

## CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

## INDEX SHEET

Cause Title TAMO 1145/87  
 of 19  
 W.P.M. 1982/83  
 Name of the parties Shri Ram Singh Applicants.

Versus

Union of India,

Respondents.

Part B.C.

Sl.No.

Description of documents

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- ① notices - A1 to A2  
 ② Power - A3 to A4

This file is open  
 without box  
 check on 17/1/12.

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

18/5/07



1145707/17

S 11.90

Due to Holiday. Adjourned to  
12/12/90.

OB

North filed

S P H

L  
7/K

12.12.90

D.R.

Applicant's

side is absent

today. O.P.'s

side Mr. Narin

dera with C.L.A.

Rly. is present

today. R.A. has

been  
not filed by

applicant. as

is listed before

me on 8/1/91

B

8/1/91

D.R.

O.P.'s side is

present. Appli

cant is absent

Today. Applicat

did not file

R.A. till

today. He is

ordered to

file R.A.

by 4/2/91.



10.7.91

D.R.

Applicant is present  
in person. O.P. is  
absent today. Applicant  
to file Rejoinder by  
30/7/91. Case is  
listed on 30/7/91.

30.7.91

D.R.

Both the parties  
are absent today.  
Applicant to file  
Rejoinder by 5/9/91.

5.9.91

D.R.

Both the parties are  
present. Applicant  
desires to file Rejoinder  
by 18/10/91. *le*

18.10.91/21.10.91

D.R.

counsel for O.P. is  
present. Case has been  
taken up today because  
of holiday on 18.10.91  
Applicant to file  
Rejoinder by 6/11/91.



T.A. 1145/87

11.2.91

D.R.

Both the parties  
are absent today.  
Applicant did  
not file rejoinder  
till today.  
Applicant to  
file rejoinder  
by 15.3.91.

15.3.91  
D.R.

Respondent's side is  
present. Applicant's  
side is absent today.  
Applicant to file rejoinder  
by 30.4.91.

30.4.91  
D.R.

Applicant is present  
in person. No R.A. has  
been filed so far.  
D.P. is absent. Applicant  
to file R.A. by 6/7/91.

10.7.92	Case
attaches to the original	
No. 1983 Rejoinder has	
not been filed. Place	



T.A. 1145/87

6.12.91

D.R.

Both the parties are  
absent. Applicant to  
file Reply by  
25/2/92.

25.2.92

D.R.

Both the parties  
are absent. Applicant  
to file Reply  
by 8/5/92.

8.5.92

Both the parties  
are absent. Applicant  
to file Reply by  
5.8.92.

PR

5/8/92 — Cancels  
to the original No  
12/1983. Reply  
has not been  
filed yet. Please  
refer the matter  
back for F.H.  
on 15.9.92  
Applicant may  
file Reply mean  
while.

O.R

NORA filed.

S.F.O.

8  
14/9/92



A.S.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW  
.....

ORDER SHEET NO. \_\_\_\_\_

O.A./T.A. No. 1145/87

OFFICE REPORT

DATE


ORDER

15-9-92

Hon. Mr. Justice U.C. Sinastana, V.C.  
Hon. Mr. K. Obayya, A.M.

The case is adjourned to 16-9-92  
for hearing.

  
A.M.

  
V.C.



CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

....

Registration T.A. No. 1145 of 1987  
( W.P. No. 1982 of 1983)

Sheo Ram Singh                      ...                      ...                      Applicant.

Versus

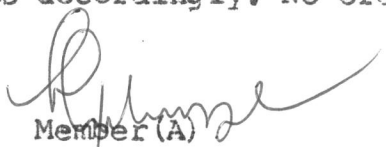
Union of India  
and others                      ....                      ....                      Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

This is transferred case under Section 29 of the Administrative Tribunals Act ,1985. By meas of this application, the applicant has prayed for quashing the order dated 17.3.1983 by which he was punished after departmental enquiry and was reduced to lower post of fireman-A in the scale of Rs. 290-350 and fixing his pay at Rs. 350/- per month for a period of three years from the date of the order without postponing future increments. The High chourt has stayed the operation of the said order, with the result, the applicant continued to hold the said post. During the pendency of this case, he retired in the year 1987, as such, the application has become infructuous. The learned counsel for the respondents states that in view of the fact that the applicant has been retired and he has enjoyed the very same office, and have got ~~his~~ his salary. and because of the interim order passed by the High court, this application has become infructuous. The learned counsel for the applicant contended that for the

purpose of pensionary benefits, the applicant should be deemed to be continuing in the said grade. Accordingly, this application is hereby dismissed as infructuous with the ~~observation~~ that the applicant shall be deemed to be continuing in the same grade on which he was placed before passing of the punishment order till the date of retirement and will be granted pensionary benefits accordingly. No order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 16.9.1992  
(n.u.)



115/82 (T)

A7

CIVIL  
CRIMINAL SIDE

## GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 1982-83.  
 Name of Parties Shri Ram Singh vs. Union of India & Jan.  
 Date of Institution 14-4-83. Date of decision 7

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 Annexes.	26-	-	102.00.			
	2-	Power	1-	-	5.00.			
	3-	cmd. 4448(W) 883 for stay	2-	-	5.00.			
	4-	Power	2-	-	10.00.			
	5-	cmd. 6846(W) 884 with CA.	11-	-	7.00.			
	6-	order sheet	1-	-	-			
	7-	Back 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 \_\_\_\_\_

3  
Group A 14 C3

TA 1145/82 AS

3044

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

--  
Writ Petition No. 1902 of 1983

Sheo Ram Singh

-Petitioner

versus

The Union of India and another

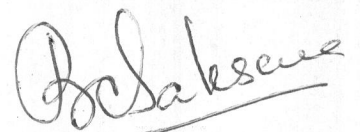
-Opp-parties

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no.

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6. Notice dated 25.2.1982	4 21-22
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8. Order dated 17.3.1983	6 25-26
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7020  


( B.C. Saxena )  
Advocate



Set 100/-

19/4/83

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

---  
Petition under Article 226 of the Constitution  
of India

-- 1982  
Writ Petition No. of 1983

Sheo Ram Singh, aged about 54 years, son of Sri  
Udai Raj Singh, permanent resident of 281/408,  
Mawaiya, Lucknow-4

Petitioner

versus

1. The Union of India through the General Manager,  
N.E.Railway, Gorakhpur
2. The Divisional Railway Manager, N.E.Railway,  
Divisional Offices, Ashok Marg, Lucknow

Opp-parties

This humble petition on behalf of the  
petitioner above-named most respectfully sheweth:-

1. That the petitioner was initially appointed  
on the post of Tube Cleaner in the N.E.Railway



21/4/1983



Read copy for  
of 1822

13th 03 Ad.

Lin Chandra  
Chak  
ATZ

Impressed  
Adhesive Receipt  
Total

Correct but final Court-fee  
will be made on receipt of  
Court record.

In time up to

Papers filed. Copy of F. O.

none also be filed.

Type - Bench.

Last impinged Amends 17383  
District: Lucknow

Andant  
13-4-23

Hon. D. M. Shah,  
Hon. U. E. S. J.

Admit.

Notice on behalf of  
both the opp parties has  
been accepted by Mr  
Amesh Thandra. It is  
prayed on his behalf  
that two weeks' time  
may be allowed, Court  
affidavit may be filed  
within this period and  
the copy of which shall be  
served outside the court  
on the 2d. Counsel for  
the petitioner, who may,

- 2 -  
if he so chooses, file  
rejoinder affidavit within  
three ~~weeks~~ days. The  
petition thereafter shall  
be listed for orders.

14-4-23  
2

on 6.9.1946. The petitioner thereafter gained promotions to various posts in the channel of promotion of Tube Cleaners and was ultimately on 22.10.79 promoted as Driver grade B in scale Rs. 425-640 from the post of Driver grade 'C'.

2. That the petitioner while working as Driver grade 'C' was served with a memo bearing no. T/537/TA/21/81 dated 20.7.1981. The said memo was issued on cyclostyled prescribed proforma no. 11 ~~xxx~~ in terms of rule 11 of the Railway Servants (Discipline and Appeal) Rules, 1968. By the said memo. the petitioner was informed of a proposal to take action against him and the imputation of misconduct and misbehaviour on which it was to be taken was intimated. A true copy of the said memo. is being annexed as Annexure no. 1 to this petition.

3. That the petitioner submitted a reply to the said memo. and denied any violation of subsidiary rule 34 having been committed by him or that he passed any signal at danger. The petitioner indicated in his explanation that the gateman of Gate no. 48 was showing green banner and the train was at a speed of 10 Km. per hour.

4. That on a consideration of the petitioners said explanation the Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow by means of his order dated 24.9.1981 cryptically passed the



2/1/83

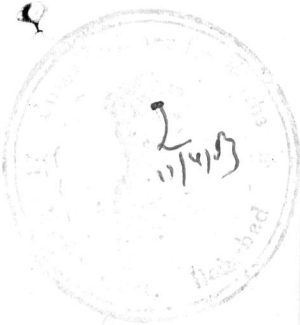
following order:-

"Defence not plausible. Withheld increment temporarily for one year."

A true copy of the said order dated 24.9.1981 is being annexed as Annexure no.2 to this petition.

5. That aggrieved by the said order of punishment of withholding increment temporarily for one year, the petitioner preferred an appeal to opposite-party no.2 on 6.11.1981. With a view to place on record the facts stated and pleas raised by the petitioner in the said appeal, a true copy of the same is being annexed as Annexure no.3 to this petition.

6. That opposite-party no.2 impurported exercise of power under rule 25 of the Railway Servants (Discipline and Appeal ) Rules, 1968 issued a show cause notice indicating his provisional decision that the punishment imposed on the petitioner by the Senior Divisional <sup>Rail</sup>Mechanical Manager<sup>(m)</sup>, Lucknow by his order dated 24.9.1981 was inadequate and in view of the gravity of the offence committed by the petitioner a <sup>severer</sup> punishment was warranted. Opposite-party no.2 accordingly provisionally took a decision to punish the petitioner with stoppage of increments for three years with cumulative effect. A copy of the said notice dated 25.2.1982 is being annexed as Annexure no.4 to this



*Signature*



petition.

7. That the petitioner in response to the said notice of imposition of enhanced penalty submitted his reply on 15.3.1982. With a view to place on record the contents of the said representation, a true copy thereof is being annexed as Annexure no.5 to this petition.

8. That the petitioner to his utter surprise has now gained knowledge that opposite-party no.2 has by means of his notice of imposition of penalty bearing no. T/537/TA/21/81 dated 17.3.1983 has passed an order imposing the punishment of reduction to a lower post ~~on~~ <sup>of</sup> Fireman 'A' in scale Rs. 290-350 and fixing his pay at Rs. 350/- per month for a period of three years without postponing future increments.

It is relevant to indicate that the petitioner is at present working as Driver grade B scale Rs. 425-640. The next below post to that of Driver grade 'B' is Driver grade 'C' in the pay scale of Rs. ~~350~~ <sup>Three</sup> ~~480~~ <sup>Three</sup> ..... The post of Fireman A is <sup>Three</sup> two grades below to that of the post of Driver Grade B, the <sup>Three</sup> two grades intervening in between are of <sup>Driver</sup> ~~Stunter~~ B and <sup>Driver</sup> ~~Grade~~ Grade 'C'. A true copy of the said order dated 17.3.1983 is being annexed as Annexure no.6 to this petition.

9. That a perusal of the said order of punishment



*Handwritten signature and date '22/11/83'.*

would show that it makes reference to the report of an inquiry officer appointed to inquire into the charges against the petitioner. It is stated that opposite-party no. 2 by order dated 16.4.1982 appointed one Sri R.K. Kapoor , Loco Inspector Charbagh to act as the Inquiry Officer .

10. That opposite-party no. 2 purporting to act as disciplinary authority qua the petitioner had at no time drawn up or caused to be drawn up the substance of imputation or misbehaviour against the petitioner for which it was proposed to hold an inquiry against him into definite and distinct article of charge . Opposite-party no. 2 also did not draw or cause to be drawn up a statement of imputation of misconduct or misbehaviour in support of each article of charge and neither any list of witnesses nor list of documents by which the articles of charges were proposed to be sustained were intimated. It is stated that opposite-party no. 2 did not exercise power at any time contained in sub-rule (3) of rule 9 of the Discipline

21/4/83

would show that it makes reference to the report of an inquiry officer appointed to inquire into the charges against the petitioner. It is stated that opposite-party no. 2 by order dated 16.4.1982 appointed one Sri R.K. Kapoor, Loco Inspector Charbagh to act as the Inquiry Officer.

10. That opposite-party no. 2 purporting to act as disciplinary authority qua the petitioner had at no time drawn up or caused to be drawn up the substance of imputation or misbehaviour against the petitioner for which it was proposed to hold an inquiry against him into definite and distinct article of charge. Opposite-party no. 2 also did not draw or cause to be drawn up a statement of imputation of misconduct or misbehaviour in support of each article of charge and neither any list of witnesses nor list of documents by which the articles of charges were proposed to be sustained were intimated. It is stated that opposite-party no. 2 did not exercise power at any time contained in sub-rule (3) of rule 9 of the Discipline and Appeal Rules. It is further stated that the petitioner was not served at any time with a copy of the article of charge, the statement of imputation of misconduct or misbehaviour and ~~list a~~ list of witnesses and documents by which each article of charge was proposed to be sustained. The petitioner was also not called upon to submit a written-statement of defence as mandatorily enjoined



21/4/82



by sub-rule (4) of rule 9 of the Discipline and Appeal Rules.

11. That the punishment of withholding increment for specified period even including three years is a minor punishment and has been enumerated in rule ~~sub-rule~~ 6 of sub-rule 4 of the said rules, 1968. It is stated that opposite-party no.2 having decided provisionally to impose a punishment of withholding increments for a period of three years by order dated 25.2.1982 had no occasion to decide that an inquiry be held in terms of the provisions of rule 9 of the said rules. It is stated that there was no warrant or reason for the said decision because nothing fresh took place between the issuance of the order dated 25.2.1982 and the order dated 16.4.1982 aforesaid.

12. That the post of a driver in the Indian Railways is a post belonging to the Mechanical Department. Opposite-party no.2 is not an officer of the Mechanical Department and is neither the petitioners appointing authority. The head of the Mechanical Department is the Divisional Mechanical Engineer and is the appointing authority of the drivers. It is, therefore, stated that opposite-party no.2 is neither the petitioners appointing authority nor has any disciplinary control over the petitioner and thus could not act as the disciplinary authority.

13. That rule 17 of the Discipline and Appeal

AIS

Rules ,1968 enumerates the orders against which no appeal lies while rule 18 enumerates the orders against which an appeal lies. Sub-rule 2 of rule 18 provides <sup>for</sup> ~~that~~ an appeal against an order imposing any of the penalties specified in rule 6. The order of imposition of penalty of withholding increment for one year was an appealable one under the provisions of sub-rule (2) of rule 18<sup>~</sup> and in fact an appeal against the same had also been preferred.

14. That the impugned order dated 17.3.1983 has not been given effect to till date but is likely to be given effect to any day thereafter.

15. That the petitioner was at no time given a notice stating the penalty to be imposed on him and calling upon him to submit his representation as he may wish to make on the proposed penalty . In other words, the petitioner was not called upon to show cause why the punishment of reduction to a lower post be not imposed upon him.

in  
16. That/paragraph 4 of the order dated 17.3.1983 it has been indicated that an appeal against the same lies under rule 18 of the said rules, 1968. The authority to whom the appeal lies has not been indicated . (The petitioner is advised to state that for the following reasons the so-called remedy of an alternative remedy of an appeal is illusory and is in no manner an effective alternative remedy.)

22/11/83

The reasons are these:-

17. That the appellate authority has no power to grant stay of the order appealed against and the appeal would take at least 2 to 3 years to be decided and during the said period the petitioner would suffer grave and irreparable injury inasmuch as by the impugned order he is sought to be reduced two grades below the present post held by him.

18. That the petitioner on the post of Driver grade 'B' scale Rs. 425-640 is drawing a basic pay of Rs. 515/- whereas by the impugned order his pay has been directed to be fixed at Rs. 350/- per month for a period of three years. It is further stated that the dearness allowance and other allowances are computed on the basis of the basic pay. Besides, the rate of running allowance for Fireman A and Driver grade B is altogether different, the rate of running allowance for Driver B being almost two times. The loss of total emoluments to the petitioner if the impugned order is permitted to be given effect to would be no less than Rs. 600/- per month. The

2  
11/11/53

The reasons are these:-

17. That the appellate authority has no power to grant stay of the order appealed against and the appeal would take at least 2 to 3 years to be decided and during the said period the petitioner would suffer grave and irreparable injury inasmuch as by the impugned order he is sought to be reduced two grades below the present post held by him.

18. That the petitioner on the post of Driver grade 'B' scale Rs. 425-640 is drawing a basic pay of Rs. 515/- whereas by the impugned order his pay has been directed to be fixed at Rs. 350/- per month for a period of three years. It is further stated that the dearness allowance and other allowances are computed on the basis of the basic pay. Besides, the rate of running allowance for Fireman A and Driver grade B is altogether different, the rate of running allowance for Driver B being almost two times. The loss of total emoluments to the petitioner if the impugned order is permitted to be given effect to would be no less than Rs. 600/- per month. The total emoluments the petitioner is receiving as Driver Grade B comes to Rs. 1500/- to Rs. 1600/- and as Fireman A the total emoluments would come or Rs. 800/- to Rs. 900/-.

19. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy, the petitioner seeks to prefer



this writ petition and sets forth the following,  
amongst others,

GROUND:

(a) Because opposite-party no.2 not being the petitioners appointing authority or disciplinary authority has acted without jurisdiction in passing the order imposing penalty of reduction to a lower post upon the petitioner by the order dated 17.3.1983.

(b) Because, in any case, inasmuch as there has been gross non-compliance of the provisions of sub-rules 3 and 4 as also various other sub-rules of rule 9, the impugned order is clearly vitiated.

(c) Because there has been gross non-compliance of the provisions of sub-rule (5) of rule 10 inasmuch as opposite-party no.2 did not call upon the petitioner to submit a representation against the proposed penalty.

(d) Because in view of the circumstance that the Senior Divisional Mechanical Engineer, the petitioners appointing authority, had on a consideration of the misconduct alleged against the petitioner considered it to be a case for imposition of a minor penalty, opposite-party no.2 in the capacity of a disciplinary authority even though such

for

capacity is denied could not have taken a decision ~~that~~ the same misconduct warranted the imposition of a major penalty. The decision, if any, to convert the proceedings for imposition of minor penalty into a proceeding for imposition of a major penalty was clearly violative of the principles of natural justice and is vitiated.

(e) Because even opposite-party no.2 on the basis of the misconduct alleged against the petitioner in memo. dated 20.7.1981 in purported exercise of power under rule 25 considered it a case warranting a severe punishment ~~of~~ ~~it~~, that too of withholding increments for a period of three years has acted wholly in colourable and mala fide exercise of power in imposing a major penalty on the petitioner.

(f) Because the impugned order dated 17.3.1983 is not referable to rule 25 of the Railway Servants (Discipline and Appeal) Rules, 1968. If it could be found to have been passed by opposite-party no.2 in exercise of power of review under rule 25, it must be held that the provisions of rule 25 were not attracted inasmuch as an appeal had been preferred against the order passed by the Senior Divisional Mechanical Engineer imposing punishment of withholding increment temporarily for one year.

(g) Because the punishment of withholding

Per

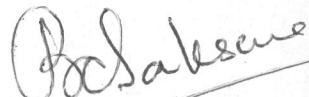
increment of one year was appealable under the provisions of sub-rule (2) of rule 18 and an appeal having been preferred against the same opposite-party no.2 or for that matter any other authority could not have exercised power under rule 25 since the same would not be attracted.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to :-

(i) issue a writ of certiorari or a writ order or direction in the nature of certiorari to quash the order dated 17.3.1983 passed by opposite-party no.2 and contained in Annexure 6 to the writ petition.

(ii) issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

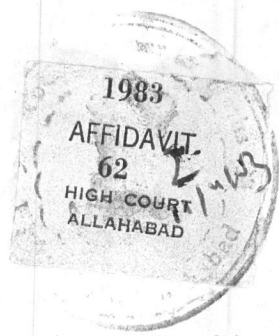
Dated Lucknow  
11.3.1983

  
(B. C. Saksena)  
Advocate  
Counsel for the petitioner



120

12



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

--

Affidavit

in

Petition under Article 226 of the Constitution  
of India

--

Writ Petition No. of 1983

Sheo Ram Singh

-Petitioner

versus

The Union of India and another

--Opp-parties

--

I, Sheo Ram Singh, aged about 54 years,  
son of Sri Udai Raj Singh, resident of 281/408,  
Mawaiya, Lucknow-4, do hereby solemnly take oath  
and affirm as under:-

1. That I am the petitioner in the above-noted writ  
petition and am fully acquainted with the facts  
of the case.
2. That the contents of paras 1 to 18 except the  
portion within brackets are true to my own knowledge  
and those of portion within brackets are true on the  
advice of my counsel which I believe to be true.



12/11/83

421

3. That ~~the contents of~~ <sup>✓</sup> Annexures 1, 2, 3, 5, and 6 have been compared and are certified to be true copies.

Dated Lucknow

11.4.1983

*[Signature]*  
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 3 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow

11.4.1983

*[Signature]*  
Deponent

I identify the deponent who has signed in my presence.

*[Signature]*  
(Clerk to Sri B.C. Saxena, Advocate)

Solemnly affirmed before me on 11-4-83 at 8-~~00~~ a.m./p.m by *[Signature]* the deponent who is identified by Sri *[Signature]* clerk to Sri B.C. Saxena Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

*[Signature]*  
11-4-83

SATISH CHANDRA SRIVASTAVA	
OATH COLLECTOR	
High Court, Allahabad;	
Lucknow Bench,	
No.	362/64B
Date	307 11-4-83



*[Signature]*

A22

14

इन दि जानेवुल हाईकोर्ट आफ जूडीकेवर एट इलाहाबाद

लखनऊ बेन्च लखनऊ

रिट पिटीशन नं            आफ    1983

शिवराम सिंह ----- पिटीशनर

बनाम

यूनियन आफ इंसिडिया तथा अन्य-----अपोजिट पार्टी

एन्क्जर नं --- 2 ---

पूर्वोत्तर रेलवे

मपक फार्म सं० - 11

छोटी शक्तियां अधिरोपित करने के लिये आरोप के ज्ञापन का  
मानक फार्म रेल सेवक ( अनुशासन और अपील नियम , 1968 का  
नियम - 11 )

संख्या - टी/537/टीए/21/81

पूर्वोत्तर रेलवे - रेल प्रशासन का नाम

निर्गम स्थान --- मंडल कार्यालय लखनऊ

दिनांक 20-7-81

ज्ञापन  
-----

श्री शिवराम सिंह ----- पदनाम ----- चालक सी

(कार्यालय जिसमें काम करता हो) चारखाग रोड को स्टक द्वारा  
सूचित किया जाता है निम्न हस्ताक्षरों द्वारा उसके विकृत रेल  
सेवक (अनुशासन ) और अपील नियम 1968 के नियम 11 के अन्तर्गत



मानिए



कार्यवाही करने की प्रस्थापना की गयी है ।

कार्य की जवहेलना या दुर्व्यवहार या अवधार के तात्पर्य का एक विवरण संलग्न है जिस पर उपयुक्त कार्यवाही करने की प्रस्थापना है ।

श्री शिवराम सिंह को एतद् द्वारा यह अवसर दिया जाता है कि इसी प्रस्थापना के विस्तृत वह जो भी अध्यावेदन चाहे दें ।

यदि देना हो, निम्न हस्ताक्षरों की ( द्वारा लोको प्रोत्पन्न / चाखबाग रोड इस तरह प्रस्तुत किये जाना चाहिये ताकि यह शापन को प्राप्ति के दस दिन के भीतर निम्न हस्ताक्षरों के पास पहुच जाये ।

3- यदि श्री शिवराम सिंह --- पैरा 2 में विनिर्दिष्ट अवधि के भीतर अध्यावेदन प्रस्तुत नहीं करते तो यह मान लिया जायेगा कि उन्हें कोई अध्यावेदन नहीं देना है और श्री शिवराम सिंह के विस्तृत एक पक्षीय आदेश पारित किया जा सकेगा ।

4- श्री शिवराम सिंह चालक इस शापन को पावती दें ।

संलग्नक / एक

हो जपउनीय  
27/1

(रतन सिंह ) एओएमओ ईओ/एओ/एओ/एओ/एओ  
( सक्षम अधिकारी का नाम व पद )

श्री -----

द्वारा -----



श्री शिवराम सिंह

-3-

जारीप का विवरण

दिनांक 4-6-81 को जब 54 खून पैसेन्वर  
गाडी इन्जन सं० 2858 वाई०पी० जिस पर श्री शिवराम सिंह  
चालक कार्य कर रहे थे, और गाडी जटारिया - सिधौली के  
मध्य चल रही थी, तो श्री शिवराम सिंह चालक ने गेट सं० 48  
बी० के गेट सिग्नल के संकेत का पालन नहीं किया, जिसके फलस्वरूप  
गाडी टेक्टर सं० पू० एस० एक्स० 05811 से टकरा गई, क्योंकि  
गेट खुला हुआ था ।

श्री शिवराम सिंह चालक ने एस० जार० 24 का जखन  
किया है, जिसके लिये श्री शिवराम सिंह जिम्मेदार ठहराये जाते हैं ।

६० अपठनाय

27/1

(रतन सिंह)

ए०एम०ई०/एल०जे०एन०

सत्य प्रतिलिपि

12/11/81

इन दि आनरेबल हाईकोर्ट आफ जूडीचर एट इलाहाबाद

लखनऊ बेंच लखनऊ

रिट पिटीशन नं.            आफ 1983

शिवराम सिंह ----- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य-----अपोजिट पार्टी

एन्काउंटर नं. - 2 ---

पूर्वात्तर रेलवे

अनुशासन एवं अपील नियम - 1968 के नियम 11 के अधीन (बलास्तिगी सेवा पृथक्ता, अनिवार्य सेवा निवृत्ति एवं ( रिट्रिक्शन ) पदावधि के मामूली को छोड़कर दण्ड-अधिरोपण सूचना ।

संख्या टी/537/टी05/21/81

दिनांक 24-9-81

प्रेषक, मण्डल कार्यालय / पूर्वात्तर रेलवे,  
लखनऊ ।

सेवा में,

श्री शिवराम सिंह

चालक सी द्वारा लोको/चारबाग रोड

इस कार्यालय आपन संसंध्यक

दिनांक 20-7-81

के उत्तर में आपके स्पष्टीकरण के संदर्भ में आपको एतद् द्वारा सूचित किया जाता है कि अधोहस्ताक्षर कर्ता ने निम्न आदेश पारित किये हैं :-



शिवराम सिंह



-2-

Defence not plausible WIT-one year

हस्ताक्षर Ramesh Kumar  
Sr. Dm E/LJN

पद संज्ञा

दि० 24-9-81

प्रतिलिपि कार्मिक विभाग

अनुदेश  
-----

- 1- इन आदेशों के विरुद्ध अपील ~~DRM~~ <sup>DRM</sup> LJN की हो सकती है ( आदेश पारित करने वाले अधिकारी के आसन्न (इमीडिएट) उच्च अधिकारी ) ।
- 2- यह अपील उस प्राधिकारी द्वारा रोकी जा सकती है जो आदेश देने वाले प्राधिकारी से न हो, यदि --

- (अ) यह मामला ऐसा हो जिसमें नियमाधीन कोई अपील न होता हो।
- (ब) आदेश जिसके विरुद्ध अपील को जा रही है को अपील कर्ता द्वारा प्राप्त की तारीख से 45 दिन के अंदर यह न प्रस्तुत किया गया हो और बिल के लिये समुचित कारण बताया गया है।
- (स) अनुशासन एवं अपील नियम 1968 के नियम 21 के प्राविधान का अनुपालन न किया गया हो।

-----  
-महसूनि-मण्डल रेल प्रबंधक (संरक्षा) लखनऊ हस्ताक्षर-----  
दिनांक -----

आपकी दण्ड अधिराज्य सूचना सं०

A 6  
(2101/18) 18 E

इन दि जानरेकुल हार्कोर्ट आफ जूडीकेवर एट इलाशबाद

लखनऊ बैन्च लखनऊ

रिट पिटीशन नं.                      आफ 1983

शिवराम सिंह ----- पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य-----अपीजिट पाटलि

एनेक्जर नं. - 3 -

श्रीमान मण्डल रेल प्रबन्धक,

लखनऊ ।

द्वारा :- लोको फोरमैन / चारबाग रोड

विषय आप के ज्ञान संख्या टी/537/रोड/21/81 दिनांक 24-

9-81

सेवा में सविनय निवेदन है कि अरोक्त आपन के संबन्ध में निम्न साक्ष्य प्रस्तुत करते हुए आपसे सहानुभूति पूर्ण न्याय का आकांक्षी हूं ।

मैं 54 डाउन ट्रेन लेकर मैदानी जा रहा था रास्ते में सिधौली स्टेशन के पास गेट जो नितान्त जंगल में है जिसमें गेटमैन भी अलव्ध है और गेट की बायीं गेटमैन के पास रहती है । तथा गेट का सिग्नल भी डाउन था और मेरी गाड़ी नं० 1 से पास सही हो रही थी इसी समय बायें ओर से एक टैक्टर मेरी गाड़ी से टकराया जिससे न तो कोई जीवन का खानि हुई और न ही टैक्टर खराब पर मुझे चार्जशिट देकर एक वर्ष



शिवराम सिंह

-2-

का वार्षिक बढोत्तरी बन्द कर दिया गया है जबकि मेरा इसमें कोई दोष नहीं है ।

मुझे ऐसा पता चला है कि अक्सर गेट में तलाक़ स्टेशन मास्टर में टेली फोन पर गुप्तचर बातें हुआ करती है और जैसा वे चाहते है गेट बन्द या खुला हुआ रहता है ।

ऐसी दशा में मैं उसका कैसे भागी बनने का अधिकारी हो सकता हूं यह आप स्वयं ही विचार कर सकते है ।

अतएव आपसे उचित न्याय पाने की आशा करता हूं । इस कृपा के लिए आपका जीवन भर आभारी रहूंगा ।

प्राप्ति

हो अपठनीय

(शिवराम सिंह)

सुईवर 'सी'

चारबाग़ शोड

दिनांक 6-11-81

सत्य प्रतिलिपि



(शिवराम सिंह)



21  
on the High Court of Judicature at Allahabad

known Bench L-120

WP 210

0/1983

Sheo Ram Singh — Petitioner

vs

Union of India & others — opp. Parties

Annexure No 4



3/12/83

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

--

Writ Petition no. of 1983

Sheo Ram Singh

--Petitioner

versus

Union of India and others

--Opp-parties

--

Annexure no. 5

Mercy Appeal

To

The Divisional Railway Manager,  
NE Railway, Lucknow

Through

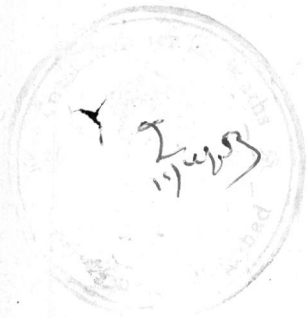
LF, ~~LF~~ / CB

Reg: NP no. T/537/TA/21/81 dated 25.2.1982

Reference your NIP I have been punished with  
stoppage of increment for three years cumulative  
effect regarding dashing of engine no. 2858 YP of  
54 Dn against tractor ~~XX~~ no. USX 5311 on the  
level crossing gate no. 48-B between AA-SD on  
4.6.1981.

In this connection I beg to state the following  
few lines for your kind and sympathetic considera-  
tion please.

That the tractor involved in the above accident  
came on the track in <sup>face</sup> ~~place~~ of the speeding engine  
inspite of the fact that the level X-ing gate  
was closed by the gateman on duty. But the driver



*SEARCHED*

-2-

has been given a heavy punishment in this case though not directly responsible for the above mishap.

Sir, I am on the verge of retirement and will be retired from service after three years. I have always been very alert while on duty and there is no previous case of this type on my account.

I, therefore, pray to your honour to kindly consider my mercy appeal in my last days of service and lessen this heavy punishment as you consider best and save this poor man from undue mental stress and agony in his last days.

For this act of kindness I shall remain ever grateful to you.

Yours faithfully,  
Sd.S.R.Singh  
Dr. C/ CB

Dated 15.3.1982

DRM (Safety)/LJN

Forwarded for disposal

Sd<sub>LF</sub>/CB



12/04/1982

6

133  
25

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

--

Writ Petition No.	of 1983
Sheo Ram Singh	--Petitioner
versus	
Union of India and others	--Opp-parties

Annexure no. 6

N.E. Railway

Order of imposition of penalty of reduction to  
lower post/grade (service under rule 6(vi) of the  
Railway Servants (D & A) Rules, 1968

No. T/537/TA/21/81      Dated 17.3.1983

To


Sri Sheo Ram Singh

Father's name      Sri Uday Raj Singh

Designation      Driver Department Mech. Loco

Ticket no.      Loco Shed/Charbagh, Scale of pay  
Rs. 425-640

Station      Loco Shed/Charbagh



Sri Sheo Ram Singh Driver Charbagh Shed is  
informed that the Inquiry Officer/appointed to  
enquire into the charge (s) against him has  
submitted his/their report. A copy of the report  
of the Inquiry Officer/ Inquiry is enclosed in  
nine pages.

2. On a careful consideration of the enquiry report  
aforesaid the undersigned agrees with the finding  
(s) of the Inquiry Officer/Board of Inquiry and



holds that the article (s) of charge is ~~affirmed~~ proved.

3. The undersigned has therefore come to the conclusion that the penalty of reduction to a lower post Sheo Ram Singh on Sri Sheo Ram Singh Fireman 'A' is therefore reduced to lower post grade/service of 350 in the scale of Rs. 290-350 fixing his pay at Rs. 350 per month for a period of three years-- months from the date of this order without postponing future increments.

4. Under rule 18 of the Railways Servants (D&A) Rules, 1968 an appeal against these orders lies to ---provided:-

- (i) the appeal is submitted through proper channel within 45 days from the date of receipt of these orders and
- (ii) the appeal does not contain improper or disrespectful language.

5. Please acknowledge receipt of this letter.

Signature ( A.Rama Rao)

Name and Designation Divl. Railway Manager  
Disciplinary authority N.E.Railway/Lucknow

DA/9

Strike out whichever is not applicable

- 1. C/OS Cadre Mech/Running/LJN.
- 2. LF/ CB

DRM/LJN.

Received NIP no.T/537/TA/21/81 dated 17.3.1983

On the Hon'ble High Court of Judicature At Allahabad well known  
Bench well known

ब अदालत श्रीमान

महोदय

वादी (मुद्दे) For Petitioner  
प्रतिवादी (मुद्देअलेह) 7

का

वकालतनामा



Sheo Ram Singh

वादी (मुद्दे)

वनाम  
the Union of India & others

प्रतिवादी (मुद्देअलेह)

WP नं० मुकद्दमा सन् १९८३ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri B. C. Saksena Advocate

एडवोकेट

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 डिग्री जारी करावें और रुपया वसूल करें या रूलहनामा या इक्बाल 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 विपक्ष (फरीवसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वायं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर श्रीवारागपति

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक ..... महीना

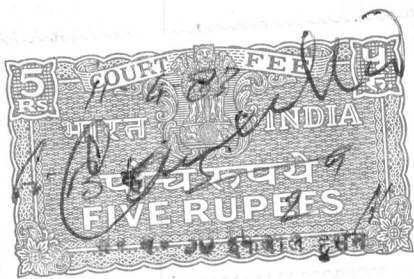
In the Hon'ble High Court of Judicature at Allahabad,  
(Lucknow Bench), Lucknow

--

Application for interim relief

--

C.M. Application no. (w) of 1983



12/12/83  
29/12/83

in  
Writ Petition No. 1902 of 1983

Sheo Ram Singh, aged about 54 years, son of Sri  
Udai Raj Singh, permanent resident of 281/408,  
Mawaiya, Lucknow-4

Petitioner-  
applicant

versus

1. The Union of India through the General Manager,  
N.E. Railway, Gorakhpur
2. The Divisional Railway Manager, N.E. Railway,  
Divisional Offices, Ashok Marg, Lucknow

Opposite-parties

This application on behalf of the applicant  
above-named most respectfully sheweth:-

That on the basis of the facts stated and  
grounds raised in the accompanying petition the  
applicant prays that this Hon'ble Court be pleased:

For



Received duplicate  
H. H.

c/o  
S. H. Chandra  
Adm.

13/4 1873

Hon. S. M. Shastri  
Hon. W. S. J.

Notice on behalf of  
both the opp. parties has  
been accepted by Mr  
S. H. Chandra.

In the meantime  
the position as it exists  
today with respect to  
the petitioner, shall  
continue to remain the  
same.

H. H.  
14-4-83  
n



A37  
3/2

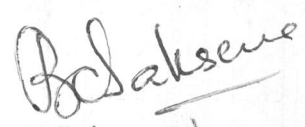
-2-

(i) to stay the operation of the order of punishment dated 17.3.1983 passed by opposite-party no.2 and contained in annexure no.6 to the writ petition and restrain the opposite-parties from acting in furtherance thereof.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow

11.4.1983

  
( B.C.Saxena )  
Advocate  
Counsel for the petitioner

In The High Court of  
Lachhatures At Akhabad  
ब अदालत श्रीमान Loko Benekko महोदय

वादी (मुद्दै)  
प्रतिवादी (मुद्दालेह)

का वकालतनामा

Dasti Lucknow

Behalf of  
The Petitioner Shree Ram Singh  
वादी (मुद्दै)

Union of India  
बनाम प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H. Suryakumar Anand  
मुद्दवोकेट  
वकील

महोदय

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 डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इक्बाल 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 विपक्ष (फरीवसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक

महीना

4 of 1983



Before  
In the

IN THE ~~HIGH~~ COURT OF JUDICATURE AT ALLAHABAD  
court of LUCKNOW BENCH: LUCKNOW.

W.P. No. 1982 of 1983.

Sheo Ram Singh ..... Petitioner

VERSUS

Union of India & another ..... Opp. Parties.

1437  
I/we R. S. Jain, Divisional Railway Manager,  
North Eastern Railway, Lucknow who is ex-officio  
authorised to act for and on behalf of Union of India.

to hereby appoint and authorise Shri C.A. Basir,  
Railway Advocate Lucknow. .... to appear, act, apply  
and prosecute the above described Suit/Application/Case/Appwal/  
Writ/ Civil Revision on ~~my~~our behalf of Union of India and  
Divisional Railway Manager, .....

to file and take back documents, to accept processes of the court,  
to deposit moneys and generally to represent ~~myself~~ourselves for and  
on behalf of Union ~~India~~ and Divisional Railway Manager

in the above proceeding and to do all things incidental to such  
appearing, acting, applying, pleading and prosecuting for and on behalf  
of Union of India and Divisional Railway Manager.  
~~myself/ourselves~~.

I/we hereby agree to ratify all acts done by the  
aforesaid Shri C.A. Basir, Rly. Advocate Lucknow.  
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed  
by me/us this

day of 11th May 1983.

Accepted  
C.A. Basir

D. S. Jain  
Divisional Railway Manager,  
North Eastern Railway, Lucknow.

Receipt in the name of the said



14/12/84  
12/1/84

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In the Hon'ble High Court of Judicature Allahabad

Writ Petition No.1982/83.

C. MISC. App No 6846 (W)-84.

Shiv Ram Singh.....Petitioner.

vs

Union of India and others.....Opp. parties.

APPLICATION FOR CONDONATION OF DELAY IN  
FILING COUNTER AFFIDAVIT.

In the above noted case Counter Affidavit  
could not be filed in time as inquiries had to  
completed from many places which caused delay.  
It is therefore prayed that delay may kindly be  
condoned.

C. A. Basu

ADVOCATE

FOR OPPOSITE PARTIES.

12/7/84

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S/2 A91

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

....

Writ Petition No. 1982 of 1983.



Shiv Ram Singh ..... Petitioner

Versus

Union of India and others .....Opposite-  
Parties.

COUNTER AFFIDAVIT ON BEHALF OF  
OPPOSITE PARTIES.

I, ✓ Sheoanant ✓ son of  
✓ Sae Avadh Behari ✓ aged about ✓ 50 ✓ years at present  
working as Assistant Personnel Officer in this  
office of Divisional Railway Manager, Lucknow  
North Eastern Railway, the deponent do hereby  
solemnly affirm and state on oath as under:-

1. That the deponent is working  
as Assistant Personnel Officer North Eastern  
Railway, Lucknow and is conversant with the  
facts of the case.

MC 107



2. That the deponent has read the writ petition and has understood its contents and been authorised by the opposite parties to file the counter affidavit.

3. That the contents of the para 1 of the writ petition are admitted except the date of Promotion as Driver 'B' as on 22.11.1979 stated by the petitioner. He was promoted Driver 'B' 425 - 640 on 22-11-1979.

4. That the contents of para 2 of the writ petition are admitted.

5. That in reply to the contents of para 3 of the writ petition it is stated that the petitioner submitted his reply to the charge memorandum in which he denied the charges levelled against him.

6. That in reply to the contents of para 4 of the petitioner it is admitted to this extent that the Senior Divisional Mechanical Engineer passed the order referred in the petition after considering the reply to the charge-sheet filed by the petitioner. It is denied that the orders were passed cryptically by the Senior Divisional Mechanical Engineer as alleged by the



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S/w

petitioner.

7. That the contents of para 5 of the petitioner are denied. The appeal dated 6-11-1981 (Annexure No. 3 to the writ petition) stated by the petitioner is not ~~xxx~~ available on the records of the Railway administration.

8. That the contents of paras 6 and 7 of the writ petition are admitted.

9. That in reply to the averments made in para 8 of the writ petition it is stated that the Divisional Railway Manager after consideration of the defence submitted by the petitioners the enquiry report etc. enhanced the penalty imposed upon the petitioner under the provisions of D.A.R. Rules reducing the petitioner to the Lower Post of F/ Man 'A' 290 - 350 ~~xxx. xxx~~ ~~experienced xxx years xxx without~~ fixing his pay at Rs. 350/- Per month for a period of 3 years without postponing future increment. The said order is perfectly in order and valid. The order ~~so~~ passed under the statutory Rules is final and not subject to any judicial review. The statements contrary to it are denied.



10. That the contents of para 9 of the writ petition are admitted.

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11. That the a-verments made in para 10 of the writ petition are denied. As the notice of enhancement of Penalty issued by the Divisional Railway Manager was arising out of the same charges for which he was initially issued a memorandum of charges on 20.7.1981 ( Annexure No. 1 to the writ petition ). There was no question for issuing fresh charges. The petitioner also did not ask for any such document at any stage before or during the enquiry which he attended. This is amply proved from his defence dated 15-3-1982 to the notice of enhancement of the penalty. He was aware of the charges for which enhancement of penalty was proposed.

12. That the contents of para 11 of the writ petition as stated by the petitioner are not admitted. It is further submitted that according to the provisions of the Rule 25 of D.A.R. Rules 1968, Divisional Railway Manager was competent authority to review the punishment imposed considering the gravity of offence, facts and circumstances of the case and was authorised to order for an enquiry where such enquiry was not held and to impose the punishment under the provisions of the Rules.



13. That the averments made in para 12 of the writ petition are denied. The Divisional Railway



Manager is a Higher Authority than the Divisional Mechanical Engineer and irrespective of the facts that he does not belong to Mechanical Department, was competent authority to review the punishment of the petitioner and enhance the same in accordance with the Rules contained in Rule 25 of D.A.R. 1968.

14. That in reply to the para 13 of the writ petition it is stated that the petitioner had an opportunity to file an appeal against the orders of punishments of stoppage of increment imposed by the Senior Divisional Mechanical Engineer, but he had not submitted the appeal against the said orders of punishment. As such there was no restriction for the Divisional Railway Manager to review the punishment and enhance the same under the Rule 25 D.A.R.

15. That in reply to the contents of para 14 of the writ petition it is stated that the orders of reversion of the petitioner to the post of F / Man 'A' 290 - 350 was issued on 17.3.1983 giving immediate effect. It was sent to the Time-keeper for service upon the petitioner but as the petitioner reported sick from 21-3-1983 after having learnt that the orders of reversion has been received in his office for service. He reported for duty only after obtaining the stay order from this Hon'ble High Court dated 14.4.1983.



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In compliance of the Hon'ble High Court stay order dated 14.4.1983, the petitioner has been allowed duty and the order of punishment dated 17.3.1983 reverting the petitioner as F / Man 'A' has been kept in obedience.

16. That in reply to the contents of para 15 of the writ petition it is stated that the petitioner after having knowledge of the notice of Imposition of Penalty for reversion to the post of F/ Man 'A' reported sick to avoid its service and joined only after obtaining the stay order from this Hon'ble High Court and therefore the same have been kept in obedience it is however further mentioned that the petitioner also did not ask for a copy of the same. It is also stated that the petitioner was already served with a notice for enhancement of punishment dated 25-2-1982 ( Annexure No. 4 to the writ petition ) to which he had submitted his reply dated 15-3-1982 ( Annexure No. 5 to the writ petition ). Therefor there was no question of further giving show cause notice as the same is no required under the Rules.

17. That the contents of para 16 of the writ petition are denied. The notice of imposition of Penalty in T /537/ TA /21 /81 dated 17.3.1983 ~~the~~ contains in para 4 that the appeal lies against the orders to the C O P S /GKP.



A true copy of the orders dated 17.3.1983 is annexed with this counter affidavit and is Marked as Annexure No. A-1 . The annexure 6 to the writ petition filed by the petitioner is not a true copy. The petitioner as such purposely did not submit appeal to COPS / GKP as indicated in the order dated 17.3.1983 as required under the statutory Rules and therefore the petitioner is not maintainable as petitioner had alternative remedy.

18. That in reply to the contents of paras 17 and 18 of the writ petition it is stated that there is no provision in the Rules of the Railway administration to stay the operation of the penalty during the pendency of the appeal with the appellate authority. It is however not correct that 2 to 3 years are taken to decide the appeal. The petitioner would not have suffered any irreparable injury as on decision of the appeal in favour of petitioner, the petitioner would have been compensated in terms of money. The petitioner is, however continuing as Driver 'B' 425 - 640 as a result of the stay order dated 14.4.1983 granted by this Hon'ble Court.



19. That the contents of para 19 read with the grounds there under are not admitted. The petitioner had alternative remedy of appeal to the next higher authority.

10/7/84

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20. That the grounds taken by the petitioner are not tenable in law.

21. That the writ petition is liable to be dismissed in all circumstances.

Lucknow dated:  
July 10<sup>✓</sup>, 1984.

*MA 10/7*  
DEPONENT.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 and 2 of this affidavit are true to my own knowledge, those are paragraphs 3 to 19 are true to my knowledge derived from the records and those are paragraphs 20 and 21 are based on legal advice which I believe to be true. No part of it is false and nothing material has been concealed so help me God.

LUCKNOW DATED:  
July 10<sup>✓</sup>, 1984.

*MA 10/7*  
DEPONENT.

I identify the deponent who has signed before me.

*P. A. Ban*  
Advocate.





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Solemnly affirmed before me on this 10<sup>th</sup> day of  
July 1984 at 11<sup>42</sup> a.m./p.m. by Sri Sheo Murti  
the deponent who is identified by Sri C.A. Basir  
Advocate High Court of Judicature at Allahabad,  
Sitting at Lucknow.

I have satisfied myself by examining the  
deponent that he understands the contents of  
this affidavit which have been read over and  
explained by me.

Ravi Swastava  
OATH COMMISSIONER

High Court - Allahabad,

Lucknow Bench

No. 451351

Date 10/7/84



A50  
5/11

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

Writ Petition No.1982 of 1983.

Shiva Ram Singh.....Petitioner.

v/s

Union of India and others..... Opp.parties.

ANNEXURE-A.1.

North Eastern Railway.

Form N1.3.

Orders of imposition of penalty of reduction to lower post grade/service under Rule 6(VI) of the Railway Servants(D&A) Rules 1968.

No.T/537/TA/21/81

Dated 17.3.1983.

To

Name Shri Shiv Ram Singh.

Father's name: Shri Udal Raj Singh.

Designation: Driver Department Mech.Loco.

Ticket No. x Date of appointment 6.6.1946.

Station Loco shed/Charbagh. Scale of pay 425-640.

Shri Shiv Ram Singh Driver/Charbagh Shed.

(Name, designation and office in which he is employed)

(\* Under suspension) is informed that the Inquiry Officer/Board of enquiry appointed to enquire into the charge(s) against him has/have submitted his/their report. A copy of the report of the Inquiry Officer/Board of inquiry is enclosed in 9 pages.

2. On a careful consideration of the enquiry report aforesaid, the undersigned agrees with the findings(s) of the Inquiry Officer/Board of inquiry and holds that the article(s) of charge is/are proved.

or

\* On a careful consideration of the enquiry report ~~and~~ a aforesaid the under signed agrees with the finding(s) of the Inquiry Officer/Board of inquiry in so far as it relates to article(s) of charge No. (s) \_\_\_\_\_ and for reasons stated in the attached memorandum holds that article(s) of charge No. (s) \_\_\_\_\_ which the Inquiry Officer/board of inquiry has/have held as not proved/proved, is also proved/not proved.

3. The undersigned has therefore come to the conclusion that the penalty of reduction to a lower post/grade/service may be ~~imposed~~ imposed on Shri Shiv Ram Singh \_\_\_\_\_ Shri Shiv Ram Singh is, therefore reduced to the lower post/grade/service of Fireman 'A' in the scale of Rs.290-350 fixing his pay at Rs.350/- per month for a period of Three years \_\_\_\_\_ months from the date of this order with/without postponing future increment.

4. Under Rule 18 of the Railway servants(D&A) Rules,1968 an appeal against these orders lies to COPS/GKP provided:-

- i) the appeal is submitted through proper channel within 45 days from the date of receipt of these orders and
- ii) the appeal does not contain improper or disrespectful language.

5. Please acknowledge receipt of this letter.

Signature Sd/-A.Rama Rao.

Name & Designation of the  
Disciplinary authority. Divisional  
Railway Manager,N.E.Rly.,  
Lucknow.

DA/9

\* Strike out whichever is not applicable.

TRUE COPY

10/10/17



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ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. No. 1902

of 1983.

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
14-4-83	Now D.N. Jha J Hon. G.C.S.J.	
	Admit. Notice on behalf of both the opp. parties has been - - -	
	The petition thereafter shall be listed for orders.	
	Sol.	
	Sol.	
Do	C.M. An. No. 4400/83	
	Notice on behalf of both the opp. parties has been accepted by Mr. Kishore Chandra	
	For the meantime the petition as it exists today with respect to the petitioner shall continue to remain in force	
	Sol.	
	Sol.	
18/8/83	27-7-83 fixed in court after 4400/83 for orders 25-5-83	

Counters of Mr. Chandra  
B. K. S. 30/8/83



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

\*\*\*\*\*

Gandhi Bhawan, Opp. Residency  
Lucknow

No. CAT/LKO/Jud/CB/

Dated the

T.A. No.

of

1997 (T)

Shree Ram Singh

APPLICANT'S

Versus

Union of India

RESPONDENT'S

① To Shree Ram Singh: Go Shri U R Singh  
No 281/408 Mawaya Lucknow - 4

Whereas the marginally noted cases has been transferred by  
H C LKO Under the provision of the Administrative  
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No.

1982/83

of 198

of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of

02.09.1988. The hearing

of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

20 day of

1988.

dinesh/

DEPUTY REGISTRAR

② D Union of India through the C.M.  
N.E. Railway for

③ The D.R.M. N.E. Railway. De. V. S. D.  
Officer. Ashok. Mang. LKO



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A Thornhill Road, Allahabad-211 001

\*\*\*\*\*

No. CAT/Alld/Jud/

Dated the

T.A. NO. 1145 of 1987

4067475

APPLICANT'S

Shoo Ram Singh

RESPONDENT'S

Union of India and others

To

1. Shri B.C. Saxena, Advocate, Lucknow High Court, Lucknow.
2. " Umesh Chandra, Advocate, Lucknow High Court, Lucknow

Whereas the marginally noted cases has been transferred by \_\_\_\_\_ Under Section the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

Writ Petition No. \_\_\_\_\_  
of 198 \_\_\_\_\_  
of the Court of \_\_\_\_\_ 1982  
\_\_\_\_\_ arising out of order  
dated \_\_\_\_\_ Lucknow High  
passed by \_\_\_\_\_ Court in \_\_\_\_\_

The Tribunal has fixed date  
of \_\_\_\_\_ 1983. The  
hearing of the matter.

If no appearance is made  
on your behalf by your some \_\_\_\_\_ Gandhi Bhaven  
one duly authorised to Act and \_\_\_\_\_ (Opp. Shaheed Smarak)  
plead on your behalf.

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this  
\_\_\_\_\_ day of \_\_\_\_\_ 1989.

dingan/

DEPUTY REGISTRAR

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NS/CCS

# VAKALATNAMA

TA No 1145 of 1987 (T) / LKO

(CO No 1982 of 1983)

Before

in the Court of

Central Administrative Tribunal, Circuit Bench, Lucknow

Plaintiff

Defendant

Shree Ram Singh

Claimant

Appellant

Versus

Defendant

Plaintiff

Union of India

Petitioner

Respondent

The President of India do hereby appoint and authorise Shri. A. N. Verma

Railway Advocate, Lucknow

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding 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/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or 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 agree to ratify all acts done by the aforesaid Shri. A. N. Verma

Railway Advocate, Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of

India this the ..... day of ..... 198 .

Dated .....

NER-84850400-8000-4 7 84

(Signature)  
(S. H. Khuria)  
Designation of the Executive Officer,

Sr Divisional Personnel  
Officer / H B Railway / Lucknow  
for Union of India

Accepted  
Advocate

File Today  
By 24/6  
Sri. Sajeeb Kumar Singh  
Sd. A. N. Verma files power  
on behalf of all the opposite parties Govt. of India.

# VAKALATNAMA

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Before  
In the Court of

The Central Administrative Tribunal Circuit Bench  
Lucknow

TA No. 11415 of 1987 (T) 12K0.

Shree Ram Singh

Versus

Union of India and others

I/We K. P. Singh, Divisional Railway Manager/H.E. Singh

Lucknow

do hereby appoint and authorise Shri. A. N. Verma

Railway Advocate, Lucknow to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri. A. N. Verma

Railway Advocate, Lucknow

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this

day of 1987

File Today  
By Singh  
24/6

Shri Sajjan Kumar holding brief of  
files Sh. A. N. Verma  
felic power on behalf of  
all the opposite parties  
G.S. & Co. Adv.

Accepted  
Advocate

24/6/87  
(K. P. Singh)  
Divisional Railway Manager  
N.B. Junction, Lucknow