

ANNEXURE A

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

INDEX SHEET

Cause Title T.A.M.O. 1145/87
w/p.M. 1982/83

Name of the parties Sheo Ram Singh Applicants.

Versus

Union of India

Respondents

Part B.C.

Sl. No. Description of documents Page

(1)	Order sheet	A1 - A4
(2)	Judgment	A5 - A6
(3)	Petition	A7 - A21
(4)	Answer	A22 - A34
(5)	Power	A35
(6)	CM	A36 A37
(7)	Power	A38 - A39
(8)	CA	A40 - A50
(9)	Other docs	A51

File B

B52 - B89

(1) Notices - A1 to A2
(2) Power - A3 to A4

This file is open
without better
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)

(by S.O. 5)

1145703/12

S 11.90 Date to Holiday. Adjudicated to
12/12/90. *cl*

OB

NORTH filed

S P N

L

7/K

12/12/90

D. R.

Applicant's side is absent today. O. P.'s side Mr. Narinder Nath C.L.A. Rly. is present today. R. A. has been not filed by applicant. case is listed before me on 8/1/91

B

8/1/91

D. R.

O. P.'s side is present. Applicant is absent today. Applicant did not file R.A. till today. He is ordered to file R.A. by 4/2/91.

30.7.91

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 5/8/91.

5/8/91

D.R.

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

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. 11/11/87

4.2.91

D.R.

Both the parties
are absent today.
Applicant did
not file rejoinder
till today.
Applicant to
file rejoinder
by 25.3.91.

✓

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.

O.P. is absent. Applicant
to file R.A. by 6/7/91.

✓

10.7.92

case

~~Ex parte No. 1983~~ relates to the original
Respondent has
not been filed. Please

6-12-91

D. R.

Both the parties are

absent. Applicant to

file Rejoinder by

25/12/92. ✓

25-2-92

D. R.

Both the parties

are absent. Applicant

to file Rejoinder

by 8/5/92. ✓

8-5-92Both the parties
are absent. Applicant
to file Rejoinder
by 5-8-92. ✓PR

5/8/92 can relate
to the original. No
rejoinder
has not been
filed yet. Please
keep the Hon'ble
Bench for P-H.
on 15-9-92
Applicant may
file rejoinder mean
while. ✓

O.R

NORA filed

S. F. O.

8/5/92

A.S.I.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO. _____

D.A./T.A. No. 1145-187

OFFICE REPORT	DATE	ORDER
---------------	------	-------

15-9-92

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

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

R
A.M.

luv
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.

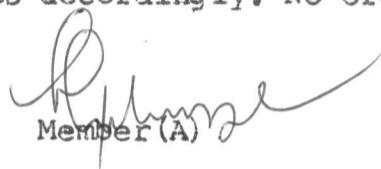
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

This is transferred case under Section 29 of the Administrative Tribunals Act, 1985. By means 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 Court 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 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

- 2 -

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.)

1145/82 (T)

A7

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 1982 - 83

Name of Parties

Sho Ram Singh

vs. Union of India & Ors.

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 Answer.	26-	-	102.00.			
2.		Power	1-	-	5.00.			
3.		Comd. 4448 (W) 83 & 84	2-	-	5.00.			
4.		Power -	2-	-	10.00.			
5.		Comd. 6846 (W) 84, with C.A.	11-	-	7.00.			
6.		order sheet -	1-	-	-			
7.		Bank 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 (c)

T.A. 11451/82 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

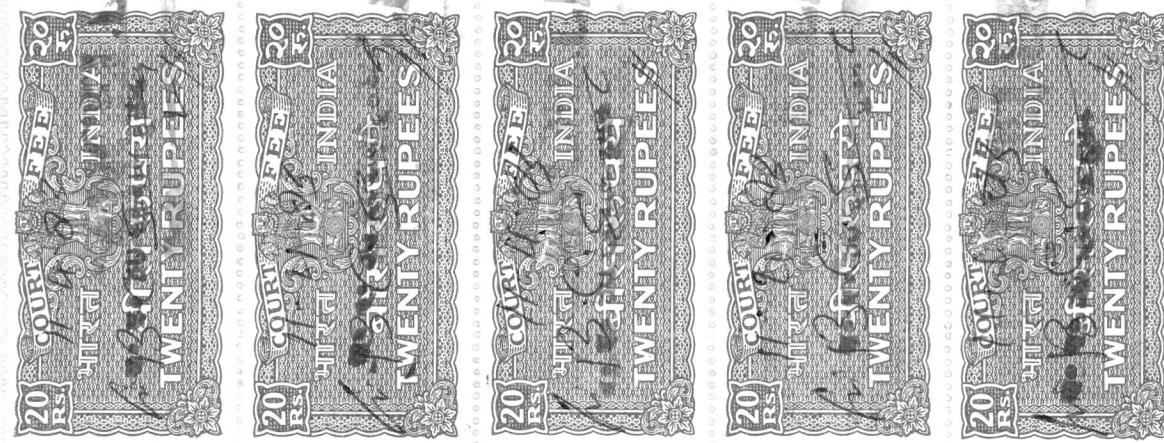
Index

Sl. Description of paper no.	Annex. page no.
------------------------------	-----------------

1. Writ Petition	1-11
2. Affidavit in support of the petition	12-13
3. Memo. dated 20.7.1981	1 14-16
4. Order dated 24.9.1981	2 17-18
5. Appeal dated 6.11.1981	3 19-20
6. Notice dated 25.2.1982	4 21-22
7. Reply dated 15.3.1982	5 23-24
8. Order dated 17.3.1983	6 25-26
9 - yakalaswamy	27

7020

(B.C. Sakseena
Advocate



Set for 100/-

1/3/83

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

Petition under Article 226 of the Constitution
of India

--

Writ Petition No. 1982 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:-

26/11/1983

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

Feeed copy for
Feeed 182
Open

Chmber
13/10/83 Adr
Impressed
Fire Adhesive Proof
Total

Correct but final Court fees
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of E. O.
shall also be filed.

App. Bench.

Last unforigned Amended 17383
Distinct & lucid
Affidavit
13/10/83

Hon. D. M. Shad
Hon. N. E. S. T

Admit.

Notice on behalf of
both the opp parties has
been accepted by Sri
James Thandran. It is
prayed on his behalf
that two weeks' time
may be allowed. Counter
affidavit may be filed
within this period and
the copy of which shall be
served outside the court
on the Ld. Court for
the petitioner, who may

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

16-4-83

-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 ~~form~~ 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 gatekeeper 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 ~~had~~ cryptically passed the



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 in purported 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 Mechanical Manager (M), Lucknow by his order dated 24.9.1981 was inadequate and in view of the gravity of the offence committed by the petitioner a severer 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

-4-

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~~ of 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. 350-480..... The post of Fireman A is ^{Three} two grades below to that of the post of Driver Grade B, the ^{Three} two grades intervening in between are of ^{Driver} Shunter B and ~~Driver~~ 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

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 articles 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

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~~ 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

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 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 19^h 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.

16. That/paragraph 4 of the order dated 17.3.1983 in 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.)

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

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 to 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 inview 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

H.C.R

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 six~~, 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

Raj

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.

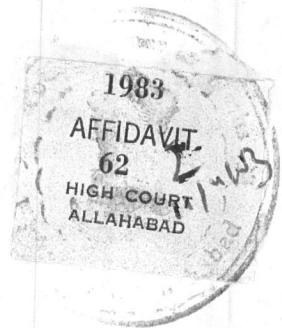
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to :-

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



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 Uday 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.

SEARCHED

SEARCHED

3. That the contents of px Annexures 1, 2, 3, 5, and 6 have been compared and are certified to be true copies.

Dated Lucknow

Deponent

11.4.1983

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

Deponent

11.4.1983

I identify the deponent who has signed in my presence.

(K. Srivastava)
(Clerk to Sri B.C. Sakseña, Advocate)

Solemnly affirmed before me on 11-4-83
at 8 a.m/p.m by Sri Ram Singh
the deponent who is identified by Sri K. Srivastava
clerk to Sri B.C. Sakseña
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.

A21

SATISH CHANDRA	
SRIVASTAVA	
OATH SWEEPER	
High Court, Allahabad;	
Lucknow Bench,	
No.	362/64/3
Date	11-4-83

A22

इन दि जानरेकुल हाईकोर्ट आफ जूडीकेर एट इसासाबाद

लडानड बैच लडानड

रिट पिटोशन नं जाफ 1983

शिवराम सिंह ----- पिटोशनर

नाम

पूनियत आफ होक्सर्पा राया अच्य ----- जपोपिट पाटी

एनेक्सर नं 1

पूर्वांतर रेलवे मध्यक पार्ट सं - 11

झोटी शोक्तिया अधिरोपित करने के लिये आरोप के ज्ञापन का
मानक पार्म रेल सेवक (जनुशासन और अपोल नियम 1968 का
नियम - 11)

संख्या - टी/537/टीए/21/81 पूर्वांतर रेलवे - रेल प्रशासन का नाम

निर्गम स्थान --- मंडल का यार्ड लडानड

दिनांक 20-7-81

ज्ञापन

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

(कायरिय जिसमें काम करता हो) चाखान रोड वी एस दूवारा

सूचित किया जाता है निम्न इसासारी द्वारा इसके विहू रेल

सेवक (जनुशासन) और अपोल नियम 1968 के नियम 11 के अन्तर्गत



शिवराम सिंह

कार्यवाही करने को प्रस्थापना को गयी है।

कार्य को अवहेलना या दुर्व्यवहार या अववार के साइन वा
एक विवरण संलग्न है जिस पर अधुर्का कार्यवाही करने
की प्रस्थापना है ।

की शिवराम सिंह को स्तंभ क्वारा यह अवसर दिया जाता है कि इसी प्रस्थापना के विद्वन् वह जो भी अध्यावेदन ढाहे दें।

यदि देना हो, निम्न रस्तादारों की (द्वारा लाई जाए रक्षा /

चारबाग रोड इस तरह प्रस्तुत किये जाना चाहिये ताकि यह शापने को प्राप्ति के दस दिन के भीतर निम्न उस्तादों के पास पहुँच जाये।

३ यदि श्री शिवराम सिंह ---पैरा 2 में विनियोग वर्णित

के भीतर अध्यावेदन प्रस्तुत नहीं करते तो यह मान लिया जायेगा।

कि उन्हे कोई अध्यावेदन नहीं देना है और श्री शिवराम के

के विस्तृत एक पक्षीय अधिकार प्राप्ति किया जा सकता।

4- श्री शिवराम सिंह वालक इस ज्ञापन की पावती है।

संलग्नक / एक

६० अपठनीय
२७/१

卷之三

द्वारा -----

-३-

जारीप का विवरण

दिनांक ४-६-८१ को जब ५४ छज्जन पैसेन्यार

गाडी इन्जन सं० २८५८ वाईपी० जिस पर श्री शिवराम सिंह
चालक कार्य कर रहे थे, वर्ग गाडी बटोरिया - सिधौली के
मध्य चल रही थी, तो श्री शिवराम सिंह चालक ने गेट सं० ४८
बी० के गेट सिग्नल के संकेत का पालन नहीं किया, जिसके पक्षास्वप्न
गाडी टेक्टर सं० पू० ८८० एक्स०५८१। से टकरा गई, यद्योंकि
गेट छुला लुआ था ।

श्री शिवराम सिंह चालक ने एस० जार० ३४ का ज्ञाधन
किया है, जिसके लिये श्री शिवराम सिंह जिम्मेदार ठहराये जाते हैं ।

४० बपठनाय

२७/।

(रत्न सं०)

र०एम०९०/सल्ल००८८०

सत्य प्रतिलिपि

इन दि आनरेवुल हार्डवोर्ड आफ जूडीवेचर स्ट इलालाबाद

लड्डानड बैच लड्डानड

रिट पिटीशन नं आफ 1983

शिवराम सिंह ----- ----- ----- पिटीशनर

बनाम

यूनियन आप, इण्डिया तथा अन्य ----- अपोजिट पार्टी

स्नेकर नं 2

पूर्वांत्तर रेलवे

अनुशासन एवं अपील नियम - 1968 के नियम 11 के अधीन (बलास्तानी सेवा पृथक्करा, अनिवार्य सेवा निवृत्ति एवं (रिस्कशन) पकाकनियि के मामूलों को छोड़कर दण्ड - अधिरौपण सूक्ता ।

संख्या टी/537/टो०८/२१/८१

दिनांक 24-९-८१

प्रेषक, मण्डल कार्यालय / पूर्वांत्तर रेलवे,
लड्डानड ।

सेवा में

श्री शिवराम सिंह

चालक सी दृष्टा लोको/चारबाग रोड

इस कार्यालय ज्ञापन संसद्यक दिनांक 20-७-८१

के ज्ञातर में आपेक स्पष्टीकरण के संदर्भ में आपको स्तद् द्वारा

सूचित किया जाता है कि अधीस्तानर का ने निम्न आदान पानी किये है :-

26/18

-2-

Defence not plausible WIT-one year

हस्ताक्षर Ramesh Kumar
Sr. Dr. E/LJN

पद संज्ञा

दिन 24-9-81

प्रतिलिपि कानूनिक विभाग

जनुकैशा

1- इन आदेशों के विष्फू अपील DRM(m)/LJN

को ही सकती है। (आदेश पारित करने वाले अधिकारी के बासन्न (इमोलिट) 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 ही जिसमें नियमाधीन कोई अपील न होता हो।

(ब) आदेश जिसके विष्फू अपील को जा रही है का अपील कर्ता द्वारा प्राप्ति की तारीख से 45 दिन के अंदर यह न प्रस्तुत किया गया हो जैर बिल के लिये समुचित कारण बताया गया है।

(स) जनुशासन एवं अपील नियम 1968 के नियम 21 के प्राविधान का जनुपालन न किया गया है।

-मन्त्री-

मण्डल रेल प्रबंधक (संरक्षा) लडान्ड लस्ताकर

दिनांक

आपको दण्ड अधिरोपण सूचना सं०

इन दि बानरेकुल हार्डकोर्ट जाफ जूडीकिवर एट इलारा बाब्ड
लहानज बैच लहानज

रिट पिटोशन नं जाफ 1983

शिवराम सिंह ----- पिटोशनर

बनाम

यूनियन जाफ इण्डिया तथा जन्य ----- अपोगिंट पार्ट्स

एनेक्सर नं 3

ब्रीमान मण्डा रेल प्रबन्धक,
लहानज ।

दृष्टा :- लोको फोर्मैन / चारबाग रोड

विषय आप के ज्ञान संख्या टी/537/रोड/21/81 दिनांक 24-9-

9-81

सेवा में सविनय निवेदन है कि ऊरोक्त जापन के संबन्ध में
निम्न साक्ष्य प्रस्तुत करते हुए आपसे सरानुभूमि पूर्ण न्याय का
आंकाशी हूं ।

मै 54 चाउल ट्रैन लेकर मैतानी जा रहा जा रहा मैं
सिधांती स्टेशन के पास भेट जो नितान्त जंगल में है विसमें भेटमैन
भी ऊलब्ध है और भेट की बाभी भेट मैन के पास रहती है ।
तथा भेट का सिग्नल भी चाउल या और भेरी भाड़ी नं । से

पास सही हो रही थी इसी समय बैंगी जोर से एक टैक्टर भेरी
याडी से टकराया जिससे न तो कोई जीवन का लानि हुई बैरी न
ही टैक्टर हुआ को हो लानि हुई उस पर मुझे चार्चशोट फैकर एक बजे

-2-

का वार्षिक बढ़ोत्तरी बन्द कर दिया गया है जबकि भेरा
इसमें कोई दोष नहीं है ।

मुझे ऐसा पता चला है कि जक्सर गेट मैन जूना स्टेशन
मास्टर में टेली फोन पर गुपचुप बातें ल्हा करती हैं जौर जैसा वे चाहते
हैं गेट बन्द या खुला ल्हा रहता है ।

ऐसी दशा में मैं ज्ञाकैसे भागी बनने का अधिकारी हूँ
सकता हूँ यह आप स्वयं ही विचार कर सकते हैं ।

अतएव आपसे उचित न्याय पाने को आशा करता हूँ । इस
कृपा के लिए आपका जीवन भार जाभारो रहूँगा ।

प्राप्ता

६० अपठनीय

(शिवराम सिंह

बुर्डर 'सौ' ।
वार्षाग श्रोड

दिनांक ६-११-८१

सत्य प्रतिलिपि

21

on the Allahabad High Court of Judicature at Allahabad

Mekhni Benet L-160

W.P. No.

of 1983

Sheo Ram Singh — Petitioner

VS

Union of India & others — opp. Parties

Annexure No 4



19/12/1983

AS

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, Luck / 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 KX 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.

March 1982

That the tractor involved in the above accident
 came on the track in ~~place~~ ^{face} of the speeding engine
 inspite of the fact that the level X-ing gate
 was closed by the gatekeeper on duty. But the driver

-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,

Dated 15.3.1982

Sd. S.R. Singh

Dr. C/ CB

DRM (Safety)/LJN

Forwarded for disposal

Sd. LF/ CB

W.B.

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

-2-

holds that the article (s) of charge is ~~affixed~~ 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 Divi. 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 Lucknow
Bench Lucknow

ब अदालत श्रीमान

महोदय

135

वादी (मुद्दे) For Petitioner
प्रतिवादी (मुद्दालेह) का वकालतनामा



Sheo Ram Singh

वादी (मुद्दे)

वनाम
The Union of India & others प्रतिवादी (मुद्दालेह)

W.P. नं० मुकद्दमा सन् १९४३ पेशी की ता० १६ रु०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri B. C. Salcena Advocate

एडवोकेट

महोदय

वकील

नाम अदालत

नं० मुकद्दमा

परीक्षित नाम

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 छिगरी जारी करावें और रुपया वसूल करें या रुलहनामा या इकाल 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 दिक्षा (फरीवसानी) का दाखिल किया रुपया अपने या हमारे हरताच-युक्त (दरतरती) 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 अदाम 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

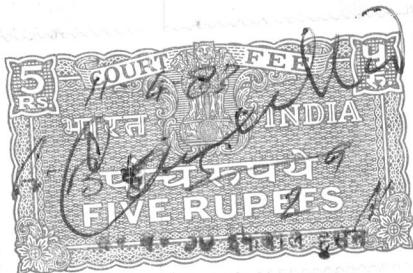
साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

A36

3
1

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



Application for interim relief

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

in
Writ Petition No. 1902 of 1983

12/10/83
Sho 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 showeth:-

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 ~~copy~~ duplicated

13/4/83
S. M. Chaudhury
Add

13/4/83

Hon. S. M. Chaudhury
for Neel J.
Notice on behalf of
both the opp. parties has
been accepted by Mr
Kamlesh Chaudhury.

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

13/4/83
n

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

In The High Court of Allahabad
In the matter of
व अदालत श्रीमान JKO Benet & Co महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह) का वकालतनामा

Desti Lucknow

With Petition No 1982 of 1983

Behalf of

Mr. Petitioner Shri Ram Singh

वादी (मुद्दे)

Chancery of Lucknow and other
वनाम प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

P. Sugiyakumar Agarwal एडवोकेट
Adv 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 विग्री
जारी करावें और स्पष्ट वस्तु करें या सुलहनामा या इवाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या उन्ने
हस्ताक्षर से दाखिल करें और तस्वीर करें या मुकद्दमा दृटावें
या कोई स्पष्ट जमा करें या हमारी या विद्वान् (फरीवसानी) वा
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-सुवित (दरतत्ती)
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह
सभी स्वीकार करता हूँ कि मैं हर पेशी स्वायं या किसी अपने पैरो-
कार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा
मेरे खिलाफ पैसला हो जाता है उसकी जिन्मेदारी मेरी वकील
पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 26 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.

143)
 I/W^{MS} 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/Appal/
 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 of applying, pleading and prosecuting for and on behalf
 of Union of India and Divisional Railway Manager.
 myself/ourselves.

I/W^{MS} 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
 this
 by me/s^{MS}

day of 13 May 1983.

Accepted
C.A. Basir

115183
 Divisional Railway Manager,
 North Eastern Railway, Lucknow.

Recd in Office of the Commissioner



In the Hon'ble High Court of Judicature Allahabad

Writ Petition No. 1982/83.

C. M. I. S. C. Application No 6846 (W) - 84.
Shiv Ram Singh, Petitioner.

vs

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

2490
APPLICATION FOR CONDONATION OF DELAY IN
FILING COUNTER AFFIDAVIT.

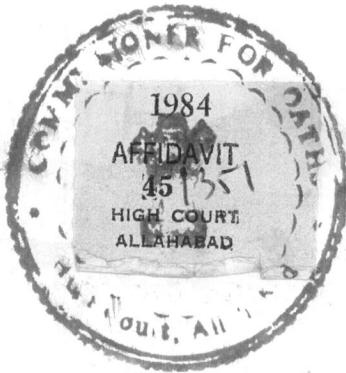
In the above noted case Counter Affidavit could not be filed in time as inquiries had to be completed from many places which caused delay. It is therefore prayed that delay may kindly be condoned.

C. A. Basu
ADVOCATE
FOR OPPOSITE PARTIES.
12/7/84

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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, Sheomurti son of
Sar 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.

M.O.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 petition 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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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 ~~not~~ 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 ~~Rs.~~ ^{Exm.} ~~fix~~ ^{fix} experienced ~~fix~~ ^{fix} ~~fix~~ ^{fix} 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 averments 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 was not competent authority to review the punishment imposed considering the gravity of offence, facts and circumstances of the case and was not authorised to order for an enquiry where such enquiry was not held and to impose the punishment under the provisions of the Rules.

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 obeyance.

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 obeyance 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 ~~not~~ contains in para 4 that the appeal

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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 purposly 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.

MR. A. H. J.

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.

M/10/7
Lucknow dated: DEPONENT.
July 10, 1984.

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 advise which I believe to be true. No part of it is false and nothing material has been concealed so help me God.

M/10/7
LUCKNOW DATED: DEPONENT.
July 10, 1984.

I identify the deponent who has signed before me.

O. A. Ban
Advocate.



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Solemnly affirmed before me on this 10th day of July 1984 at 11~~45~~ 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 Srivastava
OATH COMMISSIONER
High Court, Allahabad,
Lucknow Branch
No. 951351
Date 10/7/84



ASG/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 Nl.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 Uday 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 finding(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 aforesaid the undersigned 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 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.,

* Strike out whichever is not applicable. Lucknow.

TRUE COPY

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6
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
14-7-83	Hon' 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.	
	Sub Sub	
—Do	C.M. Am. No. 2400 (W) 83	
	Notice on behalf of both the opp. parties has been accepted by Sri Kansuk Chandra	
	for the moment the petition as it exists today with respect to the petitioner shall continue to remain in force	
	Sub. Sub.	
18/7/83	27-7-83 fixed next day after 16/8/83 for hearing 27-8-83	

comptd. off. dated
for 27th of Aug
30/7/83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

No. CAT/LKO/Jud/CB/ 2020/2022
Dated the : 13/12/2022

Gandhi Bhawan, Opp. Residency
Lucknow

T.A.No. of 1145 1997 (T)

Shri Ram Singh

AFFILIATE'S

Versus
Union of India

RESPONDENT'S

① To Shri Ram Singh, 281/408, Mawana, Lucknow - 4

Whereas the marginally noted cases has been transferred by
H.C.2160 Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Unit Petition No. 1982/83
of 198
of the Court of H.C.2160
arising out
of Order dated
passed by

The Tribunal has fixed date of
02/01/1998. 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 11 1998.

dinesh/

REPUTY REGISTRAR

② D. Union of India through the G.M.
N.E. Railway Board for
The D.R.M. N.E. Railway Regional
Offices, Ashok Marg, 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

1985

40474705

APPLICANT'S

Shri 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 1995 and registered in this Tribunal as above
Lucknow High Court

Writ Petition No. _____
of 198 _____
of the Court of **1982**
3 arising out of order
dated _____
passed by **Lucknow High Court** in _____

The Tribunal has fixed date
of **1985** for the
hearing of the matter.

If no appearance is made
on your behalf by your some
Lucknow (Opp. Shaheed Gandhi Bhawan
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
day of _____ 1989.

dinesh/

DEPUTY REGISTRAR

NS/CCS

VAKALATNAMA

TA no 1145 of 1987 (T) 1/KE

(COP No 1982 of 1983)

Before
in the Court of Central Administrative Tribunal, Circuit Bench, Lucknow

Plaintiff
Defendant

Shri 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

Rai Devay 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

Rai Devay 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-84850400-8000-4784

C. K. M. Kohli
Designation of the Executive Officer,

Divisional Personnel
Officer/HB Rai Devay/Lucknow
for Union of India

*file Today
Taty 29/6
Sri Jayee Verma
Sh. A. N. Verma file power
on behalf of all the opposition parties Govt. of India.*

