

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. NO. 1140/82*
W.P. NO. 1837/83 OF

NAME OF THE PARTIES *C.M. Pandey* Applicant

Versus

D.O. E. Saini Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Index sheet</i>	<i>A1 to A2</i>
2	<i>order sheet</i>	<i>A3 to A6</i>
3	<i>Judgment order dt 16.11.92</i>	<i>A7 to A8</i>
4	<i>cost petition with Annexure</i>	<i>A10 to A159</i>
5	<i>Power</i>	<i>A160</i>
6	<i>1837 order dt 16.11.92</i>	<i>A161 to A163</i>
7	<i>Counter reply</i>	<i>A164 to A174</i>
8	<i>Power</i>	<i>A175 to A176</i>
9		
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12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Checked by Dated *28.9.11*...

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
Signature of the
Deputy Assistant

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1837

of 1983

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
5-6-83	Hon. D. N. Jha, I Hon. S. K. Dhanraj, J.	
	List next week.	
	Set.	
	Set.	
	ent. 4/10/83	
15-4-83	15-4-83 fixed for sum	By court Bund
	HON Dhanraj HON KSR	
	Let notice be served on opposite parties 1 & 9. After service report list for a submission.	
	15-4-83	
	ent. 4/10/83 for set	
22-7-83	Fixed for attendance and for filing C-A in W.P. N. 1 etc C.P. No. 1 to 9 by R.P.	12/7 1977

B3
18-5-83

CIVIL
CRIMINAL SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. No. 1837-83.

Name of Parties

C.M. Pandey vs. Union of India

Date of Institution

5-4-83.

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W.P. with affidavit and Annexure	148	-	102.00			
	2	Power	1-	-	5.00			
	3	C.M.A. 4106 (W.P. 1837 of 83)	3	-	5.00			
	4	Power	1-	-	5.00			
	5	order sheet	1-	-	-			
	6	Buck Copy.	1-	-	-			

I have this _____ day of _____ 198____, examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim

Clerk

Date _____

Order Sheet

TA no. 11410 of 1989

CM Pandey vs. UOS

A3

Serial number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

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

Hon'ble K. Chagga, J.M

This case has been received on transfer. Notices to the parties were sent. None appears for the parties. Ret. notice again be sent to the counsel for the parties. List the case on 2-2-90 for admission.

CM

J.M

(SNS)

Hon'ble Justice K. Nark v. Hon'ble K. J. Agrawal, J.M.

Sri V.K. Sharma appears for the respondents. No one is present for the applicant. Notices issued to the applicant by Registered post and personal service. The learned counsel for the respondents prays for adj. of 2 weeks to file a counter affidavit. Registered affidavit, if any, may be filed within the next 7 days.

List for further orders on 28-3-90.

J.M

J.M

This is no 1837/83 received in transfer from Lucknow High Ct. along with other WOs in May 88.

On the date of transfr. the case was not admitted.

Transfer notices issued by Hld office but neither any reply nor any acknowledgement cover received back. Submitted for orders.

9/11

or rectified

2/11/89

2/12

OK

Notices were issued on 24/10/89.

No unnecessary reply has been received.

S. F. administrator

11/2/90

Dinesh

28-3-90

NO sitting Adj. to 6-9-90

J

28/3.

6.9.70

No sitting cell to 9.10.70

2

7.12.70 No sitting cell to 7.1.71

7.12.70

Hon Mr. M. V. Purokar Am.

Hon Mr. D. K. Agrawal Jm

OR
No CA filed
S. F. C.

Due to resolution of Bar
Association. Case in Adj

L. 6/11
w/y

7.12.70.

7.12.70

No sitting cell to 8.1.71

2

R.O.C.

2191

~~Struck off Mr D.K. Agrawal - Son
of Mr K. S. Agrawal Am~~

~~Put up to move in requested
by applicant. Pending.~~

62

Am

Jm

(3)

1140(8).T

AS

8191

Shahid Mr D.K. Agarwal Jm
Shahid Mr K. Chetty Jm

Now appears for final hearing &
Mr D.K. Shahid & respondent.
CA may be filed within 8 weeks
respondent within 4 weeks thereafter
List for hearing on 11.4.91

A/S

2

β
AM

JP
Jm

11.4.91

No sitting off to 22.7.91
2

22.7.91

No sitting off to 19.9.91.

19/9/91

2

or

from Mr. Justice U.C. Sin, Madras, re.
from Mr. A.B. Tushnet, Am.

CA/PA have
died.

The respondents' counsel
was given eight weeks time
to file reply but he has
not filed the same. Let
the case be now listed
for final hearing on 13/12/91.

2
Am.

W
Vc.

No CA filed
SPH

A6

(4)

13.12.91

Rev. Mr. Justice Sirasthana.ve
Rev. Mr. A.B. Gostur Am

The learned Counsel for
the Respondents states that
Counsel affidavit is ready
but not served. Let it
be served on the applicant
the applicant may file rejoinder
within 2 weeks thereafter.
Let this case on 3.3.92
for hearing.

✓
V.T.

Am.

(sub)

or

C.A. filed
on 13.12.91 but
No. RA filed

SA H

26.2.92

3.3.92

Isabel. Mr. Joseph C. Suresh
J. Mr. D.M. Gostur D. H

Pick up documents

2

✓
Am

✓
V

4.3.92

Due to State of advocates
convi adjourn to 20.4.92

De
Proc

20.4.92

No setting adj to 23.6.92

23.6.92 Case not reached adj to

19.8.92

19.8.92

No Smp a.p.m. adj to
16.9.92

8/10.92

A7 T. 1140/83 IT

16.9.92

Attest. M. Subba B.C. Subbar. V.
M. M. L. Chetty D.M.

Now in present. on behalf ^{8/6}
of the applicant. Rajan 20.11.92

आवेष्टा
A.M.

✓
Vc

C.R. 2.11.92

No. Enquiry of D. B. Chetty
16.11.92

✓

No RA has
been filed.
S.F.O.

8
12/11/92

A8

X/H

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application No. 1140 of 1987

C.M. Pandey Applicant

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava, VC)

This transfer application was filed as a writ petition by the applicant in the High Court in year 1983 against the minor punishment awarded to him, he filed the writ petition. Alongwith Driver Mohd. Jaheer Uddin the applicant was booked to work on one particular Engine on 9.6.1981 and it is said that both these persons got their engine attached with 64 Down Awadh Express which was received on Platform No. 3 at Kanpur Central Railway Station and bound to move towards Lucknow. A collision took place of 64 down Awadh Express and 155 Up Tinsukhiya Mail. According to the department, in case, these persons would have taken the necessary care and caution, the same would have been averted. Consequently, a charge-sheet was served to the applicant also for violating G.R. 119, G.R. 76(a), G.R. 120 & S.R. 122/I. The enquiry Officer was appointed and the applicant submitted his defence. During the course of enquiry, the applicant gave in writing ^{alongwith} the letter which was given to him by the enquiry officer, that he has ^{accepted} the charges against him and ^{with} the request that a lenient view may be taken, he had already clarified his position in defence to the above charge dated 11.11.1981, this writing was given to him

Contd..2/-

A9

12/4

:: 2 ::

on the back of the letter on 15.5.1982. The enquiry officer submitted his report and acting on it, the disciplinary authority removed the applicant from service as he was found to have violated the safety rules by not observing the aspect of signal for his train. Before the enquiry officer the witness were also examined. After enquiry, the show cause notice was issued to the applicant on which the endorsement was later on made. The disciplinary authority removed the applicant from service. The applicant filed an appeal against the punishment order dated 4.9.1982. The appellate authority modified the punishment and reduced it as Fireman 'C' for two years. Thereafter a revision application was filed by the applicant and the revision application was dismissed and the punishment given in appeal was maintained, thereafter the applicant filed a writ petition.

2. The grievance of the applicant is that full opportunity of hearing was not given to the applicant. The witnesses were examined and it can not be said that opportunity of hearing was not given to the applicant. If the applicant later on admits his charge, which was levelled against him, it is no longer version for the applicant to raise the contention against the same. It was all matter as to whether the safety rules were observed or not and for that it was found that there was ample evidence to bring him the guilt of the applicant and that's why this finding was recorded and his request was also considered. The punishment which has been awarded to the applicant is in tune with admission made by -----

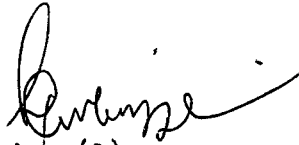
Contd..3/-

A/0

2/6

:: 3 ::

him and prayer that a lenient view may be taken .
There appears to be no illegality in the procedure
whdch wase adopted or the order which was passed.
Accordingly, the application lacks merit and it is
dismissed. No order as to the costs.



Member(A)



Vice-Chairman

Lucknow Dated: 16.11.1992.

(RKA)

Group. A-14(7)

2774

8/10

सम्माननीय महामहिम उच्च न्यायालय क्षेत्राधिकार इलाहाबाद

लखनऊ न्यायपालिका लखनऊ ।

प्रदीर्ण याचिका संख्या

1837

सन् 1983

सी०एम० पाण्डेय

..... याचिकाकार

नाम

यूनियन आफ इण्डिया आदि

..... प्रतिवादी पक्षधारण

याचिका अन्तर्गत अनुच्छेद 226 भारतीय संविधान के मातहत

याचिकावाद - अभिलेख सूची

क्र०सं०	याचिका अभिलेख सूची	दिनांक	व्याख्या	पेज संख्या
1-	याचिका वाद पत्र	18.3.1983	_____	1 से 20
2-	क्षेपपत्र	19.3.1983	_____	24 से 26
3-	स्टे प्रार्थनापत्र	18.3.1983	_____	21 से 28
4-	संलग्नक सं० 1	10.9.1981	वार्जशीट	26 से 36
5-	संलग्नक सं० 2	11.11.1981	बचाव प्रयास	36 से 42
6-	संलग्नक सं० 3	19.12.1981	जाँच अधिकारी - नियुक्ति आदेश	42 से 46
7-	संलग्नक सं० 4	8.4.1982	उपस्थिति नोटिस	46 से 48
8-	संलग्नक सं० 5	19.5.1982	रिवर्सन प्रत्यावेदन	48 से 64
9-	संलग्नक सं० 6	20.5.1982	पत्र याचिकाकार	64 से 68
10-	संलग्नक सं० 7	13.5.1982	द्वितीय आदेश जाँच अधिकारी की नियुक्ति	68 से 68
11-	संलग्नक सं० 8	16.6.1982	कारण बताओं नोटिस	68 से 72
12-	संलग्नक सं० 9	14.7.1982	प्रत्यावेदन	73 से 88
13-	संलग्नक सं० 10	4.9.1982	दण्ड सूचना आदेश	88 से 90
14-	संलग्नक सं० 11	21.9.1982	अपील प्रमाण	90 से 92
15-	संलग्नक सं० 12	20.12.82	मुख्य आवेदन अपील	93 से 94
16-	संलग्नक सं० 13	25.2.83	प्रत्यावेदन पूर्ण विचार	94 से 95
17-	संलग्नक सं० 14	17.3.83	जिल	95 से 98
18-	वकालतनामा	एल० के० अवस्था	रुइनों के	98 से 98

लखनऊ दिनांक 20/3/1983

याचिका विधि व्यवस्था
एस०के० अवस्था
एडवोकेट



श्रीमान माननीय महामहिम उच्चन्यायालय क्षेत्राधिकार

इलाहाबाद लखनऊ न्याय

Imp = 35/-
130/- 65/-
Rs. 100/-

पालिका लखनऊ

सिटी नं. 133 सन् १८८३

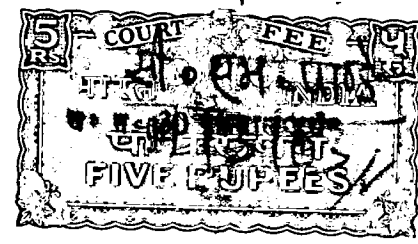
सम. पाण्डेय

याचिकाकर

वनाम

यूनियन आफ इन्डिया आदि -

प्रतिवादी पत्रकारण

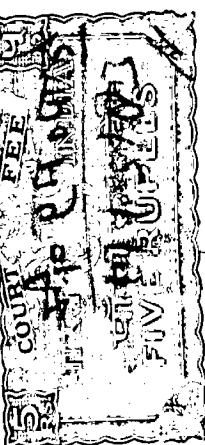
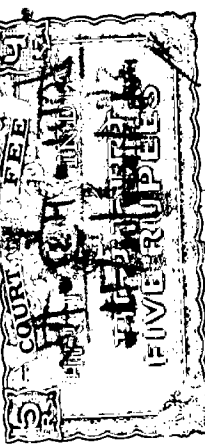


याचिका कर
C. M. Pandey.
17-3-83

लखनऊ दिनांक

३०/३/१८८३

Through his
Counsel
S. K. Anand



क्रम संख्या 2115- दिनांक 17-3-83

नाम, वल्लियत, सकूनत S. S. K.

खर दार स्टाम्प

वारा

वारा 16 मई 1983

वारा 16 मई 1983

वारा 16 मई 1983

Available
Admission
Letter

Handwritten signature

(1)

13

सम्माननीय महामहिम उच्च न्यायालय के अधिकार इलाहाबाद
लखनऊ न्यायपालिका लखनऊ ।

प्रकीर्ण याचिका संख्या

1037

जून 1983

जिला लखनऊ ।

1. 20/2/83 35-00
13 2 65-00
09 100-00

याचिका अन्तर्गत अनुच्छेद 226 भारतीय संविधान के मातहत :

सी०एम० पाण्डेय सुपुत्र श्री स्वर्गीय ओलार नाथ पाण्डेय जीजल
असिस्टेंट, उत्तर रेलवे, लोको रनिंगशेड, आलमबाग, लखनऊ

..... याचिकावार

कनाम

1- यूनिशन आफ इण्डिया द्वारा जनरल मैनेजर उत्तर रेलवे,
कौदा हाउस, नई दिल्ली, भारत सरकार

2- डिप्टी जनरल रेल मैनेजर, उत्तर रेलवे, हजरतगंज, लखनऊ ।

3- अतिरिक्त मण्डल रेल प्रबन्धक, उत्तर रेलवे, हजरतगंज, लखनऊ

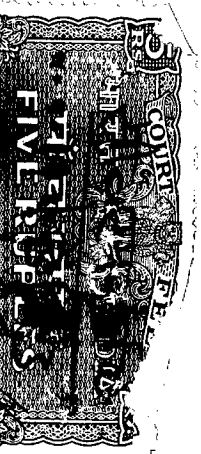
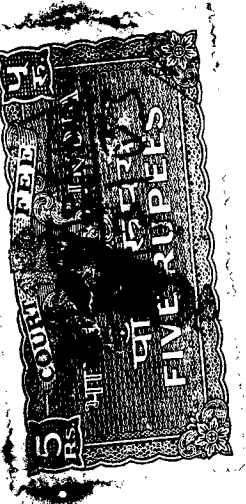
4- सीनियर मैकेनिकल इंजीनियर, उत्तर रेलवे हजरतगंज, लखनऊ

5- सीनियर लोको इन्स्पेक्टर जीजल आलमबाग उत्तर रेलवे
लखनऊ ।

6- सीनियर फ्रूल इन्स्पेक्टर, लोको रनिंगशेड, आलमबाग
लखनऊ ।

7- श्री मोहम्मद जहीरुद्दीन खां & ड्राइवर
द्वारा लोको फोरमैन, उत्तर रेलवे, आलमबाग, लखनऊ ।

Ch. Pandey 0-2



②

One ~~...~~ R 35-00
Thirteen ~~...~~ R 65-00
~~...~~ R 10-00
~~...~~
~~...~~
~~...~~
~~...~~
~~...~~
~~...~~
//

Last Sup. Order Aug 12
Date 20-12-82

Dept. Discovered

Indonesian
5-4-83
2
5/4

Dr. Singh
Hon. S. K. Sharma

List next week

H. G. D.
5-4-83

8- श्री ए०आर० बन्सल ॥ गार्ड ॥

द्वारा स्टेशन सुपरिन्टेन्डेन्ट, उत्तर रेलवे, आलमबाग,
लखनऊ ।

9- श्री एम०पी० वर्मा ॥ ए०एस०एम० ॥

द्वारा रेलवे स्टेशन सुपरिन्टेन्डेन्ट, उत्तर रेलवे, कानपुर
सेन्ट्रल

..... प्रतिवादीगण

याचिका अन्तर्गत अनुच्छेद 226 भारतीय संविधान के मातहत :

प्रस्तुत याचिका दाद पत्र के अन्तर्गत याचिकाकार
सी०एम० पाण्डेय सुप्रसन्न श्री स्वर्गीय ओमकार नाथ पाण्डेय,
डीजल असिस्टेन्ट, उत्तर रेलवे, लोदी रनिंगशेड, आलमबाग
लखनऊ इस सम्माननीय महामहिम उच्च न्यायालय की न्याय
मूर्तियों के समक्ष निम्नवत निवेदन प्रेक्षित करता है कि :-

1- यह कि उपरोक्त याची ही इस याचिका का याचिकाकार
है तथा इस दाद से सम्बन्धित तथ्यों की भरपूर जानकारी
रहता है । उसके अनुसार याचिका के तथ्य इस प्रकार हैं ।

2- यह कि याचिकाकार की नियुक्ति रेलवे विभाग के
उत्तर रेलवे आलमबाग, लखनऊ में दिनांक 6. 1. 1954 को इंजिन
क्लोनर के पद पर हुई थी तथा इस विभाग में निरन्तर कार्य
करते हुए विभागीय प्रोन्नति के आधार पर याचिकाकार
दिनांक 20. 3. 1971 से डीजल असिस्टेन्ट के पद पर निरन्तर

Cm. Pandey

A15

1। वर्ष तक कार्य करता रहा है लेकिन याचिकाकार दिनांक 9.6.81 को अपने रनिंगशेड के फोरमैन रनिंग के द्वारा ड्राइवर श्री मोहम्मद जहोर-उद्दीन के साथ कार्य करने के लिये बुक किया गया है।

1/11

3- यह कि याचिकाकार दिनांक 9.6.81 को अपने साथ कार्यरत ड्राइवर श्री मोहम्मद जहोर-उद्दीन ग्रेड "ए" के साथ डियूटी सम्पादन हेतु डीजल इंजन नं० 18084/डब्ल्यू० डी०एम० 4 से जाना जाता है उपरोक्त इंजन ट्रेन नं० 64 डाउन अवध एक्सप्रेस में कानपुर सेन्ट्रल रेलवे स्टेशन पर जोड़ा गया। यह ट्रेन अवध एक्सप्रेस प्लेट फार्म नं० 3 कानपुर जंक्शन पर खड़ी हुई थी।

4- यह कि प्रतिवादी नं० 6 जो इस ट्रेन का ड्राइवर था याचिकाकार के साथ अपनी इंजन डियूटी के लिये मौजूद था। याचिकाकार भी डीजल असिस्टेंट के रूप में सक्रिय बताने से सम्बन्धित अपनी डियूटी के सम्पादन के लिये इंजन का निरीक्षण किया। ट्रेन इंजन स्टार्टर सिग्नल से 2 या 3 कीटर की दूरी पर खड़ा था तथा जब इस ट्रेन में वैक्यूम तैयार हो गई तो प्रतिवादी नं० 6 ने हार्न बजाया और इंजन स्टार्ट दशा में खड़ा हुआ था। इसके बाद प्रतिवादी नं० 6 ने याचिकाकार से सम्बन्धित सक्रिय सिग्नल सूचना देने को कहा। याचिकाकार ने बड़े ही ध्यानपूर्वक स्टार्टिंग सिग्नल की दशा को देखा और प्रतिवादी नं० 6 को बताया कि सिग्नल का रंग पीला है और ऊपर "आर" जल रहा है। इसका अर्थ कि साउथ लाइन से अगले सिग्नल तक ट्रेन के चलने का अधिकार दिया गया है।



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5- यह कि गाड़ी स्टार्ट करने के पहले सवालन नियमों के अनुसार चालक प्रतिवादी नं० 6 ने याचिकाकार को गार्ड का स्टार्टिंग सिग्नल देखने को कहा । आदेश का पालन करते हुए याचिकाकार ने ड्राइवर के पीछे फुट बोर्ड पर खड़ा होकर गार्ड का स्टार्टिंग सिग्नल देखने लगा । गार्ड प्रतिवादी नं० 9 ने काफी देर तक गाड़ी स्टार्ट करने के लिए सिग्नल नहीं दिया प्रतिवादी नं० 6 बार बार प्रतिवादी नं० 9 के स्टार्टिंग सिग्नल के विषय में पूछ रहा था जिससे याचिकाकार को लगाता पीछे देखना पड़ा ।

6- यह कि याचिकाकार इंजन के जिस भाग पर खड़ा होकर प्रतिवादी नं० 9 का स्टार्टिंग सिग्नल देख रहा था वहां से स्टार्टर सिग्नल दिखाई नहीं दे रहा था क्योंकि इंजन की पोजीशन लाँग हुड की थी । इंजन की लम्बाई का भाग आगे था । ॥ स्टार्टर सिग्नल ॥ डीजल इंजन की लाँग हुड बाड़ी की आड़ था । जब प्रतिवादी नं० 9 के सिग्नल न देने पर प्रतिवादी नं० 6 ने गाड़ी नहीं चलाई तो प्रतिवादी नं० 8 ॥ स्टेशन मास्टर ॥ ने इंजन के पास आकर प्रतिवादी नं० 6 ॥ ड्राइवर ॥ से गाड़ी न चलाने का कारण पूछा । प्रतिवादी नं० 6 ॥ ड्राइवर ॥ ने सूचित किया कि प्रतिवादी नं० 9 ॥ गार्ड ॥ ने अब तक ट्रेन स्टार्ट करने के लिये सिग्नल नहीं दिया है । प्रतिवादी नं० 8 ॥ स्टेशन मास्टर ॥ ने कहा इतनी



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देर से सिग्नल आउन है , गाड ने स्टार्टिंग सिग्नल दिया है और आप नहीं चल रहे है हमारी गाडिया आउटर पर खड़ी है गाडियों के डिटेन्शन को सारी जिम्मेदारी प्रतिवादी नं० 6 पर होगी ।

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7- यह कि प्रतिवादी नं० 6 और प्रतिवादी नं० 8 में आपस में वाद-विवाद हो ही रहिा था कि प्रतिवादी नं० 7 ने गाड़ी चला देने का सिग्नल दिया । जैसे ही याचिकाकार ने जोर से आवाज लगाई और प्रतिवादी नं० 8 ने जोर पूर्वक चलने का आदेश दिया कि प्रतिवादी नं० 6 ने अविलम्ब गाड़ी चला दी । याचिकाकार ने कैबिन में जाकर सिग्नल की दशा पुनः देखने का प्रयत्न कर ही रहा था कि प्रतिवादी नं० 6 ने मना किया और प्रतिवादी नं० 7 ने " लाल राइट सिग्नल" एक्स्पोज करने का आदेश दिया ।

8- यह कि याचिकाकार ने गाड ने " लाल राइट सिग्नल" एक्स्पोज करके तुरन्त कैबिन में अपनी सीट पर जाकर पाया कि स्टार्टर सिग्नल, पीछे निकल गया तथा अगला सिग्नल वहां से नहीं दिखाई दे रहा है क्योंकि लाइन की गोलाई तथा इंजन की लाग हू फोजेशन के कारण कैबिन के बाये भाग से अगला सिग्नल छिपा हुआ था उसे देखने के लिये जैसे ही याचिकाकार दाहिनी ओर अर्थात् ड्राइवर की ओर जाने के लिये उठा ड्राइवर



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डाक्टर ने प्रोटर बन्द करके सभी ड्रे लगा दिया । जैसे ही याचिका कार ने दाहिनी ओर जाकर देखा आगे जाहन नं० १ पर जाने के लिये गाडी छाडी है । और हमारी गाडी का इंजन अगली गाडी के इंजन से छूट छाडर हो गया था । इस लिये कि प्रतिवादी नं०-६ के द्वारा लगभग ५० मीटर पहले ही सभी इंजन के ब्रेक लगा दिये गये थे । गाडी मानती धीमी गति से आगे हिलाने लगी थी ।

९. यह कि प्रतिवादी नं० ६ ने याचिकाकार को लिखतों की जाँच करने का आदेश दिया । याचिकाकार ने उत्तर करने पर पाया और प्रतिवादी नं०-६ को सूचित किया कि केवल दोनों इंजन एक दूसरे को छूये हुये हैं और किसी भी प्रकार की क्षति नहीं हुई है । याचिकाकार यह सुनना दे हो रहा था कि नीचे से आवाज आई डाक्टर अपनी गाडी स्टार्टर के अन्दर बैक कर लीं तब प्रतिवादी नं० ६ ने याचिका कार को आदेश दिया कि देखा गाडी बैक करने में कोई रुकावट तो नहीं है । आदेशानुसार याचिकाकार ने भलीभांति निरीक्षण करके प्रतिवादी नं० ७ को बताया कि गाडी बैक करने में कोई रुकावट नहीं है तब प्रतिवादी नं० ६ ने प्रतिवादी नं० ८ और ९ के सिग्नल पर गाडी को स्टार्टर के अन्दर बैक किया । जैसे ही गाडी स्टार्टर सिग्नल पुनः के अन्दर गाडी को बैक दिया जैसे ही स्टार्टर सिग्नल पुनः "एल" इंडिकेशन के साथ लाल से पालो हो गया । याचिकाकार ने प्रतिवादी नं० ६ को बताया और



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प्रतिवादी नं० 6 ने प्रतिवादी नं० 9 और प्रतिवादी नं० 8 के सिग्नल मिलने पर गाड़ी को पुनः लहानऊ दे दिये बलाया और गाड़ी लहानऊ तक आ गई । इस देस में किसी भी प्रतिवादी ने सात्वान्तिक स्थल निरीक्षण नही किया । लहानऊ आने पर स्थल का निरीक्षण दिया गया तथा दूसरे गाड़ी में जाई करने के लिये लगा दिया ।

10. यह कि दूसरे दिन 10.6.1981 को कानपुर में बयान देने के लिये बुलाया गया और वहाँ पर

याचिकादार तथा प्रतिवादी नं० 6 का बयान दर्ज किया गया । लेकिन दोनों में किसी का भी नही बयान की प्रतिलिपियाँ दी गयी हैं और नही बयानों के

विषय में बताया गया है । दिनांक 15.6.1981 तथा

दिनांक 16.6.1981 को जूनियर प्रशासनिक अधिकारियों

द्वारा घटना को जाँच की गई । प्रतिवादी नं०-6

इस जाँच में उपस्थित नही हुये । जाँच अधिकारियों

ने यह पाया कि स्टार्टर सिग्नल छतरे की छत पर

पार करने के कारण यह घटना हुई । और घटना की

जारी जिम्मेदारी याचिकादार तथा प्रतिवादी नं० 6 पर

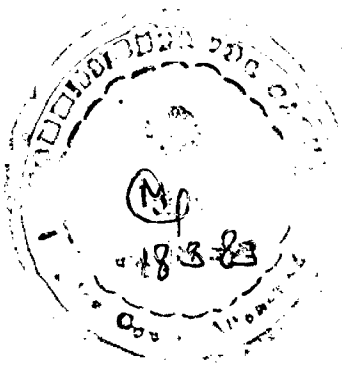
उत्तराई । याचिकादार द्वारा दिये गये बयानों

की प्रतियाँ याचिकादार को नहीं दी गई तथा

प्रतिवादी नं० 6,7,8, को याचिकादार के विरुद्ध

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गवाह बना दिया जबकि सम्मिलित दायित्व होने पर भी याचिकाकार एवं प्रतिवादी नं० 6 के विरुद्ध जांच के आदेश दे दिये गये लेकिन प्रतिवादी नं० 7 एवं 8 के व्यक्तिगत प्रभाव रहाने के कारण उन्हें इस केंद्र की सम्पूर्ण दायित्वों एवं जिम्मेदारियों एवं भ्रामक सिग्नल देने के सम्बन्ध में यह जानते हुये की आगे रेलवे लाइन साफ नहीं है गाड़ो आ रह है । फिर भी प्रतिवादी नं० 7 एवं 8 के द्वारा गलत सिग्नल दिये गये है ।

11. यह कि गाड़ के द्वारा हरा कड़ा तक दिखा दिया गया है । लेकिन श्री मानजी प्रतिवादी संख्या-7 गाड़ आफ दी देन तथा प्रतिवादी संख्या-8 स्टेशन मास्टर आफ कानपुर के विरुद्ध याचिकाकार के समान न कोई इन्क्वायरी की गयी है और ना ही रेलवे विभाग प्रतिवादियों की ओर से उपरोक्त अधिकारियों के विरुद्ध कोई भी अनुशासनिक कार्यवाही से सम्बन्धित चार्ज शीट तक नहीं दी गयी है बल्कि सम्मिलित दायित्व रखाते हुये भी उपरोक्त अधिकारियों के विरुद्ध कोई विभागीय जांच नहीं की गयी बल्कि याचिकाकार के विरुद्ध गवाह बना दिया गया है । जिससे कि रेलवे विभाग द्वारा लाये गये चार्ज याचिकाकार पर अधूरे प्रतीत होते है । अतः



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याचिकाकार के विरुद्ध दिये गये आदेश दिनांक 4.9.1980
तथा 20.12.82 संलग्नक संख्या 10 एवं 12 कानून की नजर
में निरस्त होने योग्य है

12- यह कि प्रतिवादी नं० 4 के कार्यालय से याचिकाकार
को एक चार्जशीट जो उसको उपरोक्त चार्ज से सम्बन्धित दिया
गया जिसमें इस याचिकापत्र में धारा 3 से धारा 11 तक की
लिखी गयी विषय वस्तु की कोई भी व्याख्या नहीं की गयी है
बल्कि जनरल मेमोरेण्डम आफ चार्ज शीट स्टैण्डर्ड फार्म आफ चार्ज
शीट दिनांक 10.9.1981 को इस याचिका वाद पत्र के संलग्नक
संख्या १ के रूप में दाखिल करते हैं। यह कि इस चार्ज शीट
में प्रतिवादियों द्वारा चार संलग्नक लगाये गये हैं जो चार्ज शीट
की सत्यापित प्रतिलिपि के साथ संलग्नक हैं।

13-

यह कि याचिकाकार ने उपरोक्त चार्जशीट पाकर
व्यक्ति होकर अपने बचाव से सम्बन्धित लिखित बयान पेश किया
है। अतः याचिकाकार द्वारा दिये गये बयानों को इस प्रकीर्ण
याचिका वाद पत्र का संलग्नक संख्या 2 के रूप में नकल
बयान दिनांक 11.11.1981 को संलग्नक संख्या 2 के रूप में
प्रेषित किया जाता है जिसमें याचिकाकार के दायित्व से
सम्बन्धित सम्पूर्ण परिस्थितियों का उल्लेख किया गया है।
लेकिन याचिकाकार की प्रतिवादियों द्वारा कोई सुनवाई
नहीं की गयी है।

14-

यह कि प्रतिवादी नं० 4 द्वारा याचिकाकार को



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नोटिस दिया कि आपके खिलाफ केस की जाँच करने के सम्बन्ध में दिनांक 19.12.81 को नोटिस दिया गया है। अतः याचिकाकार द्वारा जाँच अधिकारी की नियुक्ति से सम्बन्धित नोटिस दिनांक 19.12.81 को इस याचिका के संलग्नक संख्या 3 के रूप में इस याचिका पत्र के साथ प्रेषित किया जाता है।

15- यह कि उपरोक्त जाँच अधिकारी द्वारा निश्चित सुनवाई से सम्बन्धित उपस्थिति होने की नोटिस दिनांक 8.4.1982 याचिकाकार को दी गयी। अतः जाँच अधिकारी द्वारा प्रेषित नोटिस दिनांक 8.4.1982 को संलग्नक संख्या 4 के रूप में इस याचिका पत्र के साथ प्रेषित किया जाता है।

16- यह कि याचिकाकार को ज्ञात पता चला कि उसे प्रतिवादीगण अर्द्ध रूप से रिजर्जन करना चाहते हैं तो उसने एक प्रत्यावेदन दिनांक 19.5.1982 प्रेषित किया लेकिन प्रतिवादियों के द्वारा उपरोक्त प्रत्यावेदन दिनांक 19.5.1982 के सम्बन्ध में प्रतिवादियों के द्वारा कोई विचार नहीं किया गया। अतः याचिकाकार द्वारा प्रेषित प्रत्यावेदन दिनांक 19.5.1982 को इस याचिकावाद पत्र के संलग्नक 5 के रूप में इस महामहिम न्यायालय में प्रेषित किया जाता है।

17- यह कि याचिकाकार ने प्रतिवादियों को अपनी शपथ के सम्बन्ध में एक प्रार्थनापत्र दिनांक 20.5.1982 को दिया कि याचिकाकार के विरुद्ध हो रही जाँच के सम्बन्ध में याचिकाकार

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को अपनी साक्ष्य देने का सौभाग्य प्रदान किया जाय लेकिन प्रतिवादियों द्वारा उपरोक्त प्रार्थनापत्र पर भी कोई ध्यान नहीं दिया गया तथा याचिकाकार को अपनी साक्ष्य उपस्थित करने का अवसर नहीं प्रदान किया गया । अतः याचिकाकार द्वारा प्रेषित प्रार्थनापत्र दिनांक 20.5.1982 को इस महामहिम न्यायालय में संलग्नक संख्या 6 के रूप में प्रेषित किया जाता है ।

18- यह कि प्रतिवादीगण द्वारा याचिकाकार की आज्ञानता में पक्षपातपूर्ण जाँच करवाने के लिये दूसरा जाँच अधिकारी नियुक्ति किया गया जब कि द्वितीय जाँच अधिकारी की नियुक्ति के सम्बन्ध में किसी भी कारण का उल्लेख नहीं किया गया है । अतः प्रतिवादो पक्षकारों द्वारा दिया गया आदेश द्वितीय जाँच अधिकारी की नियुक्ति के सम्बन्ध में दिया । अतः द्वितीय जाँच अधिकारी की नियुक्ति से सम्बन्धित द्वितीय आदेश दिनांक 13.5.1982 को इस महामहिम न्यायालय में संलग्नक संख्या 7 के रूप में दाखिल किया जाता है ।



19- यह कि प्रतिवादो नं० 4 के द्वारा याचिकाकार के विरुद्ध एक शो काज नोटिस के कारण अताओं नोटिस के दिनांक 16.6.1982 को दी गयी जबकि संलग्नक संख्या 6

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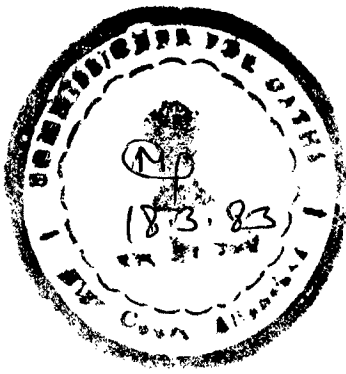
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के अनुसार उसे प्रतिवादियों द्वारा की जा रही जाँच के अनुसार ऊँचे सम्बन्ध में किसी भी साक्ष्य को उपस्थित करने का सम्बन्ध में किसी भी साक्ष्य नहीं दिया गया है। अतः याचिकाकार सम्बन्धित शौ काज नोटिस दिनांक 16.6.1982 को इस याचिका के संलग्नक संख्या ४४ के रूप में दाखिल किया जाता है।

20- यह कि याचिकाकार द्वारा शौ काज नोटिस के जबाब के रूप में एक प्रत्यावेदन दिनांक 14.7.1982 को दिया गया जिसमें याचिकाकार के विरुद्ध चल रही जाँच से सम्बन्धित सम्पूर्ण तथ्यों कारणों एवं परिस्थितियों की वृद्ध व्याख्या की गयी है। अतः याचिकाकार शौ काज नोटिस के सम्बन्ध में दिये गये प्रत्यावेदन दिनांक 14.7.1982 को इस महामहिम न्यायालय में संलग्नक संख्या ४९ के रूप में दाखिल किया जाता है।



21- यह कि याचिकाकार के प्रत्यावेदन दिनांक 14.7.82 संलग्नक संख्या ४९ पर प्रतिवादियों के द्वारा कोई विचार नहीं किया गया बल्कि याचिकाकार के दायित्व को साबित करते हुए प्रतिवादियों द्वारा प्रथम मुख्य आदेश दिनांक 4.9.1982 अवैध रूप से पारित किया गया तथा याचिकाकार को अवैध रूप से पदच्युत ४ रिपोर्ट कर दिया गया। जबकि

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याचिकाकार के विरुद्ध सम्पूर्ण कार्यवाही अवैध रूप से किया गया है तथा याचिकाकार को ना ही अपना पक्ष प्रस्तुत करने का ना ही कोई सौभाग्य दिया गया है और ना ही याचिकाकार के सम्बन्ध में कोई भी सुनवाई प्रतियादियों के द्वारा नहीं की गयी है । अतः प्रतिवादी नं० 4 के द्वारा पारित आदेश दिनांक 4.9.1982 को इस याचिकाबाद पत्र की संलग्नक संख्या १०१ के रूप में इस महामहिम उच्च न्यायालय में दाखिल किया जाता है ।

22- यह कि याचिका कार ने उपरोक्त आदेश से न्यायित होकर एक असील दिनांक 21.9.1982 अति मण्डल रेल प्रतन्धक उत्तर रेलवे लखनऊ के समक्ष प्रस्तुत की तथा उस पर उपरोक्त अपील अधिकारी के द्वारा प्रतियादियों द्वारा निर्मित दण्ड संलग्नक संख्या 10 को कम करने के लिए अपील अधिकारी प्रतियादी संख्या 3 के आधार पर निष्कर्ष अभियोग पत्र में उल्लिखित अभियोग के बाहर है जिन पर याचिकाकार को स्पष्टीकरण देने का वैधानिक अवसर नहीं दिया गया है अतः अपील अधिकारी के निष्कर्षपूर्ण रूप से निराधार है । अतः मैमो आफ अपील दिनांक 21.9.82 को इस महामहिम उच्च न्यायालय में संलग्नक १११ के रूप में दाखिल करते है।



23- यह कि याचिका का द्वारा दायर अपील की सुनवायी सोनियर डी० एम० ई० के आदेश के विरुद्ध प्रतिवादी

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नं० 3 के द्वारा अपूर्ण रूप से की गयी क्योंकि उनके द्वारा जब याचिकावार को अपराधिक दायित्व से मुक्त कर दे दिया जा रहा है । लेकिन उपरोक्त अधिकारों के द्वारा याचिकावार का दण्ड समाप्त न कर दे, दण्ड को स्थगित किया जा रहा है ।

24- यह कि श्री मानू जी इस याचिका वाद पत्र में विचारणीय तथ्य यह है कि :

1: क्या किसी निर्दोष व्यक्ति को भारतीय कानून के अधीन पर भारतीय रेल यथा अधिकारियों द्वारा दैतन वृद्धि कटौती को सजा दी जा सकती है या नहीं ?

2- क्या यदि किसी अनुशासनिक अपराध में यदि याचिकावार को दायित्व मुक्त हो जायगा प्रतियोगियों द्वारा की जा सकती है तो क्या केवल याचिकावार को रेलवे अधिकारियों द्वारा अल्प दैतन वृद्धि कटौती दण्ड दिया जा सकता है या नहीं ?

3- यह कि उपरोक्त इस याचिका का मुख्य ध्येय को यह आदेश दिनांक 20.12.1982 जो कानून को नज़र में अर्पित है तथा माननीय उच्च न्यायालय द्वारा गिराए करने योग्य है



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है क्योंकि प्रतिवादियों के द्वारा याचिकाकार दायित्वहीन और निर्दोष घोषित किया जा रहा है दूसरी ओर याचिकाकार का संलग्न संख्या 10 में लिखत दण्ड पूर्ण रूप से न समाप्त करके पब्लिसमेंट [✓] ~~द्वारा~~ अल्प दण्ड दिया जा रहा जबकि अल्प दण्ड उक्त प्रतिवादियों द्वारा दिये जाने का याचिकाकार के पास कोई अपराधिक दायित्व भंग नहीं। जबकि याचिकाकार प्रतिवादी नं० 5 के द्वारा संलग्न संख्या 12 में याचिकाकार दायित्वहीन घोषित करके दोषमुक्त किया जा रहा है।

26- यह कि इम्प्यून्ड आदेश मुख्य आदेश दिनांक 20.12.1982 जो अर्द्ध रूप से पारित किया गया है क्योंकि निर्दोष याचिकाकार को प्रतिवादी संख्या 43 द्वारा अल्प दण्ड दिया जा रहा है। क्योंकि प्रतिवादी संख्या 3 द्वारा आदेश दिनांक 20.12.1982 में दण्ड को पूर्ण रूप से समाप्त न करके याचिकाकार को अल्प दण्ड देने की महान भूल की है। अतः प्रतिवादी संख्या 3 के द्वारा आदेश दिनांक 20.12.1982 अर्द्ध रूप से पारित करके भारी भूल की गयी है। यह ही इस वाद पत्रावली में भारी भूल की गयी है। यह कि प्रतिवादी संख्या 43 द्वारा आदेश दिनांक 20.12.1982 को हाइकोर्ट महामहिम उच्च न्यायालय में संलग्न संख्या 12 के रूप में दाखिल किया जाता है।



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27- यह कि याचिकाकार द्वारा उपरोक्त आदेश से
अधिकृत होकर एक पुनर्विचार प्रत्यावेदन ॥ रिटिव रिप्रेजेंटेशन ॥
दिनांक 25.1.1983 द्वारा याचिका कार दाखिल किया गया
तथा यह निवेदन किया गया कि याचिकाकार को निर्दोष
॥ दायित्वहोन ॥ घोषित कर अस्स दण्ड देना कानून की नज़र
में अन्याय है । लेकिन प्रतिवादो संख्या 3 के द्वारा उपरोक्त
पुनर्विचार प्रत्यावेदन दिनांक 25.1.1983 को स्थापित प्रतिलिपि
को इस महामहिम उच्च न्यायालय में संलग्न संख्या 13 के रूप
में दाखिल किया जाता है ।

28- यह कि याचिकाकार द्वारा श्री सानू जी वेतन वृद्धि
की अवैध कटौती जी प्रतिवादियों द्वारा दिनांक 8.5.1979 से
7.1.1983 तक रू 3065=80 ॥ तीन हजार पैंसठ रुपया अस्सी
पैसा ॥ कटौती की गयी है वह संलग्न संख्या 10 एवं संलग्नक
संख्या 12 के प्रभाव से हुई है । अतः यह उपरोक्त वेतन वृद्धि
कटौती अवैध रूप से की गयी है । अतः इस महामहिम उच्च
न्यायालय द्वारा निर्देश इसु किये जाय जिससे तीन हजार पैंसठ
रुपया अस्सी पैसा प्रतिवादियों के द्वारा याचिकाकार के हित
में उपरोक्त वेतन भुगतान किया जाय ।

29- यह कि याचिकाकार के प्रतिवादियों द्वारा अवैध
रूप से वेतन वृद्धि कटौती अदायगी योग्य मिल रू 3065=80



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दिनांक 17.3.83 को इस याचिकावाद पत्र के संलग्नक संख्या 14 के रूप में इस महामहिम उच्च न्यायालय में दाखिल किया जाता है ।

30- यह कि श्रीमान् जी प्रस्तुत वाद के सम्पूर्ण तथ्यों एवं परिस्थितियों के आधार पर न्याय के हित में आवश्यक है कि संलग्नक संख्या 10 एवं संलग्नक संख्या 12 को न्याय के हित में इस याचिका की अन्तिम सुनवाई तक स्थगित रखने की कृपा की जाय ।

31- यह कि उपरोक्त वाद की धाराओं एवं परिस्थितियों के आधार पर उपरोक्त आदेशों को देखने से मालूम होता है कि आदेश दिनांक 4.9.1982 संलग्नक संख्या 10 एवं आदेश दिनांक 20.12.1982 संलग्नक संख्या 12 जो कानून की नजर में अवैध है । जिसके आधार निम्न है ।

आधार

1- क्योंकि याचिकाकार की प्रतिवादियों द्वारा की गयी इन्क्वायरी में साक्ष्य उपस्थित करने का अवसर नहीं दिया गया है तथा एक्स पार्टों इन्क्वायरी करके अवैध रूप से वार्ज लगाये गये थे ।

2- क्योंकि प्रतिवादियों के द्वारा वार्जोट में जो वार्ज



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लगाया गया है। उसमें याचिकाकार के दायित्व से सम्बन्धित दण्डना का कोई उल्लेख नहीं है।

3- क्योंकि संलग्नक संख्या 12 आदेश दिनांक 20.12.1982 के मातहत याचिकाकार को दायित्व एवं दोषमुक्त किया जा चुका है। अतः याचिकाकार को अल्पदण्ड देना भारतीय कानून की नजर में अन्याय है।

4- क्योंकि संलग्नक संख्या 10 में उल्लिखित सभी दण्डों को एवं आदेश दिनांक 4.9.1982 को प्रतिवादी अपीलेट अधिकारी द्वारा निरस्त किया जा चुका है लेकिन प्रतिवादी संख्या 3 द्वारा अल्प दण्ड दे दिया गया है जबकि यह कानून की नजर में अवैध है। जबकि विधि के अनुसार याचिकाकार को दण्ड मुक्त होना चाहिए था लेकिन याचिकाकार के विरुद्ध यह महान अन्याय किया गया है।

5- क्योंकि जबकि गार्ड स्टेशन मास्टर एवं सिग्नल मैन ने यह जानते हुए कि रेलवे लाइन साफ नहीं है सामने दूसरी गाड़ी आ रही है। इन सभी अधिकारियों ने याचिकाकार एवं उसके ड्राइवर को झूठा सिग्नल देकर अपराधिक अनुशासनिक दायित्व कायम किया है लेकिन प्रतिवादी संख्या 3 एवं 4 एवं 5 ने उपरोक्त गार्ड सहायक स्टेशन मास्टर कानपुर एवं

Ch. Pandey

सिगनल मैन के विरुद्ध कार्रवाई किये गये अपराधिक दायित्व की जाँच न करदे महान भूल की गयी है बल्कि इन अनुशासनिक विभागोय अपराधियों को याचिकाकार के विरुद्ध गवाह बना देने में महान भूल की गयी है ।

6- क्योंकि याचिकाकार की नौकरी डीजल असिस्टेंट की जिम्मेदारी केवल ड्राइवर को सौंप कर देने एवं डीजल इंजन क्षति की सूचना देने की होती है । फ्रिक्विडिमेंट डीजल इंजन चलाने की जिम्मेदारी इन्जन ड्राइवर की होती है । प्रतिवादियों के पास इस बात का कोई प्रमाण मौजूद नहीं है कि प्रतिवादी संख्या 7 डीजल इन्जन 64 डाउन में मौजूद नहीं था क्योंकि प्रतिवादियों के द्वारा प्रतिवादी संख्या 7 के विरुद्ध भी जाँच की गयी है और रिवर्स आदेश प्रतिवादी संख्या 7 के विरुद्ध भी दिया जा चुका है ।

प्रार्थना

अतः प्रस्तुत याचिका वाद पत्र प्रेषित कर याचिकाकार आशा करता है एवं इस महामहिम उच्च न्यायालय की सम्माननीय न्यायमूर्तियों से प्रार्थना करता है कि :-

1- यह कि रिट याचिका में मेन्शनमेंस या सरसिधोरारी प्रकृति की रिट या याचिका इस करके आदेश दिनांक 4.9.1982

Cm, Pandey

संलग्नक संख्या 10 एवं मुख्य आदेश दिनांक संलग्नक संख्या
12 को निरस्त करने की कृपा की जाय ।

2- यह कि याचिकाकार को जो वेतन वृद्धि कटौती के
रु० 3065=80 की अदायगी के सम्बन्ध में आदेश एवं निर्देश
पारित किये जाय जो याचिकाकार के लिये योग्य और उचित
हो ।

3- यह कि याचिकाकार के पक्ष में इस महामहिम उच्च
न्यायालय के द्वारा अन्य निर्देश या आदेश इस किये जाय जो
याचिकाकार के हित में उचित एवं योग्य हो ।

4- यह कि याचिका को काष्ट प्रतिवादियों के विरुद्ध
निर्णीत हो तथा याचिकाकार को इस याचिका का सम्पूर्ण हर्जा
एवं खर्चा दिलाया जाय ।

5- यह कि याचिकाकार को प्रतिवादीगण परेशान करते
है तथा मानसिक रूप से कष्ट पहुँचाते है । अतः उन्हें निर्देश
दिये जाय कि याचिकाकार के सम्मान करें जिसे भारतीय
नागरिकता का सम्मान हो सके तथा याचिकाकार उत्साहित होकर
रेल विभाग में सेवा कार्य करता रहे

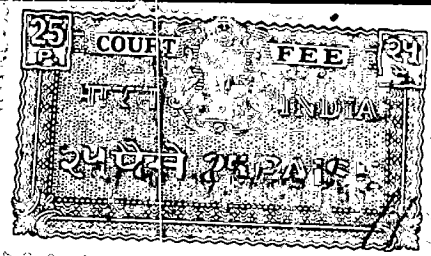
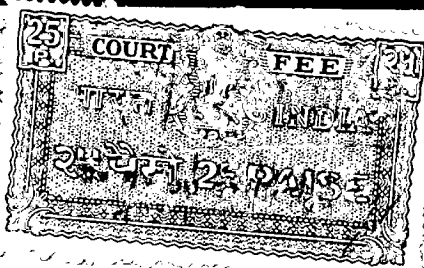
लखनऊ

दिनांक

Cm, Pandey
याचिकाकार

द्वारा एस०के० अवस्थी
एडवोकेट
हाई कोर्ट, लखनऊ ।

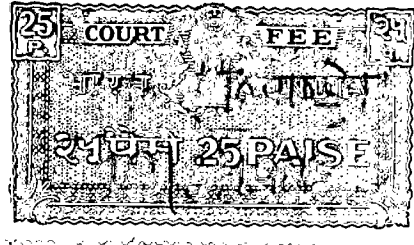
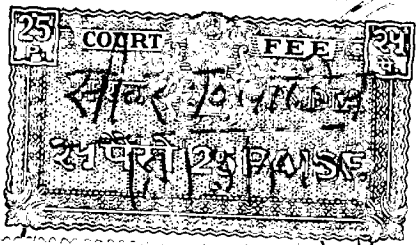
Cm, Pandey



समाननाय. महामहिम उच्च न्यायालय याचिका इलाहाबाद
लखनऊ न्यायपालिका, लखनऊ ।

प्रकीर्ण याचिका संख्या

सन् 1983



1983

AFFIDAVIT
46/297
HIGH COURT
ALLAHABAD

सी०एम० पाण्डेय

..... याचिकाकार

बनाम

यूनियन ऑफ इण्डिया आदि

..... प्रतिवादीगण

याचिका अन्तर्गत अनुच्छेद 226 भारतीय संविधान के मातहत

शपथ पत्र

मैं शपथी दामा मित्र, पाण्डेय सुपुत्र श्री स्वर्गीय
औंकार नाथ पाण्डेय उम्र लगभग 49 वर्ष कार्यरत उनीजल
असिस्टेंट उत्तर रेलवे, लोको रनिंग, आलमबाग, लखनऊ
प्रस्तुत शपथ पत्र के अन्तर्गत शपथपूर्वक बयान प्रेषित करता है
कि :-

1- यह कि शपथी हो उपरोक्त याचिका का याचिकाकार
है तथा अपने सेवा सम्बन्धी इस याचिका के मातहत सम्पूर्ण
जानकारी रखता है ।

2- यह कि शपथी के अनुसार उपरोक्त याचिका की



Mr. Pandey

(25)

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धारा 1 से धारा 20 तक शपथी के ज्ञान एवं चिन्तन के आधार पर सम्पूर्ण सत्य है । इस शपथपत्र का कोई भी अंश असत्य एवं भ्रामक नहीं है ।

3- यह कि शपथी के अनुसार संलग्न संहिता 1 से संलग्न संहिता 14 तक सत्य प्रतिलिपियाँ शपथपूर्वक सत्य है तथा इन अभिलेखों की सत्यापित प्रतिलिपियाँ इन अभिलेखों के साथ संलग्न है ।

4- यह कि स्टे-प्रार्थनापत्र शपथी के ज्ञान एवं चिन्तन के आधार पर सत्य है ।

लखनऊ

दिनांक
18.3.1983

शपथी

Cm. Pandey

प्रमाणीकरण

मैं, उपरोक्त शपथी शपथपूर्वक बयान करता हूँ कि उपरोक्त शपथ की धारा 1 से धारा 4 तक शपथी के ज्ञान एवं चिन्तन के आधार पर सत्य है । इस शपथपत्र का कोई अंश भ्रामक एवं असत्य नहीं है क्योंकि इस याचिका से सम्बन्धित सम्पूर्ण बयान शपथपूर्वक दिये गये है । इन बयानों का कोई भी अंश असत्य नहीं है । अतः उपरोक्त बयान शपथी द्वारा आज दिनांक 18.3.1983 को लगभग 12 बजे दोपहर में यह शपथपत्र शपथी द्वारा सत्यापित कराया जा रहा है ।

लखनऊ दिनांक
18.3.1983

Cm. Pandey शपथी



(26)

A/34

सत्यापन

यह कि मैं शपथी को भलीभाँति जानता पहचानता हूँ तथा शपथी ने अपने हस्ताक्षर मेरी मौजूदगी में किये हैं।

लखनऊ

दिनांक

18.3.1983

एस0के0 अवस्थी

एडवोकेट

हाईकोर्ट बेंग, लखनऊ।

शपथपूर्वक बयान किया जाता है कि याचिकाकार शपथी ~~दमा~~ 11-30 ~~अवस्थी~~ प्रवृत्ति मित्र पाण्डेय को आज दिनांक 18.3.1983 को एस0के0 अवस्थी एडवोकेट हाईकोर्ट द्वारा सत्यापित किया गया।

मैं संतुष्ट हूँ मैंने शपथी के इस शपथपत्र से सम्बन्धित उसका प्रत्यक्षीकरण करके शपथी के सम्पूर्ण ज्ञान एवं चिन्तन की सम्पूर्ण परीक्षा कर ली है। शपथी से इस शपथपत्र से सम्बन्धित तथ्यों को मौखिक रूप से सुन लिया है तथा इस सम्पूर्ण याचिका को पढ़ कर सुना एवं समझा दिया है।

लखनऊ

दिनांक

18.3.1983

शपथआयुक्त



OATH COMMISSIONER
Hqrs. (Lucknow Branch)

46/297
18.3.83

STANDARD FORM OF CHARGESHEET

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

Genl. 188
Standard Form No. 5

(Name of Railway Administration)
(Place of issue) dated

MEMORANDUM

The President/Railway Board/Undersigned propose(s) to hold an inquiry against Shri. 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. 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. 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. 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. is hereby directed to submit to the undersigned (through General Manager) 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 he desires to inspect documents, and also.

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

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

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

6. Shri. 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. 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 does not 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. 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. 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.

Signature
Name and designation of competent authority

To
Shri. (Name and designation)
(Place etc.)

@Copy to Shri. (name & 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.

§This time limit may be extended upto twenty days at the discretion of the competent authority.

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

*Where the President is the Disciplinary Authority.

@To be used wherever applicable—See Rule 16 (1) of the Railway Servants (Discipline & Appeal) Rules, 1968—Not to be inserted in the copy sent to the Railway Servant.

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

सं०.....

(रेल प्रशासन का नाम)

(निर्दिष्ट स्थान)..... दिनांक.....

ज्ञापन

राष्ट्रपति/रेलवे बोर्ड निम्नहस्ताक्षरी द्वारा रे०से० (अनु० और प्र०) नियम, 1968 के नियम 9 के अंतर्गत श्री..... के विरुद्ध जांच करने की प्रस्थापना की गई है। अवचार या कवाचार के लांछनों का सार, जिनके संबंध में जांच करने की प्रस्थापना है, आरोप के अनुच्छेदों के विवरण (अनुबंध 1) में दिया गया है। आरोप के प्रत्येक अनुच्छेद के समर्थन में अवचार या कवाचार के लांछनों का विवरण संलग्न है (अनुबंध 2)। जिन प्रलेखों और साक्षियों द्वारा आरोप के अनुच्छेद संघटित किये जाने की प्रस्थापना है उनकी भी एक सूची संलग्न है (अनुबंध 3 और 4)।

2. श्री.....को एतद् द्वारा सूचित किया जाता है कि यदि वह चाहे तो इस ज्ञापन की प्राप्ति के 5 पांच दिन के भीतर कार्यालय समय में किसी भी समय प्रलेख-सूची (अनुबंध 3) में वर्णित प्रलेखों का निरीक्षण कर सकता है और इसके उद्धरण ले सकता है। यदि वह ऐसे किसी अन्य प्रलेखों तक अपनी पहुंच चाहता है, जो रेल प्रशासन के पास हों लेकिन जिनका संलग्न प्रलेखों की सूची (अनुबंध 3) में उल्लेख न किया गया हो, तो निरीक्षण के लिए अपेक्षित प्रलेखों की सुसंगति बताते हुए इस ज्ञापन की प्राप्ति के इस दिन के भीतर उसे निम्नहस्ताक्षरी..... रेलवे के & महाप्रबंधक को इसकी सूचना देनी चाहिए। अनुशासन प्राधिकारी उन सभी और किसी ऐसे प्रलेखों के निरीक्षण की अनुमति देने से इंकार कर सकता है, जो उसकी राय में, मामले के सुसंगत न हों या जिन तक पहुंच की अनुमति देना अनहित या राज्य की सुरक्षा के विरुद्ध हो। उसे चाहिए कि प्रतिरिक्त प्रलेख उपलब्ध किये जाने के पांच दिन के भीतर उनका निरीक्षण पूरा कर ले। जिन प्रतिरिक्त प्रलेखों के निरीक्षण की उसे अनुमति दी जायेगी उनसे उद्धरण लेने की उसे अनुमति होगी।

3. श्री.....को सूचित किया जाता है कि जांच के बाद के प्रक्रमों में प्रलेखों की प्राप्ति करने के लिए किया गया अनुरोध तब तक स्वीकार नहीं किया जायेगा, जब तक ऊपर विनिर्दिष्ट समय-सीमा के भीतर विलम्ब से अनुरोध करने का पर्याप्त कारण न बताया जाय और उन परिस्थितियों से स्पष्ट रूप से यह प्रकट न हो जाये कि अनुरोध इससे पहले के प्रक्रम में नहीं किया जा सकता था। जांच पूरी हो जाने के बाद प्रतिरिक्त प्रलेख प्राप्त करने के संबंध में कोई अनुरोध तब तक स्वीकार नहीं किया जायेगा, जब तक जांच पूरी होने से पहले अनुरोध न कर सकने का पर्याप्त कारण न बताया गया हो।

4. श्री.....को यह भी सूचित किया जाता है कि यदि वह चाहे तो मौखिक जांच होने की स्थिति में प्रलेखों का निरीक्षण करेगा तथा जांच प्राधिकारी के सक्षम अपना मामला प्रस्तुत करने में सहायता करने के लिए किसी अन्य रेल कर्मचारी, रेल व्यवसाय संघ के किसी पदाधिकारी (जो रेल सेवक (अनुशासन और अपील) नियम, 1968 के नियम 9 (9) और पद्या-स्थिति उनके टिप्पण 1 और/अथवा टिप्पण 2 की अपेक्षाओं को पूरा करते हों) की सहायता ले सकता है इस प्रयोजन के लिए, अधिमाम्यता-क्रम में उसे एक या अधिक व्यक्तियों का नामन करना चाहिए। सहायक रेल कर्मचारी (कर्मचारियों) अथवा रेल व्यवसाय संघ के पदाधिकारी (पदाधिकारियों) का नामन करने से पहले श्री.....द्वारा नामित व्यक्ति (व्यक्तियों) से वचन ले लेने चाहिए कि वह (वे) अनुशासनिक कार्यवाही के दौरान उसकी सहायता करने के लिए तैयार हैं। वचन में ऐसे अन्य मामले (मामलों) का, यदि कोई हो, विवरण भी दिया जाना चाहिए, जिसमें नामित व्यक्ति (व्यक्तियों) द्वारा सहायता करने का पहले ही वचन दिया जा चुका हो और नामित व्यक्ति (व्यक्तियों) द्वारा दिया गया वचन मानन-पत्र के साथ निम्नहस्ताक्षरी/महाप्रबंधक,..... रेलवे को भेजा जाना चाहिए।

5. श्री.....को एतद् द्वारा निर्देश दिया जाता है कि यदि उसे अपना प्रतिवाद तैयार करने के लिए किसी प्रलेख का निरीक्षण कराना अपेक्षित न हो तो इस ज्ञापन की प्राप्ति के इस दिन के भीतर और यदि वह प्रलेखों का निरीक्षण करना चाहें तो प्रलेख का निरीक्षण पूरा होने से इस दिन के अंदर निम्नहस्ताक्षरी के पास (महाप्रबंधक..... रेलवे के मार्फत आसन्न अधिकारी) अपने प्रतिवाद का लिखित कथन (जो उक्त महाप्रबंधक/आसन्न अधिकारी के पास पहुंचना चाहिए) प्रस्तुत करे और—

(क) बताये कि क्या वह व्यक्तिगत रूप से कुछ कहना चाहता है, और

(ख) उन साक्षियों के, यदि कोई हो, नाम और पता बताये जिन्हें वह अपने प्रतिवाद के समर्थन में बुलाना चाहता है, और

** (ग) उन प्रलेखों की सूची, यदि कोई हो, पेश करें जिन्हें वह अपने प्रतिवाद के समर्थन में प्रस्तुत करना चाहता है।

6. श्री.....को सूचित किया जाता है कि आरोप के केवल उन अनुच्छेदों के बारे में जांच की जायेगी, जो स्वीकार नहीं किये गये हैं। इस लिए उन्हें चाहिए कि आरोप के प्रत्येक अनुच्छेद की या तो विनिर्दिष्टता स्वीकार करे या इन्कार करे।

7. श्री.....को आगे यह भी सूचित किया जाता है कि धैर्य 5 में विनिर्दिष्ट अवधि के भीतर यदि वह अपने प्रतिवाद का लिखित कथन प्रस्तुत नहीं करता या जांच प्राधिकारी के सामने व्यक्तिगत रूप से हाजिर नहीं होता या रेल केवल (अनुशासन और अपील) नियम, 1968 के नियम 9 के उपबंधों या उक्त नियम के अनुसरण में जारी आदेशों/निर्देशों का अनुपालन करने में अन्यथा प्रसफल रहता है या इन्कार करता है तो जांच प्राधिकारी एकपक्षीय जांच कर सकता है।

8. श्री.....का ध्यान रेल कर्मचारी (आवरण) नियम, 1968 के नियम 20 की ओर दिलाया जाता है, जिस के अंतर्गत कोई रेल कर्मचारी सरकार के अधीन अपनी सेवा से सम्बंधित मामलों के सम्बन्ध में अपने हितों को आगे बढ़ाने के लिए किसी वरिष्ठ अधिकारी पर कोई राजनीतिक या अन्य प्रभाव न तो डालेगा अथवा न डालने का प्रयत्न करेगा। यदि इन कार्यवाहियों से सम्बंधित किसी मामले में उसकी ओर से किसी अन्य व्यक्ति से कोई अभ्यावेदन प्राप्त होता है तो यह प्रकल्पना की जायेगी कि श्री..... उस अभ्यावेदन की जानकारी है और वह उसके कहने पर दिया गया है और उक्त विरुद्ध कर्मचारी (आवरण) नियम 1968 के नियम 20 का अतिक्रमण करने के लिए कार्यवाई की जायेगी।

9. इस ज्ञापन * की प्राप्ति सेजें।

*(राष्ट्रपति के आदेश और उनके नाम से)

संलग्न:

हस्ताक्षर.....

सक्षम प्राधिकारी का नाम और पदनाम }.....

सेवा में

श्री.....

..... (पदनाम)

..... (स्थान आदि)

@ प्रतिलिपि श्री..... (उधारदाता प्राधिकारी का नाम और पदनाम) सूचनाई प्रेषित।

*यह समय सीमा सक्षम प्राधिकारी के विवेक से इस दिन तक बढ़ायी जा सकती है। जो लागू न हो उसे काट दें।

†यह समय सीमा सक्षम प्राधिकारी के विवेक से बीस दिन तक बढ़ायी जा सकती है।

‡जहां कहीं राष्ट्रपति या रेलवे बोर्ड सक्षम प्राधिकारी हो वहां उसे रहने दिया जाय।

*जहां राष्ट्रपति अनुशासन अधिकारी हो।

§ यह पृष्ठांकन अपेक्षित होने पर किया जाये। देखिये रेल सेवक (अनुशासन और अपील) नियम, 1968 का नियम 16 (1)—रेल कर्मचारी को भेजी जाने वाली प्रतिलिपि में इसे शामिल न किया जाय।

** यदि कर्मचारी इस अपेक्षा का अनुपालन नहीं करता तो इस प्रक्रम में ऐसी सूची प्रस्तुत करने पर जोर देने की आवश्यकता नहीं है।

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ANNEXURE IV.

List of Witnesses by whom article of charges framed against Shri C.M. Pandey/DSL Asstt./Lucknow are proposed to be sustained.

.....

1.	Shri M.P. Verma	A.S.M.	Kanpur.
2.	" H.C. Sharma	"	"
3.	" B.M. Dass	" / Power Cabin.	"
4.	" Harish Chander	Driver 155 Up	"
5.	" Kalika Rai	Co-Driver 155 Up	"
6.	" R.D. Pandey	O/D ASM	"
7.	" S.S. Phartyal	S.I.-III Power Cabin.	"
8.	" Mohd. Ayub	Gangman	"
9.	" A.R. Bansal	Guard	LKO.
10.	" Mohd. Zahiruddin Khan.	Driver	"

Sr. Divisional Mechanical Engineer
Lucknow.



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STANDARD FORM OF CHARGESHEET

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

Form No. 1

Standard Form No. 1

NO.

28/11/80 (Name of Railway Addressee)
(Place of Issue)

MEMORANDUM

1. President, Railway Board/Under signed proposes to hold an inquiry against Shri... under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The substance of the allegations 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 allegations of misconduct or misbehaviour in respect of each article of charge is enclosed (Annexure II). A list of documents (Annexure III) and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure IV).

2. Shri... is hereby informed that if he desires to inspect the documents mentioned in the enclosed list of documents (Annexure III) at any time during the period of five days from the receipt of this memorandum, he should make a request in writing to the undersigned/General Manager... indicating the relevance of the documents required by him for inspection. The undersigned/General Manager may, at his discretion, permit him to inspect all or any such documents at any time during the period of five days from the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The undersigned/General Manager may, at his discretion, permit him to inspect all or any such documents at any time during the period of five days from the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The undersigned/General Manager may, at his discretion, permit him to inspect all or any such documents at any time during the period of five days from the receipt of this memorandum, indicating the relevance of the documents required by him for inspection.

3. Shri... 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... is informed that he may, if he so desires, take the assistance of any other railway servant/official of a Railway Trade Union (who is not a party to the proceedings) under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 and Rule 2 thereof, under which the undersigned/General Manager may, at his discretion, permit him to inspect all or any such documents at any time during the period of five days from the receipt of this memorandum, indicating the relevance of the documents required by him for inspection. The undersigned/General Manager may, at his discretion, permit him to inspect all or any such documents at any time during the period of five days from the receipt of this memorandum, indicating the relevance of the documents required by him for inspection.

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

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

6. Shri... 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... is further informed that if he does not submit his written statement of defence within the period specified in paragraph 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/directs issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry ex-parte.

8. The attention of Shri... 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... 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, 1968.

9. The receipt of this Memorandum may be acknowledged
By order and in the name of the President.

Encls.

To
Shri...
(Designation)
(Place etc.)

@ Copy to Shri... (name & 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 whenever is not applicable.

‡ This time limit may be extended upto twenty days at the discretion of the competent authority.

§ To be retained wherever President or the Railway Board is the competent authority. (3)

¶ Where the President is the Disciplinary Authority.

|| To be used wherever applicable. See Rule 16 (1) of the Railway Servants (Discipline & Appeal) Rules, 1968--Not to be inserted in

the copy sent to the Railway Servant.

• Submission of such list at this stage need not be insisted upon if the employee does not comply with this requirement.

N.R. 2060/17--April, 1980--25,000 F.

18383
18/11/80

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CASE NO. TG 3/A-3/I-81-RB/CMB

ANNEXURE I:

Statement of Articles of charge framed
against Shri C.M. Pandey/DSL Asstt., Lucknow.

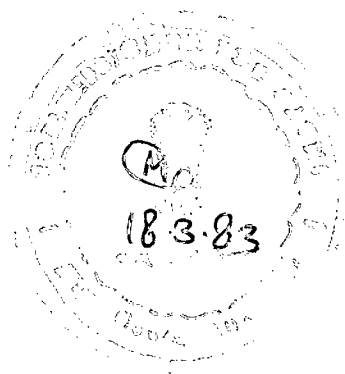
.....

That the said Shri C.M. Pandey, while
functioning as DSL, Assistant of 64 Down Avadh
Express on 9.6.81 at 3/52 hrs at Kanpur Central
Station, violated G.R. 119, G.R.76(a), G.R.120
& S.R. 122/I, as revealed during side collision
of 64 Down Avadh Express and 155 Up Tinsukhia Mail.

Sd/- .Illegible,
Sr. Divl. Mechanical Engineer,
Lucknow.

TRUE COPY

C.M. Pandey -



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ANNEXURE II:

Statement of imputations of misconduct or misbehaviour in support of Articles of charge framed against Shri C.M.Pandey/DSL. Asstt., Lucknow.

.....

On 9.6.81, 64 Down Avadh Express bound for Lucknow was received and dealt with on platform No.3 of Kanpur Central Station. Despatch signals for this train were taken off at 3/32 hrs for despatch to Lucknow via South line, but when the train did not move for some time, signals were put back at 3/40 hrs. so as to facilitate reception of 155 Up Tinsukhia Mail, coming from Chandari side into Kanpur Central Station. But it so happened that the Driver of 64 Down Avadh Express also started a little later. After it had crossed points No. 147, its diesel engine No.18084-NDMA side collided with Electric engine No.20645-WAM4 of 155 Up Mail, which had come to a halt at stop-dead caution at KM 100/0 after passing Points No.145 in station yard.

1. The enquiry has revealed that the said Shri C.M.Pandey, DSL Asstt. of 64 Down Avadh Express started 64 Down Avadh Express from line No.3 of Kanpur Central Station on 9.6.81 without satisfying that all the correct signals were shown and that line before him is clear of visible obstruction; and
2. That said DSL Asstt. started 64 Down Avadh Express from line No.3 of Kanpur Central station on 9.6.81 without proper authority to proceed; and
3. That the said DSL Asstt.failed to repeat the aspects of signals to his Driver.

Shri C.M.Pandey, DSL Asstt./Lucknow has thus violated G.R. 119, G.R.76(a), G.R.120 & S.R.122/1, thereby resulting in the side collision at 3/52 hours.

Sd/- .Illegible,
Sr.Divisional Mechanical Engineer,
Lucknow.

TRUE COPY

C.M. Pandey



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ANNEXURE III:

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List of documents by which articles of charges framed against Shri C.M. Pandey, Diesel Asstt., Lucknow, are proposed to be sustained.

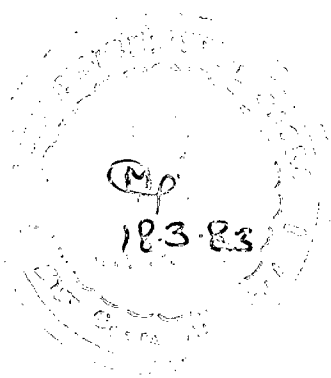
.....

Junior Administrative Officers Joint
Enquiry Report dated 28.7.81, consisting of
Sr. D.E./Allahabad, Sr. D.S.O./Allahabad and
Sr. D.S.T. 2./Allahabad.

Sd/- Illegible,
Sr. Divl. Mechanical Engineer,
Lucknow.

TRUE COPY

C.M. Pandey.



ANNEXURE IV.

List of Witnesses by whom article of charges framed against Shri C.M. Pandey/DSL Asstt./ Lucknow are proposed to be sustained.

X/55

.....

1.	Shri M.P. Verma.	A.S.M.	Kanpur.
2.	" H.C. Sharma.	"	"
3.	" B.M. Dass.	"/Power Cabin.	"
4.	" Harish Chander.	Driver 155 Up.	"
5.	" Kalika Rai.	Co-Driver 155 Up.	"
6.	" R.D. Pandey.	O/D ASM.	"
7.	" S.S. Phartyal.	S.I. III Power Cabin.	"
8.	" Mohd. Ayub.	Gangman.	"
9.	" A.R. Bansal .	Guard.	LKO.
10.	" Mohd. Zahiruddin Khan.	Driver.	"

Sd/- .Illegible
Sr. Divisional Mechanical Engineer,
Lucknow.

TRUE COPY.C.M. Pandey

(37)

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सम्माननीय महामहिम उच्च न्यायालय क्षेत्राधिकार
इलाहाबाद, लखनऊ, न्याय पालिका, लखनऊ

प्रकीर्ण याचिका संख्या - - - - - सन १८८३
जिला-लखनऊ-

सी० रम० पांडेय - - - - - याचिका कार
वनाम

मुनिमन आदि इंडिया आदि - - - - - प्रतिवादी पक्षकार गण

स्पन्डन के संख्या २

वचन से सम्बन्धित वधान दिनांक ११/११/१८८१
द्वारा याचिकाकार

सत्य प्रतिलिपि
Cm. Pandey

लखनऊ दिनांक
१८/३/१८८३

याचिकाकार
Cm. Pandey
द्वारा रस० के० अवरधी
रखवा के०
उच्च न्यायालय, लखनऊ



To:-

The Sr. Divl. Mach. Engineer
N. Rly, Lucknow.

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48

Sub:- Side Collision (Case No. TG 8/A-3/
1-81 RB/CNB dated)

Ref:- Charge sheet No. TG 8/A-3/1-81/RB/CNB
dated 10.9.81 Recd on 21/11/81

Respected Sir,

With due respect and profound submission
I beg to lay the following few lines in connection
with the above for your kind consideration and
merciful order please:—

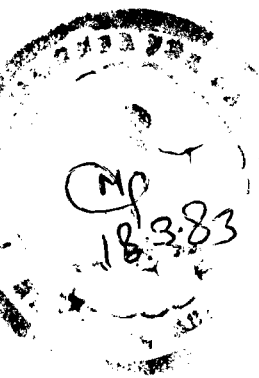
1. Statement against Annexure 1 in the above
chargesheet

(a) While functioning as Diesel Asst on loco No
18084 WDM/4 of train No. 64 Dn on 9.6.81 my
train engine was side collided with electric
loco No 20645 MAM/4 of train No 155 up at
3/52 hrs in station yard at CNB central and
charges of violation GR 119, GR 76(a), GR 120,
and SR 1241 have been framed against me.

(b) Charges as shown in Item No. 1, 2 and 3
of the charges sheet in annexure II are denied
due to I was ordered to obey GR 120(b),
SR 120(III), SR 115/2-(4)-(a) and (b) and
SR 124/2-(b), when despatch signal was taken up.

At a stretch it was very difficult to me
to look Guards starting signal and despatch
signal both at the same time and from the
same place due to long hood side of the
loco and ^{opposite side of that despatch signal and} no chance was given to me to look
the despatch signal again before starting the train

(P.T.O.)



12.11.81
MA

(2) 39
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2- Statement against charge no. 1 in annexure II of this charges sheet.

(a) So far as the charge no. 1 in annexure II is concerned I beg to state that I did not start or allowed to start the train, but only I shouted for Guards starting signal was right for which I was ordered to look back continuously and it was not certain that when the Guard will display his starting signal.

(b) When after receiving OPs 22 the Driver sounded horn for Guard starting signal after dispatch signal was taken off at 2/32 Hrs as shown in annexure II of this charges sheet. I seen that the dispatch signal was clearly taken off and repeated the same to my Driver who ordered me to look back continuously for Guards starting signal and I did so. Afterward when Guard of 64 Dn displayed his starting signal, I only shouted that Guards starting signal was 'Right'. The Driver enforced by station master on duty at the spot took a quick start without giving me a chance of even a few moment to go back to my side to look the dispatch signal again and repeat its position. I tried my best to go back to my side and look the dispatch signal again but Signal was passed before I went to my side. Hence I could not seen the dispatch signal again after receiving and shouting the Guards starting signal was right.

(c) Due to long hood side of Loco and left side situation of signal, the dispatch signal was not visible from Right side back foot board of Loco, So I could not look both the Guards starting signal and condition of dispatch signal continuously at the same time and from the same place.

(P.T.O.)

(d) Further due to curvature and long hood side of my loco, routing signal and track ahead was not visible from my side. So I stood up to go to look the same from Driver side, but meanwhile the Driver applied full brakes and train stopped with a slight side collision of both the loco's.

No other signal was shown to me after starting the train. In such circumstances I must not be held responsible for this charge please.

3. Statement against charge no. 2 in annexure II in this charges sheet.

(a) So far as the charge no 2 above is concerned I beg to state that I did not started or allowed to start the train. I only should for Guards starting signal was right.

(b). Moreover as per daily procedure despatch signals are proper authority to proceed in enb yard. The Dispatch Signal for starting my train no. 64 Dn was taken off as it is clear in annexure II. I clearly looked and repeated its position to my Driver and after repeating the aspect of that despatch signal it was also my duty to look and repeat Guards starting signal, as per order of my Driver and daily routine I stood on rear foot board of my Loco behind Driver's cabin and looked back continuously until the Guard in charge of the train not displayed his starting signal. It was faulty situation of that despatch signal due to which I could not looked continuously both the Guards starting signal and that despatch signal at the same time and from the same place as the despatch signal was hidden by long hood loco body and was not visible from right side Rt back foot board of my Loco and

(P.T.O.)



no chance was given to me even for a few seconds to go to my side of the loco to look and repeat the aspect of despatch signal. before starting the train and enforced by station master on duty at the spot the Driver took a quick start without waiting for repeating the aspect of the despatch signal again, when Guard displayed his starting signal and I shouted that Guards starting signal was 'right'.

In such circumstances I must not be held responsible for this charge.

4. Statement against charge no. 3 in annexure II in this charges sheet.

— x —

(a) So far as the charge no. 3 above is concerned I beg to state that at first when the despatch signal was taken off, I looked that the signal was clearly taken off with 'R' indication and I repeated the aspect of the despatch signal was right to my Driver.

(b) Again as per daily routine I was deputed to look back continuously for Guards starting signal, which I looked continuously till the Guard did not display his starting signal, when the Guard displayed his starting signal I shouted that the Guards starting signal was 'right'.

(c) Afterward I could not get a chance of even a few moment to go back to left side to look the aspect of Despatch signal and repeat its position again before starting the train, due to ^{The Driver} enforced by station master on duty at the spot - took a quick start when I shouted for Guards Signal ~~was right~~.

(P.T.O.)

was right, I tried my best to go back to my side to look and repeat the aspect of the dispatch signal, but signal was passed before I went to my side. Hence I could not look the aspect of that dispatch signal again after receiving and repeating the Guards starting signal.

In such ~~circumstances~~ circumstances I must not be held responsible for this charge.

(5) Statement against annexure III and IV of this charges-sheet.

— " —

(a) So far as annexure III and IV are concerned what I can state against them when the list of Documents and the list of witnesses against me are proposed to be sustained.

(b) Moreover if an enquiry may be considered necessary against me one copy of each documents and witnesses may kindly be issued before hand so as I may enable to defend my case.

In such circumstances when the train was ready to start, the dispatch signal was taken off, I repeated the aspect of ^{dispatch} signal to my Driver, Driver sounded one long horn for Guards starting signal, and afterward I was ordered to look back for Guards starting ^{signal} from platform side as per GR 100, GR 120/(b), SR 120/1-(III), SR 115/2-(4)-(a) and (b) and SR 124/2-(b). When the Guard displayed his starting signal, I only shouted that Guards

(P.T.O.)

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starting signal was right, the Driver enforced by station master on duty at the spot. Took a quick start without waiting a few seconds so as I may go to my side to look the condition of the Despatch signal and repeat the aspect of the Despatch signal again.

The station master on duty who talked with Driver at the spot and the Driver who believed the station master both, are responsible for this occurrence who did not given me a chance even of a few seconds to go to my side to look the despatch signal and repeat its position again to my Driver.

So it is requested your honour that I should not be held responsible for violation of GR 119, GR 76(a), GR 120 and SR 122/1 and charges framed against me may kindly be cancelled.

It is also requested your honour to kindly give me a chance to see your honour in this connection before arranging enquiry committee against me as still I am suffering for no fault and further by this chargesheet I will have to suffer punishments for others fault.

I shall be highly thankful to your honour if your honour will allow me to see you in connection with the above charges sheet.

Thanking you in anticipation

your faith fully,
Chhama Mitra Pandey
(Chhama Mitra Pandey)
Diesel Assistant

Dated - 11.11.81

Lucknow

Note - I objected the point that the 'Train was started by me' in enquiry during question period but enquiry officers became angry and my objection was not entered in my statement and now the same point has been shown in charges no. 1 and 2 of annexure II of the charges sheet.

Chhama Mitra Pandey

AT
18383

(44) X/57 A 54

In the High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No.....of 1982

C.M. Pandey.

-- Petitioner.

Vs.

Union of India, and others. -- Opp. Parties.

.....

Annexure No. (2)

To

The Sr. Divl. Mech. Engineer,
N. Rly. Lucknow.

Sub:- Side Collision (case No. TG-8/A-3/L-81/RB/CNB

Ref:- Charge sheet No. TG-8/A-3/L-81/RB/CNB
dated 10.9.81 Recd on 2/11/81.

Respected Sir,

With due respect and profound submission

I beg to lay the following few lines in connection with
the above for your kind consideration and merciful orders
please :-

1. Statement against Annexure 1 in the above charge -
sheet. ---

a) While functioning as Diesel Asstt. on Loco -

No. 18084 WDM/4 of train No. 64 In on 9.6.81,
my train engine was side collided with Electric
Loco No. 20645 MAM/4 of Train No. 155 UP at
3/52 Hrs in station yard at CNB Central and
charges of violation GR-119, GR-76(a), GR-120,
and SR-122/1 have been framed against me.

b) Charges as shown in item no. 1, 2 and 3 of the
charges sheet in annexure-II are denied, due to
I was ordered to obey GR-120/(b), SR-120/(iii),



C.M. Pandey

contd 2/-

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SR-115/2,(4)-(a) and (b) and SR-124/2-(B), when despatch signal was taken off.

At a stretch it was very difficult to me to look Guards starting signal and despatch signal both at the same time and from the same place, due to long hood side of the Loco and opposite side of that despatch signal and no ^{CHANCE} ~~change~~ ^{Other Signal} was given to me to look the despatch signal again before starting the train.

2. Statement against charge No. 1 in annexure - II of this charges sheet.

a) So far as the charge no.1 in annexure II is concerned I beg to state that I did not start or allowed to start the train, but only I shouted for Guards starting signal was right for which I was ordered to look back continuously and it was not certain that when the Guard will display his starting signal.

b) When after receiving OPRs 22 the Driver sounded horn for Guard starting signal after despatch signal was taken off at 3/32 Hrs as shown in Annexure-II of this charges sheet. I seen that the despatch signal was clearly taken off and repeated the same to my Driver who ordered me to look back continuously for Guards starting



C.M. Pandey

contd #/-3/-

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signal and I did so. Afterward, when Guard of 64 IN ^{Displayed} ~~despatch~~ his starting signal, I only shouted that Guards starting signal was 'right'. The Driver enforced by station master on duty at the spot took a quick start without giving me a chance of a few moment to go back to my side to look the despatch signal again and repeat its position. I tried my best to go back to my side and look the despatch signal again but signal was passed before I went to my side. Hence I could not see the despatch signal again after receiving and shouting the Guards - starting signal was right.

c) Due to long hood side of Loco and left side - situation of signal, the despatch signal was not visible from Right side back foot board of Loco, so I could not look both the Guards Starting signal and condition of despatch signal continuously at the same time and from the same place.



d) Further due to curvature and long hood side of my Loco, Routing signal and track ahead was not visible from my side. So I stood up to go to look the same from Driver side, but meanwhile the driver applied full brakes and train stopped with a slight side collusion of both the Locos.

Cm. Pandey

contd 4/-

No other signal was shown to me after starting the train. In such circumstances I must not be held responsible for this charge please.

3. Statement against charge No. 2 in annexure-ii in this charges sheet.

x x x x

a) So far as the charge no. 2 above is concerned I beg to state that I did not start or allow to start the train. I only shouted for Guards -- starting signal was right.

b) Moreover, as per daily procedure despatch signals are properly authority to proceed in CNB yard. The despatch signal for starting my train No. 64 Dn was taken off as it is clear in annexure-II. I clearly looked and repeated its position to my Driver and after repeating the aspect of that despatch signal it was also my duty to look and repeat Guards starting signal, as per order of my Driver and daily routine I stood on rear foot board of my Loco behind Drivers cabin and looked back continuously untill the Guard in charge of the train not displayed his starting signal. It was faulty situation of that despatch signal due to which I could not look continuously both the Guards starting signal and that despatch



C.M. Pandey

contd 5/-

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signal at the same time and from the same place as the despatch signal was hidden by long hood body and was not visible from right side Rt back foot board of my Loco and no chance was given to me even for a few second to go to my side of the Loco to look and repeat the aspect of despatch signal. Before starting the train and enforced by station Master on duty at the spot the Driver took a quick start without waiting for repeating the aspect of the despatch signal again, when Guard displayed his starting signal and I shouted that Guards starting signal was 'right'.

In such circumstances I must not be held responsible for this charge.

4. Statement against charge No.3 in annexure-II in this charges sheet :

X X X

- a) So far as the charge no. 3 above is concerned, I beg to state that at first looked that the signal was clearly taken off with 'R' indication and I repeated the aspect of the despatch signal was right to my Driver ;
- b) Again as per daily routine I was deputed to look back continuously for Guards starting signal,

contd 6/-

Cm. Pandey



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1/4 A 59

which I looked continuously till the Guard did not display his starting signal, when the Guard displayed his starting signal, I shouted that the Guards starting signal was 'right' ;

- c) Afterward, I could not get a chance of even a few moment to go back to left side to look the aspect of Despatch signal and repeat its position again before starting the train, due to the Driver enforced by Station Master on duty at the spot. took a quick start when I shouted for Guards - signal was right. I tried my best to go back to my side to look and repeat the aspect of the despatch signal, but signal was passed before, I went to my side. Hence, I could not look the aspect of that despatch signal again after receiving and repeating the Guards starting signal.

In such circumstances I must not be held responsible for this charge.



5. Statement against annexure III and IV of this charges sheet :-

x x x

- a) So far as annexure III and IV are concerned what I can state against them when the list of Documents and the list of witnesses against me are proposed to be sustained.

C.M. Pandey

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- b) Moreover, if an enquiry may be considered necessary against me one copy of each documents and witnesses may kindly be issued before hand, so as I may enable to defend my case.

In such circumstances when the train was ready to start, the despatch signal was taken off, I repeated the aspect of despatch signal to my Driver, Driver sounded one long Horn for Guards starting signal, and afterward, I was ordered to look back for Guards starting signal from platform side as per GR-100, Gr-120/(b) SR-120/L(iii), S.R-115/2-(4)-(a) and (b) and SR-124/2-(b), when the Guard displayed his starting signal, I only shouted that Guards starting signal was right, the Driver enforced by station master on duty at the spot, took a quick start without waiting a few second, so as I may go to my side to look the condition of the Despatch signal and repeat the aspect of the Despatch signal again.

The Station Master on duty who talked with Driver at the spot and the Driver was believed the station master both, are responsible for this occurrence who did not give me a chance even of a few seconds to go to my side to look the

contd 8/-

C.M. Pandey

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despatch signal and repeat its position again to my Driver.

So it is requested your honour that I should not be held responsible for violation of GR-119, GR-76/(a), GR-120 and SR-122/1 and charges framed against me may kindly be cancelled.

It is also requested your honour to kindly give me a chance to see your honour in this connection before arranging enquiry committee against me as still I am suffering for no fault and further by this charges sheet I will have to suffer punishment for others fault.

I shall be highly thankful to your honour if your honour will allow me to see you in connection with above charges sheet.

Thanking you in anticipation.

Yours faithfully,

Sd/-

(Chhanna Mitra Pandey
Diesel Asstt Lucknow.

Dt. 11.11.81

Note:- I objected the point that the-----train was started by me in enquiry during question period but enquiry-officer became enqgry and my objection was not entered in my statement and now the same point has been shown in charges No. 1 and 2 of annexures II of charge-sheet.

Sd. Chhanna Mitra Pandey

(True Copy)

C.M. Pandey

(52)
सम्माननीय महामहिम उच्च न्यायालय
द्वैवाधिकार इलाहाबाद जखन
न्यायपालिका, लखनऊ

प्रकीर्ण याचिका संख्या _____ रजि. नं. 3

श्री. रम. पांडेय _____ याचिका
लखनऊ

यूनियन आफ इंडिया आर्ट
प्रतिनयक

संलग्नक संख्या - (3)

जॉय अधिकारी की निष्पत्ति से सम्बन्धित
आदेश दिनांक - 17/12/1977 पण्डित दशरथ वरिष्ठ
मण्डल याचिका अभिप्रेता, उत्तर रेलवे लखनऊ

सेवा-प्रतिलिपि
Cm. Pandey

याचिकाकार
Cm. Pandey

लखनऊ दिनांक
31/3/1978

Through his Counsel
S. K. Arasthi
Advocate
High Court

(53)

Thos. L.S. Lucknow

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63

NORTHERN RAILWAY

SF-7

(Standard Form of order relating to appointment of Enquiry Officer/ Board of Enquiry, Rule 9(2) of RS-D&A Rules, 1968).

No. TGS/A-3/I-8/RB/CNB.

Divisional Office,
Lucknow D/-19-12-81.

ORDER

WHEREAS, an enquiry under Rule 9 of Railway Servants (Discipline & Appeal) Rules 1968 is being held against:-

1. Shri Mohd. Zahiruddin Khan- Driver, LKO.
2. Shri C.M. Pandey, DSL/Asstt/LKO.

AND WHEREAS, the ~~Railway Board~~/undersigned considers that ~~Board of Enquiry~~/any enquiry Officer (should be appointed to enquire into the charges framed against them.

NOW, THEREFORE, the ~~Railway Board~~/the undersigned in exercise of the power conferred by Sub-Rule (2) of the said Rule, hereby appoints:-

A Board of Enquiry consisting:-

1. I
2. I X
3. I

OR

SHRI Tilak RAJ SHARMA, SLI/Dsl, Lucknow, as an Enquiry Officer to enquire into the charges framed against the said:-

1. Shri Mohd. Zahiruddin Khan, Driver, LKO.
2. Shri C.M. Pandey, DSL/Asstt/LKO.

Signature

NAME

(AJIT KISHORE)

Designation

Sr.D.M.E./Lucknow.

of the Disciplinary
authority.

Copy to:-

1. Shri Mohd. Zahiruddin, Khan, Driver, LKO.

2. Shri C.M. Pandey, DSL/Asstt, LKO.

Through LF/LKO.

3. Shri Tilak Raj Sharma, SLI/Dsl/LKO, (Enquiry Officer) for information.



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18/3

In the High Court of Judicature at Allahabad,
Lucknow Bench.

Writ Petition No....of 1982

C.M. Pandey.

-- Petitioner.

Vs.

Union of India and others.

-- . Opp. Parties.

.....
Annexure No. 3

SF-7

(Standard Rules of orders relating to
appointment of Enquiry Officer/Board of
Enquiry Rule 9(2) RS. D&A Rules, 1968)

Northern Railway

--

Divisional Office
Lucknow. D/11-5-82

No.TG-S/A-3/I-81/RB/CNB

Order

Whereas the Enquiry under Rule 9 of Railway
servant (Discipline & Appeal Rules 1968) is being
held against S/Sri Mohd. Zahiruddin Khan, Driver &
Diesel/Asstt. C.M. Pandey of Lko.

And whereas the Railway Board/under-signed
considers that Board of Enquiry/any Enquiry Officer,
(should be appointed to enquire into the charges
framed against them.

Now whereas the Railway Board/undersigned
in exercise of the Powers conferred by Rule (2) of
the said Rules hereby appoints :-

C.M. Pandey

contd 2/-



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A Board of Enquiry constituting.

- 1.
- 2.
- 3.

or

Sri N.K. Batra, SFI/Lko as Enquiry officer to enquire into the charges framed against the said :

- i) Shri Mohd. Zahiruddin Khan, Driver/Lko.
- ii) Shri C.M. Pandey, DSL/Asstt. Lko.

Sd/-

Signature

Name.. (N.P. Singh)

Design. of Discipline
authority, Sr.DME/Lko.

C/-

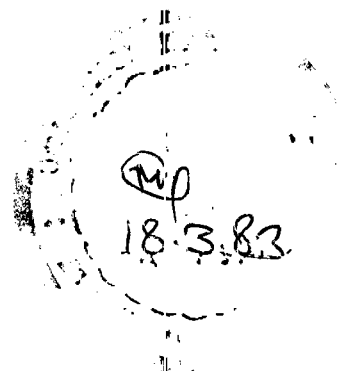
1. Sri Mohd. Zahiruddin Khan, Driver/Lko
2. " C.M. Pandey DSL/Asstt/Lko.

Through LF/LKO

3. Sri N.K. Batra, SFI/Lko/(Enquiry Officer)for information.

(True Copy)

C.M. Pandey



(5)
 सौभाग्यवती या गौरीगौरी उच्च न्यायालय है बांधकार
 इलाहाबाद लेखन के न्याय पालिका लेखन के

प्रमाण याचिका संख्या -

संख्या १८८३

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सी. एम. याचिका -

गौरीगौरी

X
16

लेखन -

गौरीगौरी डाक बॉर्डर -

गौरीगौरी पक्ष (गौरी)

सौभाग्यवती या गौरीगौरी - (4)



सत्य प्रतिनिधि

जॉन्स अधिकारी द्वारा निश्चित सुनवाई से सम्बन्धित
 उपस्थित होने की नोटिस दिनांक २१/३/८२.

Cm. Pandey.

Cm. Pandey.

गौरीगौरी

द्वारा अधिवक्ता

एम. के. अवाधी
 रंगूवाकैट
 लाई-कोल
 लेखन के

लेखन के दिनांक
 १८/३/१८८३

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IN THE HON'BLE HIGH COURT OF JUDICATURE:
AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

Writ Petition No. of 1982.

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68

C.M.Pandey. Petitioner.

Versus

Union of India & Others... Opposite parties.

No. DAR/ Enquiry/March '82. Dated : 24.8.82.

From : SLI/DSL,
Lucknow.

To,
Shri Mohd.Zahiruddin Khan,
Driver Grade 'A' Lucknow

To,
Shri C.M.Pandey,
DSL Asstt., Lucknow.

Copy to Loco Foreman, Lko. CNB.
Copy to Sr. D/S, Lucknow.
Copy to S.S. Kanpur.
Copy to DST E/SI, CNB.
Copy to PWI (Hgr) CNB.

Subject: DAR enquiry in case No.TG 8/A-3/1-8/RB/CNB,
Against Shri Mohd.Zahiruddin Khan, Driver,
Lucknow and Shri C.M. Pandey, DSL Asstt., Lucknow

.....

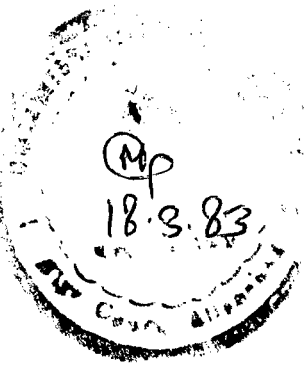
Vide SF7, In the undersigned Tilak Raj, SLI/DSL
has been nominated as a enquiry officer to enquire
into the above case, therefore, DAR enquiry will be
held at 10 hrs. on Dt. 24.4.82 in SS Office, Kanpur,
against Shri Mohd.Zahiruddin Khan, Driver Grade 'A',
Lucknow and Shri C.M.Pandey, DSL Asstt. of Lucknow for
side collision with 155 Up at CNB while working
64 DON on 9.6.1981.

Sd/- .Illegible,
Enquiry Officer.

Shri Mohd.Zahiruddin Khan, Driver Grade 'A'
and Shri C.M. Pandey DSL Asstt. has not given the
written consent of their three defence helper,

C.M. Pandey.

(Contd.on page-2).



therefore, please arrange to submit the written consent of their three defence helper within 10 days from the receipt of this letter, to enable me to get them spared for enquiry. In case no consent is received within the allowed time, then it will be presumed that you do not want any defence helper but will defend your case yourself, on no account enquiry will be postponed but will continue till the finalization of the case.

LF/Lko. Please spare the following staff for enquiry:-

1. Shri Mohd. Zahiruddin Khan, Driver 'A', Lucknow.
2. Shri C.M. Pandey, DSL Asstt., Lucknow.

Sr.DOS/Lko. Please spare Shri A.R. Bansal, Guard, for enquiry on 2.4.82 in SS Office Kanpur.

S.S./CNB Please spare the undernoted staff for enquiry:-

1. Shri R.D. Pandey ASM (out door Asstt.)
2. Shri M.P. Sharma. ASM (ASM Main).
3. Shri B.C. Sharma. ASM (ASM Power Cabin).
4. Shri B.N. Dass. ASM Log (Power Cabin).

SL/CNB Please spare Shri S.S. Phartyal SI (III) for enquiry.

LE/CNB Please spare the undernoted staff for enquiry.

1. Shri Harish Chandra. Driver 'A' Dr.off (155 Up).
2. Shri Kalika Rai. Dr.B.(CO.DR.of 155).

PWI (Hgr)/CNB Please spare Shri Mohd. Ayub Gangmen for enquiry

Enquiry will continue till finalization of the case.

Sd/- Illegible,
Enquiry Officer.



TRUE COPY.

C.M. Pandey

मौजिगी गीतगोष्ठा उत्तवचोपाल दी क...
उत्तवचोपाल दी क...
उत्तवचोपाल दी क...

पुस्तक गीतगोष्ठा - - - - - २५१-६-८३

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70

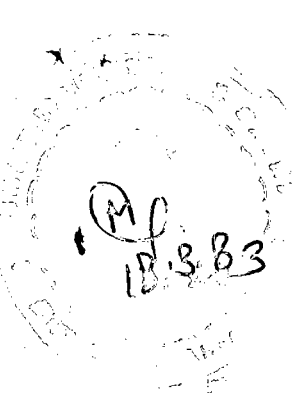
गीतगोष्ठा गीतगोष्ठा - - - - - गीतगोष्ठा
गीतगोष्ठा

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71

गीतगोष्ठा गीतगोष्ठा - - - - - गीतगोष्ठा

गीतगोष्ठा गीतगोष्ठा - (5)

रिवसण आदेश के सम्बन्ध में प्रेषित प्रस्तावदन
दिनांक १८/१२/१९८२.



सत्य प्रतिनिधि
Cm. Pandey

Cm. Pandey
प्राप्तकर्ता

प्राप्तकर्ता दिनांक
१८/१२/१९८३

द्वारा अधिवक्ता
राम के. कवस्थी
सुप्रीम कोर्ट
लॉड - कोर्ट क्लर्क

(61)

A
71

To: -

The Senior Mech. Engineer.
N. Rly. Lucknow.

Sub: - A Humble application for revision of
my reversion's order.

Ref: - SFS NO TG 8/A-3/1-81/RB/CNB dt 10/9/81

Sir.

With due respect and profound submission
I beg to lay the following few lines for your kind
and sympathetic reconsideration and merciful order
please: -

That my position, possibilities and eagerness
explained in defence to the above charges sheet
dated 11/11/81 has not been considered while passing
orders for my reversion.

That the violation of GR 119, GR 76(a), GR 120 and
SR 122/1 was due to I had been ordered to obey
GR 100, GR 120, SR 120(III), SR 115/2/(A)/(a) + (b)
and SR 124/2/(b) and it was not possible for one
man to look both sides from one place.

That the facts which were explained in my
defence to above noted charges sheet have been
ignored are given as below: -

1- Long hood side of my Loco. -

due to which I could not look both the Guards
starting signal ^{and the despatch signal} at the same time and from the same
place.

2. Situation of the despatch signal opposite side
of platform due to which it was not visible from
Right side back foot board of my Loco. so it was
not possible to me to look both the Guards starting
signal and aspect of the despatch signal continuously
at the same time and from the same place. Hence
I could not look again the aspect of the despatch
signal after receiving Guards starting signal.

3. Situation of my Loco near about 2 or 3 meter apart from
the root of the despatch signal and quick start of the
train by the Driver without waiting for repeating the

(PTO)

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(64)

Aspect of the despatch signal after receiving the Guards starting signal due to which I could not look ^{again} and hence I failed to repeat the aspect of the despatch signal although I tried my best to go to back to look and repeat again but the despatch signal ^{was} passed before I came to my side after receiving Guards starting signal.

4. Curvature of line: - due to which Right side of track and routing starter ahead was not clear from my side, so I stood to go to the Drivers side to look the same. mean. while the Driver applied Emergency brake and the train stood with slight side collision from Drivers side.

5. As such my eagerness for looking track and routing starter signal ahead SAVED the occurrence of a HEAVY ACCIDENT.

6 I requested to be given a chance to see your honour so as I may show my position, possibility and eagerness but not chance had been given to your personal interview in this connection,

7. I requested to get a list of Document and witness so as I might had been defend my case but not issued after twice request.

Hence it is requested your honour to kindly look into the matter again and order may kindly be passed to cancel my reversion's order for which I shall be thankful to you.

Thanking you in anticipation.

Yours faithfully: -

Chhama Mishra Pandey.

Chhama Mishra Pandey.

DSL/HSSHT/LKO

Dated - 19/5/82



63

A
73

In the High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

8/12

Writ Petition No.-----of 1982

C.M. Pandey.

-- Petitioner.

Vs.

Union of India & Others.

-- Opp. Parties.

.....
Annexure No. 5
.....

To

The Senior Mech. Engineer,
N. Rly Lucknow.

Sub:- A Humble Application for Revision of
my reversion Order.

Ref:- SF5 No TG-8/A3/L-81/RB/CNB dt 10.9.81

Sir,

With due respect and profound submission I beg
to lay the following few lines for your kind and
sympathetic consideration and merciful order please :-

That my position, possibilities and eagerness
explained in defence to the above charges sheet dated
11/11/81 has not been considered while passing orders
for my reversion.

That the violation of GR-119, GR-76(a), GR-120
and SR/122/1 was due to I had been ordered to obey
GR-100, GR-120, SR-120/(iii), SR-115/2/(4)/(a)-(b)
and SR-124/2/(b) and it was not possible for one man
to look both sides from one place.

That the facts which were explained in my
defence to above noted charges sheet have been ignored
are given as below :-

C.M. Pandey



(64)

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1. Long hood side of my Loco :-

due to which I could not look both the Guards starting signal and the despatch signal at the same time and from the same place ;

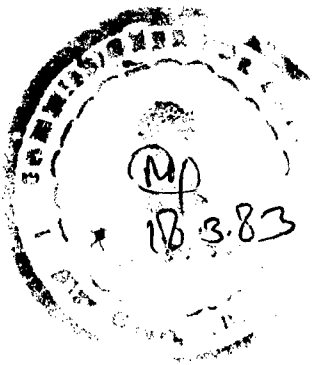
2. Situation of the despatch signal opposite side of plate form due to which it was not visible from Right side back foot board of my Loco, so it was not possible to me to look both the Guards starting signal and aspect of the despatch signal continuously at the same time and from the same place. Hence I could not look again the aspect of the despatch signal after receiving Guards starting signal.

3. Situation of my loco near about 2 or 3 meter apart from the root of the despatch signal and Quick start of the train by the Driver without waiting for repeating the aspect of the despatch signal after receiving the Guards starting signal due to which I could not look again and hence, I failed to repeat the aspect of the despatch signal although I tried my best to go to back to look and repeat again but the despatch signal was passed before I came to my side after receiving Guards starting signal.

4. Curvature of line :- Due to which Right side

contd 3/-

C.M. Pandey



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of track and routing starter ahead was not clear from my side, so I stood to go to the Drivers side to look the same. Meanwhile, the Driver applied Emergency brake and the train stood with slide side collusion from Drivers side.

5. As such my eagerness for looking track and routing starter signal ahead SAVED the occurrence of a Heavy Accident.
6. I requested to be given a chance to see your honour so as I may show my position, possibilities and eagerness but no chance had been given for your personal interview in this connection.
7. I requested to get a list of Document & witnesses so as I might had been defended my case but not issued after twice request.

Hence, it is requested your honour to kindly look into the matter again and orders may kindly be passed to cancel my reversion's order for which I shall be thankful to you.

Thanking you in anticipation.

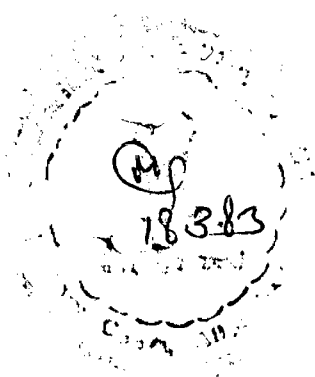
Yours faithfully,

Sd/- Chhama Mitra Pandey
DSL/ Asstt/LKO

Dated:- 19/5/82

(True Copy)

Ch. Pandey



(66)

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76

सम्माननीय महामहिम उच्च न्यायालय क्षेत्राधिकार

इलाहाबाद, लखनऊ, न्याय पालिका

लखनऊ

१५

प्रकीर्ण याचिका संख्या - -

सं० १८८३

सी० एम० पाण्डेय - -

याचिकाकार

वनाम

यूनिभन आफ इण्डिया कादि - - प्रतिवादी पक्षकार गण

संलग्नक संख्या ६

दिना गमा पत्र द्वारा याचिका कार

दिनांक २०/५/१८८२, द्वारा साक्ष्य-प्रेषण
के सम्बन्ध में जांच के मातहत

सत्य प्रति लिपि

Cm. Pandey



Cm. Pandey

याचिकाकार

लखनऊ दिनांक

१८/३/१८८२

द्वारा एम० के अवस्थी
रखवाकर

उच्च न्यायालय, लखनऊ

To:—

The Senior Dist. Mech. Engineer.

N.Ry., Lucknow.

Subj:— Side Collision at ENB. (Rpsd)

Ref:— SF 5 TG 8/A-3/1-31/RB/ENB dated 10/1/81.

Sir,

With due respect and profound submission I beg to request your honour that I was called to see SRI/MS Shri N.K. Patra to see him in his office at 9/1 on 15/5/82 without further notice as per procedure, where he forced me to accept the charges framed against me. Otherwise my service was threatened by your honour and he took my written acceptance on his letter no. SF/DRB dated 15/5/82.

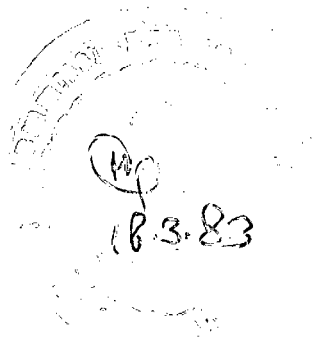
So my acceptance of charges may kindly be cancelled and an enquiry might be arranged for finding the facts, as I accepted the charges under pressure and threatening not by my self.

Thanking you in anticipation

your faithfully:-

Cm. Pandey.

Dt. 26/5/82



(68)

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78

In the High Court of Judicature at Allahabad,
Lucknow Bench Lucknow.

Writ Petition No.....of 1982

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78

C.M. Pandey.

--

Petitioner.

Vs.

Union of India.& others.

--

Opp. Parties.

.....

Annexure No. 6....

To

-

The Senior Diesel Mech. Engineer,
N.Rly Lucknow.

Sub:- SF 5 TG 8/A-3/1-81/RB/CNB dt. 10.9.82

Sir,

With due respect & profound submission, I beg to request your honour that I was called to see SFI/Lko Sri N.K. Batra to see him in his office at 9/ on 15.5.81 without further notice as per procedure, where he forced me to accept the charges framed against me, otherwise my service was threatened by your honour, and he took my written acceptance on his letter no. SF/DAR/82 dated 15.5.82.

So my acceptance of charges may kindly be cancelled and an enquiry might be arranged for finding the facts, as I accepted the charges under pressure and threatening not by myself.

Thanking you in anticipation.

Yours faithfully,

Dt. 20/5/82

C.M. Pandey

(True copy)

C.M. Pandey



(69)
 श्रीमानजीय उद्देश्यार्थ उक्त न्यायालय द्वारा दिनांक 18/3/73
 द्वारा पालिका व्यवस्था

लेखन क्र.

प्रमाणित पत्रिका संख्या -

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श्री 0 रुमा न पा. 511 -

पालिका का

8/18

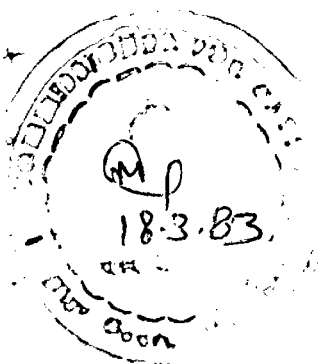
तोगाम

युविपन आर 21/5/11 -

- प्रो. नदी प्रकाश गा

श्री (प) चाला संख्या - (7)

गौच अधिकारी की निम्नलिखित से सम्बन्धित द्वितीय
 आदेश दिनांक 99/73-2-18/2 जिस पर द्वितीय गौच
 अधिकारी की निम्नलिखित से सम्बन्धित भी किसी कारण का
 उल्लेख नहीं है।



सत्य-प्रतिलिपि

Com. Pandey.

Com. Pandey
 पालिका का

पञ्चम दिनांक
 18/3/73

द्वारा - अधिकारी
 एस 0 के 0 अवर-शी
 एस 0 के 0
 - लाईकोट नरनम 3

NORTHERN RAILWAY

No. TGB/A-3/L-81/RE/CMB.

Divisional Office,
Lucknow D/- 11-5-82.

1. Shri Mohd. Zahiruddin Khan, Driver/LKO.
2. " C.M. Pandey, DSL/Asstt. LKO.

Through LE/LKO.

C/ Shri N.K. BATRA-SFI/LKO(E/O).

Subj: Collision between 64 Dn Avadh Express & 135 UP
TINSUKHIA MAIL at KAMPUR on 9.6.81.

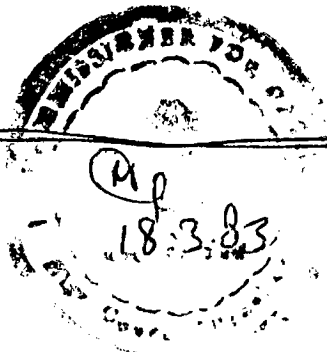
In continuation of this office SF-7 of even number dated
19.12.81, Shri N.K. BATRA, SFI/LKO, has now been appointed
as an Enquiry Officer vice Shri TILAK RAJ, SLI/DSL/LKO.

As such SF-7 dated 19.12.81 is hereby cancelled & instead
a fresh SF-7 dated -5-82, nominating SFI-LKO Shri N.K. BATRA
(E/O) is enclosed for your information.

Please attend the DAR Enquiry when fixed by SFI-LKO Sh. Mr.
BATRA SFI/LKO.

C/ Shri TILAK RAJ, SLI/DSL-LKO for information.

(N.P. SINGH)
Sr. D.M.E./LKO.



Called to go by 1194
to attend enquiry at enb
without prior information. Call man Laxmi Marain
en. Pandey.
7/6/82

Attended enquiry at enb
on 8/6/82 and released
on the same date E/O N.K. Bhatia SFI/LKO.

Called for enquiry, attended for office.
then signed paper to attend enquiry in Dar office.
on date 12/7/82
Recd SF 9 on 12/7/82 and
represented submitter on 14/7/82
en. Pandey

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The LK-LKO

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17/5
19/5
c. B. Pandey

21/5/82

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SE-7

(Standard Rules of orders relating to appointment of Enquiry Officer/Board of Enquiry Rule 9(2), RS D&A Rules, 1968).

8/80

NORTHERN RAILWAY

No. TE8/A-2/2-81/2/CMB

Divisional Office,
Lucknow D/- 11-5-82.

ORDER

WHEREAS the Enquiry under Rule 9 of Railway servant (Discipline & Appeal Rule 1968) is being held against S/Sri Mohd. Zahiruddin Khan, Driver & DSL/Asstt. C.M. Pandey of LKO.

AND WHEREAS the Railway Board/under-signed considers that Board of Enquiry/any Enquiry Officer should be appointed to enquire into the charges framed against them.

NOW, THEREFORE, the Railway Board/undersigned in exercise of the Powers conferred by Rule (2), of the said Rule hereby appoints:-

A Board of Enquiry consisting:-

- 1
- 2
- 3

OR

SHRI N.K. BATRA, SFI/LKO, as Enquiry Officer to enquire into the charges framed against the said:

- 1) Shri Mohd. Zahiruddin Khan, Driver/LKO.
- 11) Shri C.M. Pandey, DSL/Asstt. LKO.



Recd
21/5/82
Cm Pandey
21/5/82

Signature
NAME: (N.K. BATRA)
Designation of
discipline authority: Sr. DME/LKO.

- C/-
1. Shri Mohd. Zahiruddin Khan, Driver/LKO.
 2. Shri C.M. Pandey, DSL/Asstt. LKO.
Through LF/LKO.
 3. Shri N.K. BATRA, SFI/LKO (Enquiry Officer) for information.

72

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82

In the High Court of Judicature at Allahabad, Lucknow.

Writ Petition No.....of 1982

8/81

C.M. Pandey..

..

Petitioner.

Vs.

Union of India and others.

--

Opp. Parties.

Annexure No. (7)...

Northern Railway

No. TG-3/A3/I-81/RB/CMB

Divl. Office,

Lucknow, D. 11/13.5.82

1. Sri Mohd. Zahiruddin Khan, Driver/Lko
2. " C.M. Pandey DSL/Asstt Lko.

Through LF/Lko

C/Sri N.K. Batra SFI/Lko(E/O)

Sub : Collision between 64 Dn Avadh Express & 155 UP
Tinsukria Mail Kanpur on 9.6.82.

In continuation of this Office SF-7 of even no. dated
19.12.81, Sri N.R. Batra, SFI/Lko has now been appointed
as an Enquiry Officer vice Sri Tilak Raj, SLI/DSL/Lko.
As such SF-7 dt 19.12.81 is hereby cancelled & instead
a fresh SF-7 dt -5-82, nominating SFI-Lko Sri N.K. Batra
(E/o) is enclosed for your information.

Please attend the DAR Enquiry when fixed by SFI/Lko
Sh. N.K. Batra SFI/Lko.

Sd/-

(S.P. Singh)

Sr D.M.E./Lko

C/ Sri Tilak Raj SLI/DSL-Lko for information.

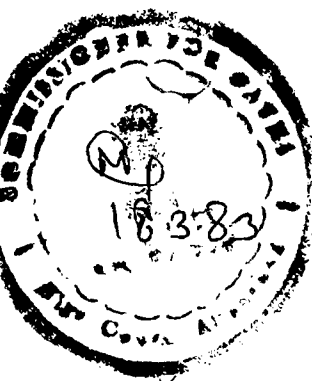
/

(N.P. Singh)

Sr D.M.E./Lko.

(True Copy)

C.M. Pandey



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7.

A circular ink stamp from the Commissioner of the State of New York. The outer ring contains the text "COMMISSIONER OF THE STATE OF NEW YORK" at the top and "NEW YORK" at the bottom. In the center, there is a small emblem of a sun rising over mountains. Below the emblem, the year "1838" is handwritten in large, bold digits. The stamp is slightly faded and shows signs of age.

Divisional Office,
Lucknow D/ 19.12.81.

O R D E R :

1.	Shri Mohd. Zahiruddin Khan.	Driver, Lko.
2.	Shri C.M. Pandey,	DSL/Asstt/LKO.

A Board of Enquiry consisting :-

1.  x
2.  x
3.  x

(Contd. on page-2).

Cm. Pandey.

(74)
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OR

SHRI Tilak RAJ SHARMA, SLI/Dsl, Lucknow, as an Enquiry Officer to enquire into the charges framed against the said :-

1. Shri Mohd. Zahiruddin Khan, Driver, LKO.
2. Shri C.M. Pandey, DSL/Asstt/LKO.

Signature Ajit Kishore

NAME : (AJIT KISHORE)

Designation Sr.D.M.E./Lucknow.
of the Disciplinary
authority.

Copy to:-

1. Shri Mohd.Zahiruddin,Khan, Driver, LKO.
2. Shri C.M. Pandey, DSL/Asstt, LKO.

Through LF/LKO

3. Shri Tilak Raj Sharma, SLI/Dsl/LKO, (Enquiry Officer) for information.

Received.

Sd/-Illegible.
18/2/02.



TRUE COPY:

C.M. Pandey

(75)

सम्माननाय महाभाहिम उत्तमयायालय 85
दीक्षाधिकार इलाहाबाद जेलनक
नयाय पालिका जेलनक
प्रकरण याचिका संख्या _____ रन ट 3

सी० राम० पांडेय _____ याचिकाकार
जानाम

यूनियन आफ इन्डिया आदि
पतिषादी पक्षकार
गव

सन्तुलनक संख्या - (8)

कारण वलाओ नोटिस काइपन
दि० ३६/६/३८ ट २ द्वारा
डिलीजन्स माफिस जेलनक



सत्यप्रतिभाषि
Cm. Pandey

जेलनक दिनांक
१८/३/३८ ट ३

याचिकाकार
Cm. Pandey

through his
Counsel
Advocate
M. K. Grewal

Ex tract of orders passed by S.O. Sindh/L.A. at the
road enquiry proceedings, held by S.F. Sindh/L.A. against
S.O. Sindh, & Com. Pandey/L.A.

" Findings accepted. S.O. Com. Pandey
may be reverted as F/m in 'C' for a
period of two years.

ed/-
(N.B. SINCH)
S.O. Sindh, L.A.
15/5/82

Recd on 12/7/82
along with memorandum
com. Pandey
+/-

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N.R.-2,211/18-June, 1981-28,200 P.

उत्तर रेलवे
Northern Railway

DAR Enquiry proceedings against Sh. C. M. Pandey
in Case no. TGE/A-3/I-81/RB/CNB. ^{A/81} ASA Assn Dec.
Regarding Sd. Collision of ASA Loco 18084 WDM-4
with Electric engine No 20645 WAM-4 at CNB
on 26.81

BRIEF HISTORY OF THE CASE

Loco No 18084 WDM-4 under the charge of Sh. Omar
Sh. Mahd Zaharuddin Khan driver grade 'A' and ASA
Assistant Sh. C. M. Pandey was loaded to work 64 on
Allah. Express for CNB to Aligarh on 26.81. 64 on
was scheduled and dealt with an plate form no 3 of
CNB Station. Despatch signals for this train were taken
off at 3.32 Hrs. for despatch to Aligarh via South line
but when the train did not move for some time, signals
were put back at 3.40 Hrs. so as to facilitate reception
of 155 up (Allahabad Mail) But the driver of 64 on
also started a little later resulting ASA Loco 18084 WDM-4
collided with Electric engine no 20645 WAM-4
155 up mail which had come to a halt at Stop dead
position at km 1006 after passing point no 145 in the
Allahabad yard.

During the enquiry Sh. C. M. Pandey ASA Assn
Sh. Mahd Zaharuddin Khan was held responsible for the collision.
R. 113 G. R. 76(1) C. 170-SR 122/11. The enquiry report
in the case collision.

Enquiry which SFS bearing no TGE/A-3/I-81/RB/CNB
on 26.81 was issued to the accused Sh. C. M. Pandey in the
case about the accused signed the charges. An
enquiry into the above case was ordered to be
conducted by the enquiry officer signed with SFS bearing
no TGE/A-3/I-81/RB/CNB 11.5.82.

Alhms
enquiry officer
(SFI/dco).

12/7/82 along
with memorandum.
dated 16/6/82
Cm. Pandey

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N.R.—2,211/18—June, 1981—28,200 P.

उत्तर रेलवे
Northern Railway

X/4

PREAMBLE

Sh. C M Pandey ASX Asstt LHO was called on date for the enquiry. The accused accepted the Charges framed against SFS bearing no TGB/A-3/I-SRB/10981 and endorsed on the unadmitted Charges and requested for the instant view.

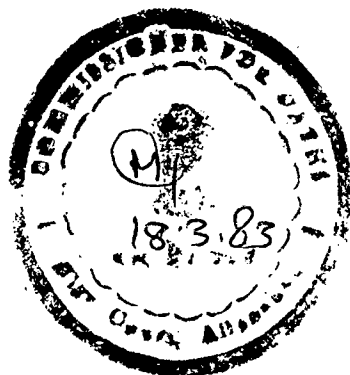
Since the accused accepted the Charges straightway hence it was not considered necessary to record the statements of the prosecuting witnesses and statements on record were relied upon.

Relied =
1982

FINDING

After giving full consideration to all the statements on record and accused has also accepted the Charges as such the Charges framed against Sh. C M Pandey ASX Asstt LHO vide SFS bearing no. TGB/A-3/I-SRB/ENB 10981 are hereby proved.

15/5/82.



Enquiry Officer
(N. K. BATRA)
SFI/2110

Recd on 12/7/82
alongwith memoranda
amply

उत्तर रेलवे
Northern Railway

Pl say you accept the charges framed against you
vide SFS bearing no. TGB/A-3/I-81RB/CNB dtd 10.9.81
or not.

Ommb
SFI/Alto.

Sir,

I accept the charges framed against me
vide SFS NO TGB/A-3/I-81RB/CNB dated 10/9/81
and request for lenient view. I have already explained
my position in defence to the above charge sheet dated
11/11/81. I hope your honor will consider the case
sympathetically.

C.M. Pandey
DSL / Asst / Wd.
Dt 15/5/82

Recd on 12/7/82
along with memorandum
cm Pandey
DSL / Asst.

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In the High Court of Judicature at Allahabad,
Lucknow Bench Lucknow.

Writ Petition.... of 1982

C.M. Pandey.

-- Petitioner.

Vs.

Union of India and others.

-- Opp. Parties.

Annexure No. (8)

Standard Form 9(C).

(Standard form for issue of show cause notice
Form-III Rule 10(5) of R.S. (D&A) Rules 1968).

No. TG-8/A-3/1-8/HB/CNB

Divisional Office
Lucknow dt 16.6.82

Memorandum.

1. Sri C.M. Pandey DSL/Asst. Lko is informed that the officer appointed to enquire into the charges against him submitted his report. A copy of the report of the enquiry officer is enclosed (Da-3)
2. On a 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. The undersigned therefore, provisionally came to the conclusion that :

Sri C.M. Pandey DSL/Asstt. Lko is not a fit person to be retained in service and so the

Cm. Pandey

contd 2/-

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undersigned proposes to impose on him the penalty of reduction from the post of DSL/Asstt. pay Rs. 350/- p.m. in grade 290-350 to the post of F/Man grade 'C' on pay Rs 270/- p.m. in grade Rs 210-270 for a period of 2 years.

3. Sri C.M. Pandey DSL/Asstt.Lko is hereby given an opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during the enquiry. Any representation which he may 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 Sri C.M. Pandey DSL/Asstt. Lucknow.
4. The receipt this Memorandum should be acknowledged.

Signature sd/-

Name... (N.P.Singh)

Designation of 0

Disciplinary 0 Sr DME/Lucknow.
Authority.

To

Sri C.M. Pandey,
DSL/Asstt Lucknow
through LF/Lucknow.

(True copy)

C.M. Pandey



(83)

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सम्माननीय महामहिम उच्च न्यायालय, क्षेत्रीय कार
इलाहाबाद, लखनऊ, न्यायपालिका
लखनऊ

प्रकीर्ण भाषिका संख्या - - - - - सन् १७८३

सी० रस० पाण्डेय - - - - - भाषिकाकार
लनाम

यूनिमन आफ इण्डिया आदि - - - - - प्रतिवादी पक्षकार गण

संलग्नक संख्या ८

प्रत्यवेदन दिनांक १४/७/१७८३



सत्य प्रतिलिपि
Cm. Pandey

लखनऊ दिनांक
१८/३/१७८३

भाषिकाकार
Cm. Pandey.
द्वारा रस० के० अवस्थी
रउवा के०
उच्च न्यायालय, लखनऊ

The Sr. Mech. Engineer
H Rly. Lucknow.

Ref:- Your Memorandum bearing no. SF 9(c)/TG8/A-3/
1-81/RB/CMB dated 16/6/82 Recd on 12/7/82.

With due respect and profound submission I beg to lay the following few lines for showing few main reasonable and genuine causes as required in above noted reference for your satisfaction, kind consideration in accordance with my statement dated 11/11/82 and justified merciful order please :-

1- That I am too much sorry for the side collision occurred while I was on duty but I beg to show that I was not in fault, negligence, lack of vigilance or slackness as before starting the train I had to obey two different sides of rules from two opposite places. hidden by ^{long hand} low body each other. are given as below:—

(a) GR 119, GR 120, and SR 122/11a, to look correct signal and line ahead, to examine proper authority to proceed and call out the aspect of the signals to Drive ~~was~~ which was possible from left side of my Loco, and

(b) GR 120, SR 120/1(III), SR 115/2(41)(A)+(b), SR 122/1(b) and SR 124/2(b) to look Guards starting signal and exchange all right signal with the Guard and call out the signal of Guard to Driver, which was possible from RT side of my loco body.

2. That when I attached my loco on load and after some time vacuum was ready and train gone ready to start my Driver sounded horn to start the train, I looked clearly observed and satisfied that the signal of line no. 3 was taken off. I called out the same to my Driver as per GR 119, GR 120 and SR 122/160 from left side of my loco.

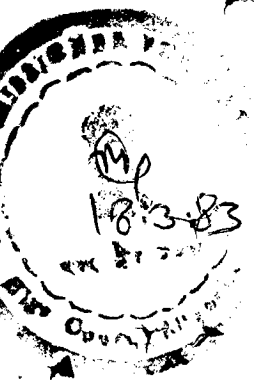
L P T O.

Submitted on
14/7/82

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3. That my Driver as per GR 100 and GR 179 ordered me to obey GR 120, SR 120/1(11), SR 115/2(4)(a) + (b) to look Guards starting signal to start the train from platform side, At side back foot board of my loco. After a long time the Guard displayed his signal to start the train, I looked clearly and called out the same to my Driver. During this period the starter signal was not visible from that place due to starter signal was hidden by long hood loco body.
4. That the Driver started the train without giving me a chance to look again the aspect of the starter signal from my side before starting the train as the aspect of starter signal was hidden by long hood loco body and ordered me to exchange all right signal with the Guard as per SR 122/1(b) and SR 124/2(b).
5. That no other audible or visible signal was given to me as per GR 76(a).
6. That I followed every lawful order of my Driver as per GR 100 and GR 179 and obeyed other rules as far as it were possible to me in the sequences of the side collision.
7. That I was not in fault, negligence, lack of vigilance or slackness from my side. I obeyed rules rigidly but the violation of rules shown in the charges sheet was due to long hood side of my loco, left side situation of the starter signal of line no. 3. Guards display their starter signal from platform side, and the Driver did not give me a chance to go my side and ordered me to exchange all right signal with the Guard and both the sides were not visible from the same place at a time.
8. That I had to look continuously for Guards starting signal as it was not certain that when the Guard will display his starting signal and the Driver was asking me repeatedly time to time for Guards starting signal.
9. That it was not possible for one man to look both sides at a time and from the same place due to long hood side of my loco, left side situation of the starter signal of line no. 3. and my Driver ordered me to look Guards starting signal from platform side back foot board of my loco.



(P.T.O.)

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10. That I tried my best to look and repeat again the aspect of the starter signal after looking, calling out and exchanging all right signal with the Guard, but the starter signal was passed before I reached my side as the distance of the starter signal was not more than 2 or 3 meters apart from the front buffer of my loco.

✓ 11. That I was necessarily engaged in looking, repeating and exchanging the all right signal with the Guard so could not look ahead due to curvature and long hood side of my loco from Rt side back foot board of my loco when train gone in motion,

✗ 12. That when I entered in cabin after exchanging all right signal with the Guard tried my best to look line ahead but obstruction and routing starter signal was not visible from my side due to curvature and long hood side of my loco so I stood abonce to go to Driver side to look the same, but mean while my Driver applied brakes and I saw that the train stood and my engine was slight side collided with the train engine of 155 up from Drivers side.

13. That thus the violation of GR 119, GR 120, SR 122/1(a), SR 120/1(III), SR 115/2/(A)/(a)+(b), SR 122/1(b) and SR 124/2 (b) as per GR 100 and GR 179 and no other audible or visible signal was given to me as per GR 76(a).

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14. That a charges sheet bearing ^{no.} SFS/TGS/A-3/1-81/RB/ENB dated 10/9/81 was received on 2/11/81 in your office and I submitted a humble statement dated 11/11/81 and tried to explain the fact and my position, possibilities and activities in defence to the above charges sheet

✗ 15. That I requested to get a copy of document and witnesses so as I might had been defended my case personally but not issued after twice request.

✗ 16. That I was informed that Shri Tilak Raj Sharma SLI/DSL/LKO was appointed as enquiry officer and the DAR enquiry was fixed on 26/4/82 but the date of enquiry was cancelled.

17. That I was surprisingly called under rest to see SFI/LKO in his office at 9/01 on 15/5/82 without any notice in advance as per procedure.
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Where my acceptance of the charges was taken by respected SF/LKO intentionally in the sense that the rules pertaining to my duties just before starting the train were violated in the case due to I was engaged essentially to look and exchange Guards all right signal and not in the sense that due to my fault, negligence, lack of vigilance or slackness from my side as per explanation of the charges, order, pressure, threatening, afterward saying in the manner of request and giving full assurance for no punishment in the name of your honour.

18. That I requested for lenient view in consideration of my position, possibilities and activities at the time of starting the train in the case, in accordance with my statement dated 11/11/81 in defence to the charges sheet, with the hope that my case could had been considered sympathetically, but after giving full assurance it has not been done by respected SF/LKO.

19. That it was not opened to me that respected SF/LKO was appointed as enquiry officer in this case before writing and signing the paper and on the same date respected SF/LKO ordered me to attend the office of your honour at 14/30 hrs.

20. That I attended the office of your honour at 14/30 hrs on 15/5/82. My acceptance was put up by respected SF/LKO to your honour, where the order of my reversion was passed at the same time without giving me a chance for personal interview so as I might had been explained my position, possibilities and activities at the time of starting the train and occurrence of the side collision as I already had explained in my statement dated 11/11/81 in defence to the charges sheet in connection with the above case.

21. That I sent a humble application for revision and cancellation of the order of my reversion by a registered A.D. on 19/5/82 for your reconsideration of my position, possibilities in this case.

22. That the date of enquiry was not fixed as per fresh SF7 dated 11/5/82 received on 21/5/82 as such

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unprocedural and fraudulent way was adopted by respected SF/ILKO in taking my acceptance of the charges.

23. That I tried to see your honour and submit an application by hand for rearranging enquiry for finding the fact in this connection in loco shed Amulias as unprocedural and fraudulent way was adopted by SF/ILKO in taking my acceptance, where your honour ordered me to put up an appeal and assured to look the matter.

24. That I was called again to attend enquiry in this connection at CNB on 01/6/82. I attended the enquiry on 01/6/82 and cleared my position and possibilities to respected ~~set~~ enquiry officer. After satisfying with my clarification the enquiry officer released me for duty on the same date.

25. That respected SF/ILKO gave me full assurance to consider my case in accordance with my statement and proceedings and endorse the facts and my position and possibilities in his findings but he did not considered and fixed responsibilities of violation of the rules and resulting which side collision on me and the penalty of reduction has been imposed upon me.

26. That now I beg to put the following main reasonable facts due to which I could not look and repeat the aspect of the starter signal again after receiving repeating and exchanging the Guards startup and all right signal and could not look the line and looking starter signal ahead when train gone in motion, which have been ignored by respected SF/ILKO in his enquiry and findings for your satisfaction sympathetic consideration and justified merciful order please:—

1. The violation of rules was due to I was necessarily engaged in looking the Guards startup signal and exchanging all right signal.
2. Low hood side of my loco due to which starter signal and Guards startup signals were not visible from the same place at the same time.

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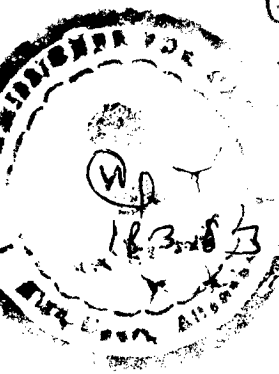
3. Faulty situation of the starter signal due to which it was not visible from platform side.
4. Situation of my loco at a distance not more than 2 or 3 meters apart from the foot of starter signal.
5. Hurriness of Driver in starting the train.
6. Curvature in line.
7. Cite of side collision and my position.
8. My position, possibilities and activities.

When I coupled my loco No 10084 on train 64DN in line no. 3 and after some time vacuum was ready and train became ready to start my Driver sounded horn to start the train. I looked clearly, observed and satisfied that the starter signal of line no. 3 was taken off to despatch the train via south line. I repeated the aspect of the starter signal to my driver as per GR 119, GR 120, ~~SR 120/1(a)~~ SR 122/1(a). As per GR 103 and GR 179 my driver ordered me to look Guards starting signal and as per GR 120, SR 120/1(II), SR 115/21(a)/(a) + (b), SR 122/1(b) and SR 124/2(b) I went to right side back foot board of my loco to look Guards starting signal. The aspect of starter signal was not visible from the right side back foot board due to long hood side of my loco as the aspect of ^{light} the starter signal was hidden by long hood loco body.

I looked continuously for Guards starting signal till he did not display as it was not certain that when the Guard will display his starting signal and the Driver was asking repeatedly time to time for Guards starting signal.

When the Guard displayed his starting signal after a long time then I repeated the same to my Driver. When I shouted 'right' at the same time my Driver enforced ^{by} 'Asm on du'.

(P.T.O.)



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started the train without giving me a chance to look the aspect of the starter signal again from my side. I tried to enter the cabin to look starter signal again ~~but~~ my Driver ordered me to exchange all right signal with Guard. I exchanged all right signal as per order of my Driver.

After exchanging and repeating all right signal to my driver I tried my best to go back to my side to look and repeat again the aspect of the starter signal but the starter signal was passed before I reached my side as before starting the train my loco was standing at a distance not more than 2 or 3 meters apart from the foot of the starter signal. (Then I tried at once to look ahead but line and routing starter signal ahead was not clear of visibility from my side due to long hood side of my loco and curvature.)

Within no time I stood at once to go to Drivers side to look the same. In the same time Driver applied brakes and I saw that the train stood with a slight side collision with the train engine of 155 up.)

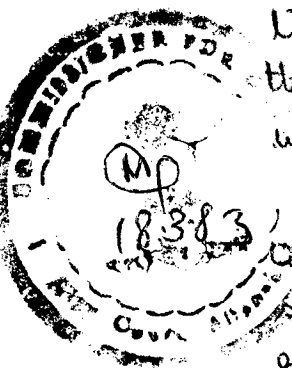
In such momentary occurrence I could not get a chance to look the starter signal again and line ahead after looking, exchanging and repeating the Guards starting and all right signal.

No other audible or visible signal was given to me as per G.R 76(a).

Thus:—

(a) - the long hood side of my loco, Left side situation of the starter signal, Rt side situation of the platform, the displaying of Guards starting signal from platform side were main causes which unconvenienced me to look Guards starting signal alongwith starter signal both

(P.T.O.)



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at the same time and from the same place continuously as per GR 119, GR 120, SR 124, (a) for looking starter signal and other side as per GR 120, SR 120/1 (110), SR 115/2 (a), (c), (b), SR 122/1 (b) and SR 124/2 (b) for Guards starting and all right signal.

No other signal (audible or visible) was given to me as per GR 76 (a).

(b) Long hood side of loco and thoughtfulness of the Driver in starting of the train after my reversal and repeating, Guards starting signal and exchanging all right signal enabled me to look and repeat the aspect of the starter signal again before starting.

As such the responsibility of violation of GR 119, GR 120, GR 76 (a) and SR 122/1 should not be fixed on me, because the violation of rules was not due to my fault, mistake, negligence, lack of vigilance or slackness from my side but I had to obey two different sides of rules before starting the train and both side hidden each other due to long hood loco body.

In this connection it would not be enough to say for my self that my activities and eagerness for looking the aspect of signals and line ahead saved occurrence of a heavy accident.

Hence my humble representation for cancellation of my reversal's order is acceptable for sympathetic consideration of my position, possibilities and activities in this connection.

So it is requested your honour

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to kindly look into the matter in accordance with my statement dated 11/11/81 in defence to the charge sheet bearing no. SFS/TGB/A-3/1-81/RB1 CNB dated 10/9/81 and orders may kindly be passed for cancellation of fixation of responsibility on me resulting which my reversion as Fire man Grade 'C' as I was not in fault, mistake, negligence lack of vigilance or slackness in the sequences of the side collision, unless the great sorrow will leave me in my whole life that I have got the heart breaking and unbearable pain of this punishment for obeying the order of my senior subordinate in acceptance of the charges framed against me and for believing my officer for his assurance in looking the matter before passing order for my reversion, as this reversion may cause for my badly removal as my physical condition in this age is not such which can suffer the performance of duty as Fire man Gr 'C'

Thanking you in anticipation

your faithfully:-

Cm Pandey.

C.M. Pandey,

DSL/ASS/1400



Dated - 14/7/82

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In the High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No.....of 1982

C.M. Pandey.

Petitioner.

Vs.

Union of India & Others.

Opp. Parties.

Annexure No. (19) (9)

To

The Sr. Mech. Engineer,
N.Rly. Lucknow.

Sub:- A humble representation in connection with
side collision at CNB on 9.6.81.

x x x

Ref: Your Memorandum bearing no. SF-9(c)/TG-8/A-3/1-81/
R.B./CNB/ dated 16.6.82 Recd. on 12/7/82.

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Respected Sir,

With due respect and profound submission I beg to lay the following few lines for showing few main reasonable and genuine causes as required in above noted reference for your satisfaction, kind consideration in accordance with my statement dated 11/11/82 and justified merciful order please :-

1. That I am too much sorry for the side collision accrued while I was on duty but I beg to show that I was not in fault, negligence, lack of vigilance or slackness as before starting the train I had to obey two different sides of rules from two opposite places hidden by long hood Loco body each other are given as below :-

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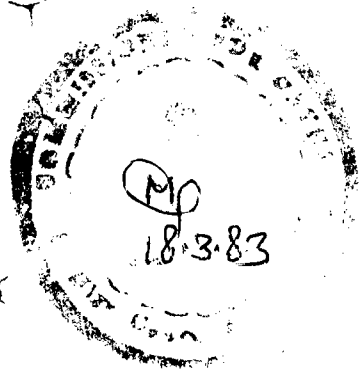
a) GR-119, GR-120, and SR-122/1(a) to look correct signal and line ahead, to examine proper authority to proceed and call out the aspect of the signals to Driver which was possible from left side of my Loco ;

and

b) GR-120, SR-120/1(iii), SR-115/2(4)/(a)--(B), SR-122/1(b) and SR-124/2(b) to look Guards starting signal and exchange all right signal with the Guard and call out the signal of Guard to Driver, which was possible from Rt side of my Loco body.

2. That when I attached my loco on load and after some time vacuum was ready and train gone ready to start my Driver sounded horn to start the train. I looked clearly observed and satisfied that the signal of line no. 3 was taken off. I called out the same to my Driver as per GR-119, GR-120 and SR-122/1(a) from left side of my loco.

3. That my Driver as per GR-100 and GR-179 ordered me to obey GR-120, SR-120/1(iii), SR-115/2(4)/(a)--(b) to look Guards starting signal to start the train, I looked clearly and called out the same to my Driver. During this period the starter signal was not visible from that place due to starter



Ch. Pandey

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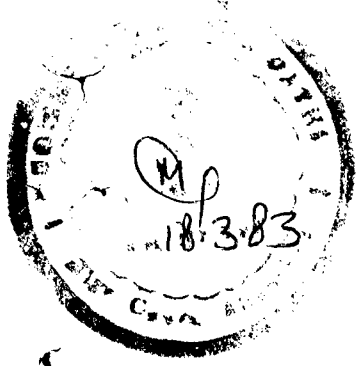
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signal was hidden by long hood Loco body.

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4. That the Driver started the train without giving me a chance to look again the aspect of the starter signal from my side before starting the train as the aspect of starter signal was hidden by long hood loco body and ordered me to exchange all right signal with the Guard as per SR 122/1(b) and SR 2(b).
5. That no other audible or visible signal was given to me as per GR 76(a).
6. That I followed every lawful order of my Driver as per GR 100 and GR 179 and obeyed other rules as far as it were possible to me in the sequences of the side collision.
7. That I was not in fault, negligence, lack of vigilance or slackness from my side. I obeyed rules rigidly but the violation of rules shown in the charges sheet was due to long hood side of my Loco, left side situation of the starter signal of line no. 3, Guards display their starting signal from platform side, and the Driver did not give me a chance to go my side and ordered me to exchange



Cm. Pandey

contd 4/-

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all right signal with the Guard and both the sides were not visible from the same place at a time.

8. That I had to look continuously for Guards starting signal as it was not certain that when the Guard will display his starting signal and the Driver was asking me repeatedly time to time for Guards starting signal.
9. That it was not possible for one man to look both sides at a time and from the same place due to long hood side of my Loco, left side situation of the starter signal of line no.3, and my Driver ordered me to look Guards starting signal from plate form side back foot board of my Loco.
10. That I tried my best to look and repeat again the aspect of the starter signal after looking, calling out and exchanging all right signal with the Guard, but the starter signal was passed before I reached my side as the distance of the starter signal was not more than 2 or 3 meter apart from the front buffer of my Loco.
11. That I was necessarily engaged in looking, repeating and exchangeing the all right signal with the Guard so could not look line ahead due to curvature and

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long hood side of my loco from Rt side back foot board of my loco when train gone in motion.

12. That when I entered in cabin after exchanging all right signal with the Guard tried my best to look line ahead but obstruction and routing starter signal was not visible from my side due to curvature and lon hood side of my loco so I stood at once to go to Driver side to look the same, but meanwhile my Driver applied brakes and I saw that the train stood and my sk engine was slight side - collided with the train engine of 155-UP from the Drivers side.



13. That thus the violation of GR 119, GR 120, SR 122/1 (a) was due to I was necessarily engaged to obey GR 120, SR 120/1(iii), SR 115/2/(4)/(a)--(b) SR 122/1(b) and SR 124/2(b) as per GR 100 and GR 129 and no other audible or visible signal was given to me as per Gr-76(a).
14. That a charges sheet bearing No. SF5/TG 8/A 3/1-81/ RB/CNB dated 10.9.81 was received on 2.11.81 in your office and I submitted a humble statement dated 11.11.81 and tried to explain the fact and my

Ch. Pandey

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position, possibilities and activities in defence to the above charges meet.

15. That I requested to get a copy of document and witness so as I might had been defended my case personally but not issued after twice request.
16. That I was informed that Shri Tilak Raj Sharma SLI/DSL/LKO was appointed as enquiry officer and the DAR enquiry was fixed on 24/4/82 but the date of enquiry was cancelled.
17. That I was suprisingly called under rest to see SFI/LKO in his office at 9/00 on 15.5.82 without any notice in advance as per procedure; where my acceptance of the charges was taken by respected SFI/Lko intentionally in the sense that the rules pertaining to my duties just before starting the train were violated in the case due to I was engaged assentially to look and exchange Guards all right signal and not in the sense that due to my fault, negligence, lack of vigilance or slackness from my side as per explanation of the charges, order, pressure, threatening, afterward saying in the manner of request and giving full assurance for no punishment in the name of your honour.



Cm. Pandey

contd 7/-

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18. That I requested for lenient view in consideration of my position, possibilities and activities at the time of starting the train in the case, in accordance with my statement dated 11/11/81 in defence to the charges sheet, with the hope that my case could have been considered sympathetically but after giving full assurance it has not been done by respected SFI/Lko.

19. That it was not opened to me that repeated SFI/Lko was appointed as enquiry officer in this case, before writing and signing the paper and on the same date respected SFI/Lko ordered me to attend the office of your honour at 14/30 hrs.

20. That I attended the office of your honour at 14/30 hrs on 15.5.82, My acceptance was put up by respected SFI/lko to your honour, where the order of my reversion was passed at the same time without giving me a chance for personal interview so as I might have been explained my position, possibilities and activities at the time of starting the train and occurrence of the side collision as I already had explained in my statement dt. 11.11.81 in defence to the



Cm. Pandey

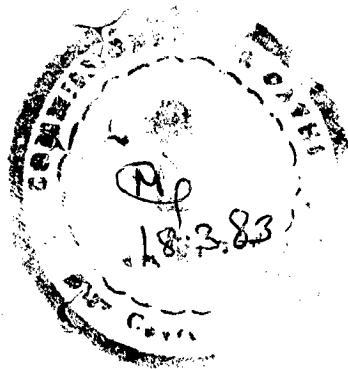
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charges sheet in connection with the above case.

21. That I sent a humble application for revision and cancellation of the order of my reversion by a registered A.D. on 19.5.82 for your reconsideration of my position, possibilities in this case.
22. That the date of my enquiry was not fixed as per fresh SF-7 dated 11.5.82 received on 21.5.82 as such unprocedural and fraudulent way was adopted by respected SFI/Lko in taking my acceptance of the charges.
23. That I tried to see your honour and submit an application by hand for rearranging enquiry for finding the fact in this connection in Loco shed AMV/Lko as unprocedural and fraudulent way was adopted by SFI/Lko in taking my acceptance, where your honour ordered me to put up an appeal and assured to look the matter.
24. That I was called again to attend enquiry in this connection at CNB on 8.6.82, I attended the enquiry on 8.6.82 and cleared my position and possibilities to respected enquiry officer. After satisfying



Cm. Pandey

contd 9/-

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with my clarification the enquiry officer released me for duty on the same date.

25. That respected SFI/Lko gave me full satisfaction to consider my case in accordance with my statement under proceedings and endorse the facts and my position and possibilities in his findings but he did not consider and fixed responsibilities of violation of the rules and resulting which side collision on me and the penalty of reduction has been imposed upon me.

26. That now I beg to put the following main reasonable facts due to which I could not look and repeat the aspect of the starter signal again after receiving repeating and exchanging the Guards starting and all right signal and could not look the line and routing starter signal ahead when train gone in motion, which have been ignored by respected SFI/Lko in his enquiry and findings for your satisfaction sympathetic consideration and justified merciful order please :-

1- The violation of rules was due to I was unnecessarily engaged in looking the Guards starting signal and exchanging all right signal.

Em. Sunday

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2. Long hood side of my loco due to which starter signal and Guards starting signals were not visible from the same place at the same time.
3. Faulty situation of the starter signal due to which it was not visible from platform side.
4. Situation of my loco at a distance not more than 2 or 3 meters apart from the foot of starter signal.
5. Hurriness of Driver in starting the train.
6. Curvature in line.
7. Cite of side collision and my position.
8. My position - possibilities and activities.

When I coupled my loco No 18084 on train 64 DN in line 3 and after some time, vacuum was ready and train became ready to start my Driver sounded horn to start the train. I looked clearly observed and satisfied that the starter signal of line no. 3 was taken off to despatch the train via South line. I repeated the aspect of the starter signal to my driver as per GR-119, GR-120 SR-122/1(a). As per GR-100 and GR-179 my Driver ordered me to look Guards starting signal and

contd 11.

Mr. 18.3.83
Cm. Pandey

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(111)

as per GR 120, SR 120/1(iii), SR 115/2(4)/(a)--
(b), SR 122/1(b) and SR 124/2(b) I went to right
side back foot board of my loco to look Guards
starting signal. The aspect of starter signal was
not visible from the right side back foot board
due to long hood side of my loco as the aspect of
while the starter signal was hidden by long hood
loco body.

I looked continuously for Guards starting
signal till he did not display as it was not
certain that when the Guard will display his
starting signal and the Driver was asking repeated-
ly, time to time for Guards starting signal.

When the Guard displayed his starting
signal after a long time, then I repeated the
same to my Driver. When I shouted 'right' at
the same time my Driver enforced by ASM on duty
started the train without giving me a chance to
look the aspect of the starter signal again from
my side. I tried to enter the cabin to look
starter signal again, but my Driver ordered me to
exchange all right signal with Guard. I exchanged
all right signal as per order of my Driver.

After exchanging and repeating all right
signal to my driver I tried my best to go back

contd 12/-

Cm. Pandey



to my side to look and repeat again the aspect of the starter signal but the starter signal was passed before I reached my side as before starting the train my loco was standing at a distance not more than 2 or 3 meters apart from the foot of the starter signal. Then I tried at once to look ahead but line and routing starter signal ahead was not clear of visibility from my side due to long hood of my loco and curvature.

Within no time I stood at once to go to Driver side to look the same. In the same time, Driver applied brakes and I saw that the train with a slight side collision with the train engine of 155 UP.

In such momentary occurrence I could not get a chance to look the starter signal again and line ahead after looking exchanging and repeating the Guards starting and all right signal.

No other audible or visible signal was given to me as per GA-76(a).

Thus :-

- a) the long hood side of my loco, left side situation of the starter signal, Rt side situation of the plate form, the displaying of Guards starting signal from platform

Em. Pandey

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(103)

side were main causes which unconveniened me to look Guards starting signal along with starter signal both at the same time and from the same place continuously as per GR 119, GR 120, SR 122/1 (a) for looking starter signal and other side as per GR 120, SR 120/1(iii), SR 115/2(4)/(a)--(b), SR 122/1/(b) and SR 124/2(b) for Guards starting and all right signal.

No other signal (audible or visible) was given to me as per GR 76(a);

- b) Long hood side of loco and Hurriness of the Driver in starting of the train after my receiving and repeating Guards starting signal and exchanging all right signal unabled me to look and repeat the aspect of the srater signal again before starting. *

As such the responsibility of violation of GR 119, GR 120, GR 76(a) and SR 122/1 should not be fixed on me. Because the violation of rules was not due to my fault, mistake, negligence, lack of vigilance or slackness from my side, but I had to obey two different sides of rules before starting the train and both side hidden each other due to long hood loco body.

In this connection, it would not be enough to say for myself that my activities and eagerness

Mr. Pandey

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for looking the aspect of signals and line ahead
said occurrence of a heavy accident.

Hence, my humble representation for the
cancellation of my reversion's order is acceptable
for sympathetic consideration of my position,
possibilities and activities in this connection.

So it is requested your honour to kindly
look into the matter in accordance with my state-
ment dated 11.11.81 in defence to the charge-sheet
bearing No. SF-5/TG-8/A-3/1-81/RBI CNB dated
10.9.91 and orders may kindly be passed for the
cancellation of fixation of responsibility on me
resulting which my reversion as Fireman Grade 'C'
as I was not in fault, mistake, negligence lack
of vigilance or slackness in sequences of the side
collision, unless the great sorrow will tease me in
my whole life that I have got the heart breaking
and unbearable pain on this punishment for obeying
the order of my senior subordinate in acceptance of
charges framed against me and for believing my
officer for his assurance in looking the matter
before passing order for my reversion as this
reversion may cause for my badly removal as my
physical condition in this age is not such which
can suffer the performance of duty as Fireman Gr.'C.

Thanking you in anticipation.

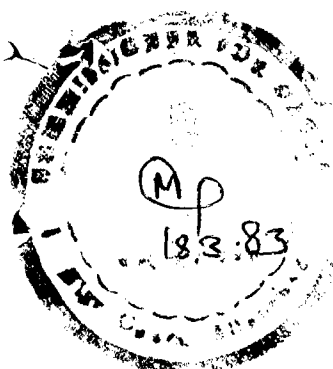
Yours faithfully,
Sd/

C.M. Pandey
DSL/ASS/Lko

Dated:- 14/7/82

(True Copy)

C.M. Pandey



(105)
सेवागणना में हा माहमा उत्तर न्यायालय में न्यायाधीश द्वारा हा माहमा
चयन न्यायाधीश चयन न्यायाधीश

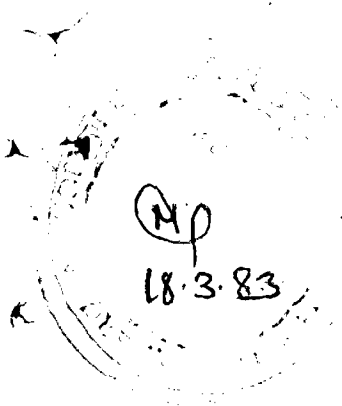
पुनर्माहमा न्यायाधीश चयन न्यायाधीश - राज १८८३

पुनर्माहमा न्यायाधीश चयन न्यायाधीश - न्यायाधीश चयन न्यायाधीश
चयन न्यायाधीश

पुनर्माहमा न्यायाधीश चयन न्यायाधीश - न्यायाधीश चयन न्यायाधीश

सेवागणना में हा माहमा उत्तर न्यायालय में न्यायाधीश द्वारा हा माहमा (10)

दोहा सूचना दिनांक ४/३/१८८३ द्वारा
वर्षिक न्यायाधीश चयन न्यायाधीश उत्तर न्यायाधीश, चयन न्यायाधीश



सत्यप्रतिनिधि
Cm. Pandey.

चयन न्यायाधीश दिनांक
१८/३/१८८३

न्यायाधीश चयन न्यायाधीश
Cm. Pandey
द्वारा - न्यायाधीश चयन न्यायाधीश
पुनर्माहमा न्यायाधीश चयन न्यायाधीश
पुनर्माहमा न्यायाधीश चयन न्यायाधीश
द्वारा - न्यायाधीश चयन न्यायाधीश

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A 119

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Northern Railway.

Form No. 8.

(Order of Imposition of penalty under Rule-6(VI) of the Railway Servants(Discipline & Appeal) Rules- 1968.)

No. 38/A-3/I-31-5/CHB.

Divisional Office,
Lucknow, dated 15/82.

To,

The C.M. Pandey,
Diesel Asstt., Lucknow.

Through: L.A./Lucknow.

I have carefully considered your representation dated 14.7.82 in reply to the Memorandum of Show Cause Notice No. 108/A-3/I-31-2B/CHB dated 7.7.82. I do not find your representation to be satisfactory due to the following reasons:-

"Explanation not covering proposed punishment may please be imposed."

I therefore hold you guilty of the charges viz. as specified in S.F.-5 of even no. dated 10.9.81 levelled against you and have decided to impose upon you the penalty of reduction to the lower post. You are therefore reduced to lower post of Fireman-C on pay Rs. 270/- Per month in grade 210-270 for 2 year without affecting future increments.

2. Under Rule-18 of the Railway Servants(Discipline and appeal) Rules-1968 an appeal against these orders lies to ADMM(O) provided.

- a) the appeal is submitted through proper channel within 45 days from the date you receive the orders, and,
- b) the appeal does not contain improper or disrespectful language.
3. Please acknowledge receipt.

Signature

Name(S. P. Singh)

Designation of the
disciplinary
authority.

Secy. D.A.E./Lucknow.

ACKNOWLEDGEMENT.

I hereby acknowledge receipt of Notice No. _____
dated _____ issued by Sr. D.A.E./Lucknow,
inflicting the punishment reduction upon me.

Signature
Designation
Station.
Date

Recd on 16/9/82
Cm. Pandey

18.3.83

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In the High Court of Judicature at Allahabad Lucknow.

Writ Petition No....of 1982

C.M. Pandey.

-- Petitioner.

Vs.

Union of India and others.

-- Opp. Parties.

Annexure No..10..

Northern Railway

Form No.8

(Order of imposition of penalty under Rule-6((vi)
of the Rly Servants (Discipline & Appeal)
Rules, 1968).

No. TG-8/A-3/1-81-RE/CNB

Divisional Office

Lucknow, at 9/8/1982

To

The C.M. Pandey,
Diesel Asstt Lucknow.

Through: LF/Lko.

I have carefully considered your representation dt 14.7.82 in reply to the Memo. of Show cause Notice no. TG-8 A-3/1-81/RE/CNB dt 7.7.82 I do not find your representation to be satisfactory due to the following reasons : -

" Explanation not convince proposed punishment may please be imposed. "

I, therefore, hold you guilty of the charges viz. as specified in SF-5 of even no. dt. 10.9.81 levelled against you and have decided to impose upon you the penalty of reduction to the lower post. You are therefore reduced to lower post of Fireman-C on pay Rs 270/- per month in grade 210-270 for 2 year effecting future increments i.e. with commulative effect.



C.M. Pandey

Contd 2/-

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2. Under Rule-18 of the Railway Servants (Discipline and Appeal) Rules, 1968 an appeal against these orders lies to ^{RM}ADME (OP) provided :

a) the appeal is submitted through proper channel within 45 days from the date you receive the orders, and,

b) the appeal does not contain improper or disrespectful language.

3. Please acknowledge receipt.

Sd/-

Signature

Name.. (N.P. Singh)

Designation of the

disciplinary

)Sr.D.M.E./Lko.

Authority

A C K N O W L E D G E M E N T

I hereby acknowledge receipt of Notice No.....
dated..... issued by Sr. D.M.E./Lucknow inflicting
the punishment reduction upon me.

Signature

Design.

Station

Dated...



(True copy)

C.M. Pandey.

(110)
आयोगानां गौ महामाह्व उच्च न्यायालया सेनाधर्मा इत्यादि 14
न्यायपालिका लक्षणक

लक्षणक

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121

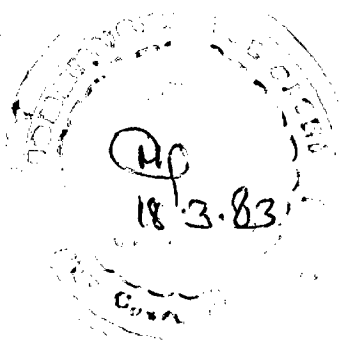
पुष्पाणां गायिका संख्या - - - - - सन् 1878

सौं संख्या 0 पांडुरा - - - - - गायिका कार
वर्गाम

गोविपना आन् इति 111 - - - - - परिवार 111 अंग 111

सं-लक्षणक संख्या - (11)

अपिल दिनांक 29/1/1972 दापर समक्ष
अतिरिक्त मण्डल रेल प्रवन्धक, उत्तर रेलवे, लखनऊ
दापर द्वारा गायिका कार ।



सत्य-प्रतिलिपि

Cm. Pandey.

Cm. Pandey

गोविपना कार

द्वारा - अधिवक्ता
सं सं के 0 अलख्य,
रुडलाकट

रुडलाकट लखनऊ

लखनऊ दिनांक
9-2/3/78-73

To:-

The Addl. Divn. Rail manager (OP)
N. 24, Lucknow.

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Through:- The proper channel
Honble Sir,

8/12

Sir With due respect and profound submission
I beg to request your honour that I have
submitted my humble appeal for your kind consideration
against the order bearing no. TG 8/A-3/11-81/RB/CNB
dated 4/9/82 in the office of Loco Foreman N. 24
Lucknow.

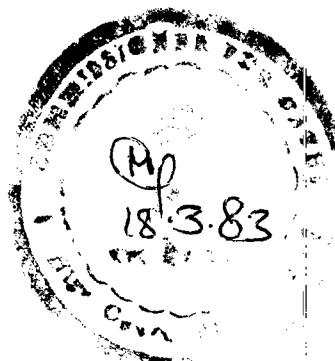
It is requested your honour to kindly
allow me to work as DSE/Asstt and the order of
my reversion as D/m G.C. may kindly be stayed
til the Decision of appeal so as I may get sudden
relief.

Thanking you in anticipation.

your faith fully:-
Cm. Pandey-
Chhanna Mitha Pandey.
DSE/Asstt. Loco

Dated 21/9/82.

9/19
LOCO FOREMAN
N. 24, LUCKNOW



(112)

(OP) A 124

Before the Addl. Divisional Rail Manager, N. Ry

Lucknow.

8/123

Appeal No.....of 1982

Through:- Proper channel.

C.M. Pandey.

--- Appellant.

Vs.

Sr. Div. Divisional Manager N. Ry
Lucknow & others.

-- Opp. parties.

Appeal against the order dated 4.8.82
passed by Senior D.M.E. Lucknow under
rule 18 of the railway servants (Dis-
cipline & Appeal rules, 1968).

Ref: Sr DME/Lko's order no. T68/A-3/1-81/RB/CH3 dated 4/9/82
Honble Sir, In this appeal, the appellant

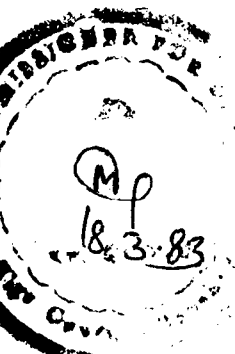
C.M. Pandey, Diesel Assistant, N. Railway, Loco Shed
Alambagh, Lucknow, states as under :-

1. That the appellant C.M. Pandey is a appellant of
the case and he is fully conversant with all the
facts and allegations made by the railway Authority
- here is a great apparent error on the face of
whole records of allegations.

2. That this is a case concerned on the central

central

Handwritten signature and date 18/3/83



as per SK 120, SK 120/1(111), SK 115/2(4)/(a)-
 (b), SK 122/1(b) and SK 124/2(b) I went to right
 side back foot board of my loco to look guards
 starting signal. The aspect of starter signal was
 not visible from the right side back foot board
 due to long nose side of my loco as the aspect of
 while the starter signal was hidden by long nose
 loco body.

I looked continuously for guards starting
 signal still he did not display as it was not
 certain that when the guards will display his
 starting signal and the driver was asking repeated-
 ly, time to time for guards starting signal.

When the guard displayed his starting
 signal after a long time, then I repeated the
 same to my driver. When I shouted 'right' at
 the same time my driver enforced by law on duty
 started the train without giving me a chance to
 look the aspect of the starter signal again from
 my side. I tried to enter the cabin to look
 starter signal again, but my driver ordered me to
 exchange all right signal with guard. I exchanged
 all right signal as per order of my driver.

After exchanging and repeatedly ^{ing} all right
 signal to my driver I tried my best to go back

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all right signal with the Guard and both the sides were not visible from the same place at a time.

10. That I had to look continuously for guards starting signal as it was not certain that when the Guard will display his starting signal and the driver was asking me repeatedly time to time for guards starting signal.

11. That it was not possible for one man to look both sides at a time and from the same place due to long hood side of my Loco, left side situation of the starter signal of line no.3, and my driver ordered me to look guards starting signal from plate from side back foot board of my Loco.



12. That I tried my best to look and repeat again the aspect of the starter signal after looking, calling out and exchanging all right signal with Guard, but the starter signal was passed before I reached my side as the distance of the starter signal was not more than 2 or 3 meter apart from the front buffer of my Loco.

✓ 13. That I was necessarily engaged in looking repeating and exchanging the all right signal with guard - so could not look line ahead due to curvature and

side were main causes which unconveniened me to look guards starting signal along with starter signal both at the time and from the same place continuously as per G.M. 119, G.M. 120, S.A. 122/1(a) for looking starter signal and other side as per G.M. 120, S.A. 120/1(111), S.A. 115/2(4)/(a) -- (b) - S.A. 122/1(b) and S.A. 124/2(b) for guards starting all right signal.

No other signal (audible or visible) was given to me as per S.A. 76(a).

- b) Long hood side of loco and hurryness of the driver in starting of train after my receiving and repeating guards starting signal and exchanging all right signal enabled me to look and repeat the aspect of starter signal ^{again} ~~again~~ before starting the train.

Prayer.... It is most respectfully prayed that your honour may be pleased to allow the appeal filed by appellant and set aside the orders dt. 4.9.82 & 16.6.82 passed by Sr. D.M.B. Lucknow and service of appellant be restored and reinstated on the post of Asstt. Loco Pilot as ^{he is} ~~he is~~ performing for the last 11 years.

C.M. Pandey

Appellant.

(C.M. Pandey)

Dead Asstt. Loco Pilot A. K. Aly
Alambagh Lucknow.

Lucknow, dated

21 - 9/1-1982

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12✓

2. Long hood side of my loco due to which starter signal and guards starting signals were not visible from the same place at the same time.
3. Faulty situation of the starter signal due to which it was not visible from plate form side.
4. Situation of my loco at distance not more than 2 or 3 meters apart from the foot of starter signal.
5. Hurryhass of driver in starting the train.
6. Curvature in line.
7. Close or side collision and my position.
8. My position, possibilities and activities.

When I coupled my loco no. 18034 on train 64 Dn in line no.3 and after sometime, vacuum was ready and train became ready to start my driver sounded horn to start the train. I looked clearly observed and satisfied that the starter signal of line no.3, was taken off to despatch the train via South line. I reported the aspect of the starter signal to my driver as per GA.119, GA.120 SR.122/1(a), As per GA.100 and GA.179 my driver ordered me to look guards starting signal and



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charge sheet in connection with the above case.

23. That I sent a humble application for ^{Revision} ~~reversion~~ and cancellation of the Order of my reversion by a registered A/L. on 19.6.82, for ~~your~~ reconsideration on my position, possibilities in this case.

24. That the date of my enquiry was not fixed as per fresh SF-7 dated 11.5.82 received on 21.6.82 as such unprocedural and fraudulent way was adopted by respected SFI/Lko in taking my acceptance of the charges.

25. That I tried to see ^{respected Sr DME/Lko.} ~~your honour~~ and submit an application by hand for rearranging enquiry for finding the fact in this connection in Loco Shed AMV/Lko as unprocedural and fraudulent way was adopted by SFI/Lko in taking my acceptance, where ^{respected Sr DME/Lko.} ~~your honour~~ ordered me to put up an appeal and assured to look the matter.

27. That I was called again to attend enquiry in this connection at CND on 8.6.82, I attended the enquiry on 8.6.82, and cleared my position & possibilities to respected enquiry officer. After satisfying

contd 10/-



20. That I requested for lenient view in consideration of my position, possibilities and activities at the time of starting the train in the case, in accordance with my statement dated 11.11.81 in defence to the charge sheet, with the hope that my case could have been considered sympathetically but after giving full assurance it was not been done by respected Sr/Lko.
21. That it was not opened to me that respected Sr/Lko was appointed as enquiry officer in this case, before writing and signing the papers and on the same date respected Sr/Lko ordered me to attend the office of ^{Respected Sr DME/Lko.} your honour at 14/30 hrs.
22. That I attended the office of ^{respected Sr DME/Lko.} your honour at 14/30 hrs on 16.5.82, my acceptance was put up by respected Sr/Lko to ^{He Respected Sr DME/Lko.} your honour, where the order of my reversion was passed at the same time without giving me a chance for personal interview so as I might have been explained my position, possibilities and activities at the time of starting the train and occurrence of the side collision as I already had explained in my statement dated 11.11.81 in defence to the

long hood side of my loco from at side back foot board of my loco when train gone in motion.

- ✓ 14. That when I entered in Cabin after exchanging all right signal with the guard tried my best to look line ahead but obstruction and routing starter signal was not visible from my side due to curvature and long hood side of my loco so I stood at place to go to driver side to look the same. But when while my driver applied brakes and I saw that the train stood and my engine was slight side and collided with the trail engine of 185-Up from the Drivers side.

15. That thus the violation of Gm-118, Gm-120, Gm-122/1 (a) was due to I was necessarily engaged to obey Gm-120, Gm-120/1(1.1), Gm-115/2(4)/(a)--(b), Gm-122/1(b) and Gm-124/2(b) as per Gm-100 and Gm-179 and no other audible or visible signal was given to me as per Gm-76(a).

16. That a charge sheet bearing No. Jc-5/138/A-3/1-81/AD/CNB dt. 10.9.81 was received on 2.11.1981 in your office and I submitted a humble statement dated 11.11.81 and tried to explain the fact and my

signal was hidden by long hood Loco body.

- 6g. That the driver started the train without giving me a chance to look again the aspect of the starter signal from my side before starting the train as the aspect of starter signal was hidden by long hood loco body and ordered me to exchange all right signal with the Guard as per GA 122/1(b) and GA 124 2(b).
7. That no other audible or visible signal was given to me as per GA 76(a).
8. That I followed every lawful order of my Driver as per GA 100 and GA 179 and obeyed other rules as far as it was possible to me in the sequence of the side collision.
9. That I was not in fault, negligence, lack of vigilance or slackness from my side. I obeyed rules rigidly but the violation of rules shown in the charges sheet was due to long hood side of my loco, left side situation of the starter signal of line no 3, guards display their starting signal from place from side, and the driver did not give me a chance to go my side and ordered me to exchange

64 Down was staying on the aforesaid railway station. The Guard of the train and Asstt. Station Master who were present on duty were responsible for the giving false signals and signal man is also fully responsible for false signal, when the railway line was not clear, but the Guard, Station Master and signal man have made false signal to create the negligence against the driver, when both the appellant and his companion in charge of engine how can they be responsible, for this kind of incidence because of the facts, by the conspiracy of Guard, Station Master and signal man were responsible for this kind of false signal which was made by them, in this allegation, the Guard, Station Master and signal man are witnesses, here is the great apparent error on the face of the record of the case :-

3. That the appellant is too much sorry for side collision occurred while he was on duty but he begs to show that he was not on fault, negligence, lack of vigilance or slackness as before starting the train, he had to obey two different sides of rules from two opposite places hidden by long hood loco body each other are given below :-

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No.----- of 1983

C.M. Pandey.. Vs. Petitioner.
Union of India and another. .. Opp. Parties.

Annexure No. (11)

Before the Addl. Div. Rail Manager, N. Rly Lucknow.
Appeal No..... of 1982

C.M. Pandey. --- Appellant.
Vs.
Sr Divl. Mech Engineer Rly N. Rly
Lucknow and others. -- Opp. Parties.

Appeal against the order dt 4.9.82 passed
by Senior D.M.E. Lucknow under Rule 18 of
the Railway Servants (Discipline & Appeal
Rules, 1968).

Ref:- Punishment notice no. TG.8/A.311.81 dt 4.9.82
Recd. on 16.9.82.

In this appeal, the appellant Shri
C.M. Pandey, Diesel Assistant, N. Railway, Loco Shed,
Alambagh, Lucknow, states as under :-

1. That the appellant C.M. Pandey is a appellant of
the case and he is fully conversant with all the
facts and allegations made by the Railway Authority
here is a great apparent error on the face of
whole records of allegations.
2. That this is a case concerned on the Railway
Station at Kanpur Central and the Avadh Express

contd 2/-

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Down was staying on the aforesaid Railway Station. The Guard of the train and Asstt. Station Master, who were present on duty, were responsible for the giving false signals and signal man is also fully responsible for false signal, when the Railway-- line was not clear, but the Guard, Station Master and signal man have made false signal to create the negligence against the driver, when both the appellant and his companion Incharge of Engine how can they be responsible, for this kind of incidence because of the facts, by the conspiracy of Guard, Station Master and signal man were responsible for this kind of false signal which was made by them, in this allegation, the Guard, Station Master and signal man are witnesses, here is the great apparent error on the face of the record of the case :

3. That the appellant is too much sorry for side collision accrued while he was on duty but he begs to show that he was not on fault, negligence, lack of vigilance or slackness as before starting the train, he had to obey two different sides of rules from two opposite places hidden by long hood Loco body each other are given below:-

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a) GR 119, GR 120, and SR 122/1(a) to look correct signal and line shed, to examine proper authority to proceed and call out the aspect of the signals to Driver which was possible from left side of my Loco.

and

b) GR 120, SR 120/a1(iii), SR 115/2(a)--- (b), SR 122/1(b) and SR 124/2(b) to look Guards starting signal and exchange all right signal with the guard and call out the signal of Guard to Driver, which was possible from Rt. side of my Loco body.

4. That when I attached my Loco on load and after some time vacuum was ready and train gone ready to start my Driver sounded horn to start the train. I looked clearly observed and satisfied that the signal of line No. 3, was taken off. I called out the same to my Driver as per GR 119, GR 120 and SR 122/1(a) from left side of my Loco.

5. That my driver as per GR 100 and GR 179 ordered me to obey GR 120, SR 120/(iii), SR 115/2(4)(a)--- (b) to look Guards starting signal to start the train, I looked clearly and called out the same to my driver. During this period the starter signal was not visible from that place due to starter

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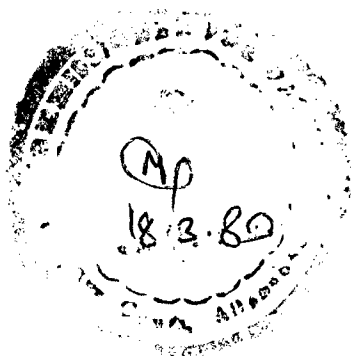
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signal was hidden by long hood Loco body.

6. That the driver started the train without giving me a chance to look after gain the aspect of starter signal from my side before starting the train as the aspect of starter signal was hidden by long hood loco body and ordered me to exchange all right signal with the Guard as per SR 122/1(b) and SR 2(b).
7. That no other audible or visible signal was given to me as per GR 76(a).
8. That I followed every lawful order of my Driver as per GR 100 and GR 179 and obeyed other rules as far as it were possible to me in the sequences of the side collision.
9. That I was not in fault, negligence, lack of vigilance or slackness from my side. I obeyed rules rigidly but the violation of rules shown in the charges sheet was due to long hood side of my Loco, left side situation of the starter signal of line no.3, guards display their starting signal from place from side, the and driver did not give me a chance to go my side and ordered me to exchange



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all right signal with the Guard and both the sides were not visible from the same place at a time.

10. That I had to look continuously for Guard starting signal as it was not certain that when the Guard will display his starting signal and the driver was asking me repeatedly time to time for guards starting signal.
11. That it was not possible for one man to look both sides at a time and from the same place due to long hood side of my Loco, left side situation of the starter signal of line no.3, and my driver ordered me to look guards starting signal from place from side back foot board of my Loco.
12. That I tried my best to look and repeat again the aspect of the starter signal after looking, calling out and exchange all right signal with Guard, but the starter signal was passed before I reached my side as the distance of the starter signal was not more than 2 or 3 meter apart from the front buffer of my Loco.
14. That I was necessarily engaged in looking repeating and exchanging the all right signal with guard - so could not look line ahead due to curvature and



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long hood side of my Loco from Rt side back foot board of my Loco when train gone in motion.

14. That when I entered in Cabin after exchanging all right signal with the guard tried my best to look line ahead but obstruction and routing starter signal was not visible from my side due to curvature and long hood side of my loco so I stood at once to go to driver side to look the same. But meanwhile my driver applied brakes and I saw that the train stood and my engine was slight side and collided with the train engine of 155-UP from the Drivers side.
15. That thus the violation of GR-119, GR-120, Sr-122/1 (a) was due to I was necessarily engaged to obey GR-120, SR-120/1(iii), SR-115/2(4)(a)-(b), SR-122/1(b) and SR-124/2(b) as per GR-100 and GR-179 and no other audible or visible signal was given to me as per GR-76(a).
16. That a charge sheet bearing No. SF-5/TG-8/A-3/1-81/HB/CNB dt. 10.9.81 was received on 2.11.1981 in your office and I submitted a humble statement dt 11.11.81 and tried to explain the fact and my

position, possibilities and activities in defence to the above charge sheet.

17. That I requested to get a copy of document and witness so as I might had been defended my case personally but not issued after twice request.
18. That I was informed that Shri Tilak Raj Sharma, SFI/DSI/LKO was appointed as Enquiry Officer and the DAR enquiry was fixed on 24.4.82 but the date of enquiry was cancelled.
19. That I was surprisingly called under rest to see SFI/Lko in his office at 9.00 on 15.5.82 without any notice in advance as per procedure, where my acceptance of the charges was taken by respected SFI/Lko intentionally in the sense that the rules pertaining to my duties just before starting the train were violated in the case due to I was engaged essentially to lock and exchange Gutros all right signal and not in the sense that due to my fault, negligence, lack of vigilance or slackness from my side as per explanation of charges, order, pressure, threatening, afterward saying in the manner of request giving full assurance for no punishment in the name of hon'ble Sr DME/Lko.

20. That I requested for lenient view in consideration of my position, possibilities and activities at the time of starting the train in the case, in accordance with my statement dated 11.11.81 in defence to the charge sheet, with the hope that my case could had been considered sympathetically but after giving full assurance it has not been done by respected SFI/Lko.
21. That it was not opened to me that repeated SFI/Lko was appointed as enquiry officer on this case, before writing and signing the papers and on the same date respected SFI/Lko ordered me to attend the Office of Hon'ble Sr DME/Lko at 14/30 hrs.
22. That I attended the office of Hon'ble SR DME/Lko at 14.30 hrs on 15.2.82, My acceptance was put up by respected SFI/Lko to Hon'ble Sr DME/Lko where the order of my reservation was passed at the same time without giving me a chance for personal interview so as I might had been explained my position, possibilities and activities at the time of starting the train and occurrence of the side collusion as I already had explained in my statement dated 11.11.81 in defence to the

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charge sheet in connection with the above case.

23. That I sent a humble application for revision and cancellation of the order for my reversion by a Regd. A/D on 19.5.1982, for consideration on my position, possibilities in this current case.
24. That the date of my enquiry was not fixed as per fresh SF-7 dated 11.5.82 received on 21.5.82 as such unprocedural and fraudulent way was adopted by respected SFI/Lko in taking my acceptance of the charges.
25. That I tried to see Hon'ble Sr DME/Lko and submit an application by hand for rearranging enquiry for fixing the fact in this connection in loco Shed AMV/Lko as un-procedural and fraudulent way was adopted by SFI/Lko in taking acceptance, where Hon'ble Sr DME/Lko ordered me to put up an appeal and assured to look in the matter.
27. That I was called again to attend enquiry in this connection at CNB on 8.6.82, I attended the enquiry on 8.6.82, and cleared my position & possibilities to respected Enquiry Officer. After satisfying

with my clarification the enquiry officer released me for duty on the same date.

27. that respected SFI/Lko gave me full satisfaction to consider my case in accordance with my statement under procedure and endorse the facts and my position and possibilities in his findings but he did not consider and fixed responsibilities of violation of the rules and resulting which side collusion on me and the penalty of reduction has been imposed upon me.

28. That now I beg to put the following main reasonable facts due to which I could not look and repeat the aspect of the starter signal again after receiving repeating and exchanging the guards starting and all right signal and could not look the line and routing starter signal ahead when train gone in motion, which have been ignored by respected SFI/Lko in his enquiry and findings for your satisfaction sympathetic consideration and justified merciful order please:

a. The violation of rules was due to I was unnecessarily engaged in looking the guards starting signal and the exchanging all right signal.



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2. Long hood side of my Loco due to which starter signal and guards starting signals were not visible from the same place at the same time.
3. Faulty situation of the starter signal due to which it was not visible from plate form side.
4. Situation of my loco at distance not more than 2 or 3 meters apart from the foot of starter signal.
5. Hurriness of driver in starting the train.
6. Curvature in line.
7. Cite of side collusion and my position.
8. My position, possibilities and activities.

When I coupled my loco no. 18064 on train 64 in line no. 3 and after sometime, vacuum was ready and train became ready to start my driver-- sounded horn to start the train. I looked clearly observed and satisfied that the starter signal of line no.3, was taken off to despatch the train via South line. I repeated the aspect of the starter signal to my driver as per GR 119, GR 120 SR 122/1(a), As per Gr-100 and GR 179 my driver ordered me to look guards starting signal and

as per GR 120, SR 120/1(111), SR 115/2(4)/(a)--
(b), SR 122/1(b) and SR 124/2(b) I went to right
side back foot board of my loco to look guards
starting signal. The aspect of starter signal was
not visible from the right side back foot board
due to long hood side of my loco as the aspect of
while the starter signal was hidden by long hood
loco body.

I looked continuously for guards starting
signal still he did not display as it was not
certain that when the guards will display his
starting signal and the driver was asking repeated
time to time for guards starting signal.

When the guard displayed his starting
signal after a long time, then I repeated the
same to my driver. When I shouted 'right' at
the same time by driver enforced by ASM on duty
started the train without giving me a chance to
look the aspect of the started signal again from
my side. I tried to enter the cabin to look
starter signal again, but my driver ordered me to
exchange all right signal with guard. I exchanged
all right signal as per order of my driver.

After exchanging and repeating all right
signal to my driver I tried my best to go back

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to my side to look and repeat again the aspect of the starter signal but the starter signal was passed before I reached my side as before starting the train my loco was standing at a distance not more than 2 or 3 meters apart from the foot of the starter signal. Then, I tried at once to look ahead but line and routing starter signal ahead was not clear of visibility from my side due to long hood of my loco and curvature.

Within no time, I stood at once to go to driver side to look the same. In the same time, driver applied brakes and I saw that the train stood with a slight side collusion with the train engine of 155 Up.

In such momentary occurrence I could not get a chance to look the starter signal again and line ahead after looking exchanging and repeating the Guards starting signal all right signals.

No other audible or visible signal was given to me as per GR-76(a):

T h u s :-

- a) the long hood side of my loco, left side situation of the starter signal, Right side situation of the plat form, the displaying of guards starting signal from platform.

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side were main causes which unconveniened me to look guards starting signal along with starter signal both at the time and from the same place continuously as per GR-119, GR-120, SR-122/1(a) for looking starter signal and other side as per GR-120, SR-120/1(iii), SR-115/2(4)/(a) -- (b), SR-122/1(b) and SP-124(2)(b) for guards starting and all right signals.

No other signal (audible or visible) was given to me as per GR-76(a).

- b) Long hood side of loco and huryness of the driver in starting of train after my receiving and repeating guards starting signal and exchanging all right signal unabled me to look and repeat the aspect of starter signal train before starting.

Prayer.. It is most respectfully prayed that your Honour may be pleased to allow the appeal filed by appellant and setaside thr orders dt 4.9.82 & 16.6.82 passed by Sr D.M.E. Lucknow and service of appellant be restored and reinstated on the post of Asstt. Diesel as he is performing for the last 11 years.

Lucknow, dated
21.9.1982

Appellant
(C. M. Pandey)
Asstt. Diesel N. Rly
Alambagh, Lucknow.

(True Copy)

(133) A-45
सम्माननीय महामहिम उच्च न्यायालय
क्षेत्राधिकार इलाहाबाद
लखनऊ न्याय पालिका लखनऊ
प्रकीर्ण याचिका संख्या — संन ई 3
जिला-लखनऊ

सी० एम० पाण्डेय — याचिकाकार
वनाम
यूनियन आफ इंडिया आदि
प्रतिवादी गण

संलग्नक संख्या = (12)

मुख्य आदेश सम्बन्धित अपील (विभागीय)
द्वारा याचिकाकार (Impugned order Dt 20/11/1982.)



सत्य-प्रतिलिपि
Cm. Pandey.

Cm. Pandey
याचिकाकार

लखनऊ दिनांक
२८/३/८६

द्वारा- अधिवक्ता
एस० कै० अवस्थी
एडवोकेट
हाई-कोर्ट

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उत्तर रतने
सूचना सारित्र
तारीख दिनांक: 20-12-82

प्र. सं. 1/अपील / MISC

श्री C. M. Pandey DSL Ant / LKO / LKO
द्वारा LF / LKO

विषय:- के. के. के. संख्या TG8/A-3/-181A8 दिनांक - 4-9-82.....

विषय के reduction as F/man grade 'C'
द्वारा SY DME के विरुद्ध आपकी अपील

संदर्भ:- आपकी दिनांक 21-9-82 की अपील

येन कार्यकारी अनुशासन एवं अपील नियम 1968 के नियम 22(2) के अनुसार
अपील कार्यकारी JARM(OP) तदनुसार ले SY DME
द्वारा उपरोक्त आदेश के विरुद्ध आपकी द्वारा की गई अपील पर स्वातंत्र्य विचार
द्वारे विमर्शित विषय व्यक्त किया है।

(क) अनुशासन प्रविहारी के विरुद्ध अपिलों के समाम के अनुसार प्रमाणित
है तथा

(ख) अपील के "Discussed
I have considered the appeal and have gone
through the case DSL/Antt can not be held responsible
in this case for ignoring the signal but he should have kept
control on the obstruction ahead."

③ Punishment is therefore reduced to reduction in grade by
2 stages for period of one year."

प्रतिलिपि सूचनाएं आवश्यक कार्यवाही हेतु।

1. सम्बन्धित लिपि तमिल विभाग

MP
18-3-83

Hand on
20/12/82
cm. Pandey

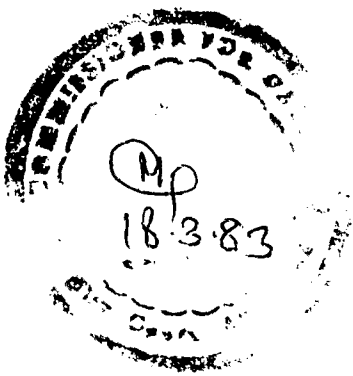
(136)
सम्माननीय महामहिम उच्च न्यायालय
नैवाधिकार इलाहाबाद 148
लखनऊ बैचलखनऊ
प्रकीर्ण याचिका संख्या — सम्ट 3
जि० - लखनऊ

सी० एम० पाण्डेय — याचिका
वनाम कार

यूनियन आफ इन्डिया कांटे
प्रतिवादी पक्षकार

संलग्नक संख्या = 83

अपील आदेश के विरुद्ध दारिज्ज पुनर्विचार
प्रमाण-पत्र दिनांक 25/9/1973 इल्ल याचिकाकार



सत्यप्रतिलिपि
Cm. Pandey

याचिकाकार
Cm. Pandey

लखनऊ दिनांक
१८/३/१९८३

through his counsel
S.K. Awasthi
Advocate
High-Court-

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To: -

The Divl Rail Manager
N. Rly, Lucknow

Through: -

Proper channel

Sub: - Advance Copy of representation against existing punishment order on the ground all ready all appropriate lower authorities have been duly addressed and exhausted and the ground for further consideration exist under RB's NO. E(D+A) 69 RG-3 of 14.2.69 and E(D+A) 71 RG-22 of 11.6.71 SLNO. ER 7747.

Ref: - SFS TGB/A.3/1-B1/RB/CNB dt 10.9.81.

Reg: - Appellate order NO E/Appel/misc dated 20.12.82 passed by honourable ADRM(OP) LKO against punishment notice NO TGB/A.3/1-B1/RB/CNB dated 4.9.82 passed by honourable Sr DME/LKO.

Honourable Sir,

With due respect and profound submission I beg to lay the following few lines over my representation submitted in reference to above, as this is a genuine case for your good self further due consideration on the following unconsidered ground: -

1. Harassments

That my pay was fixed @ 270/- P.M. vide above noted punishment order passed by honourable Sr DME/LKO and reduced to reduction in grade by two stages vide above noted appellate order passed by honourable ADRM(OP) LKO but has been charged @ 232/- P.M. w.e.f. 16.9.82 regularly and no correction so far been made after several request.

2. Hardships

That I am facing hard-ships through out regarding this case. I was not given any enquiry facilities and was not allowed even to touch the records of allegation and afterward, punishment of reversion as F.M.A.-C was awarded without giving the opportunities of personal hearing then my promotion which was due in the month of May 1981 was with held for no my fault and now I had been awarded with such punishment for others fault in this case. ~~Now~~ ^{and} now I have been compelled to suffer 2+1+2+5 ^{more} ^{pen.}

3. Unjustice

That ~~the~~ the punishment which was awarded to me by honourable Sr DME/LKO on the vague and indefinite charges was liable to be cancelled, but has been reduced on the ground which has no standing on the charges framed against me in the charges sheet, and the obstruction ahead was completely controlled by my Driver before I could looked the obstruction from Drivers side as the line and obstruction ahead was not visible from my side due to longhead sight of my line and curvature thus became unavoidable to a ^{Dr/Asst} (Continue)

AP
18.3.83

Received
34/3/83
27/10/83

That I beg to submit the following for ^{your good self} kind consideration over hardships and harassments ^{and injustice} which I am facing these days. — 2

- (a) A statement showing hardships and irregularities in preparation of my salary bill P.m. since 16.9.82 on Page (3)
- (b) An illustrated statement showing my position regarding case no. TGB/A-3/11-81/RB/CMB in whole at N.R.R. station Kanpur central on Page (4)
- (c) An extracted list of Advance copy of representations and appeal on the points of unconsidered ground on which present punishment order exist on Page (5)
- (d) Points urged for further due consideration on the ground on which present punishment order exist on me on Page (6) (7)
- (e) Points urged for consideration over hardships which I faced and merit of the charges sheet on Page (8)

In the end prayer for cancellation of existing penal order and orders for fulfilment of my losses due to hardships and irregularities these days faced on Page (9) and (9)

Thanking you in anticipation

Your faith fully.

Cm. Panda.

(Cm. Panda)

Deel / Asstt / Uo

(M)

18.3.83

(Continue)

(A) A statement showing hardships and irregularities in preparation of my salary bill Pm. Since 16.9.82.

Full month pay 8/9/82 to 7/10/82	Full month pay 8/10 to 7/11/82	Full month pay 8/11 to 7/12/82	Full month pay 8/12 to 7/1/82
Salaries Rs Ps.	Salaries Rs Ps.	Salaries Rs Ps.	Salaries Rs Ps.
Pay 250.00	232.00	232.00	232.00
DA 262.00	375.00	355.00	375.00
HA 45.00	44.00	44.00	44.00
CA 15.00	14.50	14.50	14.50
MIL 270.35	145.35	176.70	78.65 } 30.00 }
NDA - -	21.40	13.80	16.10
ADA - -	48.00	- -	- -
NHA - -	13.80	32.10	- -
HACA 25.00	24.00	22.00	22.00
Am CA. 19.20	- -	- -	- -

This is for your good self consideration that honourable Sr DME/Hko fixed my pay onth 270/- Pm. in his punishment notice no TGB/A-3/1-81/RB/CNB dt 4.9.82 which was imposed w.e.f. 16.9.82 but pay has been charged @ 232/- Pm. and no corrections have yet been made inspite of several request.

(continue)

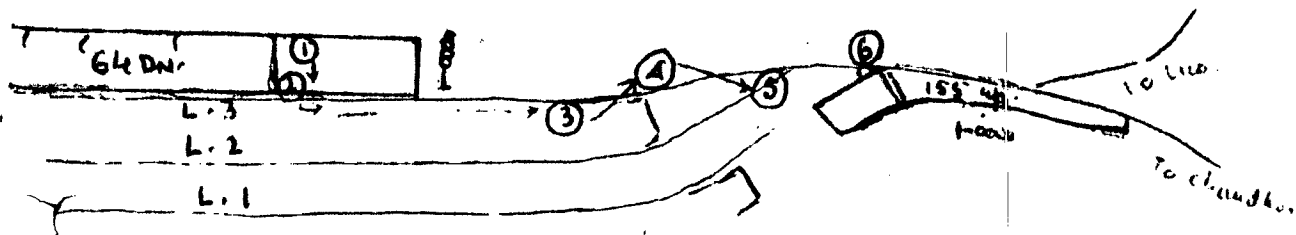
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(b) An illustrated statement of my position regarding this case in a whole at N.Ry station Kanpur central.



- ① The left side place of cabin of L/H WDM/Loco from where I looked, observed and satisfied that the starter signal of line no. 3 was taken off to despatch the train No 64 DN. via south line and called out the same to my Driver.
- ② The right side place on right back foot board of Long hood loco from where I looked Guards starting signal as per order of my Driver, Guard took excessive time and I had to look continuously for Guards starting signal as it was not certain that when the Guard will display his signal and my Driver was asking for Guards starting signal repeatedly line to line and starter signal was not visible from this place due to starter signal was hidden by L/H loco body.
- ③ The place upto which I was engaged in exchanging all right signal with Guard as per order of my Driver. Since my Driver was himself satisfied with the aspect of starter signal hence he needed not to be get repeated and ordered me to exchange all right signal with the Guard.
- ④ After exchanging all right signal with the Guard I entered in cabin stance to look starter signal but starter signal was passed right side track ahead was not visible from my side due to curvature was changed and right side of track was hidden by Longhood Loco body so I turned back stance to go to Drivers side to look the same, but Driver applied brakes before I could reach that side.
- ⑤ I looked from right side of cabin that fully braked train was creeping towards the site of side collision and nothing more after that observation was available which I might had used to stop the train stance when vac. brake, Air brake and emergency brakes were already applied and hand brake could not affected on such long short length and period.
- ⑥ The site where train engine 18084 WDM/L of 64 DN South Express stood with slight side collision with the train engine 12415 WDM/L of 155 up Tinsukhia Mail from Drivers side.

Thus I am not on fault regarding case no TUE/A 3/1 E/R/18/18

(continues)

MP
18.3.83

(C) An extracted list of Advance copy of representations and appeal on the points of unconsidered Ground on which present punishment order exist.

Although the point on the ground on which the present punishment order exist on me is out of charges framed against me, but has already been addressed in my representations and appeal to all the appropriate ^{lower} authorities but exhausted unconsidered. The advance copy of the points on the ground in my statement of defence, representations and appeal is extracted as below to stand the test:—

(a) "Further due to curvature and long hood side of my Loco routing signal and track ahead was not visible from my side. So I stood up to go to look the same from Driver's side, but mean while the Driver applied full brakes and train stopped with a slight side collision of both Loco's."

(Item 2(d) on Page 3 of written statement of defence dt 11.11.81 to the charges sheet No. SP5 TGB/A-3/11.81/RB/CNB dt 10.9.81 received on 2.11.81 addressed to honourable Sr DME/Lko)

(b) "I have already explained my position in defence to the above charges sheet dated 11.11.81. I hope your honour will consider the case sympathetically."

(Addressed to SFI/Lko in his office on 15/5/82 which he pressed me hard to accept the charges under his threatening and pressure of compulsion)

(c) "Curvature of line - due to which right side track and routing starter ahead was not clear from my side so I stood to go to the Driver's side to look the same, meanwhile the Driver applied emergency brake and the train stood with slight side collision from Driver's side."

(Item 4 of application for revision of proposed revision dt 19.5.82 addressed to honourable Sr DME/Lko)

(Continue)

18.3.83

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(d) " That I was necessarily engaged in looking, reporting and exchanging the all right signal with the Guard so could not look ahead due to curvature and long hood side of my loco when train gone in motion. "

(e) " That when I entered in cabin after exchanging all right signal with the Guard tried my best to look line ahead but obstruction and routing starter signal was not visible from my side due to curvature and long hood side of my loco so I stood alone to go to Drivers side to look the same. but mean while my Driver applied brakes and I saw that the train stood and my engine was slight side collided with the train engine of 155 up from Drivers side. "

(Item no. 11 and 12 on Page 3 of representation dated 14/7/82 addressed to honorable Sr DMB/Lko in reply to memorandum of show cause notice no TGB/A-3/1-81/RB/CNB dt 16/6/82 received on 12/7/82

The same may kindly be seen in item 13 and 14 on Page 5 and 6 of my appeal dt 21.9.82 addressed to honourable ADM (OP) Lko against punishment notice no. TGB/A-3/1-81/RB/CNB dt 4/9/82 received on 16.9.82.)

(f) " Then I tried alone to look ahead but line and routing starter signal ahead was not clear of visibility from my side due to long hood side of my loco and curvature. "

Within no time I stood alone to go to Driver side to look the same, in the same time Driver applied brakes and I saw that the train stood with a slight side collision with the train engine of 155 up. "

In such momentary occurrence I could not get a chance to look the starter signal again and line ahead after locking, exchanging and repeating the Guards starting signal and all right signal. "

(In item No 26 on Page 7 of representation dt 14/7/82 addressed to honourable Sr DMB/Lko in reply to memorandum of show cause notice no TGB/A-3/1-81/RB/CNB dt 16/6/82 recd on 12/7/82.

And the same may kindly be seen in item no 28 on Page No 13 of my appeal dt 21.9.82 addressed to honourable ADM (OP) Lko against punishment notice no TGB/A-3/1-81/RB/CNB dt 4/9/82 recd on 16.9.82)

MP
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(d) Points urged for further due consideration on the ground on which present punishment order exist on me: —

1. That in this case I did not ignored the controlling on the obstruction ahead but the matter stands thus — my Driver had already ^{applied} brakes i.e. vac, brake, Air brake and emergency brake which was located just behind him, before I could look the obstruction from Drivers side as obstruction was not visible from my side. No other more effective apparatus than emergency brake is provided on the loco's which I might had been used to stop the train at a sudden in such length and period when I looked that fully braked train was creeping towards the ^{cite of} side collision, from Drivers side and hand brake could not effected with such load attached with the loco.
2. In this connection curvature on the line, Loughood side of Loco, side of cite of side collision, length and period have not been considered.
3. The appellate order on this ground is colourless as well as out of charges framed as the ground on which present penal order exist on me has no standing on the charges framed against me as there was no obstruction on the line when I looked the aspect of the starter signal before looking Guards starting signal and it is most probable that the obstruction might had come on the line after starting of the train as the cite ahead was not clear of visibility from platform side when I was engaged in exchanging all right signal with the Guard, due to curvature and loughood side of my loco and the same changed as I entered in the cabin, Cite became visible from Drivers side and he applied all provided brakes when I turned back at once to Drivers side to look routing starter and line ahead as the same were not visible from Asst side due to loughood side of my loco and curvature changed.

(Continue)

MP
18.3.83

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4/156

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and the punishments which had been awarded to me by honourable Sr DME/Lko and reduced by the honourable ADRM(OP) Lko may kindly be cancelled considering over the hard ships created on me and merit of the charges sheet, fact and circumstances in this case and my services may kindly be restored and re-instated on the post where now I should be as per my proper due Divisional seniority along with the orders of payment of the ^{areas of compensating to fulfil the} losses due to irregularities in my promotion from May 1981, wrong preparation of salaries P.m. since 16.9.82 and losses due to reduction in grade since 29.12.82.

It is prayed that I may kindly be allowed for your personal interview so that I may clear my grievances and hard ships which I am facing these days.

Thanking you sir,

Your faithfully, —
(C.M. Pandey)

Lucknow
Dt 25/1/83

C.M. Pandey.
DSL / Asst / Lko.

MP
18.3.83

(146)
सोमगानजीय महाभाहिम उच्च चयोगालय के भाधनर इलाहाबाद
चोपमालका लेखन के

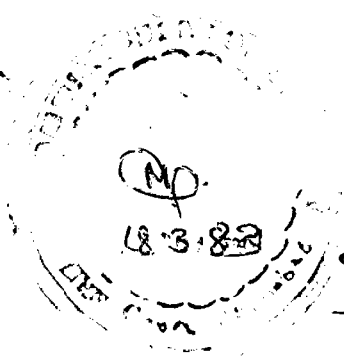
प्रन्ध प माचका संरगा - सय रि ट ३

सो. सग ० पावडेय - चोचकाका
लनाम

चुनिपन आफ इडगा - प्रतिवादी - १६/१०/०७

सचलचल संरगा - (14)

विल दिनांक १७/३/१८८३ द्वारा चोचकाकार
वैतन कटौती क्षति-पूर्ति वास्ते द्वारा प्रतिवादी गण



सत्यप्रतिलिपि

Cm. Pandey

चोचकाका

Cm. Pandey

विजी अधिकतता

संके. अलाची

सुडकोट

हाइकोट

लेखन के

लेखन के दिनांक -

१८/३/१८८३

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Bill for payment of arrears of following :-

Sno	Irregularity	Period & Amount in month	Amount claimed
1	Annual due increment w.e.f. 1/4/81 to 7/7/81 was not charged in Salary bill for m/E 7/5/81, 7/6/81 and 7/7/81	3 x 8	Rs 24-00
2	Due promotion was not allowed which was due in May 1981 for no my fault	8/5/81 to 7/5/82 12 x 16	192-00
3	Annual increment if had been promoted in due course	8/5/82 to 7/1/83 8 x 24	192-00
4	Now Due to effect of reduction in grade by two stages for a period of one year.	8/1/83 to 7/1/84 12 x 40	480-00
5	Difference in pay due to irregularities w.e.f. 8/9/82 to 7/1/83 a statement in this connection is attached herewith.	8/9/82 to 7/10/82 8/10/82 to 7/11/82 8/11/82 to 7/12/82 8/12/82 to 7/1/83	447-70 568-35 558-05 602-90 3063-80

Total - Rs three thousand, sixty five and eighty paise only

For Recovery
DSL FRGSH/HR/HR
DI 17/3/83

Mp
18.3.83

(142)

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Statement showing irregularities in payment
w.e.f. 8/9/82 to 7/1/83.
differences due to

Full month Pay 8/8/82 to 7/4/82 as DCL/Asstt.	Full month Pay 8/9/82 to 7/10/82 4 days as DCL/Asstt. 21 days as P/Man 'c'	Full month Pay 8/10/82 to 7/11/82 as P/Man 'c'	Full month Pay 8/11/82 to 7/12/82 as P/Man 'c'	Full month Pay 8/12/82 to 7/1/83 as P/Man 'c'
Salary Rs. P	Received Rs. P Loss Rs. P	Received Rs. P Loss Rs. P	Received Rs. P Loss Rs. P	Received Rs. P Loss Rs. P
Pay 350.00	250.00 100.00	232.00 118.00	232.00 118.00	232.00 118.00
DA 447.40	362.00 85.40	375.00 72.40	355.00 92.40	375.00 72.40
RA 65.20	45.00 20.20	44.00 21.20	44.00 21.20	44.00 21.20
CA 20.60	15.00 5.60	14.50 6.10	14.50 6.10	14.50 6.10
MIL 475.85	270.35 205.50	145.35 330.50	176.70 299.15	78.65 30.00 } 367.20
NDA 16.00	- 16.00	21.40 -	13.80 2.20	16.10 -
ADA 56.00	- -	- -	- -	- -
NHA 12.95	- -	13.80 4.15	32.10 3.80	- -
HACA 40.00	25.00 15.00	24.00 16.00	22.00 18.00	22.00 18.00
Am CA -	19.20 -	- -	- -	- -
DA Am -	- -	48.00 -	- -	- -
Total 1489.00	986.55 447.70	920.05 568.35	890.10 558.85	812.75 602.90

My pay was fixed @ Rs 270/- P.m. vide punishment notice
No. TGB/A-3/1-B/1/RB/CNB dated 4/9/82 passed by Sr DM E/Mr.
and reduced to reduction in grade by two stages vide
appellate order No E/appeal/mise dated 20/12/82 passed by Honble
ADRM (OP) Lko but charged @ Rs 232/- P.m. w.e.f. 16.9.82 to
7/1/83 regularly and no correction has so far been made
inspite of several request.

C.101 Pandey
DCL/Asstt/WR/Plac
Dt 17/3/83

(M)

18-3-83

High Court, Lucknow
LUCKNOW

4/297
18-3-83

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In the Honble High Court of Judicature at
ब अदालत श्रीमान Allahabad Lucknow Bench
महोदय Lucknow

वादी (मुद्दे) का वकालतनामा
प्रतिवादी (मुद्दालेह)

नं० Petition No. 1983

On Behalf of Petitioner
C. M. Pandey



वादी (मुद्दे)

Union of India बनाम प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H. Sanyal Kumar Awasthi एडवोकेट
Talkatora Chauraha Lucknow महोदय वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] मसौदा से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

C. M. Pandey

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 5 महीना 3

१६ ई० 83

Accepted
by H. Sanyal Kumar Awasthi
5/3/83 Adv
High Court

(21)

माम 4/06/83

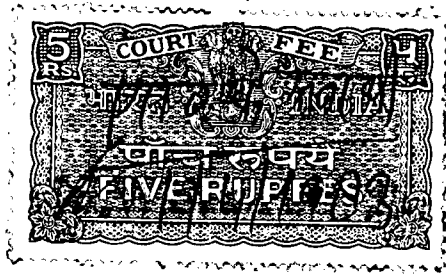
सम्माननीय महोमहिम उच्च न्यायालय क्षेत्राधिकार इलाहाबाद
लखनऊ न्यायपालिका लखनऊ ।

प्रकीर्ण याचिका संख्या

1037

सन् 1983

जिला लखनऊ ।



सो०एम० पाण्डेय सुपुत्र स्व० श्री ओंकार नाथ पाण्डेय
डीजल असिस्टेंट , उत्तर रेलवे, लोको रनिंगशेड, आलमबाग
लखनऊ

..... याचिकाकार

बनाम

- 1- यूनियन आफ इण्डिया द्वारा जनरल मैनेजर उत्तर रेलवे
बदौदा हाउस, नई दिल्ली भारत सरकार ।
- 2- डिप्टी जनरल रेल मैनेजर, उत्तर रेलवे, हजरतगंज, लखनऊ ।
- 3- अतिरिक्त मंडल रेल प्रबन्धक, उत्तर रेलवे हजरतगंज, लखनऊ ।
- 4- सीनियर डिप्टी जनरल मैकेनिकल इंजीनियर उत्तर रेलवे
हजरतगंज, लखनऊ ।
- 5- सीनियर लोको इंस्पेक्टर डीजल आलमबाग, उत्तर रेलवे,
लखनऊ ।
- 6- सीनियर फ्रूल इंस्पेक्टर, लोको रनिंगशेड, आलमबाग
लखनऊ ।

Ans. Pandey

(22)

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7- श्री मोहम्मद जहीरुद्दीन खॉं द्वारा लोको
फोरमैन, उत्तर रेलवे आलमबाग, लखनऊ ।

8- श्री ए0आर0 वंशलू गार्ड द्वारा स्टेशन सुपरिन्टेन्डेन्ट,
उत्तर रेलवे वारबाग, लखनऊ ।

9- श्री एम0पी0 वर्मा ए0एस0एम0 द्वारा रेलवे स्टेशन सुपरिन्टेन्डेन्ट, उत्तर रेलवे बानपुर सैन्रल
बानपुर ।

..... प्रतिवादीगण

याचिका अन्तर्गत अनुच्छेद 226 भारतीय संविधान के मातहत

॥ स्टे प्रार्थना- पत्र ॥

प्रस्तुत प्रार्थनापत्र के अन्तर्गत याचिकाकार इस
महामहिम उच्च न्यायालय की न्याय मूर्तियों के समक्ष निम्नवत्
निवेदन प्रेषित करता है कि :-

श्री मान् जी,

उपरोक्त याचिका के तथ्यों एवं परिस्थितियों
एवं विधि कारणों के आधार पर प्रतिवादीगणों द्वारा
पारित आदेश दिनांक 4.9.1982 एवं याचिकाकार के विरुद्ध
पारित आदेश दिनांक 20.11.1982 के अपेक्ष को इस
याचिका की अन्तिम अवधि तक स्थगित रखने की महान

Am. Pandey

(23)

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कृपा की जाय । क्योंकि प्रतिवादियों द्वारा पारित आदेश
दिनांक 20.12.82 में याचिकाकार के दायित्वहीन होने की
घोषणा की गई है । अतः संलग्नक संख्या 14 से संबंधित वेतन
वृद्धि कटौती को इस याचिका की अन्तिम अवधि तक स्थगित
रखने की कृपा की जाय " अति कृपा होगी

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लखनऊ

1/4/1983

Cm. Pandey
याचिकाकार

दिनांक 1.4.1983

द्वारा एस०के० अवस्थी
एच०के०
हाई कोर्ट बेंगलूर, लखनऊ

11/4/83
A.C.

CA

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164

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

T. A. No.: 1140 of 1987

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164

D. K. Pandey

...

Petitioner

Vs.

Union of India & others ...

Opp. Parties.

FT
13/12/91

COUNTER REPLY ON BEHALF OF THE

OPPOSITE PARTIES NO. 1 To 6.

I, N. K. Jain Asstt Personnel

Gen of office. DR m officer & Dy
aged about years, resident of

Lucknow

do hereby solemnly affirm and state as under:

1. That I am working as Asstt. Personnel Officer
D.R.M. Office, Northern Railway, Lucknow. I have
been duly authorised by the opposite parties to

Adm
15/10/91

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file the instant reply on their behalf. I have gone through the contents of the writ petition and have perused the official record of the case and as such, I am fully conversant with the facts mentioned hereinafter:

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2. That the contents of Paras- 1 & 2 of the writ petition need no comments.

3. That in reply to Para-3 of the writ petition, it is stated that the petitioner alongwith the driver, Sri M. Zahiruddin, was booked to work on Engine No. 18084 on 9.6.1981. Accordingly both the persons got their engine attached with 64 Down Awadh Express which was received on Platform No.3 at Kanpur Central Railway Station and bound to move towards Lucknow.

4. That the contents of Para-4 of the writ petition are not admitted as alleged, hence denied. In reply thereto it is stated that it is clarified that as per Enquiry Report submitted by the Enquiry Committee, it was proved that the petitioner as well as the driver of the train (who is Cpp. Party No.7) in the writ petition) violated the safety rules and started the train while the signal was not 'OFF'

Subjain
15/10/91
15/10/91

✓

(the indication to start). Further the petitioner also failed to satisfy himself that the line before him was clear of visible obstruction.

5. That the contents of Para-5 of the writ ^A166 petition are not correct, hence denied. In reply thereto it is stated that the petitioner started the train without ~~proper authority to proceed~~ satisfying that the correct signals were shown and the line before him is clear of visible obstructions. Further he started the train without proper authority to proceed and he also failed to repeat the aspects of signals to his driver.

6. That the contents of Para-6 of the writ petition are not admitted, hence denied. In reply thereto it is stated that the petitioner has already admitted that he violated the safety rules by not observing the aspect of signal for his train. While the situation of the starter signal from the engine was hardly three meters ahead.

7. That the contents of Para-7 of the writ petition need no comments in view of the foregoing paragraphs of this counter reply. However, it is stated that ~~the~~ due to negligence on the

Subin
15/10/91

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part of petitioner and the driver the Express Train met with accident.

8. That the contents of Para-8 of the writ petition are wrong, hence denied. In reply thereto it is stated that it is evident from the Inquiry Report that the petitioner acted negligently while on duty as a result of which the accident took place.

9. That the content of Para-9 of the writ petition need no comments as the petitioner was not asked to submit his explanation on the issue mentioned in the para under reply. However, it is stated that the facts of the case has already been worked out in the report of the Inquiry Committee and the petitioner was held guilty for his negligent performance of duty.

10. That the contents of Para-10 of the writ petition are not correct, hence denied. In reply thereto it is stated that the Inquiry Committee while recording the statements of the petitioner as well as of driver, gave him all reasonable opportunity by providing him relevant documents.

The Enquiry Committee in its findings held the petitioner guilty for negligence in performing

Adyaan
13/10/41

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5.

his duty and for violating the safety rules also.

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11. That the contents of Para-11 of the writ petition are wrong, hence denied. In reply thereto it is stated that the Administration took action against the other staff also who were held responsible in the said case as per the provisions of Departmental and Appeal Rules (D & AR).

12. That in reply to Para-12 of the writ petition it is stated that the petitioner was served a Memorandum (SE-5) dated 10.9.1981 containing the charges levelled against the petitioner. Anything contrary to it is denied.

13. That ~~the contents of~~ ^{in reply to} Para-13 of the writ petition it is stated that the petitioner submitted his reply to the memorandum of charges which was suitably/p-roperly considered by the Competent Authority and thereafter necessary orders were passed.

14. That in reply to Para-14, 15 & 16 of the writ petition it is stated that a notice was served to the petitioner by the Competent Authority to initiate an inquiry as per extent rules and a notice dated 8.4.1982 was issued by the Enquiry Officer to the petitioner to attend the inquiry.

Subin
11.15/10/91

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6.

While attending the enquiry on 15.5.82 and making statement before the Enquiry Officer, ¹⁶⁹ the petitioner made an endorsement on the statement sheet that he had accepted the charges and requested for lenient view to be taken. The contents of endorsement of the petitioner is being annexed herewith as Annexure No.R-1 to this writ petition.

15. That the contents of Para-17 of the writ petition are wrong, hence denied. In reply thereto it is stated that the petitioner was afforded full and all reasonable opportunity during course of inquiry.

16.. That ~~the contents~~ in reply to Para-18 of the writ petition it is stated that as per extent rules the Competent Authority may change the Enquiry Officer as and when required considering the reasonable grounds.

17. That the contents of Para-19 of the writ petition ~~xx~~ are not admitted as alleged, hence denied. However, it is submitted that the para under reply need no comments in view of the fore-going paragraphs of this counter reply as the same has already been replied

Again
15/10/91

✓

in the above paras of this Counter Reply. X
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18. That the contents of Para-20 of the writ petition are admitted to the extent that the petitioner~~s~~ submitted a representation dated 14.7.1982 in reply to show cause notice. The competent Authority passed the appropriate orders of punishment after considering it properly. Anything contrary to it is denied.

19. That the contents of Para-21 of the writ p-etition are wrong, hence denied. In reply thereto it is stated that the Competent Authority passed the orders of punishment on 4.9.1982 & after considering his representation dated 14.7.1982 and said orders were communicated to him well in time.

20. That the contents of Para-22 of the writ petition are admitted to the extent that the appeal of the petitioner, preferred against the punishment orders dated 4.9.1982 was considered by the Appellate Authority and the punishment was reduced from "Reduction as Fireman 'C' for two years "to" Reduction in grade by two stages for one year" and rest of the contents of para under reply are not

*Agreed
15/10/91*

admitted, hence denied.

21. That the contents of Para-23 of the writ petition are wrong, hence denied. In reply thereto it is stated that the Appellate Authority was fully competent to decide the appeal of the petitioner under the extent rules as such the allegations mentioned in para under reply are vehemently denied.

22. That the contents of Para-24 of the writ petition are wrong, false and frivolous, hence denied. However, it is submitted that no specific comments are required to be given here as the same has already been mentioned in the foregoing paragraphs of this Counter Reply.

23. That the copy of the writ petition provided to the answering opposite parties does not contain the Para-25.

24. That the contents of Para-26 of the writ petition are wrong, hence denied. In reply thereto it is stated that no specific comments are required for the para under reply as the contents of the same has already been replied in the foregoing paragraphs of this Counter-

15/10/91
15/10/91
15/10/91

Reply. However, it is stated that the case of the petitioner was decided on merits by the Competent Authority.

25. That in reply to Para-27 of this writ petition it is submitted that a Revision Petition was received from the petitioner which was decided by the Competent Authority and the punishment which was reduced in the appeal was upheld. Anything contrary to it is denied.

26. That in reply to Para-28 & 29 of the writ petition it is stated that the allegations of the petitioner made in para under reply have no relevancy with the merit of case as such it needs no admission or denial. It is also clarified that whatsoever monetary loss caused to the petitioner which was as a result of implementing the punishment, order. It is further submitted that the allegations of the petitioner made in paragraphs under reply are wrong and incorrect hence denied.

27. That the contents of Para-30 and 31 of the writ petition are false, frivolous and fabricated and wrong, hence denied. The

*Filed in
15/10/97*

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grounds taken therein are not sustainable in the eyes of Law and the writ petition deserves to be dismissed throughout.

Lucknow

Dated: 15.10.91

VERIFICATION

I, N K Jais

do hereby verify that the contents of Para 1 of the instant reply are based on personal knowledge and belief and those of paras 2 to 27 are based on knowledge derived from the perusal of records of the instant case kept within the official custody of the answering opposite parties, nothing material has been concealed and nothing stated therein are false.

Verified on 15th the day of Oct 1991, at Lucknow.

Through
B. K. Shukla
 (B. K. Shukla)
 Rly Advocate
 Counsel for Qs 1 to 6

✓ (Shukla)
 15.10.91

N.R.

18-June, 1981--28,200 P.

उत्तर रेलवे
Northern Railway

Annex

15.5.82.

SAR/82.

Inquiring officer
SFI/dec.A
175C.M. Pandey
OSR Assistant
Lucknow
dec.A
174

Subj. SAR Enquiry into Case No. T.G.8/A-3/1-81/RB
You have been charged vide SF-5 bearing no.
T.G.8/A-31I-81RB/CNB dtd 10.9.81 as under:-

" On 9.6.81, 64 Down Avadh Express bound for Lucknow was received and dealt with on platform No. 3 of Kanpur Central Station. Despatch signals for this train were taken off at 3/32 hrs for despatch to Lucknow via South line, but when the train did not move for some time, signal were put back at 3/40 hrs, so as to facilitate reception of 155 up Tivarkhwa Mail, coming from Chaurachha side into CNB Station. But it so happened that the driver of 64 Down Avadh Express also started a little later. After it had crossed point, 147, its diesel engine No 18084-WDM-4 side collided with Electric engine No 20645 WDM-4 side of 155 up Mail, which had come to a halt on at Stop dead Caution at KM 100p after passing point No 145 in Station yard.

1. The enquiry has revealed that the said Shri C.M. Pandey, OSR Assistant of 64 Down Avadh Express started 64 Down from line no 3 of CNB Station on 9.6.81 without satisfying that all the coast signals were shown and that line before him is clear of visible obstruction and

2. The said OSR Asstt. started 64 Down Avadh Express from line no 3 of CNB Station on 9.6.81 without proper authority to proceed and.

3. That the said OSR Asstt. failed to report the aspects of signals to his driver.

Sh. C.M. Pandey, OSR Asstt./Lucknow has thus violated G.R. 119, G.R. 76(a) G.R. 120 + SR 122/1, thereby resulting in the side collision at 3/52

P.T.O

N.P. -2,211/18-June, 1981-28,200 P.

लक्ष्मी देवी
Northern Railway

Pl say you accept the charges framed against
vide SFS bearing no. TGB/A-3/I-81RB/CNB/10
or not.

Ohm
SFI/Heo

Sir,

I accept the charges framed against
vide SFS NO TGB/A-3/I-81RB/CNB dated 8/11/81
and request for lenient view. I have already
my position in defence to the above charge
11/11/81. I hope your honor will consider
sympathetically

C.M. Pandey
DSL (Asst. H.)
Dt 15/5/81

W. Pandey
21/10/81

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In the Hon'ble Central Administrative Tribunal, Circuit Bench, L.K.

ब अदालत श्री मान

वादी मुद्दाई

प्रतिवादी मुद्दालय का वकालतनामा

C.M. Pandey

वादी मुद्दाई

प्रतिवादी मुद्दालय

बनाम Union of Indis
TAN: 1140 of 87

नं० मुकद्दमा सन 19 पेशी की तारीख 2.2.1990 हं०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

Brijesh Kumar Shukla
..... Rly Advocate
Lucknow.

रहबोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिफेंस जारी करावें और स्वयं वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे हस्ताक्षर से दाखिल करें और तत्सदीक करे या मुकद्दमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकस्तानी का दाखिल किया स्वयं अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको स्वयं स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने खैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर कास

साक्षी गवाह हस्ताक्षर

दिनांक महीना

साक्षी गवाह

नाम अदालत

नं० मुकद्दमा TAN: 1140 of 87

नाम फरीकन

Accepted

Rly Advocate

N.R.

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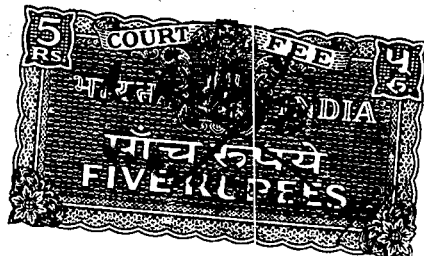
VAKALATNAMA
W. P. No. 1837/83

G.V. 3

Before The Hon'ble The High Court of Judicature at Allahabad
In the Court of

C. M. Pandey

Plaintiff
Defendant



Claimant
Appellant
Petitioner

Union of India

Defendant
Plaintiff

Versus

Respondent

The President of India do hereby appoint and authorise Shri. C. A. Basu, Advocate

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise where the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. C. A. Basu

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 22/7

Dated 22/7 1983.

N.R.—149/1—June, 1981—75.00 F.

Designation of the Executive Officer

प्रतिवादी

वादी
प्रतिवादी

जन्म

प्रतिवादी
वादी

दावेदार
अपीलायी
अर्जीदार
प्रत्यायी

भारत के राष्ट्रपति इसके द्वारा श्री

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने काउंसेल, अधिवक्ता या प्लीडर नियुक्त करने, और उन्हें अनुदेश देने, रुपया वापिस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की आनुवंशिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त वाद/अपील/कार्यवाही/अधिवक्ता/प्लीडर या उनके द्वारा नियुक्त काउंसेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यायी/अपीलायी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/कार्यवाही/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिवक्ता करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त हो जाये और न उससे उत्पन्न या उत्पन्न विवादवास्त सभी या किसी विषय को मध्यस्थ को निवेदन करेगा, परन्तु सामाजिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पूर्णतः वाद/अपील/कार्यवाही/अधिवक्ता/प्लीडर/काउंसेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त हो जाये और पूर्णतः प्रत्येक मामले में उक्त काउंसेल/अधिवक्ता/प्लीडर करार या समझौता करने के निवेदन प्राप्त होते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति के अधिकार के अन्तर्गत श्री

जिस विषय में सभी कायायाग समझौते करने की सहमत हैं।

इसके अतिरिक्त अन्तर्गत के राष्ट्रपति के लिए और उनकी ओर से इस विवेक की आज तारीख

तारीख 196

विचार करने वाले अधिकारी का पदनाम