House No. 2F Block No. 1/60 Railway Colony,  
Alambagh, Aliganj. Lucknow. .... opp party A.

Valuation of suit R/8582207  
Valuation of Revision. R/8582207  
A.

13

Revision under section 115 C.C. code of 1908  
against the order and formal order dated 21-11-83  
passed by Sh R.P. Srivastava, Civil Judge,  
Malihabad, Lucknow decing C-68 against the dependent  
revisionist Shri Roop Chand Plaintiff/ versus  
Union of India defendant R.S. No. 24 of 1981  
amongst other on the following

1. Because the document for which the permission to be taken on the record was admittedly a document the genuineness of which could not be disputed or questioned by the plaintiff therefore the learned court below acted illegal and not exercising discretion vested in it in favour of the revisionist.
2. Because as no evidence in rebuttal was needed from the side of the plaintiff therefore the court below should have allowed to take the same on the record therefore the learned court below has erred and failed to exercise his jurisdiction vested in it.
3. Because as no evidence was need to be adduced by either of the party therefore learned court below should be considered the case with this aspect also and should have exercised the discretion in favour of the revisionist.
4. Because it was proper for decision and justice between the parties that the service record and learned court below while rejecting the application C-68 caused material irregularity and injustice.
5. Because the learned court below illegally erred in observing the application was moved at belated stage when under the circumstances for the case i.e. the said document was handed and delay with at so many places and delay was not unreasonable and malafide.

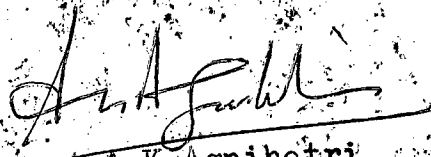
*[Signature]*  
Adv.

6. Because the finding of the learned court below is against the law.

Wherefore, it is most respectfully prayed that revision be allowed, orders passed by the learned court below be set aside and document may kindly be taken in the record and ~~xxx~~ any other suitable order be passed which this Honble court may deem fit and proper in the circumstances of the case.

Lucknow

Dec 4 1983  
Jan 7 1984



A.K. Agnihotri

Advocate

Counsel for the

Revionsist

Union of India

Note : My power is on the Lower Court's record.

Formato de

12 The Court of The District Judge, Amherst, N. Y.  
Amherst Review Co 14 of 1904, 10  
A  
246

1. Union of India Hm. Genl. Mgrs (Northern  
Rly / Baroda House, New Delhi)
2. D.S. (N.R. / Northern Railway Indian  
Loco. Rly. Shed Mumbai,  
Mumbai

Roop Chand about 40 years of age. Beg Chand  
Foreman Running Shed (also known as Railway)  
Dumkhan 2/0 House no. 2 F Blocky No. 1/60 Railway  
Golony, Alambagh, Aligaj, Dumkhan.  
D/K. Boly

Claim: - Land Revision 45115 etc against  
the order dated 21.11.83  
passed by L. R. P. Inettare land Judge  
Mahabubnagar in R.S. no. 24 of 1981

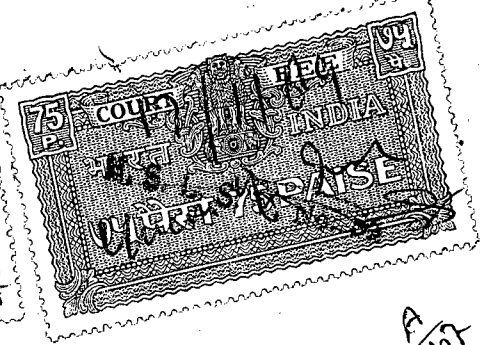
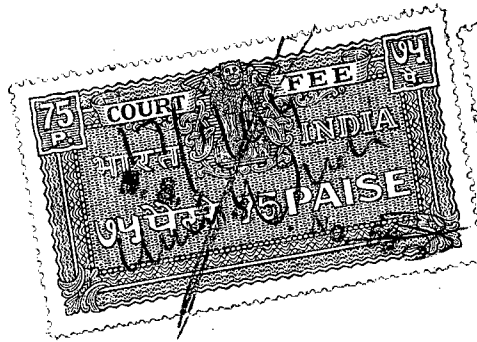
Wahrscheinlichkeit  $\frac{1}{2} \cdot 101.582 = 07$

This revision is being put up for disposal before  
 Distt Judge, Lucknow,  
 Panchad Narain

पञ्चद नारायण के अधिवक्ता गण को सुना जाय 'अदेश'  
 हुआ कि विनोद नारायण को १५०० रुकाजि दिया

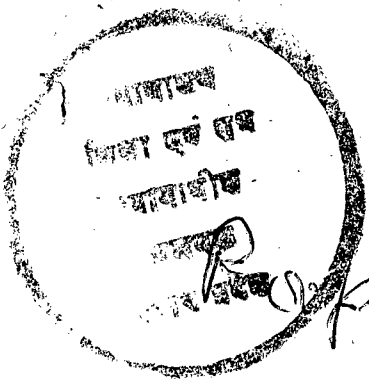
gain under my hand and the  
seal of the Court this 10th day of  
February 1884  
G. B.

1-7-0



True Copy

CY  
1  
A  
247



In the Court of Civil Judge,  
Malikhabad  
Muzaffargarh

R No. 24 of 1987

Proposed in Union of India  
Copy of order dated  
21/4/83

24/11/83

gthc/11

22/11/83  
word 1

400 C-68

Case called out  
Parties counsel are  
present.

By defendant for filing  
certain documents w/o b14 r. 2  
e.p.c.  
e/h1 obj. filed by the plaintiff  
Heard.

CSM

So far as provisions laid  
on w/o b14 r. 2 e.p.c. are concerned  
the papers may be filed -  
after showing the

64 <sup>248</sup>/<sub>2</sub>

- 3

for defendants. So there are  
delay tactics and to  
harm the plaintiff who is  
in trouble. Such articles  
(Sen) should not be encouraged.  
Under these circumstances  
I find no force in the  
application which is ought  
to be rejected. As such  
application E-68 is  
rejected & E-69 is allowed  
Fm 13.12.83  
(Sen) For Ants

Expedited by MR  
Compared by. h

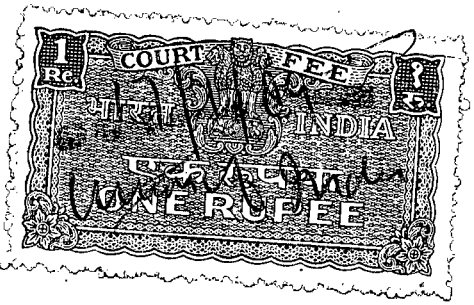
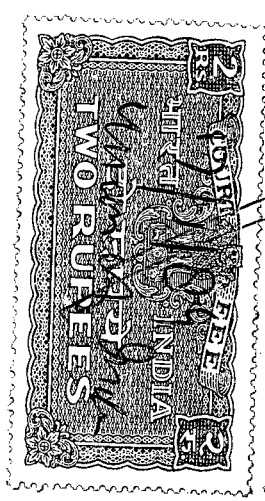
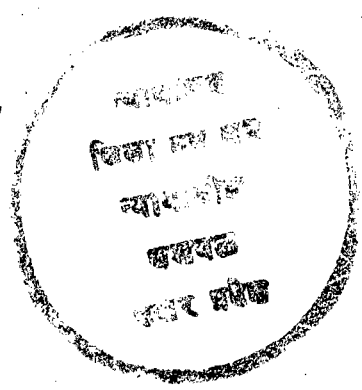
- Sd/- J. H. J. J.

प्रतिष्ठा  
प्रधान प्रतिलिपिक  
जिला एवं सत्र न्यायालय  
बलान

A  
249

(36)

C5/1



9 Mall

प्रतिश्री नरेश चंद्र आदेश

22/11/83

In the Court of Civil Judge  
Malhabad  
Lucknow.

दस्तावेज 100

दि 24 एप्रिल 1983

Roop chand aged about  
40 years Son of Bhag Chand -  
A Fine man Running shed -  
Northern Railway Lucknow -  
R/o N. M. F. Bazaar I/60 -  
Railway Colony Behind -  
Alambagh gurdwara -  
ward Alambagh Lucknow -  
Plaintiff.



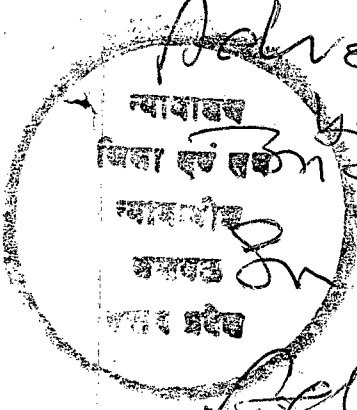
C-68

C 5/2

C-71 By defendant for -  
filing certain documents  
U/O 21/4/2000

obj filed by the Plaintiff

आवेदन के विषय में D.C. Sinha



Advocate आचार्य श्री -  
जयदेवजी के विषय में

श्री. A.K. Agrawal -  
Advocate आचार्य श्री -

उपस्थित में इस तथ्य के कारण  
दिनांक 21 मार्च 11 को श्री R.B. Srivastava -  
जिला न्यायाधीश

जिला न्यायाधीश श्री -  
लुण्डन के समक्ष निराकरण के

विषय में श्री ए. आर. द्वारा  
आवेदन किया जा रहा है -  
As such application 2/08 -

is rejected obj. is allowed

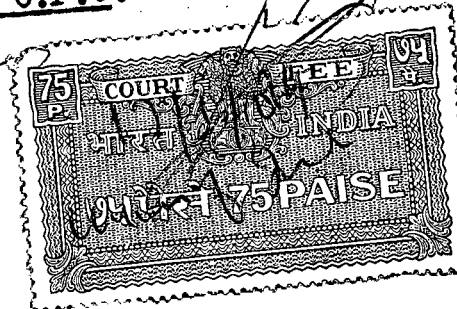
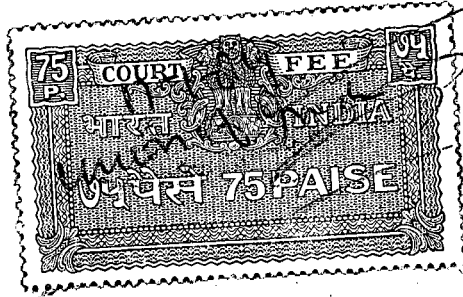
A/  
25

C6

IN THE COURT OF DISTRICT JUDGE LUCKNOW  
CIVIL REVISION OF 1983

Union of India - Applicant  
Roop Chand V/s - Opp.site parties

Application under section 151 C.P.C.



The revisionist begs to state as under  
that the facts disclosed and reasons mentioned  
in the accompanying affidavit it is most  
respectfully prayed that your honour may be pleased  
to state the proceeding in R.S. No. 24  
of 81 Roop Chand V/s Union of India of Court  
of Civil Judge Malihabad at Lucknow till  
disposal of this revision.

Lucknow

Dated 1983

Jan 7<sup>th</sup> 1984

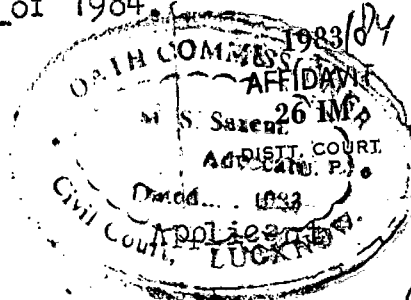
(A.K. AGNIHOTRI)  
Advocate

Counsel for revisionist  
Union of India

In the Court of District Judge Lucknow

Civil Revision No. \_\_\_\_\_ of 1984.

Union of India



Vs.

Roop Chand

Opp. party.

Affidavit

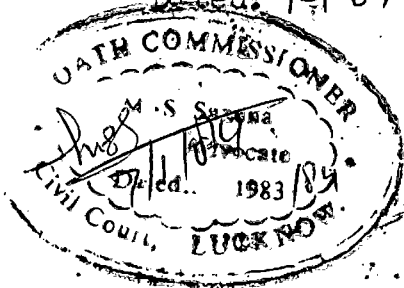
I, B.K.Sinha S/o Sri Ram Chadra Sinha aged about 40 yrs.  
resident of Lucknow deponent, solemnly affirm and state on oath  
as under:-

1. That the deponent is the Asstt. Personnel Officer of  
N.R.in DRM Office Lucknow and he is fully conversent with facts  
of the case.
2. That the above case is fixed for hearing on 18.1.1984
3. That the service record of the plaintiff is necessary  
for the proper decision of the case and if the proceeding in the  
Regular suit is not stayed then this revision is infructuous.
4. That in the interest of justice and circumstances of the  
case proceeding in the regular suit no.24 of 81. Roop Chand  
Vs. Union of India in Civil Judge Malihabad at Lucknow be stayed  
till disposal of this revision.

*[Signature]*  
Deponent

Lucknow.

Dated: 7-1-84



*[Signature]*

721  
Verification

1254  
C7/2  
I the abovesigned deponent do hereby verify that the content of paras 1 to 4 of this affidavit are true to my personal knowledge based on the official record maintained with the Railway Administration.

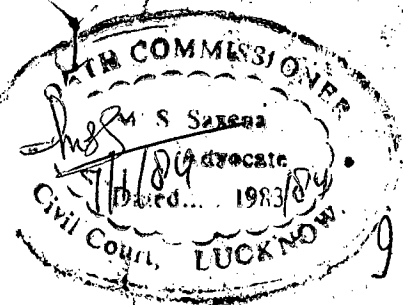
Signed and verified on 6th day of January 1984 at <sup>Cur Court</sup> ~~Compt~~ by residence. <sup>47th</sup> ~~Advocate~~

Deponent

261M

sworn and affirmed before me at Lucknow on 11.02.84 by B.K. Sinha who is identified by Shri. A.K. Agnihotri Clerk to Shri. Advocate. I have issued this by examining the deponent and by reading and explaining the contents of this affidavit which has been explained by me to the deponent.

M.S. Saxena



I identify the deponent who has signed before me

Adv. J. K. Sinha

6/1/83

7/1/83

IN The Court of the District Judge Lucknow  
Revision No 14 of 84

8C

A/SS

Union of India . . . . . Applicant -

Roopchand '15 . . . . . Opp. Party -  
fix. to 19.1.84

Application Under Section 151 C.P.C.

The revisionist begs to state  
as under

1. That the revision was filed by  
the revisionist on 7.1.1984.

2. That due to inadvertence  
valuation of suit as well as valuation  
revision could not be filed, and  
now the valuation of suit as  
well as revision is Rs. 185-82-07

3. That due to the above Circumstances  
in the interest of Justice revision  
be allowed to file the valuation  
of suit and revision is Rs. 185-82-07

Wherefore it is prayed that your  
honor may be pleased to allow to  
file the valuation of suit and revision  
Rs. 185-82-07.

Resubmitted at  
Jan, 10. 1984

Ant J. H.

Ack

For Union of India

व अदालत श्रीमान *Mr. C. P. Agarwal* महोदय  
वादी (मुद्दई)

प्रतिवादी (मुद्रदालेह) का वकालतनामा

*Regno 839 (867)*

*Rodchand* वनाम *U. J.*

वादी (मुद्रदई)

प्रतिवादी (मुद्रदालेह)

नं० मुकदमा सन 19 पेशी की ता०  
ऊपर लिखे मुकदमा में अपनी ओर से

19 ई०  
श्री

*C. P. Agarwal*

एडवोकेट

*6, Uncha Mandi, Allahabad* महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ। और लिखें देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व फल करेगा अन्य कोई कागज दाखिल करें या लौटा देय हमारी ओर से डिगरी जारी करावें और रुपया वसूल करेगा सुलहनामा इकबाल दावा अपील व बिगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीककरे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष (फरीकसानी) का दखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवेगा पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह करता हूँ। कि मैं हर पेशी स्वयं या किसी अपने पराकार को भोजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिखा दिया कि प्रारंभ और समय पर काम आवें।

साथी (गवाह) .....  
दिनांक ..... महीना

हस्ताक्षर *आनन्द मायू*  
साथी (गवाह) .....  
नाम अदालत .....  
नं० मुकदमा .....  
नाम फरीकन .....

07  
14/10/200

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
~~Circuit~~ ~~ALLAHABAD~~ BENCH Lucknow  
~~83-A, THORN HILL ROAD, ALLAHABAD~~  
Gandhi Bhawan!!!!!!! Lucknow

No. CAT/ALLD/JUD/ 33545 to 46

DATED 14/10

T.A.NO. 032 OF 1986 (T)

Roop Chand Applicants'

VERSUS

Union of India & ors N.R.Ry Respondents'

- To ① Roop Chandra, II Fireman, Running shed  
N.R.Ry, P/O House No. F. Block I/60 Railway  
Colony, behind Alambagh, Gurudwara, Lucknow.  
② G. P. Aggarwal Adv. 6-Una Mandi, Allahabad.

WHEREAS the marginally noted case has been transferred by  
D.J. Lucknow under the provision of the Administrative  
Tribunal Act (No. 13 of 1985) and registered in this Tribunal  
as above.

Writ Petition No. MAA 439

OF 1984 of the

Court of D.J. Lucknow

arising out of order dated

1 passed by 1

in 1

The Tribunal has fixed date  
of 26.10. 1988. The hearing  
of the matter.

If no appearance is  
made on your behalf by your  
some one duly authorised to  
act and plead on your behalf

the matter will be heard and decided in your absence.

GIVEN UNDER my hand seal of the Tribunal this 12.10.88

day of 12 1988

J. K. Srivastava  
12.10.88  
DEPUTY REGISTRAR

**23-A, Thornhill Road, Allahabad 211 001**

Dated 22/5/04

Registration No. 832 of 1986 (T)

APPLICANT

U.O. 9. (G.N. N. Rly) 202

## RESPONDENTS

(C) Keop Chaud. Ho. Late Sir Bhag Chaud. II  
Pte House No. F Block I Ke Railway Colony  
Behind Alambagh Groundwork, Lucknow

(D) Union of India through the General Manager  
N. Ry. Board. Ho. Sec. New Delhi

WHEREAS the marginally noted case has been transferred by *D. J.*

Dr. K. K. K. under the provisions of the Administrative Tribunals Act (No. 13 of 1985) and registered in this Tribunal as above.

17c. No. 437 of 1984  
of the Court of D. J. Lucknow  
arising out of the order dated \_\_\_\_\_  
passed by \_\_\_\_\_  
in \_\_\_\_\_

The Tribunal has fixed the date of 22/10  
1986 for the hearing of the  
matter.

If no appearance is made on your behalf by yourself, your pleader or by someone duly authorised to act and plead on your behalf, the matter will be heard

decided in your absence.

Given under my hand and the seal of the Tribunal this 5<sup>th</sup> day sept 1986.

Signal Superintendent at-  
~~By~~ Through loco Foreman  
Eng. shed N. Ry.  
Bagh, Lucknow

DEPUTY REGISTRAR

O/c ~~\_\_\_\_\_~~



No. CAT/ 12028

Government of India  
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
23-A, Thornhill Road,  
ALLAHABAD.

Dated:- 29.11.1986

To

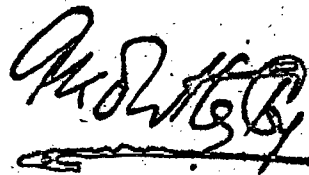
The District Judge  
Lucknow

Sir,

*Misc.*  
*Case* I am directed to say that marginally noted ~~civil~~  
~~Appeal~~ pertaining to the service matter of a Central Government  
servant has been transferred from the Court of District Judge  
Lucknow to this Tribunal by order dated 21st April 1986  
passed by Xth Addl. District Judge, Lucknow.

In this connection I am to point-  
out that the record of  
Misc. case No. 439 of 19-  
84. original/regular suit giving rise  
Roop Chand ....Applicant: to the above noted Misc. case  
vs. Union of India & others : has not been sent to this  
Respondent arising out of Tribunal alongwith the record of  
judgement and decree : the ~~Civil Appeal~~ *Misc. Case*,  
dated 10.10.1984 passed :  
by Civil Judge Lucknow :  
in suit No. 24 of 1981. I am, therefore, to request  
that the record of suit may please  
be sent to this Tribunal within  
a fortnight, as the appeal is fixed for hearing on 3rd December  
1986.

Yours faithfully,



Deputy Registrar



Recd.

No/CAT/Jud/Alld/T/B/832/

Government of India

Central Administrative Tribunal

Allahabad Bench,  
23-A Thornhill Road, Allahabad.

Dated. 18/3/1987

To,

The District Judge,  
Lucknow.

Sir,

I am directed to say that marginally noted Civil Appeal pertaining to the service matter of the a Central Government Servant has been transferred from the Court of . . . District Judge Lucknow . . to this Tribunal by order dated . . . . . passed by . . . . .

Misc Case NO. 439/84

~~Civil Appeal~~ . . . . .  
arising out of Judgement &  
decree dated 10-10-84  
passed by Civil Judge  
Allahabad  
in suit no. 24/81  
of Lucknow . . . . .

In this connection I am to

point out that the record of original/ regular suit giving rise to the above noted Civil Appeal has not been sent to this Tribunal alongwith the record of the Civil Appeal.

( I am, therefore, to request that the record of suit may

please be sent to this Tribunal within a fortnight, as the appeal is fixed for hearing on 15-4-87 . .

Yours faithfully,

*[Signature]* 18/3/87  
for Section Officer  
Judicial Transfer

*[Signature]*

*[Signature]*

To

The Deputy Registrar  
Central Adm. Tribunal  
Allahabad.

Subj: Rgn NO 832/86 T Roop Chand  
VS  
Union of Adm. Distt - Lucknow.

A/  
264

Dear Sir,

In the above noted case I am not  
pressing forms pending application  
and in view of Honble Bench No I's  
order I am paying Rs 50/00 (Rs fifty only)  
by way of postal order. I have been directed  
by the Honble Tribunal to deposit it in the  
office.

So, you are requested to direct your  
office to accept the same.

Thank you.

Rakesh Adv.

(RAKESH VARMA)  
ADV.

for the applicant.

So (Tm/16)  
R/B

7.5.87

To

A/265

The Deputy Registrar  
Central Adm. Tribunal  
Allahabad.

Subj: Rgn No 832/86T. Roop Chand vs Ch-2  
- Inspection.

Dear Sir,

The above noted case has been listed  
for final hearing on 22/5/87. It has been  
intimated by the office that the record of the  
lower court which has been summoned by  
the Honble Bench now I has been received.

Being a counsel for the  
applicant I want to inspect the record  
of the above noted case which may kindly  
be allowed.

Thanking you.

Attested

Yours sincerely  
Adv

7/5/87

7.5.87

(RAKESH VARMA)

Adv.

for the applicant.

17.7

To

17/8

The Deputy Registrar

C.A.T. ALCO.

Sub- Inspection of records in case no.  
832/86 T. Roop chand vs 2002  
Dist. Lucknow

Dear Sir,

I am appearing as a counsel on  
behalf of the applicant in the above  
noted case.

I wanted to inspect the record  
of the case on behalf of the applicant.  
Kindly allow & oblige.

Thank you.

R. R. Adv.  
(Rakesh Varma)  
Adv.

for the applicant

Respected

Signature

17/7/89

Inspected  
R. R. Adv.  
21/8/89

A 18  
2/88

2.

3- That in the year 1986, the aforesaid case has been transferred and since then the date has been fixed and it was adjourned on one pretext or others.

4- That hearing of the aforesaid petition has not yet been matured.

5- That the plaintiff is permanent resident of Lucknow and after the retirement, he is residing with his son.

6- That since the Circuit bench of this Hon'ble Tribunal also sits occasionally at Lucknow and as such in the interest of justice, the aforesaid case may be transferred to the Lucknow Circuit Bench of this Hon'ble Tribunal, so that the plaintiff get his case argued from the same lawyer, who contested the case before the Trial Court.

7- That it has come to the knowledge that on 5th and 6th of October, 1988 the Circuit Bench is sitting at Lucknow and as such it is prayed that aforesaid case may be transferred to the Circuit Bench, Lucknow and the date may be fixed as 6.10.1988, otherwise the applicant would suffer irreparable loss.

K. C. Chandra

17/2/89

3.

P\_R\_A\_Y\_E\_R

It is, Most Respectfully prayed that this Hon'ble Tribunal be pleased to transfer the aforesaid case to the Circuit Bench, Lucknow and be further pleased to fix the date as 6.10.1988, otherwise otherwise the applicant would suffer irreparable loss.

DT: SEPTEMBER 26, 1988.

*Roop Chandra*  
(ROOP CHANDRA)  
APPLICANT IN PERSON.

*Tr. to E.B.  
Lko dt 26.10.88  
Off issuing order  
to respondent.*

*[Signature]*  
Dkt  
26.9.88

18/2/80

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH : ALLAHABAD.

....

CIVIL MISC. APPLICATION NO. OF 1988

ON BEHALF OF

ROOP CHANDRA .APPLICANT

IN

REGISTRATION NO. 832(T) of 1986

Roop Chandra .Applicant Plaintiff

Versus

Union of India & others. .Respondents.

To

The Hon'ble The Vice Chairman and His  
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed  
Most Respectfully States as Under :

- 1- That the plaintiff has been dismissed from service on 10th March 1972 and she filed a suit, which was registered as 72-of 1972 and the said suit was dismissed.
- 2- That against the aforesaid judgment, the plaintiff filed an appeal before the District Judge, Lucknow, which has been transferred to this Hon'ble Tribunal and has been registered as mentioned above.

Roop Chandra

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for nra



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2.

3- That in the year 1986, the aforesaid case has been transferred and since then the date has been fixed and it was adjourned on one pretext or others.

4- That hearing of the aforesaid petition has not yet been matured.

5- That the plaintiff is permanent resident of Lucknow and after the retirement, he is residing with his son.

6- That since the Circuit bench of this Hon'ble Tribunal also sits occasionally at Lucknow and as such in the interest of justice, the aforesaid case may be transferred to the Lucknow Circuit Bench of this Hon'ble Tribunal, so that the plaintiff get his case argued by the same lawyer, who contested the case before the Trial Court.

7- That it has come to the knowledge that on 5th and 6th of October, 1988 the Circuit Bench is sitting at Lucknow and as such it is prayed that aforesaid case may be transferred to the Circuit Bench, Lucknow and the date may be fixed as 6.10.1988, otherwise the applicant would suffer irreparable loss.

Dated

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3.

P\_R\_A\_Y\_E\_R

It is, Most Respectfully prayed that this Hon'ble Tribunal be pleased to transfer the aforesaid case to the Circuit Bench, Lucknow and be further pleased to fix the date as 6.10.1988, ~~otherwise~~ otherwise the applicant would suffer irreparable loss.

DT: SEPTEMBER 26, 1988.

*Roop Chandra*  
(ROOP CHANDRA)  
APPLICANT IN PERSON.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
LUCKNOW CIRCUIT BENCH

Review Application No.282 of 1989  
In  
Registration T.A. No. 832 of 1986 (L)

Roop Chand ..... Applicant

Versus

Union of India & Others ..... Respondents

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

Hon. Mr.K.J.Raman, Member(A)

(By Hon.Mr.K.Nath, V.C.)

This is an application for review of our judgement dated 26.9.89 in the Transfer Application described above whereby his appeal against dismissal of a Suit for quashing an order of removal from service passed on 10.3.72 was dismissed.

2. We have carefully gone through the contents of the Review Application and we find that all the points raised therein were adequately considered in the judgement sought to be reviewed. The submissions made are in the nature of appellate contentions and not of some error apparent on the face of the record. There is no force in the Review Application. The Review Application is therefore dismissed.



Member (A)



Vice Chairman

Dated the 4<sup>th</sup> Oct., 1990.

RKM

C M (Review) An No 20404(C)

:: 2 :: TM 032/06(1)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
		<p>A. CM (Review) AN. No. has been filed in <u>G.A.</u>..... T.A. 032/06(1) on 25.10.09 The case bearing <u>G.A.</u> was decided <u>TA</u> by the Bench of Hon'ble <u>Justice K. Nath</u> Hon'ble <u>Mr. K.S. Ramani</u> on dated. <u>26.9.09</u>... The author of the judgement is Hon'ble <u>Justice K. Nath J.C</u> <del>Submitted for</del> <del>order.</del> <u>24/11/09</u> 4/6 for the <u>Shri</u> has need <u>judgment</u> on <u>29.9.09</u> Review <u>Appellate</u> in <u>within time</u> <u>24/11/09</u></p>

Received  
on date  
23/10/90  
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① V.C./KJR

A/3

In the Hon'ble Central Administrative Tribunal,  
Additional Bench Allahabad,  
Circuit Bench, Lucknow.

C.M. (Review) Application No. 202 of 1939 (L)

Roop Chand ..... Applicant.

In re:

TA/832(T) of 1986

Roop Chand ..... Applicant/appellant.

Versus

Union of India & others ..... Respondents.

To

The Hon'ble Vice Chairman  
And other Members of the  
aforesaid Tribunal.

The applicant named above most  
respectfully begs to submit as follows :-

1. That the instant case (appeal) was received  
on transfer from <sup>District</sup> ~~Hon'ble High Court~~ Court for disposal.

2. That the appeal was finally heard by a

Filed today

L  
25/11/89

Roopchand

Division Bench comprising of Hon'ble Mr. Kamleshwar Nath Justice the V.C. and Hon'ble Mr. K.J. Ramen A.M. and was finally dismissed on 26-9-1989.

3. That the Hon'ble Tribunal has decided the appeal through a detailed judgement but certain important points have been left consideration by the Hon'ble Tribunal and the same has led the dismissal of the appeal.

4. That the specific and important points are as follows :

(a) That it was specifically argued that the fact finding enquiry was conducted by two officers who themselves were involved in the said incident and were p.w.s. also . As such the fact finding enquiry suffered from technical defect and inherent legal flaws. Moreover, the copy of fact finding enquiry proceedings were not given to the appellant at all.

(b) That in the DAR Enquiry it was only avered that the delinquent had stated in the fact finding enquiry and admitted to have been involved in the said incident . At this stage the Hon'ble Tribunal should have consi-

*Kamleshwar*

dered the fact that the averment made in the DAR Enquiry <sup>u</sup>prely relying on the contents of fact finding enquiry which was not legally constituted, the findings and proceedings were ~~ab-initio~~, ultravires, illegal and with no legal sanction. As such in the result, the appeal was liable to be allowed.

(c) That the appellant's alleged confession as referred in para 8 of the judgement was for the voucher but it was not specifically stated that the alteration and amendments were made in his own voucher by him. Under such circumstances the inference against the interest of the appellant could have not been drawn and appeal as such was liable to be allowed.

(d) That the Hon'ble Tribunal was not kind enough to consider the fact that the appellant had served about 22 years in the Railway service and thereafter contested for about 17 years for his survival and as such at the best assuming the guilt proved, he could have been punished with compulsory retirement and not with the punishment of removal from service.

*Longhand*

(e) That the Hon'ble Tribunal could have considered the pathetic condition of the appellant and at least allowed the pecuniary benefit of 22 years service rendered by him for the remaining days of his life.

5. That in the circumstances aforesaid, it is very much expedient in the interest of justice that the Hon'ble Tribunal is pleased to review its own judgement dated 26-9-1939 and allow the appeal at least in part, ~~but~~ there was no even specific and clear report of hand writing expert, drawn, and as such no adverse inference could have been /  
P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to review its own judgement and allow the appeal in the interest of justice, otherwise the appellant shall suffer irreparable loss and injury.

Lucknow, dated;  
October 25, 1939.

*Roop Chand*  
Appellant/applicant

Verification

I, Roop Chand aged about 57½ years, s/o late Sri Bhag Chand, r/o T-1/60-F, Railway quarter behind Alambagh Godown, do hereby verify that the contents of para 1 and 2 are true to my own knowledge and those of paras 3 to 5 on the legal advice which I believe to be true and that I have not suppressed any

material fact.  
Lucknow, dated;  
October 25, 1939.

*Roop Chand*  
Appellant/applicant.

*Identified Son  
Roop Chand  
who has  
signed before  
me  
Roop Chand  
Luknow  
25/10/39*



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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration T.A. No. 832 of 1986

(Misc. Case No. 439/84 of the Court of )  
( District Judge, Lucknow )

Roop Chand ..... Plaintiff Appellant/  
Applicant

Versus

Union of India & Another... Defendants-Opposite Parties

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.J. Raman, A.M.

(By Hon. Justice K. Nath, V.C.)

This appeal with permission to file an appeal as an indigent person in the Court of District Judge, Lucknow <sup>was</sup> received by transfer for disposal by this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The application for permission to institute the appeal as an indigent person is infructuous because there is no such remedy under the Administrative Tribunals Act; every appeal has to come, pay the usual fees of Rs. 50/- which is prescribed for an original application before the Tribunal. The case is therefore proceeded for hearing of the appeal on merits.

3. The applicant was a Fireman grade II in the Running Shed, Alambay of the Northern Railway at Lucknow, when in the year 1966-67 he was alleged to have obtained some excess payment of overtime by making alterations in vouchers. An enquiry was ordered on 27.11.67 and the investigation was also



handed over on 24.11.67 to the G.P.E. On 13.2.69, the applicant was chargesheeted under a regular departmental disciplinary proceedings. On 5.3.69, the applicant submitted a reply along with a prayer for obtaining certain documents. As a result of the enquiry, it was found on 3.3.71 that the charge of the applicant's securing excess payment of overtime allowance was proved. On 10.11.71, he was required to show cause why he may not be removed from service. On 9.2.72, he submitted his reply to the show cause notice. On 10.3.72 the impugned order of his removal from service was passed.

4. On 20.3.72, the applicant filed regular Civil Suit No. 24 of 1981 in the Court of Civil Judge, Malhabad for a permanent injunction to restrain the defendants from removing the plaintiff applicant from service. It is not clear why he filed an injunction suit after the termination order had already been passed. The learned counsel says that the applicant was not aware of the termination order. However, in course of time, the plaint was amended and relief was sought to declare the termination order to be illegal and void ab initio and the plaintiff to be continuing in service. There was also a prayer for recovery of Rs.19,582-07 on account of wrongful termination of service.

5. The suit was contested by the defendants and was dismissed by judgment dated 10.4.84. The appeal which is led to the present case was filed on 5.12.84.

6. The following points have been raised by the learned counsel for the appellant-applicant :-

(1) The preparation of the payment of overtime

allowance vouchers was not done by the Applicant but by the office with which the Applicant had nothing to do; it used to be prepared on the basis of Joint Train Report prepared by the Railway Guard.

(ii) The investigation had been handed over to the S.P.E. on 24.11.67 which reported on 17.12.70 that a criminal case was not made out against the applicant. The opinion of the handwriting expert was that the source of writings in the vouchers could not be determined. A report of a preliminary enquiry was also prepared. These three papers were not made available to the applicant (as per demand).

(iii) Accounts Clerk R.K. Singh who had prepared the voucher, was not examined during enquiry.

(iv) Witnesses for the Department were examined on the back of the applicant who was not given an opportunity to cross-examine them.



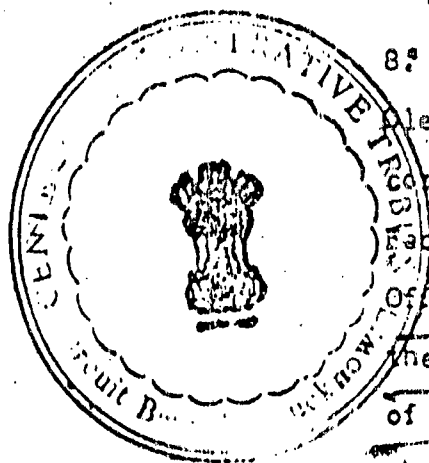
The enquiry officer's report (Annexure 'B') mentions that the Register General 164 in which hours of actual working of each member of the running staff, like the appellant, are recorded is based on a Joint Train Report submitted by the driver and on the basis of the Register, the Ticket clerk of the shed prepares a statement of overtime earned by each employee. The statement is checked by the Adjudication clerk and the papers are put to the Executive Officer for sanction. After sanction, bills of each employee are prepared by the Adjudication Clerk and sent to Accounts Section for audit and payment. The bill is prepared in a

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Register by the Receipt Clerk, who makes it over to the Dealer for scrutiny and passing it for payment. The bill containing payment order, called voucher, is sent to the Pay Clerk for payment of the amount while the precedent statements are preserved in the Accounts Office. The applicant's counsel therefore is correct that the appellant had nothing to do with the preparation and passing of the vouchers. Nevertheless the admitted fact is that there are alterations in the vouchers relating to the appellant on the basis of which he had received excess payment of overtime allowance.

8. It is admitted that the concerned Accounts Clerk was R.K.Sinha. The learned Civil Judge has correctly referred to the fact that in the course of Fact Finding Enquiry conducted by a Committee of Officers, before the case was investigated by the S.P.E., the appellant admitted that he used to visit the house of Sri R.K.Sinha (for taking milk) and helped him in checking and passing bills of overtime for about 6 or 7 months, which Sinha used to take to house, and that he used to make additions, alterations, and corrections on the directions of Sinha. The admissions of the applicant are reproduced in extenso at pages 23 and 24 of the Enquiry Report Annexure 'B' and their genuineness is not disputed. The only explanation of the applicant is that these admissions had been obtained by duress. The Enquiry Officer has recorded proper reasons for rejecting the theory of duress, and this Tribunal is not expected to sit in appeal over the views of the Enquiry Officer based on a material which exists.

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9. The enquiry proceedings are on the lower Court record. When these admissions during Fact Finding Enquiry were being proved by Sri Dev Raj, APO (PMT), the applicant said that he had made these "confessional statements" under pressure by representatives of various parties including PMT, which was denied by PMT. The fact, therefore, that in the normal course of things he had nothing to do with the preparation of the vouchers, is rebutted by the fact found that the vouchers used to be taken by R.K.Sinha to his residence where the appellant used to make corrections, alterations etc. therein.

10. It is plain that the opinion of the S.P.E. would have concerned with the criminal angle of the matter, and not with the civil defaults of the appellant as an employee. It is also clear that the report of handwriting expert was indeterminate; it could, by itself, neither implicate nor exonerate the applicant. It is well settled that a Preliminary Enquiry report is a document for the use of the department itself, and unless it is used as a piece of evidence, the charged employee has no right of access to it. The Disciplinary Enquiry begins after the chargesheet is framed. There is nothing to show that the Fact Finding Enquiry Report was used as a piece of evidence during Departmental Disciplinary Enquiry. Even so, the appellant's own statement dated 9.2.71, at page 24 of Enquiry proceedings file, is that he had been shown the report of the Fact Finding Enquiry Committee from which he had taken extracts. We are of the opinion therefore that the failure of the department to furnish copies of these three documents to the appellant does



- 6 -

not vitiate the validity of the proceedings or the impugned orders.

11. The chargesheet and the statement of imputation of misconduct by the appellant does not contain the name of Accounts Clerk R.K. Sinha in the list of witnesses. The Department, therefore, was not bound to examine him. It was open to the appellant to have called him in his defence; he did not. There is no relevancy in the contention of the learned counsel for the appellant that although the appellant was alleged to have colluded with R.K. Sinha, no disciplinary proceeding was instituted against him. The department may have had good reasons therefor.



The contention that the statements of the witnesses were recorded at the back of the appellant, and he had no opportunity to cross-examine them is incorrect. At page 24 of the Inquiry Proceedings File, there is the unmistakable admission of the appellant that he had full opportunity to cross-examine all the witnesses examined during disciplinary enquiry proceedings. It is also admitted, and clear from endorsements on various pages of the enquiry file, that the appellant was assisted by a Defence Assistant who took part in the Disciplinary Inquiry Proceedings.

13. The last point urged by the learned counsel for the appellant is that the penalty of removal from service is excessive, having regard to the nature of the guilt. The latest decision of the Supreme Court on

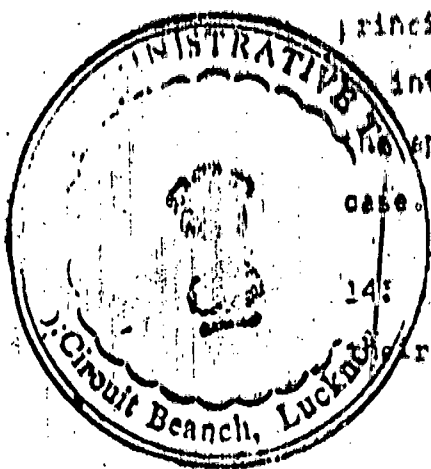
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the subject is in the case of Union of India and Others  
VS. M. P. M. P. (1989) 2 SCC 177. Having regard to the  
principles laid down there, we see no justification  
to interfere with the penalty of removal imposed upon  
the appellant in the facts and circumstances of this  
case.

14: The appeal is dismissed. Parties shall bear  
their costs.



Member (A)

Vice-Chairman

Dated the 26<sup>th</sup> Sept., 1989

RIQA

CTC

*[Handwritten signature]*  
28/9/89

Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

In the Hon'ble Central Administrative Tribunal,  
Additional Bench Allahabad,  
Circuit Bench, Lucknow.

C.M. (Review) Application No. 202 of 1939 (L)

Roop Chand

....Applicant.

In re:

TA/332(T) of 1936

Roop Chand

.... Applicant/appellant.

Versus

Union of India & others

.... Respondents.

To

The Hon'ble Vice Chairman  
And other Members of the  
aforesaid Tribunal.

The applicant named above most  
respectfully begs to submit as follows :-

1. That the instant case (appeal) was received  
on transfer from <sup>District</sup> ~~Lower~~ Court for disposal.

2. That the appeal was finally heard by a

Roop Chand



Division Bench comprising of Hon'ble Mr. Kamleshwar Nath Justice the V.C. and Hon'ble Mr. K.J. Ramani A.M. and was finally dismissed on 26-9-1989.

3. That the Hon'ble Tribunal has decided the appeal through a detailed judgment but certain important points have been left consideration by the Hon'ble Tribunal and the same has led the dismissal of the appeal.

4. That the specific and important points are as follows :

(a) That it was specifically argued that the fact finding enquiry was conducted by two officers who themselves were involved in the said incident and were p.w.s. also . As such the fact finding enquiry suffered from technical defect and inherent legal flaws. Moreover, the copy of fact finding enquiry proceedings were not given to the appellant at all.

(b) That in the DAR Enquiry it was only avered that the delinquent had stated in the fact finding enquiry and admitted to have been involved in the said incident . At this stage the Hon'ble Tribunal should have consi-

*Reviewed*

considered the fact that the averment made in the DAR Enquiry purely relying on the contents of fact finding enquiry which was not legally constituted, the findings and proceedings were ab initio, ultravires, illegal and with no legal sanctity. As such in the result, the appeal was liable to be allowed.

(c) That the appellant's alleged confession as referred in para 8 of the judgement was for the voucher but it was not specifically stated that the alteration and amendments were made in his own voucher by him. Under such circumstances the inference against the interest of the appellant could have not been drawn and appeal as such was liable to be allowed.

(d) That the Hon'ble Tribunal was not kind enough to consider the fact that the appellant had served about 22 years in the Railway service and thereafter contested for about 17 years for his survival and as such at the best assuming the guilt proved, he could have been punished with compulsory retirement and not with the punishment of removal from service.

*Long/Chao*

(e) That the Hon'ble Tribunal could have considered the pathetic condition of the appellant and at least allowed the pecuniary benefit of 22 years service rendered by him for the remaining days of his life.

5. That in the circumstances aforesaid, it is very much expedient in the interest of justice that the Hon'ble Tribunal is pleased to review its own judgement dated 26-9-1989 and allow the appeal at least in part, ~~as~~ there was no even specific and clear report of hand writing expert, drawn, and as such no adverse inference could have been /

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to review its own judgement and allow the appeal in the interest of justice, otherwise the appellant shall suffer irreparable loss and injury.

Lucknow, dated;

October , 1989.

*Roop Chand*  
Appellant/applicant

Verification

I, Roop Chand, aged about 57½ years, s/o late Sri Bhag Chand, r/o T-1/60-F, Railway quarter behind Alambagh Godown, do hereby verify that the contents of para 1 and 2 are true to my own knowledge and those of paras 3 to 5 on the legal advice which I believe to be true and that I have not suppressed any material fact.

Lucknow, dated;

October , 1989.

*Roop Chand*  
Appellant/applicant.

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALMABAD

Circuit Bench at Lucknow

Registration T.A. No. 832 of 1986

(Misc. Case No. 439/84 of the Court of )  
( District Judge, Lucknow )

Roop Chand ..... Plaintiff Appellant/  
Applicant

Versus

Union of India & Another... Defendants-Opposite Parties

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.J. Ramon, A.M.

(By Hon. Justice K. Nath, V.C.)

This appeal with permission to file an appeal as an indigent person in the Court of District Judge, Lucknow <sup>was</sup> received by transfer for disposal by this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The application for permission to institute the appeal as an indigent person is infelicitous because there is no such remedy under the Administrative Tribunals Act; every appeal has to accompany the usual fees of Rs. 50/- which is prescribed for an original application before the Tribunal. The case is therefore proceeded for hearing of the appeal on merits.

3. The applicant was a Fireman grade II in the Running Shed, Alambag of the Northern Railway at Lucknow, when in the year 1966-67 he was alleged to have obtained some excess payment of overtime by making alterations in vouchers. An enquiry was ordered on 22.11.67 and the investigation was also



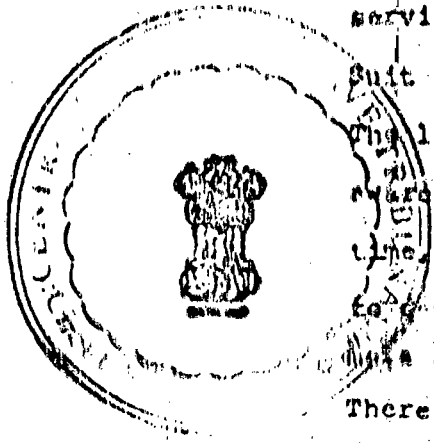
handed over on 24.11.67 to the S.P.E. On 13.2.69, the applicant was chargesheeted under a regular departmental disciplinary proceedings. On 5.3.69, the applicant submitted a reply along with a prayer for obtaining certain documents. As a result of the enquiry, it was found on 3.3.71 that the charge of the applicant's securing excess payment of overtime allowance was proved. On 10.11.71, he was required to show cause why he may not be removed from service. On 9.2.72, he submitted his reply to the show cause notice. On 10.3.72 the impugned order of his removal from service was passed.

4. On 20.3.72, the applicant filed regular Civil Suit No. 24 of 1981 in the Court of Civil Judge, Malihabad for a permanent injunction to restrain the defendants from removing the plaintiff applicant from service. It is not clear why he filed an injunction Suit after the termination order had already been passed. The learned counsel says that the applicant was not aware of the termination order. However, in course of time, the plaint was amended and relief was sought to declare the termination order to be illegal and void ab initio and the plaintiff to be continuing in service. There was also a prayer for recovery of Rs.18,582-07 on account of wrongful termination of service.

5. The Suit was contested by the defendants and was dismissed by judgement dated 10.4.84. The appeal which is led to the present case was filed on 5.12.84.

6. The following points have been raised by the learned counsel for the appellant-applicant :-

- (i) The preparation of the payment of overtime



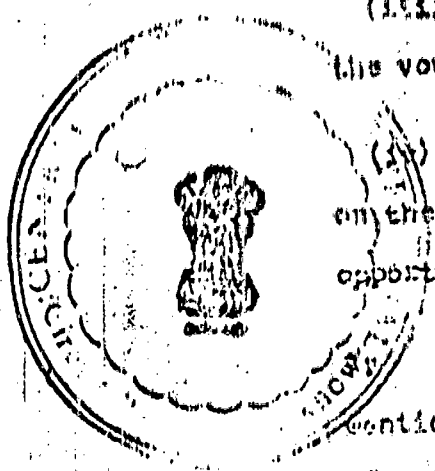
allowance vouchers was not done by the applicant but by the office with which the applicant had nothing to do; it used to be prepared on the basis of Joint Train Report prepared by the Railway Guard.

(11) The investigation had been handed over to the S.P.E. on 24.11.67 which reported on 17.12.70 that a criminal case was not made out against the applicant. The opinion of the handwriting expert was that the source of writings in the vouchers could not be determined. A report of a preliminary enquiry was also prepared. These three papers were not made available to the applicant despite demand.

(12) Accountant Clerk R.K. Singh who had prepared the voucher, was not examined during enquiry.

(13) Witnesses for the Railway Guard were examined on the back of the applicant who was not given an opportunity to cross-examine them.

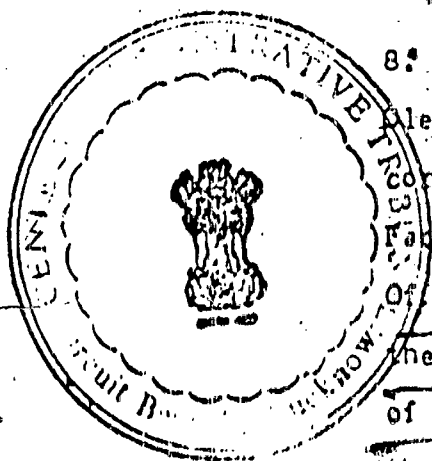
The enquiry officer's report (Annexure 'B') mentions that the Register General 164 in which hours of actual working of a member of the running staff, like the appellant, are recorded is based on a Joint Train Report submitted by the driver and on the basis of the Register, the Ticket clerk of the Shed prepares a statement of overtime earned by each employee. The statement is checked by the Adjudication clerk and the papers are put to the Executive Officer for sanction. After sanction, bills of each employee are prepared by the Adjudication Clerk and sent to the Accounts Section for audit and payment. The Bill is prepared in a



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Register by the Receipt Clerk, who makes it over to the Dealer for scrutiny and passing it for payment. The bill containing payment order, called voucher, is sent to the Pay Clerk for payment of the amount while the precedent statements are preserved in the Accounts Office. The applicant's counsel therefore is correct that the appellant had nothing to do with the preparation and passing of the vouchers. Nevertheless the admitted fact is that there are alterations in the vouchers relating to the appellant on the basis of which he had received excess payment of overtime allowance.

8. It is admitted that the concerned Accounts Clerk was R.K.Sinha. The learned Civil Judge has correctly referred to the fact that in the course of Fact Finding Enquiry conducted by a Committee of Officers, before the case was investigated by the S.P.E., the appellant admitted that he used to visit the house of Sri R.K.Sinha (for taking milk) and helped him in checking and passing bills of overtime for about 6 or 7 months, which Sinha used to take to house, and that he used to make additions, alterations, and corrections on the directions of Sinha. The admissions of the applicant are reproduced in extenso at pages 23 and 24 of the Enquiry Report Annexure 'B' and their genuineness is not disputed. The only explanation of the applicant is that these admissions had been obtained by duress. The Enquiry Officer has recorded proper reasons for rejecting the theory of duress, and this Tribunal is not expected to sit in appeal over the views of the Enquiry Officer based on a material which exists:



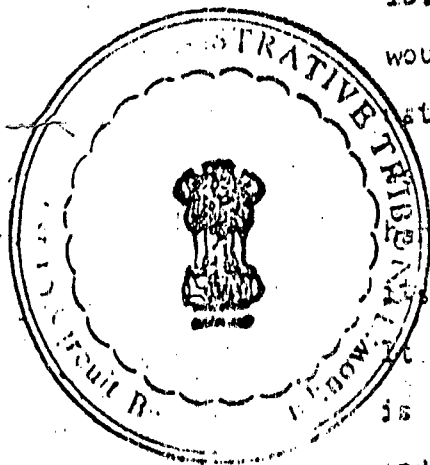
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9. The enquiry proceedings are on the lower Court record. When these admissions during Fact Finding Enquiry were being proved by Sri Dev Raj, APO (PW2), the applicant said that he had made these "confessional statements" under pressure by representatives of various parties including PW1, which was denied by PW1. The fact, therefore, that in the normal course of things he had nothing to do with the preparation of the vouchers, is rebutted by the fact found that the vouchers used to be taken by R.K.Sinha to his residence where the appellant used to make corrections, alterations etc. therein.

10. It is plain that the opinion of the S.P.E. would have concerned with the criminal angle of the matter, and not with the civil defaults of the appellant as an employee. It is also clear that the report of handwriting expert was indeterminate; it could, by itself, neither implicate nor exonerate the applicant. It is well settled that a Preliminary Enquiry report is a document for the use of the department itself, and unless it is used as a piece of evidence, the charged employee has no right of access to it. The Disciplinary Enquiry begins after the chargesheet is framed. There is nothing to show that the Fact Finding Enquiry Report was used as a piece of evidence during Departmental Disciplinary Enquiry. Even so, the appellant's own statement dated 9.2.71, at page 24 of Enquiry proceedings file, is that he had been shown the report of the Fact Finding Enquiry Committee from which he had taken extracts. We are of the opinion therefore that the failure of the department to furnish copies of these three documents to the appellant does



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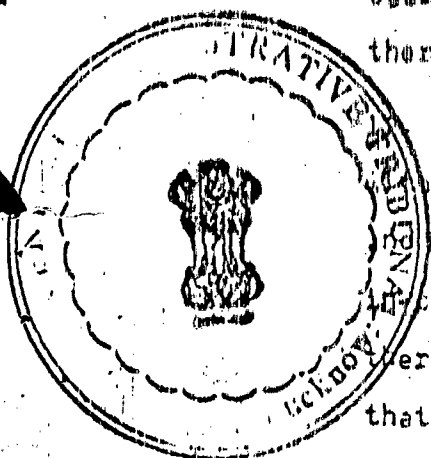
- 6 -

not vitiate the validity of the proceedings or the impugned orders.

11. The chargesheet and the statement of imputation of misconduct by the appellant does not contain the name of Accounts Clerk R.K. Sinha in the list of witnesses. The Department, therefore, was not bound to examine him. It was open to the appellant to have called him in his defence; he did not. There is no relevancy in the contention of the learned counsel for the appellant that although the appellant was alleged to have colluded with R.K. Sinha, no disciplinary proceeding was instituted against him. The department may have had good reasons therefor.

The contention that the statements of the witnesses were recorded at the back of the appellant, and he had no opportunity to cross-examine them is incorrect. At page 24 of the Inquiry Proceedings File, there is the unmistakable admission of the appellant that he had full opportunity to cross-examine all the witnesses examined during disciplinary enquiry proceedings. It is also admitted, and clear from endorsements on various pages of the enquiry file, that the appellant was assisted by a Defence Assistant who took part in the Disciplinary Inquiry Proceedings.

13. The last point urged by the learned counsel for the appellant is that the penalty of removal from service is excessive, having regard to the nature of the guilt. The latest decision of the Supreme Court on



9/

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

T.A. No. 832/86

CAUSE TITLE

OF

NAME OF THE PARTIES

Rosh Choudhary

Applicant

Versus

Union of India, Sec.

Respondent

Part A, B &amp; C

Sl. No.	Description of documents	Page
1	1- order sheets	A 1 to A 7
	2- judgement order dt. 26-9-89	A 8 to A 14
2	3- dt. 4/5/89 / over time Papper	A 15 to A 16
	4- Civil Index sheets	A 17 to A 22
3	5- Petition	A 23 to A 29
	6- Notice, Civil Judgement	A 30 to A 35
4	7- dt. 15-11-89 Rules 20, 617	A 36 to A 48
	8- R.S. No 24/81, order sheets Civil / Index	A 49 to A 78
5	9- written statement 2/11/81 / Affidavit	A 79 to A 89
	10- Mul Wada Civil Malihabund / Lucknow judgement dt. 8/84	A 90 to A 93
6	11- Any Mullwad S. No. 20, / WARE 43/77	A 94 to A 111
	12- Index S. No. 1977 Enquiry against / Annexure B A 112 to A 197	
7	13- Certificate / Annexure	A 198 to A 200 212
8	Notices, Power, others Papper	A 213 to A 273
9	Rev. NO 282/89 in T.A. 832/86	
	order sheet	A 1
10	Judgement order dt. 04-10-90	A 2
	order sheet copy of Petition	A 3 to A 13 + 1 = 14
11	12/c. Weeded out / destroyed	
12		
13		

CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided)

Dated

Counter Signed

Section Officer / In charge

Signature of the  
Dealing Assistant

**ORDER SHEET**  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

ALLAHABAD

Regn. NO. 832 (T) OF 1986

Roop Chand VS. UOI (NRly) Cons.

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
1	22 <sup>10</sup> / <sub>86</sub>	Hon. S. Zahoor Hasan, VS. Hon. Jay John, Member  Mr. Rakesh Verma - for applicant Mr. C.P. Agarwal - for respondents  Summarize the file of O.S. No. 24/81, decided by Civil Judge Lucknow on 10-10-84, through the District Judge Lucknow.  Put up on 3-12-1986. as prayed	Office report 1. Misc. 439/84 for received on transfer from DJ Lucknow 2. Cause of action. Arrears of Salary. 3. Position at the stage of transfer - (i) Misc. 439/84 for filing appeal in forma pauperie. (ii) CA was not registered (iii) Pending for disposal. 4. Notice issued by regd post to both the parties. 5. No undelivered regd cover send back so far. Submitted for orders. 20/10/86
2	3.12.86	Hon. S. Zahoor Hasan, VC Hon. A. John, Member  Shri Rakesh Verma for applicant Shri C.P. Agarwal for respondents.  VC Member	OR In compliance with Hon Tribunal's order dt. 22 <sup>10</sup> / <sub>86</sub> , letter summarizing record of OS 24/81 issued to DJ Lucknow, but the record has not been recd so far. Submitted 21/12/86

hearing Put up on 7.1.1987 for

VC Member

# Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH ALLAHABAD

Reg. No. 832 (I) of 1986.

VS.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
15.4.87	<p>pauper's filed in the court of Munsif. The appeal is dismissed. He has deposited Rs. 50/-. The file of the regular suit no. 24 of 1981 be summoned from the court concerned through the District Judge.</p> <p>List this case on 15.4.87.</p> <p>v. c.</p> <p>A. M.</p>	<p>Postal order of Rs 50/- has been filed today by Sri Rakesh Verma Adarsh for the applicant.</p> <p>Postal order No. (DD 567909).</p> <p>In compliance of C.A. order dt 10.3.87 letter issued to D. J. Lucknow for summoning the Griev. file by Regd pers. by 15-4-87 submitted.</p> <p>the file of Regular Suit No. 24/81 has not been received from D. J. Lucknow. Submitted.</p> <p>Put up on 15-7-87 for final hearing.</p> <p>IC - AM</p>
22-5-87	<p>No Subp. Adj. to 22-5-87</p> <p>Remitted to court to modify for suit in receipt of suit no. 24 of 1981 if not received.</p> <p>Hon. S. Zahoor Hasan, IC.</p> <p>Hon. Ajay John, AM</p> <p>Mr Rakesh Verma - for applicant</p> <p>Mr G.P. Verma - for respondent</p> <p>Put up on 15-7-87 for final hearing.</p> <p>IC - AM</p>	<p>the file of Regular Suit No. 24/81 has not been received from D. J. Lucknow. Submitted.</p> <p>13/4/87</p> <p>Re of R. No. 24/81 has been received in the month of April 1987.</p> <p>13/4/87</p>

order sheet

6/5/88

Hon. S. Zaher Hasaan Ve.  
Hon. Ajay John - Am

~~88~~

on account of the  
illness of Sri G.P. Agrawal  
for the defendants, ~~as~~  
the case is adjourned  
to 10/5/88 for hearing.

Am.

M  
Kc.

~~88~~

Officer report

~~The Case~~

This case was left due to  
rush of work. As the Cause  
list is already ready.  
If approved the case may  
kindly be ordered to be  
sent to the Court as unlisted.

From

9/5/88.

Pursued the officer's report,  
inadvisably file was  
left. Let it be ~~listed~~  
Sent unlisted.

10/5/88.

Hon. S. Zaher Hasaan Ve.  
Hon. G. John, Am.

9.5.88

11/5/88.

Not up for revision  
Not up for revision

# ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Regn. NO. 832 (T) OF 198 6  
 Roopchand VS. UOI (NRly) Loe

SL NO of order	Date of order	ORDERS	WITH SIGNATURE	Office Notes as to action (if any) taken on order
1	22/10/86	Hon. S. Zakeer Hasan, V.C. Hon. Ajay Johri, Member A, Mr. Rakesh Verma - for applicant Mr. G.P. Agarwal - for respondents. Summon the file of O. S. No. 24/81, decided by Civil Judge Lucknow on 10-10-84, through the District Judge Lucknow. Put up on 3-12-1986 as prayed.		Office report. 1. Misc. 439/84 received on transfer from DJ Lucknow 2. Cause of action. Areas of Salary. 3. Position at the stage of transfer - (i) Misc. 439/84 for filing appeal in forma pauperis. (ii) CA was not registered. (iii) Pending for disposal. 4. Notice issued by regd post to both the parties. 5. No undelivered regd cover sent back so far. Submitted for orders. 20/10/86

R

V.C. Member A

22/2/89

No sitting. Adjourned to  
10/3/89 for hearing Perm  
22/2

10-3-89

Hon. Kamleshwar Nath, V.C.,  
Hon. Ajay Johri A.M.,

on the request of the learned  
counsel for the applicant, ~~the~~ <sup>the</sup>  
case is adjourned to 10-4-89 for  
hearing.

3/  
A.M.

Q  
V.C.

Hon' Mr. Ajay Johri, A.M.

Hon' Mr. D.K. Agrawal, J.M.

10/4/89

Shri A. Bhargava brief holding Mr. G.P. Agrawal,  
learned counsel for the respondents. On the  
request of Shri T.N. Tewari, learned counsel for  
the applicant, the case is adjourned to 21-4-1989.

J.P.  
J.M.

3/  
A.M.

(sns)

Q

Case was adjourn-  
ed to 21.4.89 for  
hearing.

21.4.89

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

Permitted for  
hearing.

Due to indisposition of  
Hon'ble Sri D. S. Mishra, A.M.,  
case can not be taken today.  
Case is relisted for hearing  
on ~~24.5.89~~ 4.5.89

Q  
20/4

Q  
21/4

Q  
V.C.

Q Case was adjourned  
to 24.5.89 for hearing  
Submitted for hearing  
h  
21/5

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

Hon' Mr. D.S. Misra, A.M.

5/5/89

Learned counsel for Opp. Ps. points out that the applicant's motion for permission to appeal as an indigent person remains to be decided. A perusal of the record shows that it is not so. The requisite fees of Rs.50/- payable under rule 7 of the Administrative Tribunals (Procedure) Rules, read with section 29 (4) (b) of the Act was deposited by means of Postal Order as mentioned in margin of the order sheet dated 10-3-87. The application/appeal is in order.

Argument heard but not concluded.

This Bench is not available till the last week of June, 1989. List this case for hearing on 26-6-89, as part heard.

*[Signature]*  
A.M.

(sns)

*[Signature]*  
V.C.

*OR*  
Case was adjourned to 26.6.89 for hearing. Submitted for hearing on 26.6.89, as part heard.

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

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

26/6/89

On the request of learned counsel for Opp. Parties, list this case for hearing on 5/7/89.

*[Signature]*  
A.M.

(sns)

*[Signature]*  
V.C.

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

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

5/7/89

The learned counsel for the applicant is present. List this case for final hearing on 25-7-1989.

*[Signature]*  
A.M.

(sns)

*[Signature]*  
V.C.

No Sitting Adj. to 29.0.89.

*OR*  
Case is submitted for hearing.

*[Signature]*  
25/7



4/9/09

Hon. Justice K. Nath, VC  
Hon. K. J. Ramani, Am.

Put up on 6-9-89 as  
prayed.

for  
Am.

for  
VC

OR

Clerk is submitting  
for hearing

5/5

Am

6.9.89

Hon. Justice K. Nath, v.c.  
Hon. K. J. Ramani, A.M.

Sr. T.N. Tewari for the applicant  
and Sr. A. Shargare for the respondents  
are present. Arguments heard. Judgment  
is reserved.

for  
A.M.

for  
V.C.

3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration T.A. No.832 of 1986

(Misc. Case No.439/84 of the Court of )  
( District Judge, Lucknow )

Roop Chand

.....

Plaintiff Appellant/  
Applicant

Versus

Union of India & Another... Defendants-Opposite Parties

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.J. Raman, A.M.

(By Hon. Justice K. Nath, V.C.)

This appeal with permission to file an appeal as an indigent person in the Court of District Judge, Lucknow <sup>was</sup> received by transfer for disposal by this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The application for permission to institute the appeal as an indigent person is infructuous because there is no such remedy under the Administrative Tribunals Act; every appeal has to accompany the usual fees of Rs.50/- which is prescribed for an original application before the Tribunal. The case is therefore proceeded for hearing of the appeal on merits.

3. The applicant was a Fireman grade II in the Running Shed, Alambag of the Northern Railway at Lucknow, when in the year 1966-67 he was alleged to have obtained some excess payment of overtime by making alterations in vouchers. An enquiry was ordered on 22.11.67 and the investigation was also

allowance vouchers was not done by the applicant but by the office with which the applicant had nothing to do; it used to be prepared on the basis of Joint Train Report prepared by the Railway Guard.

(ii) The investigation had been handed over to the S.P.E. on 24.11.67 which reported on 17.12.70 that a criminal case was not made out against the applicant. The opinion of the handwriting expert was that the source of writings in the vouchers could not be determined. A report of a preliminary enquiry was also prepared. These three papers were not made available to the applicant despite demand.

(iii) Accounts Clerk R.K. Sinha who had prepared the voucher, was not examined during enquiry.

(iv) Witnesses for the Department were examined on the back of the applicant who was not given an opportunity to cross-examine them.

7. The enquiry officer's report Annexure 'B' mentions that the Register General 164 in which hours of actual working of a member of the running staff, like the appellant, are recorded is based on a Joint Train Report submitted by the driver and on the basis of the Register, the Ticket clerk of the Shed prepares a statement of overtime earned by each employee. The statement is checked by the Adjudication clerk and the papers are put to the Executive Officer for sanction. After sanction, bills of each employee are prepared by the Adjudication Clerk and sent to Accounts Section for audit and payment. The bill is recorded in a

72

handed over on 24.11.67 to the S.P.E. On 13.2.69, the applicant was chargesheeted under a regular departmental disciplinary proceedings. On 5.3.69, the applicant submitted a reply alongwith a prayer for obtaining certain documents. As a result of the enquiry, it was found on 3.3.71 that the charge of the applicant's securing excess payment of overtime allowance was proved. On 10.11.71, he was required to show cause why he may not be removed from service. On 9.2.72, he submitted his reply to the show cause notice. On 10.3.72 the impugned order of his removal from service was passed.

4. On 20.3.72, the applicant filed regular Civil Suit No. 24 of 1981 in the Court of Civil Judge, Malihabad for a permanent injunction to restrain the defendants from removing the plaintiff applicant from service. It is not clear why he filed an injunction Suit after the termination order had already been passed. The learned counsel says that the applicant was not aware of the termination order. However, in course of time, the plaint was amended and relief was sought to declare the termination order to be illegal and mala fide and the plaintiff to be continuing in service. There was also a prayer for recovery of Rs.18,582-07 on account of wrongful termination of service.

5. The Suit was contested by the defendants and was dismissed by judgement dated 10.4.84. The appeal which is led to the present case was filed on 5.12.84.

6. The following points have been raised by the learned counsel for the appellant-applicant :-

(1) The preparation of the payment of overtime

Register by the Receipt Clerk, who makes it over to the Dealer for scrutiny and passing it for payment. The bill containing payment order, called voucher, is sent to the Pay Clerk for payment of the amount while the precedent statements are preserved in the Accounts Office. The applicant's counsel therefore is correct that the appellant had nothing to do with the preparation and passing of the vouchers. Nevertheless the admitted fact is that there are alterations in the vouchers relating to the appellant on the basis of which he had received excess payment of overtime allowance.

8. It is admitted that the concerned Accounts Clerk was R.K.Sinha. The learned Civil Judge has correctly referred to the fact that in the course of Fact Finding Enquiry conducted by a Committee of Officers, before the case was investigated by the S.P.E., the appellant admitted that he used to visit the house of Sri R.K.Sinha (for taking milk) and helped him in checking and passing bills of overtime for about 6 or 7 months, which Sinha used to take to house, and that he used to make additions, alterations, and corrections on the directions of Sinha. The admissions of the applicant are reproduced in extenso at pages 23 and 24 of the Enquiry Report Annexure 'B' and their genuineness is not disputed. The only explanation of the applicant is that these admissions had been obtained by duress. The Enquiry Officer has recorded proper reasons for rejecting the theory of duress, and this Tribunal is not expected to sit in appeal over the views of the Enquiry Officer based on a material which exists.

R

9. The enquiry proceedings are on the lower Court record. When these admissions during Fact Finding Enquiry were being proved by Sri Dev Raj, APO (PWI), the applicant said that he had made these "confessional statements" under pressure by representatives of various parties including PWI, which was denied by PWI. The fact, therefore, that in the normal course of things he had nothing to do with the preparation of the vouchers, is rebutted by the fact found that the vouchers used to be taken by R.K.Sinha to his residence where the appellant used to make corrections, alterations etc. therein.

10. It is plain that the opinion of the S.P.E. would have concerned with the criminal angle of the matter, and not with the civil defaults of the appellant as an employee. It is also clear that the report of handwriting expert was indeterminate; it could, by itself, neither implicate nor exonerate the applicant. It is well settled that a Preliminary Enquiry report is a document for the use of the department itself, and unless it is used as a piece of evidence, the charged employee has no right of access to it. The Disciplinary Enquiry begins after the chargesheet is framed. There is nothing to show that the Fact Finding Enquiry Report was used as a piece of evidence during Departmental Disciplinary Enquiry. Even so, the appellant's own statement dated 9.2.71, at page 24 of Enquiry proceedings file, is that he had been shown the report of the Fact Finding Enquiry Committee from which he had taken extracts. We are of the opinion therefore that the failure of the department to furnish copies of these three documents to the appellant does

not vitiate the validity of the proceedings or the impugned orders.

11. The chargesheet and the statement of imputation of misconduct by the appellant does not contain the name of Accounts Clerk R.K. Sinha in the list of witnesses. The Department, therefore, was not bound to examine him. It was open to the appellant to have called him in his defence; he did not. There is no relevancy in the contention of the learned counsel for the appellant that although the appellant was alleged to have colluded with R.K. Sinha, no disciplinary proceeding was instituted against him. The department may have had good reasons therefor.

12. The contention that the statements of the witnesses were recorded at the back of the appellant, and he had no opportunity to cross-examine them is in-correct. At page 24 of the Enquiry Proceedings File, there is the unmistakable admission of the appellant that he had full opportunity to cross-examine all the witnesses examined during disciplinary enquiry proceedings. It is also admitted, and clear from endorsements on various pages of the enquiry file, that the appellant was assisted by a Defence Assistant who took part in the Disciplinary Enquiry Proceedings.

13. The last point urged by the learned counsel for the appellant is that the penalty of removal from service is excessive, having regard to the nature of the guilt. The latest decision of the Supreme Court on.

92

4/5/89

439/84

Roopchand is not

Case of excess payment of overtime  
during 1966-67 - B 468/66 } amount  
B 509/76 } involved

Appeal

Chenar in Railways

promoted as Fireman <sup>grade II</sup> since 1957

Suspended on 5-10-1967

An enquiry order 22-XI-67

Case handed over to CBI on 24-XI-67

4-8-69 - reinstated after the receipt of CBI report  
CBI gave its report on 17-12-70 saying that  
there is no case made out against the applicant.

In the meantime, 13-2-1969, he was served  
with a chargesheet - on 5-3-1969 applicant  
requested for supply of certain documents -

- ① Joint <sup>to agent</sup> travelling report - ② CBI report  
prepared by guards ③ handwritten report & opinion regarding  
making alterations in the vouchers  
④ Preliminary enquiry report

No reply was given to his application. He was

Summoned for 11-6-69 before the enquiry officer. He  
denied the charge

8-7-69 - appeared with his defence atty.

on 17-12-69 - ~~was~~ was informed that  
the enquiry shall be held in IR & sealed by  
Pres. Secy. 5-7-1970.

enquiry finalized on 3-3-1971 - applicant  
held guilty - He was a witness in the enquiry

on 10-XI-71 - Show Cause notice

Reply given on 9-2-72

The appellant filed an application for writ on 20-3-1972  
on 5-5-72 - objection was held good



4/30/84 - Appeal.

III) There is no denial of reasonable opportunity having been given during the enquiry page 2 of the statement of the affiant in A.K. Chatterjee was the defence part of the plaintiff / Appellant

IV) Plaintiff had knowledge of his removal from service prior to the date of filing the suit - He admits that he was not attending the service 10-7-82

V) - No appointment letter issued to the Plaintiff. No document to prove that he appointed authority was Dr. Spt. General

VI) He filed an appeal to General Manager to which he received no reply - But he admits that he knew that he knew about the decision of the appeal by the competent authority.

Annex A to the removal order

the subject is in the case of Union of India and Others  
Versus Parmanand (1989) 2 SCC 177. Having regard to the  
principles laid down there, we see no justification  
to interfere with the penalty of removal imposed upon  
the appellant in the facts and circumstances of this  
case.

14. The appeal is dismissed. Parties shall bear  
their costs.



Member (A)



Vice Chairman

Dated the 26<sup>th</sup> Sept., 1989.

RKM



पुच्छा

कथन

(जारी)

Misc Cars  
439/84

A/14

पृष्ठ क्रमांक

न्यायालय जनपद न्यायाधीश  
जी. रमचन्द्र वरमा प्रियतम काम इंडिया

विवरण

ख 2 आदेशानुसार

10/12/84

ख 3 अन्तर्गत 8

— 1 - 1.20

ख 4 निर्माण माल 3

— 2 - 8.00

ग 1 माल निर्माण

— 1 - 1.20

ग 2 माल निर्माण

2 - 3.00

ग 3 माल

ग 4 निर्माण

ग 5 निर्माण

ग 6 निर्माण

ग 7 निर्माण

ग 8 निर्माण

ग 9 निर्माण

ग 10 निर्माण

ग 11 निर्माण

ग 12 निर्माण

ग 13 निर्माण

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19/12

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8/11/82

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8/11/82

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7/12/85

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11/3/86

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11/3/86

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11/3/86

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11/3/86

24/8

8/2

15/12

23/3

3/5

25/5

ख 2

B.C.J. Form No. 100, Part VI



3/8

आपातल जग व दयापाची श  
Mure Carera 439/84 मंगळ

श्री रामचन्द्र बगम दानेयन आमरेडिका

क्रमांक	आदेश की संख्या	आदेश का दिनांक	आदेश, आदेशीय आदेशीय के दिनांक	निर्देश उक्त आदेशीय पर आदेशीय पत्र का जिस पर मूल आदेशीय दिनांक था	आदेश के दिनांक के दिनांक के दिनांक का दिनांक
1	2	3	4	5	6
9	9092-28		आपली आदेशीय दया व श्री श्री श्री मंगळी मंगळी आदेशीय आदेशीय 48 दिनांक श्री श्री श्री प्रसन्न दिनांक आपातल जग व दयापाची श आदेशीय		
			दिनांक 94.92.28 को प्रस्तुत है। जिलाज		
			उपरी दिनांक के दिनांक के दिनांक आदेशीय Pauper जग व दयापाची श वी. हुनवाई है दिनांक 2/12/84 को लिखे जारी है। जिलाज		

Handwritten signature/initials.

15/12



Handwritten signature/initials.

Free for C.C. not

One copy for

मंगळी 29/1/85

Handwritten notes at the bottom including dates like 23/3, 2/12, and other illegible text.

Court of Sessions and Judge

Misc Case No 439/84

अध्यापक डी.जी. सिंह नोडिस्तानी  
उद्देश्य राजीव गांधी कलकत्ता

इतना ही जवाब

पीठाधीश्वर का अधिकारी अवकाश  
पा है

दिनांक 24.2.85 को

प्रस्तुत है

3/8

26/2/85

गिलज

आज प्रजावली हड़ताल के  
कारण प्रस्तुत नहीं है

दिनांक 21.2.85 को प्रस्तुत  
की जावे

गिलज

X. ADDS.

appearance  
after lunch  
3-8-1985

The case is transferred to the court of  
the X Addl. District Judge, Lucknow, for disposal  
of application under ~~Sec~~ Order 44 Rule 1,  
C.P.C.

The file should be returned back to my  
court after the disposal of the application.  
The Misc. Clerk should then put up the file for  
further orders.

Parties to appear in that court today after  
lunch interval for obtaining further orders.

Distt. Judge

3-8-1985.

3/8/85

Can be received by transfer to  
the Court of D.J. Lucknow

on the basis of the case appearing in  
on the

X. ADDS.

Enuncie of the Rules (अध्याय 2, नियम 143)

प्रारम्भिक भाग

संख्या

N.C.C. No. 439/84

पृष्ठ 19

नाम

अनुप-पत्र

नाम

पुनर्निर्माण कार्य कार्य

प्रामाण्य

भाग

आदेश की संख्या	आदेश का विवरण	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्राथमिकता पर मूल आदेश लिखा गया	आदेश के निर्देशों की संख्या का
1	2	3	4	5
	19/10/85-	प्रकाश प्रकारा गंगा प्रामाण्य 01/11/85 के अनुसार अध्यासीन 2-12 50 वरुण लक्ष्मी आपात दायित्व है गंगा 12 स्थिति (दुबे)		
	8/11/85	प्रकाश प्रकारा गंगा प्रामाण्य प्रकाश प्रकारा 8-11-85 के प्रकाश प्रकारा गंगा प्रामाण्य 3/11/85 के अनुसार अध्यासीन 18/11/85		
7/1/2	7/1/2	प्रकाश प्रकारा गंगा प्रामाण्य अध्यासीन 14-15 के अनुसार अध्यासीन 01/11/85 के अनुसार अध्यासीन 2-12 50 वरुण लक्ष्मी आपात दायित्व है गंगा 12 स्थिति (दुबे)		
4/1/86	4/1/86	प्रकाश प्रकारा गंगा प्रामाण्य अध्यासीन 7/1/86 के अनुसार अध्यासीन 3/11/85 के अनुसार अध्यासीन 18/11/85		

Thy. Dy. Secy  
to the  
Chief Justice

1/1/86

प्रकाश प्रकारा गंगा प्रामाण्य  
01/11/85 के अनुसार अध्यासीन 2-12  
50 वरुण लक्ष्मी आपात दायित्व  
है गंगा 12 स्थिति (दुबे)

Disc Can no 439/85 25th Mar 1986

H. C. J. No. 75 Pt. IX

A-17

1/3/86

Roop chand is sent in  
paper. He says that he  
must be heard before the  
Deed is sent to Administration

Yes but I agree with the  
Conclusion. The order dated  
10/7/85 is liable to be  
quashed

13/3/86 in discharge

the PO

Roop chand  
1/3

22/3

13/3/86

13.3.86 मुकदमा पुकारा गया। जारी की

हमी है। पी.ओ. अमानत में

अर्द्ध ३०

मुकदमा दि. 22-3-86 में जारी

अर्द्ध हेतु प्रस्तुत है।

Roop chand  
22/3

25/3

22.3.86

मुकदमा पुकारा गया। जारी किया

अर्द्ध है। पी.ओ. अमानत में

मुकदमा दि. 25-3-86 में जारी अर्द्ध हेतु प्रस्तुत है।

स.स.अ.प.

निवासी-स्थान  
दिनांक को संख्या  
को न्यायालय को  
अर्द्ध को न्याया-  
लय से जाने को  
लिखें प्रदत्त

पिकले दिवस  
तक न्यायालय  
से रवाना  
गया

संख्या 4  
तथा 5 का  
गया

भोजन अथवा

यात्रा अथवा

संख्या 7  
का  
गया

रकबा एवं बाल  
का हस्ताक्षर तथा  
अर्द्धा बिन्दु

22/3



Misc. Case No. 439/84

प्रारम्भिक वाद

संख्या

सामला

बनाम

रूप चंद - Vs. - प्रतिपक्ष शाकटिक

सन् 19

ई०

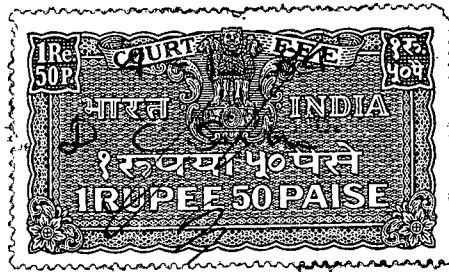
ख-18

अभिलेख				
आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रारंभ में किये गये की संख्या का नि
1	2	3	4	5
	21.6.84	6. Case called out Applicant present with his counsel. Heard. In view of S. 29 of Admin. Tribunal Act 1985, I am of the view that this case should be transferred to the Admin. Tribunal concerned.	Case be transferred to the Central Admin Tribunal at All India No 79/VII - F-230. Parties to appear there on information.	

H. J. J. for the appellant

21/4

IN THE COURT OF DISTRICT JUDGE, LUCKNOW.



Roop Chand , aged about 51 years son of  
late Sri Bhag Chand, II Fireman, Running Shed ,  
Northern Railway, Lucknow, resident of  
House No. F, Block I/60 Railway Colony, behind  
Alambagh, Gurudwara, Lucknow. .... Plaintiff/  
Appellant.

versus

1. Union of India through the General  
Manager, N.Rly. Baroda House, New Delhi.
2. Divisional Superintendent, N.Rly. Hazratganj,  
Lucknow, through Loco Foreman, Running-shed  
Alambagh, Lucknow. .... Defendants/  
Respondents.

Valuation of suit ..... Rs. 18,582.07

Valuation of appeal ..... Rs. 18,582.07

Court fee paid by applicant ..... Rs. 1852.50

APPLICATION UNDER ORDER 44 RULE 1 READ WITH ORDER 33  
RULE 1 C.P.C.

The appellant applicant above named begs to  
submit as under :-

1. That the applicant had filed Regular Suit  
No. 24/81 for permanent injunction and for recovery of  
Rs. 18,582.07 in the court of Civil Judge, Malihabad,  
Lucknow.

(contd. on page 2)

Ad 3

2. That a court fee of Rs. 1832.50 was payable but since the petitioner had no means to pay the said court fee, he was permitted to sue in forma pauperize.
3. That the suit proceeded and was ultimately dismissed against <sup>which</sup> the applicant is filing the present appeal.
4. That the applicant was a pauper at the time he had filed the suit and he continues to be pauper till this day.
5. That the applicant has no means to procure the necessary funds for the payment of court fee.
6. That the applicant is annexing herewith a list of the property possessed by him together its value as Annexure 'A' to this petition.
7. That apart from the property shown in the aforesaid Annexure, the petitioner is not possessed any other property.
8. That the petitioner has not concealed any of his properties.
9. That the petitioner has not transferred nor acquired any property during the pendency of the suit and at any time thereafter.
10. That a Memorandum of Appeal is filed herewith along with the present petition.

It is therefore prayed that the applicant be permitted to file an appeal in forma pauperize.

*Liability for us  
affidavit as no  
was signed by us*

Dated:  
December 5, 1984

~~Counsel for the petitioner~~

IN THE COURT OF DISTRICT JUDGE LUCKNOW

Id 3  
3

Roop Chand ..... Plaintiff/  
Appellant

versus

Union of India and another .... Defendants/  
Respondents.

ANNEXURE  
SCHEDULE

(List of the property possessed by the appellant)

		<u>Amount</u> Rs.
1. Cycle	1	60.00
2. Patili	2	25.00
3. Bhagona	2	20.00
4. Chamchey	2	12.00
5. Thali	2	20.00
6. Glass	2	14.00
7. Katori	2	6.00
8. Spoon	2	20.00
9. Razai	1	20.00
10. Palang	1	10.00
11. Takhat	1	10.00
12. Table	1	05.00
13. Dari	2	8.00
14. Gadda	1	10.00
15. Chaddar	2	10.00
16. Table Cloth	1	2.00
17. Chairs	2	10.00
18. Pants	2	10.00
19. Shirts	2	10.00

20. Baniyan	2	3.00
21. Shoes one pair	1	5.00
22. Sleeper pair	1	2.00
23. Trunk	1	2.00

Total 296.00

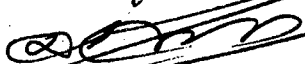
Total (Rupees two hundred and ninetysix only)

Roopchand

Appellant

Dated: Lucknow:  
December 5, 1984

Witness in skillant  
who has signed copy my



IN THE COURT OF DISTRICT JUDGE LUCKNOW.

Roop Chand, aged about 51 years, son of late  
Sri Bhag Chand, II Fireman, Running Shed,  
Northern Railway, Lucknow, resident of  
House No. F-Block I/60 Railway Colony,  
behind Alambagh, Gurudwara, Lucknow.....Plaintiff/  
Appellant.

versus

1. Union of India through the General  
Manager, N.Rly. Baroda House, New Delhi.
2. Divisional Superintendent, N.Rly. Hazratganj,  
Lucknow, through Loco Foreman, Running Shed  
Alambagh, Lucknow. .... Defendants/  
Respondents.

Valuation of suit .....Rs. 18,582 .07

Valuation of appeal ... Rs. 18,582.07

Appellant is a pauper and as such  
the court fee of Rs. 1.50 is paid  
herewith.

Appeal under section 96 C.P.C. against the  
judgment and decree dated 10.10.84 passed by  
Sri R.P. Srivastava, Civil Judge, Malihabad, ~~in re~~  
in re-regular suit No. 24/81 dismissing the appellant  
suit on the following amongst other

GROUND

1. Because the learned trial court  
a manifest error of law in holding

Roop Chand

In the Court of Civil Judge Malihabad Lucknow  
Roop Chand v. Union of India  
R.S. No. 24/81  
D/O 10-10-84

of termination was sustainable.

2. Because the appellant had established from the material on the record that the order of termination was not only illegal but it was also malafide one, the learned trial court acted illegally in not holding the same accordingly.

3. Because it was conclusively established from the material on the record that the appellant could not have access to the over-time bills. Right from the time of the Joint Travelling Report to the time of the payment, yet the learned trial court did not consider that aspect of the matter passing the impugned judgment.

4. Because appellant's unrebutted testimony should have been found sufficient in decreeing the suit.

5. Because the appellant's case was referred to C.B.I.E. who found that no case was made out against him yet the learned trial court erred in holding that the charge against him stood ~~proved~~ <sup>proved</sup>.

6. Because the appellant having not been given an opportunity of being heard which fact was abundantly made out from the material on the record the learned trial court made an erroneous approach while giving finding on issue No. 1.

7. Because the case of the appellant was proved beyond doubt yet the learned trial court dismissed the suit.

(contd. on page 3)

Recd Penu

In the court of Civil Judge, Main Bazar  
Rudend V/s Union of Jandera  
Rs. 10,000/- D/o 10/05/84

2/2

Tab 3

8. Because the entire enquiry proceedings against appellant were vitiated in view of the fact that it could not be established that he could in any way be held responsible for the preparation of the overtime bills, but the learned trial court failed to consider the same while passing the judgment under appeal.

9. Because findings arrived at are against material on the record.

10. Because the trial court misread the evidence and misinterpreted the documents on the record.

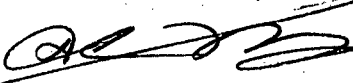
11. Because the judgment and the decree appealed against is bad in law as well as on facts.

It is therefore prayed that the Hon'ble court be pleased to allow the appeal setting aside the judgment and decree appealed against and decree the suit with costs throughout. The record of the court below be summoned.

Dated: Lucknow:  
December 5, 1984

Roopchand  
Appellant

Subscribed by me separately  
who has signed before



In the court of Judge M. K. Ramesh  
Roopchand vs. State of Andhra Pradesh  
R/S No 24/81 D/O 10-10-84



Misc case no 439/84

H.C.J. Part VII No. 23

एच. सी. जे. फार्म नं. २३ वादी ७

FF. 3/5/85

हेतु संदर्शित करने की सूचना [साधारण प्रारूप]

Law

न्यायालय

वाद संख्या

सन १९८५ ई०

ई०

वादी

आप-नरह

बनाम

प्रतिवादी

आप-नरह

चूं कि उपरनामांकित

ने इस न्यायालय में

यह आवेदन किया कि

अतएव आपको

एतद द्वारा चेतावनी दी जाती है कि आप उस आवेदन के खिलाफ हेतु संदर्शित करने के लिये १९ दिवस के बजे पूर्वाह्न में स्वयं या सम्यककोण अनुदिष्ट अपने अधिवक्ता द्वारा उपसंज्ञात हों, और ऐसा करने में असफल रहने पर उक्त आवेदन एक पक्षीय सुना जायेगा और अपधारित किया जायगा।

न्यायालय के नाम  
वाद संख्या  
पक्षकारों के नाम

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज १९ 23/3/85 के दिवस को निम्नलिखित

महोदय

BY ORDER

(मूल्य एक प्रति ५ पैसे)

26/3/85

High Court

A/12

74  
P

In the Court of civil Judge Malakpet  
Ovelinon

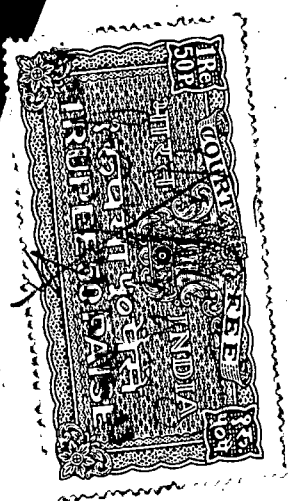


Rs 24/81  
Nopp chand - Plt  
Union of Indis - dydr

27 No. 1  
10/10/84

copy of Judgement dt  
10.10.84 attach herewith.

25  
Tulsi Ram



12/10/84  
4  
Tulsi

4/32

समायाज्य श्रीमान विपिन कृष्ण मणिहाबाद, गडगुड ।

उपस्थित: श्री इरॉपी० श्रीवास्तव, श्री एसी०एस०।जे०।

प्रतिवादी नं०: 24/81

24/2

प्रतिवादी नं०: 24/81

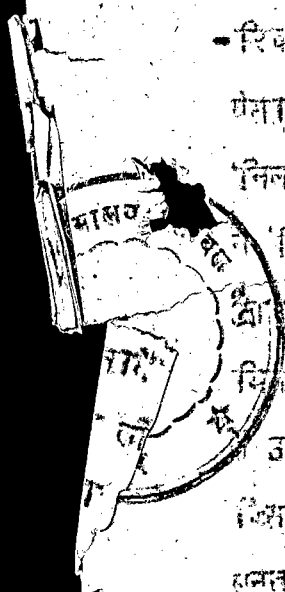
वाराणसी

भारत सरकार धरहरा - - - - - प्रतिवादी नं०

वि. प्र. व.

प्रस्तुत वाद स्थान निर्धारण, तथा घोषणा के क्षेत्र के बसाया धान की कटौती के लिए तयार किया गया है ।

तदोप में वादी का कथन है कि वह लघु प्रेम रेलवे कर्मचारी फायर मैन-II उत्तर रेलवे, भाजमबाग गडगुड में कार्यरत था तथा प्रतिवादी नं० 2 उसका नियुक्ति अधिकारी और प्रतिवादी नं० 1 का विभागाध्यक्ष है। वादी का यह भी कथन है कि वह जमीन के पद पर 75-1-50 के गेड में 1-12-50 को प्रतिवादी नं० 2 के द्वारा नियुक्ति रिक्त किया था और लोको रनिंग प्रोड में तैनात हुआ था । जब कि वादी कार्यरत होता तब से उसमें अपना कार्य बहुत मेहनत और लगन से करने लगा जिसके कारण प्रतिवादी नं० 2 ने उसको फायर मैन-II के पद पर प्रोन्नत कर दिया । वादी अपनी इयूटी के अतिरिक्त ओवर-टाइम भी करने लगता था जिसके बदले में उसे ओवरटाइम का पैसा मिलता था । वादी 5-10-67 को मिलान्त कर दिया गया और निम्नलिखित आदेश प्रतिवादी नं० 2 की अधिनियम से किसी रैंक के अधिकारी को दिया था । मुख्य आरोप जो वादी के ऊपर लगाये गये थे, उनमें से यह आरोप था कि वादी ने अधिक धन ओवरटाइम प्राप्त करने के लोको से निकल प्राप्त कर लिया तथा किसी को कतल रूप में तैयार भी किया। वादी उक्त फैसले को प्रतिवादी नं० 2 ने सी०डी० आई०/सा०आई०/०३० को सौंप दिया जिसकी जांच के बाद यह रिपोर्ट जारी हुई कि कोई फैसला वादी के विरुद्ध नहीं बनता है और तब वादी को फिर से 2-8-69 को इयूटी पर वापस ले लिया गया । इसके पश्चात् वादी के आरोपों के ऊपर विंग पर एसी०आई० ने जांच की थी, प्रतिवादी नं० 2 ने विभागीय कार्यवाही चला कर दी । आरोप इस प्रकार लगाये गये कि वादी ने फायर मैन-II के पद पर लोको रनिंग प्रोड में काम करते हुए 1966 से लेकर 1967 की अवधि में अपना सरकारी कार्य करने के बजाय रहा और फर्जी ओवर टाइम धिक्का का अनुमान कार्यलय के लोगों से



ने यह रिपोर्ट लगा दी थी, कि बाढ़ी के विरुद्ध कोई काम नहीं बनता है।  
 वे भी सुरत में जो भी विधानीय कार्यवाही नहीं चालू की जा सकती थी।  
 अतः यह भी कहा है कि जो बागवों को नष्ट नहीं हो गई और जो दो भी  
 नहीं वह पूरी नहीं थी ऐसी सुरत में भी जो बागवों उनके विरुद्ध पड़े गये, वह  
 गलत है। इस आधार पर जो निर्णय है उनका उल्लंघन किया गया है और  
 बाढ़ी के विरुद्ध जो निर्णय वास्तव में गलत है वह अपेक्षा निम्न है।  
 इस तथ्य के आधार पर भी बाढ़ी का यह कहना है कि जो बाढ़ी वरमिनेशन  
 करने का कोई <sup>जल</sup> दुर्गा, <sup>उप</sup> भित्ती धुन्ना नहीं दी गई थी और वह अपने पद पर  
 कार्यरत तब तक बने और जो उसका संचालन स्वयं करीया है यानी जून सन्  
 1858-7 को जो निर्णय जाये। और इस सम्बन्ध में बाढ़ी के पक्ष में व  
 प्रतिवादीगण के विरुद्ध डिग्री वास्तव किया जाये तथा विकल्प में भी  
 डिग्री की पुष्टि की है और तब ही तब उसी 1858-7 सन् को बाढ़ी  
 के लिए भी पुष्टि की है।

प्रतिवादीगण ने बाढ़ी के कथनों का विरोध किया है और उन्होंने  
 अपने दावों पर यह कहा है कि बाढ़ी की नियुक्ति सदायक अधीनस्थानों  
 में की गयी न कि सार्वजनिक अधिकार के क्षेत्रों और उनकी नियुक्ति कमीनर के  
 पद पर 30-1-35 के पक्ष में हुई थी न कि 75-1-80 के पक्ष में हुई थी।  
 उन्होंने यह भी कहा है कि बाढ़ी 1-12-80 से लेकर 9-8-72 की अवधि में  
 पद पर बाढ़ी को लगाये गये हैं। फिर किस्तुत कारन बाढ़ी के पक्ष में  
 उ के दिया गया है। प्रतिवादीगण ने इस बात पर जोर दिया है कि बाढ़ी की  
 नियुक्ति उसकी अच्छी तकनीक के कारण हुई थी बल्कि उनका कथन है कि  
 बाढ़ी की नियुक्ति हीनवर्गियों के आधार पर हुई थी। और उनका प्रोन्नत  
 सहायक अतिरिक्त सैनिक अधिकार, हीनवर्गों का अधिकार जमानत में बाढ़ी किया था  
 कि प्रतिवादी नं० 2 ने। बाढ़ी के विरुद्ध मेमोरंडम बरिसे सन् 13-2-69  
 को जारी किया गया था जो अतिरिक्त सैनिक अधिकार में जारी किया था  
 न कि प्रतिवादी नं० 2 ने। प्रतिवादीगण ने बाढ़ी के पक्ष में मेमोरंडम  
 का विस्तृत वर्णन दिया है। इस बात का प्रतिवादीगण ने विरोध किया है  
 कि हीनवर्गों/सन् 10-10-80 को बाढ़ी का पद रखा गया था बल्कि वास्तविक  
 बात यह थी कि सन् 10-10-80 में स्वयं ही उन को देखा था, तब ही लिए  
 और उनके ही स्थान पर बाढ़ी को 2-10-67 को नियुक्त कर दिया गया था  
 लेकिन बाद में उसे 4-10-69 को छुटी पर वापस के रखा गया था। मगर उस  
 तब तक पुनः 10-3-73 को समाप्त कर दी गई थी। विधानीय कार्यवाही को



अपने वाद में आवश्यक पक्षकार नहीं बनाये है जिसके कारण उसका वाद दोषपूर्ण है और इसलिए भी वादी का वाद खारिज होने योग्य है। पक्षकारों के अभावको के आधार पर निम्नलिखित वाद बिन्दु बनाये गये :-

- ① Whether the termination of service of the plaintiff is illegal and void?
- ② Whether the plaintiff is entitled to decree of Rs. 10882/07 leave as alleged in para 19 of the plaint?
- ③ Whether a legal notice by 380/07 was served by the plff? If so its effect?
- ④ To what relief, if any, is the plaintiff entitled?

### निष्कर्ष

सुविधा की दृष्टि से वाद बिन्दुओं को निम्न क्रम से वित्तारित किया जाता है।

वाद बिन्दु नं० 3 :- यह प्रतिवादीगण द्वारा विवाद किया गया है कि वादी ने धारा 80 सी०पी०सी० की नोटिस नियमानुसार नहीं दिया है। वादी ने अपने साक्ष्य से नोटिस डा/7/34 व डा/78 साबित किया है। अतः प्रतिवादी की आपत्ति निराधार है। अतः मैं यह तय करता हूँ कि वादी ने प्रतिवादीगण को नोटिस अन्तर्गत धारा 80 सी०पी०सी० की है। इस वाद बिन्दु का निस्तारण तदनुसार इसी प्रकार से किया जाता है।

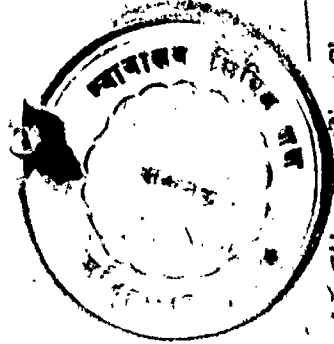
वाद बिन्दु नं० 1 :- यह स्वीकृति तथ्य है कि वादी की नियुक्ति 1-1 फीब्रुअरी के पद पर हुई और वह 8-3-56 को रुककर हुआ और उसकी 29-1-57 को 11 फावर मैन के पद पर हुई। वादी को इस आरोप से कि वे विभाग के कार्यवाहियों से मिलकर गलत और टाइट चार्ज किया गया। अतः उनका निरन्तर हुआ और उसके विरुद्ध आरोप-गया और जांच में वह दोषी पाया गया। पत्रावली पर उपलब्ध



7/4

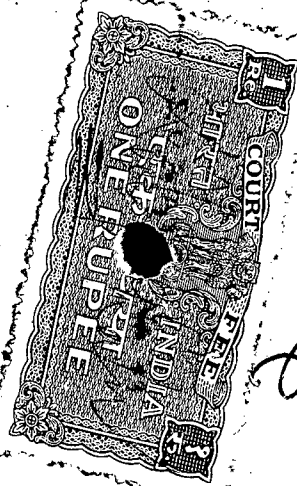
इस बात को सिद्ध नहीं कर सका है कि सी०बी०आई/एस०पी०ई० लखनऊ की रिपोर्ट में उसके विरुद्ध प्रथम दृष्टया कस नहीं पाया गया। यह भार वादी का था कि वह सी०बी०आई/एस०पी०ई० लखनऊ ने उसे दोषी नहीं पाया, सिद्ध करें। इस तथ्य से विवाद नहीं किया जा सकता है कि यदि कोई कर्मचारी कोई दण्डनीय अपराध करता है तो उसके विरुद्ध विभागीय कार्यवाही नहीं की जा सकती है। मैने जांच रिपोर्ट जो पत्रावली पर काण्ड नं० डा/7 है, उसके अवलोकन करने से मैं यह पाता हूँ कि वादी ने जांच अधिकारी के समक्ष यह माना था कि वह श्री आर०के० सिन्हा, एकाउन्ट क्लर्क के घर के पास रहता था जो बिल को चेक व पास करते हैं। वादी ने जांच अधिकारी के समक्ष यह भी माना है कि वह श्री आर०के० सिन्हा के घर दूध लेने के लिए जाया करता था और वह उनकी काम में जैसे ओवर टाइम के बिलों को चेक व पास करने में मदद किया करता था। यह भी उसने माना है कि उसने कुछ गलतियाँ ओवर टाइम के बिलों में श्री आर०के० सिन्हा के कहने पर किया था। वादी के का यह कथान जांच रिपोर्ट के पृष्ठ डा/7 /26 व डा/27 पर अंकित है। वादी ने अपनी साक्ष्य में इस बात का छाण्ड नहीं किया है कि उसने जांच अधिकारी के समक्ष उक्त बयान नहीं दिया है। वादी ने जांच अधिकारी के समक्ष अपने उपरोक्त अंकित बयान को गलत होना नहीं कहा। अतः वादी की स्वीकृति को देखते हुए जो उस पर मनादी है, मैं इस नतीजे पर पहुँचता हूँ कि जांच अधिकारी की रिपोर्ट पर जो आरोप वादी पर लगाये गये हैं वह साबित होते हैं और सही हैं तथा वादी की सेवा समाप्ति के आदेश में को दुर्भावना पूर्ण एवं अवैधता में नहीं पाता हूँ। अतः उपरोक्त तथ्यों, परिस्थितियों एवं पत्रावली पर उपलब्ध साक्ष्य को देखते हुये मैं यह तय करता हूँ कि वादी की सेवा समाप्ति आदेश वैध एवं दुर्भावना पूर्ण नहीं है। अतः इस वाद बिन्दु निस्तारण वादी के विरुद्ध और प्रतिवादीगण के पक्ष में किया जाता है।

वाद बिन्दु नं० 2:- वादी ने अपने कथानों से बाबत वतूली रुपये 18,582 /- साबित नहीं कर पाया है। वादी ने अपने बयान में भी इस बारे में कुछ नहीं कहा है। वादी ने अपने शपथ पर दिये गये बयान में यह नहीं कहा है कि उसका प्रतिगण पर किस प्रकार से 18,582/- रुपये बकाया है। अतः इन परिस्थितियों में यह तय करता हूँ कि वादी वाद में मागे गये 18,582/- रुपये पाने का अधिक नहीं है। इस वाद बिन्दु का निस्तारण वादी के विरुद्ध और प्रतिवादीगण पक्ष में किया जाता है।



वाद बिन्दु नं० 4:- उपरोक्त वाद बिन्दुओं को देखते हुये मैं इस नतीजे पर पहुँचता हूँ कि

8/40



Handwritten signature/initials

ब्रह्मचारी श्री. आर्यजी जी. शर्मा

(सूट नं० 20, दिनांक 6-7)

महोदय - In the court of civil Judge, Malihabad at Lucknow

R. S. No. 24/81 (Lawyer's Sub)

दिनांक 27 मार्च 2 अक्टूबर 1981 ई

Roop Chand aged about 40 years s/o Bhag Chand II fireman Running Shed, Northern Railway Lucknow. No H. No. F Block No. 2/60 Railway colony Behind Alambagh, Gulabdwara, ward Alambagh, Lucknow.

- Vs:
1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi,
  2. Divisional Superintendent, Northern Railway, Hapur, Ratgaur, Lucknow through the loco foreman, Running Shed Alambagh, Lucknow.

Suit for permanent injunction.

Valuation of suit Rs. 18582.00

C. F. paid Rs. 22-50P

Relief

① that the decree for permanent injunction restraining the defendants, his agents, servants and anybody claiming under them from removing the plaintiff from service in any manner whatsoever. However in case it comes out that the plaintiff's services have been terminated it be declared that said order of termination is illegal, voidable and unsustainable the plaintiff continues in the service.

② that the plaintiff be permitted to prosecute the suit now in form of penalties.

③ that alternatively the plaintiff be allowed a decree for Rs. 18582.00 of pain by way of on account of his wrongful termination against the defendants the details of which are given in annexure A.

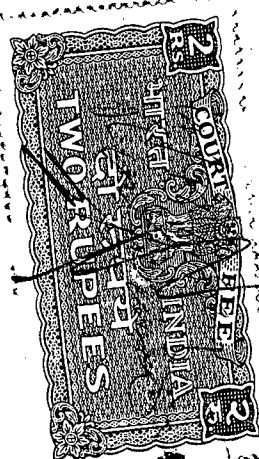
For at Lucknow Sri D. C. Sinha, Advocate at 212 5th fl.  
For at Lucknow Sri A. R. Agnihotri, Advocate at 346 5th fl.

Ord 27

17-10-84

W.D.S. H. 300

श्री श्री श्री



1-10-84

IN THE COURT OF DISTRICT JUDGE LUCKNOW.

Roop Chand ..... Plaintiff/Appellant

versus

Union of India and  
another. .... Defendants/Respondents

REGISTERED ADDRESS OF THE PLAINTIFF/APPELLANT

ROOP CHAND

SON OF LATE SRI BHAG CHAND

II FIREMAN, RUNNING SHED, NORTHERN RAILWAY, LUCKNOW,  
RESIDENT OF HOUSE No. F-BLOCK I/60, RAILWAY COLONY,  
BEHIND ALAMBAGH, GURUDWARA, LUCKNOW.

REGISTERED ADDRESS OF THE DEFENDANTS/RESPONDENTS

1. UNION OF INDIA THROUGH THE GENERAL MANAGER,  
N. RLY. BARODA HOUSE, NEW DELHI.
2. DIVISIONAL SUPERINTENDENT, N.RLY. HAZRATGANJ,  
LUCKNOW, THROUGH LOCO FOREMAN, RUNNING SHED  
ALAMBAGH, LUCKNOW.

Roopchand

Dated: Lucknow:  
December, 1984

~~Counsel for the~~ appellant



गणपत जी मंगल कार्ड

३३

श्री गणेशाय नमः

श्री गणेशाय नमः

श्री गणेशाय नमः

श्री गणेशाय नमः

श्री गणेशाय नमः

ਭਾਗ ਸਾਨ 23-3-74

ਪੰਨਾ

ਭਾਗ ਸਾਨ 23-3-74

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ਭਾਗ ਸਾਨ

Use case 435/87  
इतिलानामा बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के जो समाअत

अपील के लिए मुकर्रर को जाय  
आर्डर ४ कायदा ४

Mar 435/87

अपील बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के जो समाअत

Rock Chand बनाम Union of India

अपील बनारानी अपील बनाम रेस्पॉण्डेंट

मुदरिखा माह सन १९८८ ई० ११/४

Use case 435/87  
इतिलानामा बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के जो समाअत

मुकदमा मुदरजा बाला में

पेश किया और इस अदालत में दर्ज हुआ और अदालत ने तारीख वारने समाअत इस अपील के मुकर्रर की है अगर खुद आप या आपके वकील या कोई और राहस जो कानून आपकी तरफ से अपील हाजा में वह सवाल करने का मजाज हो हाजिर न आवेगा तो उसकी समाअत और तजवीज गैरहाजिरी में की जायेगी।

अज बतारीख माह सन १९८८ ई० मेरे दरतखत और

मोहर अदालत सिविल क्रिया

BY ORDER

जज

WALSARIM

Joint Judicial Officer

तम्बीह अगर इजराय डिगरी के मुलतबी होने का हुक्म हुआ हो तो उसकी इतिला इसमें लिखना चाहिए।

इतिलानामा बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के

अपील के लिए मुकर्रर को जाय

आर्डर ४ कायदा ४

Mar 435/87

अपील बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के जो समाअत

Rock Chand बनाम Union of India

अपील बनारानी अपील बनाम रेस्पॉण्डेंट

मुदरिखा माह सन १९८८ ई०

Use case 435/87  
इतिलानामा बनाम रेस्पॉण्डेंट मुशहर इतिला तारीख के जो समाअत

मुकदमा मुदरजा बाला में

पेश किया और इस अदालत में दर्ज हुआ और अदालत ने तारीख वारने समाअत इस अपील के मुकर्रर की है। अगर आप खुद आपका वकील या कोई और राहस जो कानून आपकी तरफ से अपील हाजा में वह सवाल करने का मजाज हो हाजिर न आवेगा तो उसकी समाअत और तजवीज गैरहाजिरी में की जायेगी।

अज बतारीख माह सन १९८८ ई० मेरे दरतखत और

मोहर अदालत सिविल क्रिया

WALSARIM

Joint Judicial Officer

तम्बीह अगर इजराय डिगरी के मुलतबी होने का हुक्म हुआ हो तो उसकी इतिला इसमें लिखना चाहिए।

2<sup>nd</sup> Add.

In the Court of the Dist Judge Lko  
439/84

Reopchand ——— Appellant

v/s

Union of India ——— Respondent

Fix. for 3.8.88

Application Under Section 151 C.P.C.

The Respondent begs to state that due to an urgent work, Counsel for Reopchand is going to Karan ~~the~~ ~~as~~ such he is unable to appear today before this Honble Court.

Wherefore it is prayed that hearing of the above case be adjourned today to some other date.

Lko DL  
3/8/88

A. Singh  
Adv  
for Union of  
India

In The Court of the <sup>4th</sup> Add. Dist. Judge Lucknow

A/12

at 90

Rupchand — App

v/e

Union of India — Respondent

Fix. for: 24.8.85

Application under Section 151C Cr.

The Resp begs to state

Ans up with file as per  
I hope  
23/8/85

That Resp Counsel is going out of station in his personal work as such he is unable to attend case ~~thereon~~ on 24.8.85-

wherefore it is prayed that in the ends of justice some other date may be fixed and case be adjourned on 24.8.85

Law Dr

23/8/85

For Resp  
Union of India

IN THE COURT OF X Adl District Judge AT LUCKNOW

8-11

Roop Chandel ...

Plaintiff-Applicant

VERSUS

Defendant-Opp. Party

Union of Indira ~~Indira~~

Misc CASE N 439 OF 84  
F.F. 24. 8.85

----

The humble petition of NAND LAL VERMA, ADVOCATE

D.G.C.(C) most respectfully begs to state that report from  
the D.M. office has so far not been  
received. As such

he could not prepare the case/he is unable to proceed  
with the case/he is unable to file objections against  
the application for perjury.

and prays for adjournment of the case to some other  
date after two months for filing objection.

Lucknow.

Dated: 24. 8. 85

PETITIONER

Counsel for

SGCC  
SGCC

13/9  
Dr  
for appellant

IN THE COURT OF X<sup>th</sup> Add. D.J. AT LUCKNOW

Roop Chand Jain...

Plaintiff-Applicant

VERSUS

Defendant-Opp. Party

U.O.D.

CASE NO 439 OF 84  
F.F. 19.10.85

The humble petition of NAND LAL VERMA, ADVOCATE  
D.G.C.(C) most respectfully begs to state that

instructions to file objections  
from the D.M. office could  
not be received. As such

he could not prepare the case/he is unable to proceed  
with the case/he is unable to file objections  
to day

and prays for adjournment of the case to some other  
date after two months.

Lucknow.

PETITIONER

Dated: 19.10.85

Counsel for

Attn: Singh  
Advocate

Accepted  
for 8-11-85

Allowed as last offering for 8.11.85 for objection & diff

19/10

IN THE COURT OF X Adol. D J AT LUCKNOW

Roop Choud Jain  
VERSUS

Plaintiff-Applicant  
Defendant-Opp. Party

U. O. D. 2011

CASE NO 441 OF 84  
F.F. 8-11-85

The humble petition of NAND LAL VERMA, ADVOCATE  
D.G.C.(C) most respectfully begs to state that the report  
from the D.M. office has so far not  
been received. As such

~~he could not prepare the case/he is unable to proceed~~  
~~with the case/he is unable to file~~ objections delay

and prays for adjournment of the case to some other  
date after two months.

opposed  
defence  
8/11/85

Lucknow.

Dated: 8-11-85

PETITIONER

Counsel for

Advocate  
Parnel Danyer (C)

Allowed as 46  
8/11



In the Court His <sup>xxx</sup> Ex<sup>ty</sup> Add. Dist Judge  
Luciano  
at 14

Korp Chand — Appellant

v/s

U.O. 9. — Respondent

AK, for 8. 11. 85

Application under Section 187 Cr.P.

The Respondent begs to  
state that counsel for Resp<sup>t</sup>  
for A.K. Agnihotri advised  
giving out of Melvin Wallinder  
a case in L.C. Karpur.

~~Alleged~~

~~2/11/85~~

~~8/11/85~~ where for it is prayed that  
he is unable to attend the case  
today & may kindly be  
fixed to other date.

Res Dt

8/11/85

A. K. Agnihotri  
Adv.

For U.O. 9.

IN THE COURT OF X<sup>th</sup> Add. D. J. AT LUCKNOW

Roop Chand Jain

...

Plaintiff-Applicant

U. O. I.

VERSUS

Defendant-Opp. Party

Misc.

CASE NO

439 OF 84

F.F.

7-12-85

The humble petition of NAND LAL VERMA, ADVOCATE

D.G.C. (C) most respectfully begs to state that

instruction to file objections  
could not be received from  
D.M. Office Lucknow  
As such

he could not prepare the case/he is unable to proceed  
with the case/he is unable to file objections  
to day.

and prays for adjournment of the case to some other  
date after two months.

Lucknow.

PETITIONER

Dated: 7-12-85

Counsel for

State of U.P.

Allowed as last opportunity  
No further time will be  
given  
7/12

प्रपत्र संख्या- 1  
सामान्य सूची  
(अध्याय 5, नियम 43)

24/04/19

प्रारम्भिक वाद  
मामला

संख्या

सन 19... ई०

अभिलेख

बनाम

प्रपत्र

21

पत्रावली क्र. क-2, रव, उ अथवा च	पत्र की क्रमिक संख्या	पत्र का वर्णन	पत्र में पन्नों की संख्या	न्यायालय शुल्क		अभिलेख में पत्र के प्रवेश किये जाने का दिनांक	प्रलेख की दिनांक	विशेष विवरण
				मुद्रा की संख्या	मूल्य			
1	2	3	4	5	6	7	8	9
क	9	रिच	9					
क	2	अन्वेषण	1					
क	3	अन्वेषण	10	2	2.00			
ग	4	प्रति	9					
ग	5	प्रति	9					
ग	6	प्रति	9					
ख	6	अन्वेषण	32					
ख	7	रजि	9					
ख	8	नोटि	9					
ख	9	अन्वेषण	2			2/9/21		
ग	11	अन्वेषण	1					
ग	12	अन्वेषण	1					
ग	13	अन्वेषण	8					
क	14	नोटि	2					
क	15	प्रति	9					
ग	16	प्रति	9					
क	17	प्रति	9					
क	18	प्रति	9	2	3.00			
ग	20	प्रति	9	9	9.00	14/4/21		
ग	21	अन्वेषण	2					
ग	22	प्रति	1					

को. सं. 23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

2040 मूनी पत्र 9 - - 92.3.22

2041 62201128 9 - - -

2042 मूनी 9 - - 30.3.22

2043 मूनी 9 - - -

2044 Amasura 9 - - -

2045 Amasura 2 9 - - -

2046 Amasura 3 9 - - -

2047 Amasura 4 9 - - -

2048 मूनी 9 - - -

2049 Amasura A 9 - - -

2050 मूनी 9 - - -

2051 62201128 9 - - 27.8.22

2052 62201128 9 - - 98.5.22

2053 मूनी 9 - - 11.12.21

2054 मूनी 9 - - 10.11.21

2055 मूनी 9 - - 6.10.22

2056 मूनी 9 - - 11.12.21

2057 मूनी 9 - - 23/11/21

2058 मूनी 9 - - 23/11/21

2059 मूनी 9 - - 23/11/21

2060 मूनी 9 - - 23/11/21

2061 मूनी 9 - - 23/11/21

2062 मूनी 9 - - 23/11/21

2063 मूनी 9 - - 23/11/21

2064 मूनी 9 - - 23/11/21

2065 मूनी 9 - - 23/11/21

2066 मूनी 9 - - 23/11/21

2067 मूनी 9 - - 23/11/21

2068 मूनी 9 - - 23/11/21

2069 मूनी 9 - - 23/11/21



R. S. no. 24/87

242

कनकल्ल-आदिश-पेन

(अध्याय ४, निघम ३)

न्यायालये

सोमला हस्या

**सरकार**

निवासी

wire Co. N. 43

पृ. ११७७

३. सि

पुत्र.

124 - 93

५७७५

21049

375 2, 66,

आदेश संख्या

दिनांक

### आदेश अथवा आदेश का संक्षेप

## मंजिरुद्रं के हस्ताक्षर

टिप्पणी

1 13-8-77

प्रार्थना पर हाथ लाइया  
सुबह के प्रान वेरा  
काइशा प्र प्राण उ

332 / c.p.c

$$\frac{2}{36} \quad \frac{2112}{2}$$

31521

दल शांति-र हा/ कुक (क) 17-9-77

दो शब्दों हैं, 3  
के बिना ही है, 10 पक्ष

का नाके जाए हा।

21/11/2019

25/12/17  
25/12/17

*(Handwritten notes in Hindi script, likely bleed-through from the reverse side of the page)*

1729

Jezeer kan niet ver-  
eigenen

Person for 5-11-77

Steps within a 10 days

17/9

2092 ए०

4/12/2019

पृष्ठ १४

2

2014 2015 2016

9/50 2m/8

27 92 200

5/11

The app's cam. is present. The

ops are saved, not  
pled no dy. But  
the DGC (int), is  
not saved. Reif  
Dr. C. W. Dr. 13  
dy - 20

Cg. Med. Ins.  
M. C. 43177

8/51

An 20  
2

11.5.79

Case called out.

Sri D. C. Suresh Advocate for plaintiff applicant  
Sri V. M. Shrinath Advocate for defendant O.P.

The parties want to discontinue the application C-23  
this u/o B rule 17 C.P.C. but they want today's  
adjournment as they are not ready. Allowed. Put-up  
on 14.7.79 for disposal of C-23 and also for final  
disposal.

✓

Cg. Med.  
Ins.

14.7.79

Case called out.

D-25 application by the counsel for applicant  
for adjournment on the ground he has gone  
out of station. Not opposed. Allowed.

Put-up on 18.8.79 for disposal of C-23 and  
also for final disposal.

18.8.79

✓  
Cg. Med.  
Ins.

case called out

M. D. C. Suresh for applicant.

M. V. M. Shrinath for O.P.

C-23: This is an application for amendment  
in a plaint. Necessity for incorporation  
is proposed to arise on account of changed  
circumstances. Kindly put up for disposal  
its application on the ground that such an  
amendment can not be allowed at this  
belated stage. Application merely being  
belated can not be rejected. Proposed

क्रमबद्ध आदेश-पत्र

(अभ्यास 4, नियम 3)

स्थान

सन् 19 ई०

वाद

सन्

न्यायालय

सरकार

निवासी

M.C. 43177

220/3

आदेश संख्या	दिनांक	आदेश जबवा आदेश का संक्षेप	मैजिस्ट्रेट के हस्ताक्षर	टिप्पणी
	8/12/79	can called out shi D.C. shukla for appl- D 20: On behalf of defunct of appl- and is gone out. removed. for <del>22.2.1980</del> 2.2.1980 for shukla, keep good		
	2.2.1980	can called out shi D.C. shukla for appl- shi V.M. shukla for O.P. Applicant has not complied order dated 18.8.79. Appl- to show cause as to why his application be not dismissed. put up on 22-2-1980 for shukla disposal		2 past 2012



R. 5-24/8

कमबद्ध आदेश-पत्र

(अध्याय 4, नियम 3)

न्याय

मामला

सरकार

निवासी

सिपिल कठ

मोहम्मद खान

ला 73

दिनांक 43/77

सन् 19

ई 0

बाद

सन्

प्रथम 777 516/5

अ 20  
7

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	मंजिस्ट्रेट के हस्ताक्षर	टिप्पणी
	420	by complaint in marriage matters connections in the apt. That is not proper. Rejected. Applicant may ✓ fresh application, if he likes.		15.4.78
	20.4.78	421: apt. & awp endng.		
	20.4.78	in D.C. Pather. in K.C. Gachhi. for title.		
		422: objection on behalf of title. not for 19.5.1978 for final hearing.		28.4.78.
	19.5.1978	423: an application for and would objection, if yes 100% response for 28.7.78 for		

Vinay

प्रारम्भिक भाग

संख्या

प्राप्तता

संख्या

सन् 19 १०

प्रतिवेद्य

भाग

आदेश की  
संख्या

आदेश का  
दिनांक

आदेश, सम्बन्धीन व्याख्याओं  
के सम्बन्ध-हस्ताक्षर सहित

निवेदन उस प्राथमिक-  
पत्र प्रेषण पत्र का  
जिस पर मूल आदेश  
लिखा गया

आदेश के प्रतिपत्र  
में दिये गये प्रति-  
वेदन की संख्या  
संख्या दिनांक के  
निर्देश

1

2

3

4

5

19.4.40

can called me  
sh D.C. Singh.  
sh V.M. Shukla.

31 : On behalf of appl - 7  
prisoners to verify the schedule  
allowed. Verify the schedule  
forthwith. Thereafter, supply  
verified & amended copy of  
the schedule to the end of 31.  
7 is period of objection if any

Verification carried on  
of amended schedule supplied to  
to 31 end. 31's end  
my new file is objection in  
15 days

24.5.40

final disposal

प्रारम्भिक वाद

संख्या

सामग्री

बनाम

सन 19८०

अभिलेख	भाग			
आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त-हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रति-वेदन की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
	8/11/80	<p>Case called on -          Re: P.          B2 is in letter from          to the court. no. of papers.          On the improvement of 15/2          as per. See the original          filed within 21 days          19.9.80 Case called at -          D34 - on behalf of O.P.          for adjournment.          opposed, as per the original.          The court is in the station.          On the 17.10.80 technical          dispute. no further adjournment          was granted.</p>	<p>19-9-80 case          disposed          by the          court</p>	

Misc 43/77 <sup>58</sup> of Co

18.11.80 case called out -  
D37. by the applicant  
for adjournment.  
Not opposed. Moved.

For 19.12.80 to  
disposal

19.12.80 case called out -  
D38 on behalf of defendant  
for adjournment. On  
personal grounds moved.  
Moved. For 21.1.81  
(2nd Jan 1981)  
for disposal

Case called out

2-1-81

Plaintiff's counsel on  
not available. It is  
about 4.4 PM

Put up on 3-1-81  
for disposal

3-1-81

Case called out  
Plaintiff's  
counsel

Headquarters  
for 13-1-81

for order

13.1.81 case called out.  
order passed on separate  
sheet.

cl. J. M. L.

English Proceedings, at 20/9

In the Court of the Civil Judge, Malihabad  
at Lucknow.

R.S. No. 24/81.

Roop Chand — vs — Union of India.

Date of institution — 13-8-77

Nature of the suit —

13-1-81

Valuation of the suit —

Plaintiff's Counsel — Sri D.C. Sinha Adv.

Defendant's Counsel — Sri V.M. Shukla Adv.

27-2-81. Register as suit vide order dated  
13-1-81. Fix 24-3-81 for W.S.  
and 31-3-81 for issues. Inform.

24/3, 31/3

CIVIL JUDGE  
MALIHABAD  
at LUCKNOW.

24-3-81

W.S. filed.  
Put up on the date fixed.

5/5 Await  
issues

31.1.81 case called out  
Summons not received back  
after service.  
P.C. is busy in office inspection.  
Await summons & put up on 5.5.81  
for issues.

cl. J.  
Mld.

cl. J. Mld.

5-5-81

Prover  
NO 2 return  
under res. Prover

14-8-81

$\frac{A}{60}$

in 88 filed by Counsel for defendant  
for time to file W.S.

Put up on this date fixed.

*A*  
cl. T  
mld.

26.8.81  
W 44

Applicatn by defendant

f Adjunct. Not opposed  
Advised. Adjunct &

20.9.81 to W.S. & 24.9.81

f issue

*A*  
26.8.81

21-9-81

~~now~~

in 82 filed by Counsel for defendant  
for time to file W.S.

Put up on this date fixed.

*cl. T*  
mld.

24.9.81  
D 45

Applicatn by defendant  
f this to file with State

Not opposed. Advised. W.S. &

2.11.81 & issues - 4.11.81

*A*  
24.9.81

*Noted*  
*See*  
*Loose/Chen*

✓ *(A)*

R. 5. 24/81

A/L

at 20 ✓

(2) writs on plaintiff's  
entitled to decree for Rs 1852/07  
paid as alleged. from 19 of the plaint.

(3) writ is a legal matter  
w/s do C.P.C. does serve by the  
plaintiff. I & set off.

(4) To what ruling if any  
is the plaintiff entitled?

Issues raised are  
explained. No other issues  
are in present.

Documents of parties -

4.2.02 & endorsement the  
same day. A

✓  
Res  
14-1-02

4.2.02 case called out -

D 49. on behalf of defendant  
for time to file documents.  
Not opposed. Allowed

Adjourn to 12-3-02 ✓  
file documents

S.T.S. 24/81

20/20

18.8.82 case called out

P.O. is on leave today  
Put up on 14.9.82 for  
final hearing.

Rg

J. d. J. M. d.

14.9.82 case called out -

D63 - on behalf of defendant  
for adjournment.

Not offered Allmend.

Adjourned to 10.11.82

to final hearing

A

10/11/82

Parlour Caseel Peak.

Left Manual Unit set as per  
closed - die. There is no mess  
at the cabinet. The cabinet  
under is also closed.

on 22/11/82

J



Allowed Amount  
 73.303 for

for

73.83

कुल देना प्रमाणित  
 देना पक्ष लीजिए

माफ़

दिनांक 22-3-83 को  
 अदालत में पेश हो

22.3.83

अतिरिक्त अदालत

मेरे (पक्ष) दिनांक अदालत  
 अदालत में पेश हो

30.3.83

अदालत में पेश हो

31.3.83

अदालत में पेश हो  
 अदालत में पेश हो  
 अदालत में पेश हो

11.4.83

अदालत में पेश हो

24.8.03 25/11 24/01  
C-6P by Dept for being  
deceased for last C 6P r.

92

only  
C6D - objection & Dept - sent  
on 11.7.03  
document & that to say  
be kept in heat cover

11-7-03 C 6P, office in June.

New case & her to be engaged  
in this case as earliest with  
in Shucela is dead.

for 27/7/03 for dept  
~~26/7/03~~ vs

Ingen on

26  
7  
27/1  
2  
met on 27/1/03

27/7/03

072/ By Dept C to ad. on  
Case as C 6P has gone  
on of state & it is all

Ad. to 16/8 for dept.

16-8-03

P.O. has been transferred  
over  
Run up on 6.9.03 passed.

6  
9  
An

20  
9

21/11/83

cancelled and  
parties' costs are present

C/68 By deff for filing certain  
documents u/o XIII r. 2 C.P.C.

C/71 Obj filed by the plff.

Heard.

So far as provisions laid down  
u/o XIII r. 2 C.P.C. are concerned the papers  
may be filed after showing reasons  
to satisfy the Court. The reasons  
which have been disclosed in application  
C/68 neither satisfy the Court nor this <sup>my</sup> is  
permissible in the interest of justice. Papers  
~~should~~ must have been filed either before the  
pay of Jones or at the date of settlement of  
Jones. Jones have been paid on 14.1.82  
and till ~~before~~ the date of filing this application  
deff were sleeping and had no care. So  
this application cannot be allowed  
as no satisfactory reason has been shown  
and moreover it is not necessary by the provisions  
of law. The case is fixed for 14/12. So  
there are delays tactics and demands the  
plff who is ~~unwarrantable~~ <sup>unwarrantable</sup>. Such activities shall  
not be encouraged. Under these circumstances I  
find no force in the application which is  
~~ought~~ to be rejected. As such application  
C/68 is rejected. Obj C/71 is allowed

For 13/12/83

For A/B

my

for 28/2/84  
D-284  
as agreed previously  
and  
Not opposed

Fix 28/2/84 for Argts

for 28/2/84

13.3.84  
28/2/84  
as agreed  
and  
Not opposed

for 13/3/84

for 13.3.84  
as agreed  
and  
Not opposed

13.3.84 Case is adjourned due  
to bye call of the lawyers  
in attending the courts today.

for 115  
3  
84

Order  
Put up on 15.3.84 for argument.

M.  
C. J. Mid.

15-3-84 Case called out  
Parties Counsel are present

D-93 Application for adjournment filed  
on behalf of state defendant -  
Not opposed.

Order  
Put up on 29.3.84 for arguments

M.  
C. J. Mid.

4.5.84

Case called out -  
P.O. is on leave

D-97 By defendant for  
adjournment.  
Not opposed. Allowed.  
order

Fix. 8.5.84 for arguments.  
Reid  
cl. g. Mid.

8.5.84

Case called out -

D-98 By defot. for adjournment.  
Not opposed. Allowed.  
order

Fix. 28.5.84 for arguments.  
M  
cl. g. Mid.

~~28/5/84~~

~~D/95 By deft for adj~~  
~~Have for M/M~~  
~~oppon~~  
~~Deced D/95 Allowed~~

Fix 19/7/84 for April 6

~~29/7/84~~

~~Case called out~~  
~~Parties' counsel are put~~  
~~Heard & decided which case~~  
~~was the correct one~~  
~~Fix 31/7/84 for major on 1st May~~  
~~M~~

16.0.04

Court closed on 14.0.04 vide  
Shirley Hoy's Quota order dated  
10.0.04

15.0.04 was today  
Case taken up to-day

For 27.9.04 for removing  
arguments

M  
continued 17/01/04

27/9/04

Case called on 10/10  
Parties' cases are put for trial  
Heard again

Fix 10/10/04 for Judge  
Mr

10/10/04

Judge called

M

31.10.04

Decees prepared

Manson to proceed upon 21st

5-11-04

No objection filed decree given  
Signed today

Keep it in record. Signed

Null

20/3/12

Filed by Mr B.L. delle Ach.  
Report of put up for order.

*[Signature]*

Mun  
20/3/12

Sir

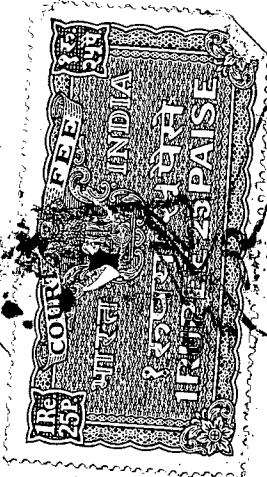
This is suit for permanent injunction  
The claim alleged in the plaint is  
with notice and is jurisdiction  
of our Court. It constitutes a cause of  
action and is sufficiently stated. Provisions  
of C.P.C. and Court fees Act have been  
observed. Seven papers with the list of  
documents have been filed. The plaint is  
order.

Subscribed  
*[Signature]*

Mun  
20/3/12

770 mil  
Rajp

*[Signature]*



12 1:25

*[Signature]*  
20/3/12

Sir,

filed today.

Respect

Mailiff  
28/4/12

2. I certify that  
the above plaintiff  
has signed before me  
*[Signature]*  
28/4/12

Date of institution: - 20.3.12  
Cause of return: - Beyond jurisdiction  
Date of order for return: - 20.4.12  
Actual date of return: - 27.4.12

*[Signature]*

W Addl Mof  
27.4.12

Operative by  
Sri Poojandhi P. A.  
identified by Sri A.K.  
Mushra P. A.  
Munzani do white  
H.H.D. ant be per  
within 3 days.

P. S.  
20/4

2/4  
a  
29/3/22





203  
2

202  
2

A/10

8.

of the case be also passed in favour of  
the plaintiff as against the defendants.

Lucknow

Dated: 18th March, 1972 Plaintiff.

Counsel for the Plaintiff.

VERIFICATION

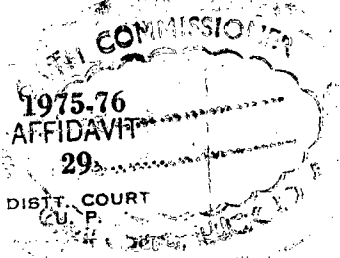
I, the above named plaintiff do hereby  
verify that the contents of para 1 to 11, 13 to 16  
are true to my personal knowledge, and those of  
paras 12 and 17, 18 to 22 are believed by me to be  
true.

Signed and verified this 18th day of March,  
1972 at Lucknow.

Lucknow

Dated: 18th March, 1972 Plaintiff.

In the Court of *Judge Magistrate*  
Lucknow  
S. no. of 1972  
Roopchand vs Union of India



*Li Singh Kaur vs  
Sh. Anand*

28/4/77

*Sh. Anand*  
28/4/77

2.25

IN THE COURT OF CIVIL JUDGE : MALIHABAD, LUCKNOW

Annexure : 'A'

Shri Roop Chand

-- Plaintiff

Union of Indian and another --- Defendant

R. S. No. 72 of 72

Wages period from 8th to 7th of each month from 10th March '72 to 7th March '76.

MONTH	PAY	DAYS	OFF-CI/PAY	N.HA.	A.MILLAGE	G. TOTAL
March '72	95=00	29	201=17	-	67=95	269=12
April '72	95=00	30	214=00	71=	71=25	285=25
May "	95=00	31	214=00	-	71=25	285=25
June "	95=00	30	214=00	-	71=25	285=25
July "	95=00	31	214=00	-	71=25	285=25
Aug. '72	95=00	31	214=00	8=40	71=25	285=25
Sept. '72	95=00	30	214=00	-	71=25	301=65
Oct. "	95=00	31	222=00	8=40	71=25	293=25
Nov. "	95=00	30	222=00	-	71=25	293=25
Dec. "	95=00	31	222=00	-	71=25	293=25
Jan. '73	23=00	31	293=85	8=40	71=25	373=50
Feb. "	230=00	28	293=85	-	71=25	365=10
Mar. "	230=00	31	293=85	-	71=25	365=10
April "	230=00	30	293=85	-	71=25	365=10
May "	230=00	31	293=85	-	71=25	365=10
June "	230=00	30	293=85	-	71=25	365=10
July "	230=00	31	293=85	-	71=25	365=10
Aug. "	230=00	31	293=85	8=40	71=25	373=50
Setp. "	230=00	30	293=85	-	71=25	365=10
Oct. "	230=00	31	293=85	8=40	71=25	373=50
Nov. "	230=00	30	293=85	-	71=25	365=10
Dec. ' "	230=00	31	293=85	-	71=25	365=10
Jan. '74	234=00	31	297=85	8=40	71=25	377=50
Feb. "	234=00	28	297=85	-	71=25	369=10
Mar. "	234=00	31	297=85	-	71=25	369=10
April "	234=00	30	297=85	71=25	71=25	369=10
May "	234=00	31	297=85	-	71=25	369=10
June '74	234=00	30	397=85	-	71=25	369=10
July "	234=00	31	297=85	-	71=25	369=10
Aug. "	234=00	31	297=85	8=40	71=25	377=50
Sept. "	234=00	0	297=85	-	71=25	369=10
Oct. "	234=00	31	297=85	8=40	71=25	377=50
Nov. "	234=00	30	297=85	-	71=25	369=10
Dec. '74	234=00	31	297=85	-	71=25	369=10
Jah '75	238=00	31	378=85	8=40	71=25	458=50
Feb. "	238=00	28	378=85	-	71=25	450=10
Mar. "	238=00	31	378=85	-	71=25	450=10
April "	238=00	30	378=85	-	71=25	450=10
May "	238=00	31	378=85	-	71=25	450=10
June "	238=00	30	378=85	-	71=25	450=10
July "	238=00	31	378=85	-	71=25	450=10
Aug. '75	238=00	31	378=85	8=40	71=25	458=50
Sept. '75	238=00	30	378=85	-	71=25	450=10
Oct. "	238=00	31	378=85	8=40	71=25	458=50
Nov. '75	238=00	30	378=85	-	71=25	450=10
Dec. "	238=00	31	378=85	-	71=25	450=10
Jan. '76	242=00	31	382=85	8=40	71=25	462=50
Feb. '76	242=00	29	382=85	-	71=25	454=10
Mar. '75	242=00	31	382=85	-	71=25	454=10

10th March '72 to 7th March '1976 Grand Total : - 18,582=07-

I am the undersigned plaintiff to the above  
 before the court and hereby  
 certify that the above is a true and correct  
 copy of the original as per the  
 order of the court dated 14th day of April 1976  
 signed and sealed by me

IN THE COURT OF CIVIL JUDGE MALIHABAD, LUCKNOW

ANNEXURE "B"

543  
70

Sri Roop Chand .....

Plaintiff.

Versus

Union of India & Anothers .....

Defendants.

Reg. Suit No.

of 1977

ANNEXURE "B"

		Rs.	Np.
1- Cycle	1	60.	00
2- Patili	2	25.	00
3- Bhagoney	2	20.	00
4- Chamchey	2	12.	00
5- Thali	2	20.	00
6- Glass	2	14.	00
7- Katori	2	6.	00
8- Spoon	2	2.	00
9- Razai	1	20.	00
10- Plang	1	10.	00
11- Takhat	1	10.	00
12- Table	1	5.	00
13- Dari	2	8.	00
14- Gadda	1	10.	00
15- Chadder	2	10.	00
16- Table Cloth	1	2.	00
17- Chairs	2	10.	00
18- Paints	2	10.	00
19- Shirts	2	10.	00
20- Baniyan	2	3.	00
21- Shoes one pair	1	5.	00
22- Sleeper one pair	1	2.	00
23- Trunk	1	2.	00

TOTAL :- RUPEES TWO HUNDRED AND 296. 00  
NINETYSIX ONLY.

VERIFICATION :-

I am pleased to read that the  
value of the contents of the case is  
known to be Rs. 296.00 only.  
and is correct as per the list of items  
given above.

Roopchand  
Roopchand  
Roopchand

98

... Plaintiff

7  
21118

... Defendants.

2

for the Carl N. Co. 180. Underwood.  
Loop Chard & Co. 180. 2.  
24/21

4. 11. 81 i s'èccu.

WRITTEN STATEMENT ON BEHALF OF THE DEFENDANTS.

for the Carl. N. Co. - 180. Underwood.  
Loop Chard. & Co. 180. 2.  
24/21

Para 2. Only this much is admitted that the plaintiff was appointed as a Cleaner in Grade 30-1/2-35 and not in Grade Rs.75-1-80 as alleged in the plaint. As submitted above, the plaintiff was appointed by Assistant Supdt. (Power) and not by Divisional Superintendent, as alleged in the plaint.

Para 3. Denied. It is submitted that the plaintiff during the tenure of his service from 1.12.50 to 9.3.72 was several times punished, details of which are given below:-

Punishment Notice No. and date.	Nature of offence.	Punishment.
1. EII/L/6 dt. 11.12.51	For failing to turn up late hours on duty as B/man on 24.11.51.	Censured
2. EII/L/6 dt. 20.9.52	For unauthorised absence on 10.9.52 and the same period treated as L.W.P.	Finally warned.

beg  
2/11/11

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2

-2-

- |  |   |                          |
|--|---|--------------------------|
| 3. LS/4/Lose/<br>LKO/1 dt.<br>13.5.57    | For loss of one hand hammer on<br>12.4.57   | Debited<br>Rs. 1/14/-    |
| 4. LS/2/L/<br>LPT-II<br>dt.10.2.58       | For shortage of one fire shovel.  | Debited<br>Rs.1/75 NP    |
| 5. PX/3/CNB/57<br>dt.4.3.63              | Late turn out of 352 DN T/Eng.<br>No. 8707 at Kanpur Bhar Line on<br>21.7.62.   | WIT one year             |
| 6. Vig/3/SPB-68/<br>RCS dt.<br>March '72 | For failure to maintain absolute<br>integrity and devotion to duty and<br>committing misconduct in as much as<br>he knowingly received excess payment<br>of overtime claims by causing alter-<br>ations in bills in collusion with<br>the Rly.staff while he was not<br>entitled to receive the said amounts. | Removed from<br>service. |

Para 4. It is denied that the plaintiff was promoted by defendant No.2 on account of his meritorious services. The plaintiff by virtue of his seniority was promoted as IInd Fireman in Grade 80-95 and not Rs. 85-95 w.e.f. 29.1.57. The promotion order of the plaintiff was issued by the Assistant Personnel Officer, D.S.Office, Lucknow, and not by the defendant No.2.

Para 5. Admitted.

Para 6. It is admitted that the plaintiff was put under suspension by the competent authority w.e.f. 5.10.57. Rest are denied.

Para 7. Sri Roop Chand, the plaintiff was issued with a memorandum for major penalty dated 13.2.69 in that the following charges were levelled against him by the Assistant Personnel Officer (II) and not by the Defendant No.2 as alleged in the plaint:-

"The said Sri Roop Chand, while working as a Fireman II in Loco Shed, Northern Railway, during the period from 1966 to 1967 failed to maintain absolute integrity and devotion to duty and committed misconduct in as much as he knowingly received excess payment of over-time amounting to Rs.169.54, Rs.461.40, Rs. 283.91, Rs.428.09, Rs.388.68, Rs.400.00, Rs.361.82, Rs.391.14, Rs.288.95, Rs.227.05, Rs.429.73 and Rs.501.12 by causing alteration

For the Court of C.S. on 18.10.1980.  
Roopchand vs. U.S.D.  
24/81

48  
21/11/71

in bills A.B.No. 64 EOT/4 dated 12.4.67, AB No. 49 EOT/5 dated 8.5.67 AB No. 79 EOT/5 dated 16.5.67, AB No. 80 EOT/5 dated 16.5.67, AB No. 45-EOT/5 dated 7.6.67, AB No.54-EOT/6 dated 7.6.67, AB No.78 EOT/5 dated 16.5.67, ABNo. 217 EOT/5 dated 31.5.67, ABNo.40 EOT/5 dated 6.5.67, AB No.72 EOT/7 dated 12.7.67, AB No. 133 EOT/4 dated 18.4.67 and AB No. 127-EOT/8 dated 21.8.67 respectively in collusion with the Railway Staff while he was not actually entitled to receive the said amounts and he thereby contravened Rule 3 of Railway Servants Conduct Rules, 1966".

Para 8. That the contents of para 8 of the plaint are denied. The matter was never referred to CBI/SPE by the defendant for investigation as alleged in the plaint. The SPE had themselves taken up the case for investigation and on their recommendations, the plaintiff was placed under suspension w.e.f. 5.10.67 AN and a Memorandum for major penalty was issued. The plaintiff was put back to duty from 4.8.1969. He was removed from service w.e.f. 10.3.1972. The plaintiff has himself contradicted the contents of para 8 of the plaint vide allegations in para 9 of the plaint.

Para 9. Departmental proceedings were, in fact started on the report of the S.P.E. Rest of the contents of para 9 of the plaint are denied.

Para 10. Admitted.

Para 11 & 12. Denied. Since the plaintiff did not submit any proper defence, a D.A.R. enquiry was ordered to be held by the Enquiry Officer, New Delhi.

Para 13. Admitted.

Para 14. Admitted that the show cause notice was issued by the Divisional Personnel Officer.

Para 15. Denied. The plaintiff did not submit his reply against the said show cause notice.

Para 16. No legal notice under section 80 C.P.C. as alleged by the plaintiff was served.

21/1/71

A  
8/2

Para 17(i). Denied. The plaintiff was appointed by Assistant Supdt. (Power) who is now designated as Assistant Mechanical Engineer. The defendant No.2 is not the appointing authority of the plaintiff.

Besides it is not necessary for the appointing authority to suspend

Para 17(ii). Denied. In fact the plaintiff had attended the D.A.R. enquiry held by the Enquiry Officer, Northern Railway, New Delhi. The plaintiff is estopped to challenge the appointment of Enquiry Officer.

Para 17(iii). Denied. The Enquiry Officer passed his findings on the evidence on record before him.

Para 17(iv). Denied. Findings are based on the material available on record. The allegations of malafide is also denied. The plaintiff has not given any details thereof without which no reply can be given.

Para 17(v). Denied. All reasonable facilities were provided by the Enquiry Officer to the employee to defend his case during the DAR enquiry. The plaintiff did cross examine the prosecution witnesses. It is evident from the copy of the enquiry report filed by the plaintiff.

Para 17(vi). Denied. The Enquiry Officer has elaborately dealt with the defence evidence produced by the plaintiff but since it could not bring forward any reasonable ground so the Enquiry Officer gave the findings against the plaintiff.

Para 17(vii). Denied. The disciplinary proceedings can be started by the Disciplinary Authority and it is not necessary that they should be started by the appointing authority.

Para 17(viii). Denied.

Para 17(ix). Denied. Even according to the allegations of the plaintiff himself he was never penalised by the SPE so the question of being penalised twice does not arise.

Para 17(x). Denied. The plaintiff was given access to all the records without delay for any complaint from his side. All the relevant documents were made exhibits during the enquiry in presence of the plaintiff.

for the Enq. of Co. 0730. Welsome  
Roshchard 2. 400 D.  
Cee 24/81

by  
24/11/81



Para 17(xi). Denied. The plaintiff neither submitted any reply to show cause notice nor requested for a personal hearing.

Para 17(xii). Denied. The plaintiff's allegations are very general and vague so no proper reply can be given.

Para 18. The plaintiff was not removed by defendant No.2. He was removed by the Divisional Personnel Officer who was the competent authority to remove him.

Para 19. Denied. The plaintiff having been already removed from service w.e.f. 10.3.72 there is no question of any such damages.

Para 20. No cause of action has accrued to the plaintiff against the defendants.

Para 21. Relates to valuation. Needs no reply.

Para 22. The plaintiff is not entitled to any of the reliefs.

ADDITIONAL PLEAS.

✓ Para 23. That the plaintiff had already been removed from service before the filing of the suit and so there is no question of injunction now.

Para 24. That the present suit has become infructuous.

Para 25. As submitted above all disciplinary proceedings were taken against the plaintiff under proper rules. There was no breach of any rule or procedure. So also the plaintiff's suit is not maintainable.

Para 26. That the plaintiff has not been punished twice for the same offence, hence the suit is not maintainable.

Para 27. That the suspension order cannot be challenged in the court of law. The suit is bad for non-joinder of necessary parties.

Wg  
24/11/71

En 46  
6

Para 28. That the plaintiff's suit is liable to be dismissed with costs.

*H.S. Chatta*  
1. Divl. Railway Manager,  
Northern Railway, Lucknow

On behalf of Union of India  
Defendant No.1.

*H.S. Chatta*  
2. Divl. Railway Manager,  
Northern Railway, Lucknow  
Defendant No.2.

Lucknow

Dated 26.9.'81.

Verification.

I, H.S.Chatta, Divl. Railway Manager, Northern Railway, Lucknow, the defendant No.2, do hereby verify that the contents of ~~para~~ this written statement in paragraphs 1 to 19, 23, 25, 26, 27 are true to my knowledge based on relevant records and those in paragraphs 20, 21, 22, 24 and 28 are believed by me to be true.

Signed and verified this 26<sup>th</sup> day of September 1981  
at my office at Hazratganj, Lucknow.

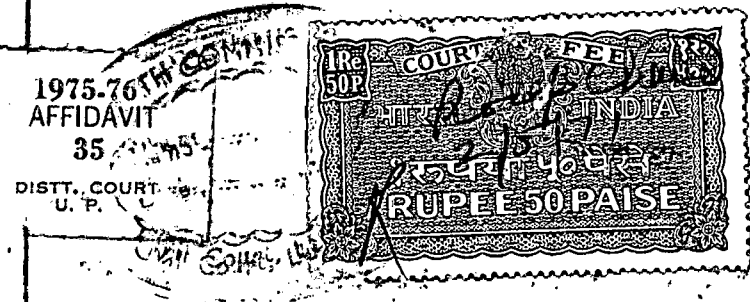
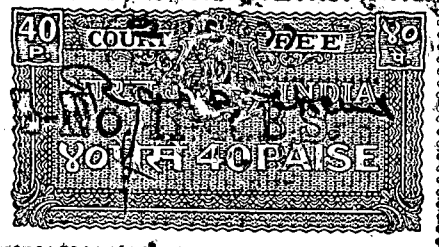
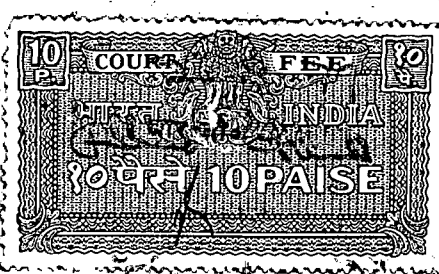
*H.S. Chatta*  
DEFENDANT No.2.

*W.S.*  
*2/11/81*

IN THE COURT OF THE CIVIL JUDGE MALIHABAD LUCKNOW.

...  
R.S. No. of 77.

29/9/77



Roop Chand.

... Plaintiff.

Versus

Union of India and others.

... Defendants.

Affidavit.

I, Roop Chand, aged about 45 years, son of Late Sri Bhag Chand, resident of house no. F Block No.1/60, Railway Colony, Behind Alambagh Gurdwara, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is sole plaintiff in the above noted case and as such he is fully conversant with the facts deposed to hereunder.

2. That the deponent had filed the above suit in forma pauperis. The deponent is not possessed of sufficient means to enable him to pay court fee of Rs.1,832.50P.

3. That the deponent held the properties as enumerated in Appendix 'B' attached with the plaint, which are exempted from attachment in execution.

4. That the deponent/had no movable or immovable properties either in his own name or in the name of his family member. The deponent or his family member has not disposed off any property which they were not possessed.

THE COMMISSIONER  
2/5/77  
CIVIL COURT, LUCKNOW

2/9/77

Lucknow: Dt

2.5.1977.

*R. P. Chandra*  
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras to of this affidavit are true to my personal knowledge and those of paras to are believed by me to be true.

Signed and verified this 2nd day of May, 1977 in the civil court compound at Lucknow.

2/5/77  
Civil Court, Lucknow

*R. P. Chandra*  
Deponent.

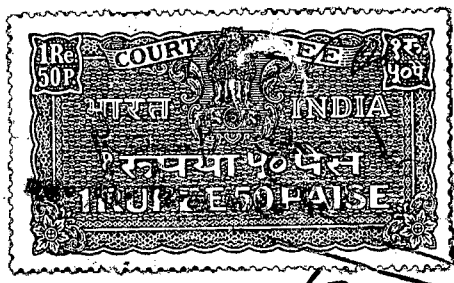
I identify the deponent who has signed before me.

*[Signature]*  
Advocate.  
2/5/77

56/35  
33 P.M.  
*R. P. Chandra*  
D. C. Suba  
Adv.

739

IN THE COURT OF THE CIVIL JUDGE MALIHABAD AT  
LUCKNOW.



11  
18/3/80

1=1/50  
18/3/80

18/3/80

Roop Chand ..... Plaintiff.

versus

Union of India and other Defendant.

R.S.No. 43 of 1977  
Fixed for 28.3.80

Plaintiff-applicant above named begs to state  
as under :

- (1) That in the above noted case the applicant omitted to verify the schedules given along with petition under order 33 , Rule 1 C.P.C.
- (2) That the omission is just accidentally and is liable to be condoned.

It is, therefore, prayed that the applicant be permitted to verify the schedules annexed to the petition.

Dated: Lucknow:  
March 18, 1980

Counsel for the applicant.

Exhibit 1  
Roop Chand vs Union of India  
R.S. No. 43 of 1977

Here it  
for up with file.  
18.3.1980

IN THE COURT OF CIVIL JUDGE MALIHABAD LUCKNOW.

SURESH CHAND

PLAINTIFF

UNION OF INDIA AND ANOTHER OR

DEFENDENT

R.S. NO. = 43/77

MONTH	PAY	DAYS	OFF-CI/PAY	N.HA	A.MILLAGE	G.TOTAL
MARCH 72	88.74	29	201.17	-	67.95	269.12
APR	"	30	214.00	-	71.25	285.25
MAY	"	31	214.00	-	71.25	285.25
JUNE	"	30	214.00	-	71.25	285.25
JULY	"	31	214.00	-	71.25	285.25
AUG	"	31	214.00	8.40	71.25	293.65
SEPT	"	30	214.00	-	71.25	295.25
OCT	"	31	222.00	8.40	71.25	301.65
NOV	"	30	222.00	-	71.25	293.25
DEC	"	31	222.00	-	71.25	293.25
JAN 73	230.00	31	293.85	8.40	71.25	373.50
FEB	"	28	293.85	-	71.25	365.10
MARCH	"	31	293.85	-	71.25	365.10
APR	"	30	293.85	-	71.25	365.10
MAY	"	31	293.85	-	71.25	365.10
JUNE	"	30	293.85	-	71.25	365.10
JULY	"	31	293.85	-	71.25	365.10
AUG	"	31	293.85	8.40	71.25	373.50
SEPT	"	30	293.85	-	71.25	365.10
OCT	"	31	293.85	8.40	71.25	373.50
NOV	"	30	293.85	-	71.25	365.10
DEC	"	31	293.85	-	71.25	365.10
JAN 74	234.00	31	297.85	8.40	71.25	377.50
FEB	"	29	297.85	-	71.25	369.10
MARCH	"	31	297.84	-	71.25	369.10
APR	"	30	297.85	-	71.25	369.10
MAY	"	31	297.85	-	71.25	369.10
JUNE	"	30	297.85	-	71.25	369.10
JULY	"	31	297.85	-	71.25	369.10
AUG	"	31	297.85	8.40	71.25	377.50
SEPT	"	30	309.85	-	71.25	381.10
SEPT	"	30	309.85	-	71.25	381.10
OCT	"	31	309.85	8.40	71.25	389.50
NOV	"	30	309.85	-	71.25	381.10
DEC	"	31	309.85	-	71.25	381.10
JAN 75	238.00	31	378.85	8.40	71.25	458.50
FEB	"	29	378.85	-	71.25	450.10
MARCH	"	31	378.85	-	71.25	450.10
APR	"	30	378.85	-	71.25	450.10
MAY	"	31	378.85	-	71.25	450.10
JUNE	"	30	378.85	-	71.25	450.10
JULY	"	31	378.85	-	71.25	450.10
AUG	"	31	378.85	8.40	71.25	458.50
SEPT	"	30	378.85	-	71.25	450.10
OCT	"	31	378.85	8.40	71.25	458.50
NOV	"	30	378.85	-	71.25	450.10
DEC	"	31	378.85	-	71.25	450.10
JAN 76	242.00	31	382.85	8.40	71.25	462.50
FEB	"	29	382.85	-	71.25	454.10
MARCH	"	31	382.85	-	71.25	454.10

FROM 10TH MARCH 1972 TO 1976 MARCH

18582.07

IN THE COURT OF CIVIL JUDGE, MALIHABAD, LUCKNOW

SHRI ROOP CHAND.....PLAINTIFF

VERSUS

UNION OF INDIA & OTHERS .....DEPENDENTS

SUIT NO 72/72 NEW 43/1977

Sl.No			ANNEXURE 'B'
			Rs. P
1.	Cycle	1	60.00
2.	Patili	2	25.00
3.	Bhagana	2	20.00
4.	Chamchey	2	12.00
5.	Thali	2	20.00
6.	Glass	2	14.00
7.	Katori	2	6.00
8.	Spoon	2	2.00
9.	Razai	1	20.00
10.	Palang	1	10.00
11.	Takhat	1	10.00
12.	Table	1	10.00
13.	Dari	2	8.00
14.	Gadda	1	10.00
15.	Chaddar	2	10.00
16.	Table cloth	1	2.00
17.	Chairs	2	10.00
18.	Pants	2	10.00
19.	Shirts	2	10.00
20.	Baniyan	2	3.00
21.	Shoes one pair	1	5.00
22.	Sleeper pair.	1	2.00
23.	Trunk	1	2.00

Total Rs 296.00

(Total rupees two hundred and ninty six only).

VERIFICATION

5103  
न्यायालय श्रीमान सिविल जज मलिहाबाद, लखनऊ ।

उपस्थित: श्री आर०पी० श्रीवास्तव, पी०सी०एस० जे०।

मूल वाद सं०: 24/8।

रूप चन्द्र . . . . . वादी

बनाम

भारत सरकार वगैरह- - - - - प्रतिवादीगण

निर्णय

प्रस्तुत वाद स्थाई निषेधाज्ञा, तथा घोषणा व वेतन के बकाया धान की वसूली के लिए दायर किया गया है ।

संक्षेप में वादी का कथान है कि वह चतुर्थ श्रेणी रेलवे कर्मचारी फायर <sup>मैन</sup>-II, उत्तर रेलवे, आलमबाग लखनऊ में कार्यरत था तथा प्रतिवादी नं० 2 उसका नियुक्ति अधिकारी और प्रतिवादी नं० 1 उसका विभागाध्यक्ष है। वादी का यह भी कथान है कि वह क्लीनर के पद पर 75-1-80 के ग्रेड में 1-12-50 को प्रतिवादी नं० 2 के द्वारा नियुक्ति किया गया था और लोको रनिंग शोड में तैनात हुआ था । जब से वादी कार्यरत रहा तब से उसने अपना कार्य बहुत मेहनत और लगन के साथ किया जिसके कारण प्रतिवादी नं० 2 ने उसको फायर <sup>मैन</sup>-II के पद पर प्रोन्नित कर दिया । वादी <sup>को</sup> अपनी इयूटी के अति-रिक्त ओवर-टाइम भी करना पड़ता था जिसके बँदले में उसे ओवरटाइम का पैसा मिलता था । वादी 5-10-67 को निलंबित कर दिया गया और निलम्बन आदेश प्रतिवादी नं० 2 की अथारिटी से बिलो रैंक के अधिकारी ने किया था । मुख्य आरोप जो वादी के ऊपर लगाये गये थे उनमें से यह आरोप था कि वादी ने अधिक धान ओवरटाइम बिल में दफ्तर के लोगो से मिलकर प्राप्त कर लिया तथा बिलो को गलत रूप में तैयार भी किया। वादी के उक्त केस को प्रतिवादीगण ने सी०बी०आई०/एस०पी०आई० को सौंप दिया जिसकी जांच के बाद यह रिपोर्ट लगाई गई कि कोई केस वादी के विरुद्ध नहीं बनता है और तब वादी को फिर से 2-8-69 को इयूटी पर वापस ले लिया गया । इसके पश्चात् वादी के आरोपो के ऊपर जिस पर एस०पी०आई० ने जांच की थी, प्रतिवादीगण ने विभागीय कार्यवाही चालू कर दी । आरोप इस प्रकार लगाये गये कि वादी ने फायर <sup>मैन</sup>-II के पद पर लोको रनिंग शोड में काम करते हुए 1966 से लेकर 1967 की अवधि में अपना सरकारी कार्य करने में असमर्थ रहा और फजी ओवर टाइम बिलो का भुगतान कार्यवाही के जो।।



ने यह रिपोर्ट लगा दी थी कि वादी के विरुद्ध कोई केस नहीं बनता है तो ऐसी सूरत में कोई भी विभागीय कार्यवाही नहीं चालू की जा सकती थी। उसने यह भी कहा है कि उसे कागजों की नकल नहीं दी गई और जो दी भी गई वह पूरी नहीं थी ऐसी सूरत में भी जो कागज उसके विरुद्ध पढ़े गये, वह गलत है। इस आधार पर जो नियम है, उनका उल्लंघन किया गया है और वादी के विरुद्ध जो भी आदेश पारित किये गये वह अवैधानिक व गलत है। इस तथ्य के आधार पर भी वादी का यह कहना है कि जो आदेश टरमिनेशन करने का कोई हुआ, जिसकी सूचना उसे नहीं दी गई थी और वह अपने पद पर कार्यरत समझा जावे और जो उसका सरियर रुपया बकाया है यानी कुल रुपये 18582.7 पैसे उसे दिलाया जावे। और इस सम्बंध में वादी के पक्ष में व प्रतिवादीगण के विरुद्ध डिक्ली पारित किया जावे तथा विकल्प में भी डिक्ली की प्रार्थना की है और साथ ही साथ उसे 18582 रुपये 7 पैसे की वसूली के लिए भी प्रार्थना की है।

प्रतिवादीगण ने वादी के कथानों का विरोध किया है और उन्होंने अपने वादोत्तर में यह कहा है कि वादी की नियुक्ति सहायक अधीक्षक पावर ने की थी न कि मण्डलीय अधीक्षक ने की थी और उसकी नियुक्ति क्लीनर के पद पर 30-1-35 के ग्रेड में हुई थी न कि 75-1-80 के ग्रेड में हुई थी। उन्होंने यह भी कहा है कि वादी 1-12-80 से लेकर 9-3-72 की अवधि में कई बार वादी को सजाये मिल चुकी है जिसका विस्तृत वर्णन वादोत्तर के पैरा 3 में दिया गया है। प्रतिवादीगण ने इस बात पर जोर दिया है कि वादी की प्रोन्नति उसकी अच्छी सर्विस के कारण हुई थी बल्कि उनका कथान है कि वादी की प्रोन्नति सीनियरिटी के आधार पर हुई थी। और उसका प्रोन्नत आदेश असिस्टेंट पर्सनल आफिसर, डी०एस० आफिस लखनऊ ने जारी किया था न कि प्रतिवादी नं० 2 ने। वादी के विरुद्ध मेमोरंडम जरिये एन०एस० 13-2-69 को जारी किया गया था जो असिस्टेंट पर्सनल आफिसर ने जारी किया था न कि प्रतिवादी नं० 2 ने। प्रतिवादीगण ने वादोत्तर के पैरा 7 में मेमोरंडम का विस्तृत वर्णन दिया है। इस बात का प्रतिवादीगण ने विरोध किया है कि सी०बी०आई०/एस०पी०आई० का वादी का केस सौंपा गया था बल्कि वास्तविकता यह थी कि एस०पी०आई० ने स्वयं ही इस केस को देखा था, जांच के लिए और उनके ही कथान पर वादी को 5-10-67 को निलंबन कर दिया गया था लेकिन बाद में उसे 4-10-69 को ड्यूटी पर वापस ले लिया गया था। मगर उसकी सेवाये पुनः 10-3-73 को समाप्त कर दी गई थी। विभागीय कार्यवाही जो

अपने वादमे आवश्यक पक्षाकार नहीं बनाये हैं जिसके कारण उसका वाद दोषपूर्ण है और इसलिए भी वादी का वाद खारिज होने योग्य है।

पक्षाकारों के अभिवचनों के आधार पर निम्नलिखित वाद

बिन्दु बनाये गये :-

① whether the termination of service of the plaintiff is illegal and void?

② whether the plaintiff is entitled to decree of Rs. 1852/05 paise as alleged in para 19 of the plaint?

③ whether a legal notice was served by the plaintiff? If so, its effect?

④ To what relief, if any, is the plaintiff entitled?

### निष्कर्ष

सुविधा की दृष्टि से वाद बिन्दुओं को निम्न क्रम से निस्तारित किया जाता है।

वाद बिन्दु नं० ३ :- यह प्रतिवादीगण द्वारा विवाद किया गया है कि वादी ने धारा 80 सी०पी०सी० की नोटिस नियमानुसार नहीं दिया है। वादी ने अपने साक्ष्य से नोटिस डा/7/34 व डा/8 साबित किया है। अतः प्रतिवादी की आपत्ति निराधार है। अतः मैं यह तय करता हूँ कि वादी ने प्रतिवादीगण को नोटिस अन्तर्गत धारा 80 सी०पी०सी० की दिया है। इस वाद बिन्दु का निस्तारण तदनुसार इसी प्रकार से किया जाता है।

वाद बिन्दु नं० १ :- यह स्वीकृति तथ्य है कि वादी की नियुक्ति 1-12-50 को क्लीनर के पद पर हुई और वह 8-3-56 को कन्फर्म हुआ और उसकी प्रोन्नति 29-1-57 को II फायर मैन के पद पर हुई। वादी को इस आरोप में कि उसने रेलवे विभाग के कर्मचारियों से मिलकर गलत ओवर टाइम चार्ज किया है, आरोपित किया गया। अतः उसका निलम्बन हुआ और उसके विरुद्ध आरोप-पत्र लगाया गया और जांच में वह दोषी पाया गया। पत्रावली पर उपलब्ध साक्ष्य से

इस बात को साबित नहीं कर सका है कि सी०बी०आई०/एस०पी०ई० लखनऊ की रिपोर्ट में उसके विरुद्ध प्रथम दृष्टया केस नहीं पाया गया। यह भार वादी का था कि वह सी०बी०आई०/एस०पी०ई० लखनऊ ने उसे दोषी नहीं पाया, सिद्ध करें। इस तथ्य से विवाद नहीं किया जा सकता है कि यदि कोई कर्मचारी कोई दण्डनीय अपराध करता है तो उसके विरुद्ध विभागीय कार्यवाही नहीं की जा सकती है। मैंने जांच रिपोर्ट जो पत्रावली पर कागज नं० छा/7 है, उसके अवलोकन करने से मैं यह पाता हूँ कि वादी ने जांच अधिकारी के समक्ष यह माना था कि वह श्री आर०के० सिन्हा, एकाउन्ट क्लर्क के घर के पास रहता था जो बिल को चेक व पास करते हैं। वादी ने जांच अधिकारी के समक्ष यह भी माना है कि वह श्री आर०के० सिन्हा के घर दूध लेने के लिए जाया करता था और वह उनकी काम में जैसे ओवर टाइम के बिलों को चेक व पास करने में मदद किया करता था। यह भी उसने माना है कि उसने कुछ गलतियाँ ओवर टाइम के बिलों में श्री आर०के० सिन्हा के कहने पर किया था। वादी का यह कथान जांच रिपोर्ट के पृष्ठ छा/7 /26 व छा/ 27 पर अंकित है। वादी ने अपनी साक्ष्य में इस बात का खण्डन नहीं किया है कि उसने जांच अधिकारी के समक्ष उक्त बयान नहीं दिया है। वादी ने जांच अधिकारी के समक्ष अपने उपरोक्त अंकित बयान को गलत होना नहीं कहा अतः वादी की स्वीकृति को देखते हुए जो उस पर मनादी है, मैं इस नतीजे पर पहुँचता हूँ कि जांच अधिकारी की रिपोर्ट पर जो आरोप वादी पर लगाये गये हैं वह साबित होते हैं और सही हैं तथा वादी की सेवा समाप्ति के आदेश में कोई दुर्भावना पूर्ण एवं अवैधाता मैं नहीं पाता हूँ। अतः उपरोक्त तथ्यों, परिस्थितियों एवं पत्रावली पर उपलब्ध साक्ष्य को देखते हुये मैं यह तय करता हूँ कि वादी की सेवा समाप्ति आदेश वैधा एवं दुर्भावना पूर्ण नहीं है। अतः इस वाद बिन्दु का निस्तारण वादी के विरुद्ध और प्रतिवादीगण के पक्ष में किया जाता है।

वाद बिन्दु नं० 2:- वादी ने अपने कथानों से बाबत वसूली रुपये 18,582 /= साबित नहीं कर पाया है। वादी ने अपने बयान में भी इस बारे में कुछ नहीं कहा है। वादी ने अपने शपथ पर दिये गये बयान में यह नहीं कहा है कि उसका प्रतिव गण पर किस प्रकार से 18,582/= रुपये बकाया है। अतः इन परिस्थितियों मैं यह तय करता हूँ कि वादी वाद में मागे गये 18,582/= रुपये पाने का अधिकारी नहीं है। इस वाद बिन्दु का निस्तारण वादी के विरुद्ध और प्रतिवादीगण के पक्ष में किया जाता है।

वाद बिन्दु नं० 4:- उपरोक्त वाद बिन्दुओं को देखाते हुये मैं इस नतीजे पर पहुँ

(आदेश 20, नियम 6-7)

न्यायालय

In the Court of civil Judge Mahabab at Melmar.

जिला

मूल संख्या

Rsmo 24/81. (Pauper Suit)

संस्थित-दिनांक

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मास

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सन् 1981 ई.

Roop Chand, aged about 40 years son of Bhagchand II fire  
man Running Shed, Northern Railway Melmar P. Blok.  
No I/60 Railway Colony Behind Alam bagh of Faridkot  
ward. Alam bagh of Faridkot.

1. Union of Inds through The General manager Northern  
Railway, Baroda House, New Delhi.

2. Divisional Superintendent, Northern Railway Kharak  
Jag Melmar. Through the local fire man Running Shed Alam bagh  
Melmar.

प्रतिवादी गण.

विपक्षी जो पते ऊपर लिखे गये हैं, वह पक्षकारों ने  
जो उपस्थित नहीं हुये, तामीन के प्रयोजन से दायित्व किये हैं।

को छोड़कर,

Suit for permanent injunction

के लिये दावा

Relief.

Valuation of Suit Rs. 18,582=07

(1) That the decree for permanent injunction of said Rs. 22=501.  
restaining the defendants, his agents, servants and any body claiming  
under them from removing the plaintiff from service in any  
manner what so ever However it came out that the  
plaintiff's service have been terminated it be declared that said  
order termination is illegal, void and unsustainable  
-ble the plaintiff continues in the service.

(2) That the plaintiff be permitted to prosecute the suit now  
in form of pauperies.

(3) That alternatively the plaintiff be allowed a decree for  
Rs. 18,582=07 by way of an account of his wrongful termination  
against the defendants. The details of which are given  
in annexure 'A'.

पी. एस.

यू.

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(अ. अ.)

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उच्च न्यायालय

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24-10-81

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2,81,000.

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IN THE COURT OF CIVIL JUDGE MALIHABAD AT LUCKNOW.

P. 5

Misc. Case No. 43/77

Roop Chand.

.....Plaintiff.

Versus.

Union of India & others. .... Defendants.

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O R D E R.

This is an application by the plaintiff for permission to sue as pauper. The state has filed objection against it. The defendants have filed no written objection but, however, contested this application.

The applicant has alleged that he has no movable or immovable properties except the movable properties worth Rs. 296/- only as shown in the annexure 'B' as <sup>the</sup> ~~attache~~/with/application. He has also examined himself on oath as A.W.1 in support of it. He has also stated that he has not disposed of his any property before filing the suit. In his cross-~~examination~~ examination he has stated that he does the work of cycle repairs and <sup>earn</sup> ~~earn~~ Rs. 130-135/- per month and he has no share in the house left by his father because the same has been given to his Mother by his Father by his will. There is nothing <sup>the</sup> ~~from~~/side of the <sup>state</sup> ~~said~~-or defendants against it. There is nothing to show that the applicant <sup>his</sup> ~~has~~ concealed <sup>as</sup> ~~as~~ any property or has disposed of his any property within two months next before the presentation of this application. I, therefore, believe the testimony of the applicant and hold that the applicant is not possessed of sufficient means to pay the court fee of Rs. 1832.50/- payable on the plaint of this case. I, therefore, hold that the applicant is an indigent person. The application is, <sup>applicant</sup> ~~application~~ therefore, allowed and the <sup>u</sup> ~~application~~ is permitted to sue as pauper. Let it be registered as suit.

K. S. Singh

Formal order 20/8/2

In the court of Civil Judge  
Malkhabad at Lucknow  
Misc case no. 43/77

Roop Chand, aged about 40 years,  
son of Bhag Chand, Ind Fire man,  
Running Shed, Northern Railway,  
Lucknow, resident of House no.  
F, Block No. 1/60, Railway colony,  
Behind Alambagh, Ward Alambagh  
Lucknow.

- Plaintiff

Versus

1. Union of India through the  
General Manager, Northern  
Railway, Baroda House, New  
Delhi.
2. Divisional Superintendent,  
Northern Railway, Hazratganj,  
Lucknow, through the Local  
Foreman, Running Shed,  
Alambagh, Lucknow.

- Defendants

Valuation of this application is  
court fee paid nil.

Claim for:

Rs. 22-50 P. 22-50 P. 22-50 P.  
Application 2/033 Rule 103 Rule 103 Rule 103  
Suit for permanent  
injunction.

Prayer:

- That a decree for  
permanent injunction,  
restraining the defendants, his  
agents, servants and anybody  
claiming under them, from  
removing the plaintiff from  
service in any manner  
whatsoever.



प्रकीर्ण वाद में आदेश

573

न्यायालय

व्यवहार दि संख्या

21

सन् १९८१ ई०

प्रकीर्ण संख्या

सन् १९८१ ई०

Roop Chand age about 40 years son of Bhag Chand  
II fire man, Running shed, Northern Railway  
P.O. H. No. 1, Bolokero I/60, Railway colony Behind  
Alam Bagh Gurdwara ward Alam Bagh  
बनाम Plaintiff

① Injunctio of Injunctio Through the General Manager  
Northern Railway Baroda house New Delhi

② Demotion of Superintendent Northern Railway Hazratganj  
Injunctio Through the loco fore man Running shed Alam Bagh  
Defendant

जो पते कि ऊपर दिये गये हैं वह पताकारों ने

को छोड़कर, जो उपस्थित नहीं हुये, तामील के प्रयोजन से दिसाये किये हैं।

Suit for Permanent Injunction  
के लिये आवेदन पत्र

C-68 By defdar for filing certain documents y. X III r 2 ch c

C-71 Obj filed by the plff

आवेदक के लिये Sir D. C. Singh Advocate अभिवक्ता और प्रतिपक्षकार

ये Sir A. K. Agnihotri Advocate अभिवक्ता की उपस्थिति में इस बाब

क 21 मास 11 सन् १९८२ ई० को Sir R. P. Sirrao

Alam Bagh न्यायालय के पीठासीन पदाधिकारी के समक्ष निर्णय के लिये पेश होने

आदिष्ट किया जाता है कि "As such application 768 is rejected.  
Obj 771 is allowed.

Given under my hand and Seal of the Court on  
21st Nov 1983

पदाधिकारी के हस्ताक्षर

Shantam  
(R. P. 22/11/83)  
Sirrao  
Civil Judge Malihabad  
Uttar Pradesh

A.W.1

समान्य पुत्र भाग चन्द 6 उम

82 साह 9 पेसा, साहिर मरमत

साहिन - 960 फुट I F 50000

Halt 3 साहम बाग, 2 खनक 1 बाग

दिनांक 29.12 को मशफक का हा

कि:-

बाग में 95 फीस जो 9

92 उम 92 को मेरी मशफक

नहीं है। मेरी पास है मशफक

नहीं है कि इतना बन इकहा

कर मशक। जो मशफक मेरी पास

92 नह Amusement B मे वशिष्ठ है

तथा उमकककककक मे वशिष्ठ है।

मेरी 95 नह न मशफक मशफक

दिपाई नहीं है। मेरी दावा दावा

करने से पूर्व (साह दो साह तीन

साह) कोई जायदाद नहीं है

है। कर्ज देने को मेरी कागेश

को भी पर नह मेरी नहीं मिह।।

Roopam

X X X





୧୫/୦୫/୨୦୧୮  
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ  
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ  
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ  
 ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ

nd. affecting currency

30. 2m - e m) 9. 92-20 ch n  
cleaner ch hnh nam 3m) 3m) 4m)  
2m) 2m) 4m)

[illegible]

Fireman

11 and 12 are the same  
and 13 is the same

ଅନ୍ତରାଳ ଓ ଅନ୍ତରାଳ ମଧ୍ୟରେ ଥିବା ସ୍ଥାନକୁ ଅନ୍ତରାଳ କୁହାଯାଇଥାଏ ।

[illegible]

म ०११८ ५५२१ २१११ २१११ २१११

D. S. office

၅၈၈၈  
 သီရိဗုဒ္ဓ ဘုရားရှင်တို့၏ နေထိုင်ရာကို ရှာဖွေတွေ့ရှိခဲ့သည်။

For the next one hour

ਪੰਥ ਨੇ ਮੇਰੇ ਨਾਮ 'ਤੇ ਮੇਰੇ ਭਰਾ  
 ਪੰਥ ਨੇ ਮੇਰੇ ਨਾਮ 'ਤੇ ਮੇਰੇ ਭਰਾ

১০০০ টি  
 পেন্সন নং ১০০০

fach y' nro q nro s / y' n' 3nñ au?

Koolhaas



(4)

522

A/103

સાપ ના 52 નં. ઉપર ને પાછળ જાણી છે.  
જો નં. ઉપર જાણી ગયા છે.

Removal માટે રા. કે. રા. ને જાણી  
અપીલ થી અપીલ ની પાછળ રહે.

પિયારી પાછળથી જાણી. પાછળથી

જાણી અપીલ ની જાણી છે.

પાછળથી જાણી ને જાણી રહે. જાણી

જાણી જાણી ની જાણી છે.

Signature

13 ને જાણી

જાણી

20/9/22

भारतीय डाक-तार विभाग  
R.P.-54

# भारतीय डाक-तार विभाग

तारीख-मोहर

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

पत्रक डाकघर की नाम-मोहर  
Name-stamp of office of posting



Date-stamp

पत्रक वाले का पता/Sender's address

Post of Chand. Station mail 60/-

Selepban Hazil-Raj Guleray Alowbagh

1-1-11-76

MGIPAh.—159 P. & T./76—18-5-76—1,00,000 Bks.

MGIPAh.—628 P. & T./76—1-1-11-76—2,00,00,000.

535

108

Civil Judge Malihabad Lucknow

एच०सी०जे० फार्म न० ३३, भाग ७

H.C.J. Part VII. No. 33

22

है संदिग्ध करने की सूचना (साधारण प्रारूप)

न्यायालय

स्थान

जिला

वाद संख्या

Minion of Justice

सन १६ ई०

13-1-1978

A/104

Divisional Superintendent

वादी

Northern Rail way Hazrat Nizamuddin  
Lucknow बनाम

प्रतिवादी

चूकि उपरनामांकित

To D.G.C. Civil

आवेदन किया है कि

अतएव आपको एसद द्वारा

चेतावनी दी जाती है कि आर उक्त आवेदन के खिलाफ हेतु संदिग्ध करने के लिए  
१६ 78 के 7 के 13 दिवस को बजे पूर्व में स्वयम् या  
सम्यकरूपेण अनुदिष्ट अपने अभिवक्ता द्वारा उपसंजात हों, और ऐसा करने में असफल  
रहने पर उक्त आवेदन एकपक्षीय रूप सुना जायगा और अवधारित किया जायगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज १६ 78 के 11 के  
5 दिवस को निकाली गई

न्यायालय का नाम  
वाद संख्या-  
पक्षकारों के नाम-

( मूल्य—१ पति का ५ पैसे )

पी० एस० यू०पी०-१३ एच०सी०-१६६२ए-२०००००

न्यायालय सिविल जज गति 19/11 ला 99 उ

मिनेर कार No. 43/77 100 को 1/2

रूप चर वगैरह दूधिया का 5/11  
पेज 17 9/77

सेवा में श्री श्री. एम. सुब्बा एडवाकेट  
सिविल कोर्ट ला 99 उ

महोदय,  
आप को सूचित किया जाता है  
कि उपरोक्त मुकदमे में दिनांक 12.9.77  
को सुनवाई के लिए निर्दिष्ट किया गया  
है कि उक्त दिनांक को 90% तक धाई  
न्यायालय ला 99 उ

आप सहित कानून के न्यायालय  
को उक्त के बारे में सूचित किया गया

under  
all  
11.30 am  
12/11/77

आदेशावली

18/2

सुभाष  
सिविल जज न. 1/11  
कोर्ट ला 99 उ

आर० पी०-54

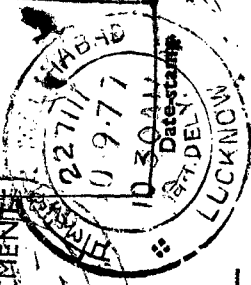
R.P.-54

भारत 1977

INDIAN POSTS AND TELEGRAPH DEPARTMENT

प्रेषक डाकघर को नाम-मोहर  
Postage stamp of office of posting

तारीख-मोहर



भेजने वाले का पता/Sender's address

Gul Judda,

Mallabad,

Lucknow

MGIPAh.—159 P. & T./76—18-5-76—4,00,000 Bks.

MGIPAh.—628 P. & T./76—11-11-76—2,00,00,000.



आ.पी.०-54  
A.P.-54

भारतीय डाक-तार विभाग  
भारतीय डाक-तार विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

पोस्ट ऑफिस की जाति-स्थिति

Post-office stamp of office of posting



Date-stamp

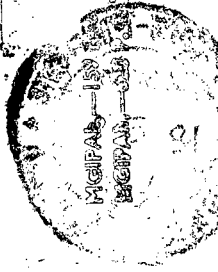
नाम और पता/Sender's address

Civil Judge Malihabad

Ad. Kurenow

25/3

9/8



MALIHABAD-15.5.81

MALIHABAD-15.5.81

R.S. No. 291521  
भारतीय डाक-तार विभाग

तारीख-मोहर

7-81 WZ  
7-81 2835

X/60

Date stamp

2-35

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

देशी डाकघर की मास-मोहर

Postage-stamp of Office of Posting

भेजने वाले का पता/Sender's address

☆ ( LUCKNOW ) Cecil Jedge Malhotra

Lawson

MGIPAD-150 P. & T. 76-18-5-76-4,00,000 Bks.  
MGIPAD-150 P. & T. 76-11-11-76-2,00,000 Bks.

URGENT/ATONCE  
REQUISITION



528

In the court of the District Judge, Lucknow.

Civil Revision No. 14 of 84

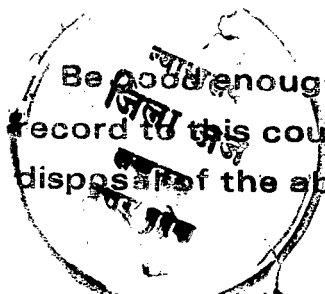
110

Union of  
Sondia Vs. Roop Chand  
F.F. 18.2.84

To,

The Civil Judge,  
Malihalabad,  
Lucknow

Copy  
for  
CJ noted  
7/12/84



Be good enough to transmit the below noted  
record to this court as the record is required for  
disposal of the above noted case.

Particulars of the case.

Reg. Suit No. 24 of 1981

Roop Chand  
vs.

Union of Sondia

D/O 21.11.83

(Pending)

BY ORDER

17/12  
MUNSHI  
Distt. Judge's Court  
LUCKNOW.

IN THE COURT OF THE DISTRICT JUDGE, LUCKNOW

Present: Sri PRAHLAD NARAIN

Civil Revision No. 14 of 1984

Union of India  
and another

Revisionist

versus

Reop Chane

Opp. party

Judgment

This is a revision under section 115 Code of Civil Procedure, directed against the order dated 21.11.1983 passed by Sri R.P. Srivastava, Civil Judge, Malinabad, Lucknow.

Heard the learned counsel for the parties.

The order sought to be impugned in this petition is about the refusal to admit some document, which was filed belatedly by the applicant, on the plea that it had been mis-laid in its papers. On 23rd January, 1984, my learned predecessor in office was doubtful if the order amounted to a case decided. That apart, I feel that regard being had to the local amendments provisions of the Second Proviso, this petition is not entitled to admission, because neither by varying the impugned order as prayed, will the suit be finally disposed off nor would any irreparable injury caused to the applicant. Time and again, documents are filed even at the second appeal stage and are admitted. I, therefore, fail to see any material illegality in the exercise of the impugned order, and would reject this petition in limine.

Order

The revision petition is accordingly dismissed in limine.

February 18, 1984.

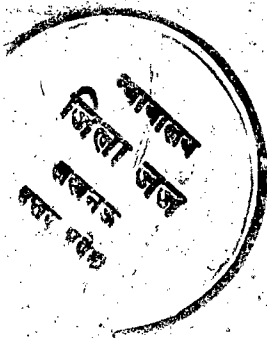
Judgment dictated and pronounced in open court today.

BY ORDER

MUNSAKIM  
Distt. Judge's Court  
LUCKNOW

(PRAHLAD NARAIN)  
DISTRICT JUDGE  
LUCKNOW

(PRAHLAD NARAIN)  
DISTRICT JUDGE  
LUCKNOW



Forwarded to the

2 Judge, Malinabad,

know along

to be record for

information &

necessary action