

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE T.A/157 OF B7 W.P.2512/83

NAME OF THE PARTIES V.P. Singh

.....Applicant

Versus

Om &amp; Sandeep Singh.....Respondent

Part A,B &amp; C

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## CERTIFICATE

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

Dated 16-3-2011

B7C destroyed on 09-5-12

Check out  
23-1-12

Counter Signed.....

*Q 16/3/11*

Section Officer / In charge

Signature of the  
Dealing Assistant

Order Sheet

TA no 1153 of 1980

2

V. P. Singh (VS) (UD)

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

How Complied  
with and  
date of  
compliance

9-11-89

Hon. Mr. D. K. Agarwal - JM  
Hon. Mr. K. Obayya - AM

This case has been received on transfer. Notices were issued to the parties by the office at Allahabad. None appears for the parties. Let notice be issued again to the parties.

List this case for orders

on 01-2-90.

AM

VC  
JM

OB

This W no  
received a transfer  
from Baroda High  
(not along with other  
WPs in play)

On the date of transfer  
the case was admitted  
CA&RA filed. The  
case was ready for  
hearing.

Transfer notices  
issued by AM, off  
but neither any  
nor any undeliverable  
copy received  
Submitted to

11/2/90

Hon. Justice K. Nath, VC  
Hon. K. T. Ramam, AM

Smt. Kapil Dev for the  
applicant is present. The  
case is ready for final  
hearing. List for final  
hearing on 23/2/90.

VC

VC

OB

S. F. Hearing

23/2/90

Dinesh

(P2)

25.4.91

Hon. Mr. D. K. Agarwal J.M.  
 Hon. Mr. K. Obeyya A.M.

On the request of Counsel  
 for applicant case is adjourned  
 to 20.8.91 for Hearing

B  
 A.M.

J  
 J.M.

A

20.8.91

No Siting adj to 4.10.91

J

4.10.91

No setting adj to 6.12.91

J

6.11.91

No Siting adj to 31.12.91

J

P

31.12.91

No Siting of D.B. adj to

~~18.2.92~~ 18.2.92 J

or  
 case is ready  
 for hearing  
 S.H.  
 17/5

18.2.92

No Siting of D.B. adj to  
 22.4.92

J

22.4.92

No Siting adj to 22.6.92

J

y  
A3

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

Transfer Application No. 1157 of 1987  
( W.P.No. 2512 of 1983 )

Vijai Pal Singh ... ... ... Petitioner/  
Applicant.

Versus

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

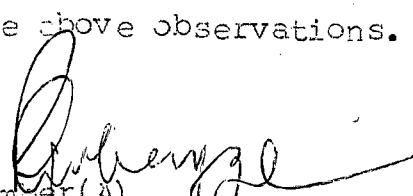
Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

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

This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant has filed a writ petition before the High Court at Lucknow Bench challenging the imposition of penalty dated

14.6.1982 as well as order dated 13.9.1982 and has also prayed that a mandamus be issued commanding the respondents to treat the applicant as having continued as Senior Booking Clerk and to pay him arrears of salary and allowances which accrue to him. The applicant while working as Senior Booking Clerk at Jarwal Road station of the N.E. Railway was served with a charge-sheet dated 25.9.1980. The charge against the applicant was that he failed to maintain absolute integrity and devotion to duty in as much as he sold IInd class PCT No. 04815 and took back the said ticket with collusion of Sri R.R.P. Singh resold the ticket No. 04815 on realisation of Rs. 57.50/- against the actual fare of Rs. 55.25 i.e. 2.25 excess as per his direction for which he put remark in the last page of DTC/Book dated 4.4.1980 that Rs. 55.25 made good by him. Thus he connived with reselling of PCT No. 04815. A departmental proceedings started against the applicant and

it appears that the applicant has submitted his defence statement and his statement was also recorded by the enquiry officer. According to the applicant, the statement of the witnesses were recorded behind his back and he was not intimated about the dates and the copy of the statement was not given to him. Though, according to the respondents, the applicant himself avoided for appearing on particular dates. A copy of the enquiry officer's report was given to him and thereafter penalty was awarded to him by reducing him at a lower scale. The applicant filed an appeal against the same and his appeal was also dismissed. Sri Anil Srivastava, learned counsel for the respondents contended that the plea of the applicant that full opportunity of hearing was not given to him does not stand any scrutiny as all these questions were to be decided by the appellate authority. The appellate order is a non-speaking order and the appellate authority has passed a telegraphic order rejecting the appeal of the applicant. This is not the way of deciding the appeal. The appellate authority <sup>therefore</sup> should <sup>pass</sup> a personal hearing to the applicant and thereafter pass a reasoned order. Accordingly, this application is allowed in part and the appellate order dated 13.9.1982 is quashed, and the appellate authority is directed to hear and decide the appeal of the applicant in accordance with law within a period of 3 months from the date of communication of this order after giving personal hearing to the applicant. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 22.6.1992  
(n.u.)

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

15

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. No. ....

Name of parties..... Vijai Pal Singh ..... vs. Union of India

Date of institution..... 9-5-83:.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
		1- W.P. with affidavit and Answer.	53	—	102.00			
		2- Power -	1-	—	5.00			
		3- Power .	1-	—	5.00			
		4- CMd. (W)-84 with C.A.	17-	—	7.00			
		5- Cr. No. 1182 (W) D&S with P.A.	13-	—	7.00			
		6. order sheet	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

Date.....

Munsarim

Clerk

Grab A 14 (c)

PL  
369d

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

25/2

Writ Petition No. of. 1983

Vijaipal Singh

--Petitioner

vs.

Union of India and others

--Opp-parties

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5. Representation dated 3 23-24
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8. Notice of imposition of penalty dated 14.6.1982 6 45-46
9. Appeal dated 20.7.1982 7 47-51
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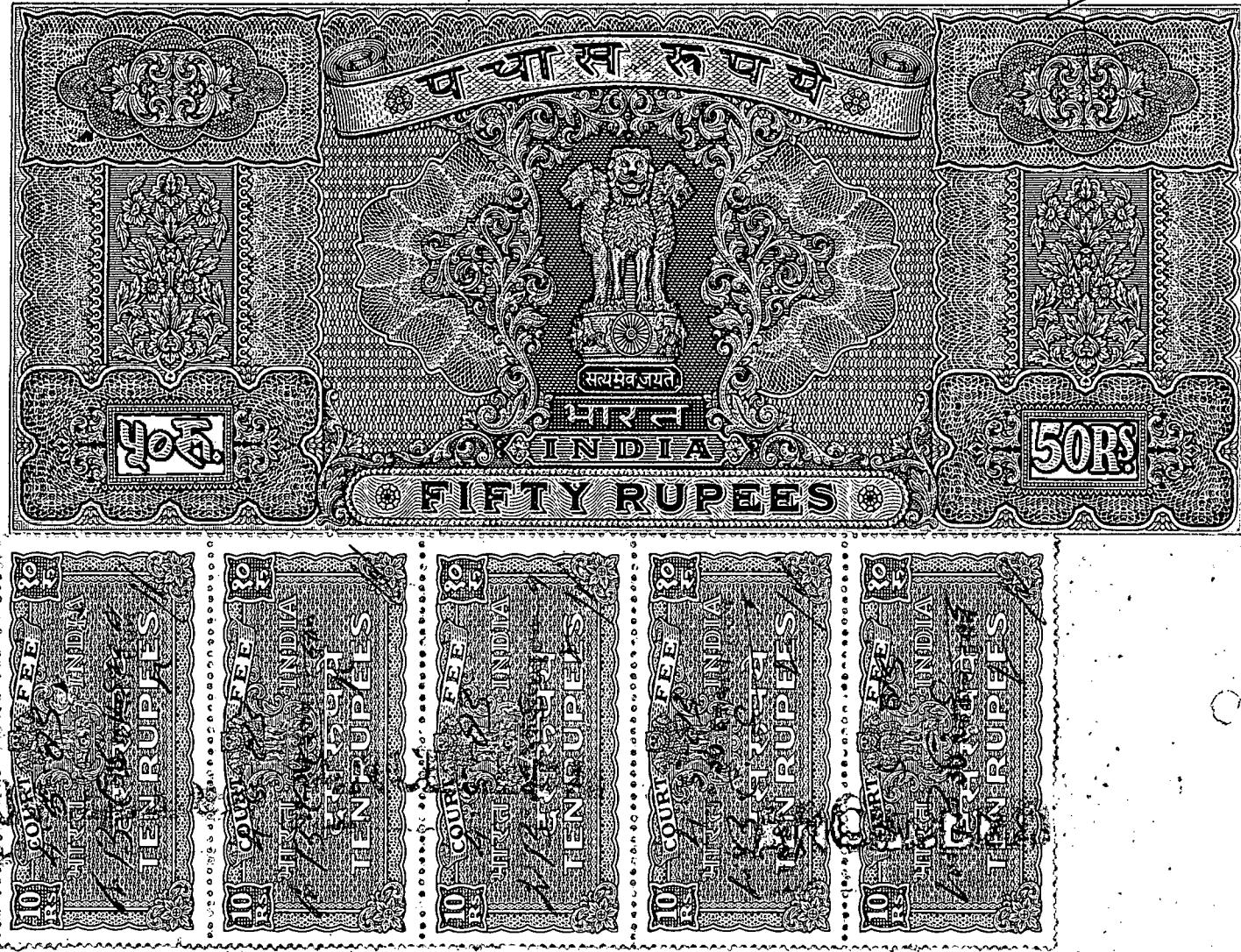
Vakalatnama 53

B.C.Saksema

( B.C.Saksema )  
Advocate

INDIA COURT FEE

50 RS.



On the Allahabad High Court of Judicature at Allahabad

McMahon Benches L-100

200 P.M. 183

Vijai Pal, Singh.

Petitioner

Union of India & others - App. Parties

(. for B. C. Sircara)

Advocate

one anna M 50  
50/-  
100/-

one rupee 83

AB

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. 2512 of 1982

Vijaipal Singh, aged about 58 years, son of Sri  
R.N. Singh, permanent resident of village Paharpur,  
post Siroli, district Farrukhabad

Petitioner

versus



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

Opp-parties

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

Form 4 (1978)

1. That the petitioner was initially appointed in the N.E.Railway on 7.2.1945 as a clerk and gained his promotion to various higher posts and lastly was working as senior Booking Clerk.
2. That the petitioner while working as Senior Booking Clerk at Jarwal Road station of the N.E.Railway was served with a charge-sheet, memorandum bearing no, LD/SS/0/Vig/36/80 dated 25.9.1980 issued by opposite-party no. 3. The said memorandum was issued on a cyclostyled proforma. Enclosed to the said memorandum were four Annexures. Annexure 1 was the article of charge framed against the petitioner while annexure 2 contained the statement of imputation on the basis of which the article of charge framed against the petitioner was proposed to be sustained and Annexure 3 contained the list of documents by which the article of charge framed against the petitioner was proposed to be sustained. Annexure 4 contained list of witnesses by whom the article of charge framed against the petitioner was proposed to be sustained. With a view to place on record the contents of annexures 1 to 4 a true copy of the same is being annexed as Annexure no.1 to this petition.
3. That the charge framed against the petitioner, inter alia, was that he allegedly failed to maintain absolute integrity and devotion to duty inasmuch as he sold ~~class~~ class PCTU4815 ex- JLD to BBVT and took back the said ticket and with collusion with Sri

Parmanand

K.R.P. Singh re-sold the said ticket on realisation of Rs. 57.50 against the actual fare of Rs. 55.25, i.e. Rs. 2.25 excess.

4. That the petitioner on 4.4.1980 worked as Senior Booking Clerk. During his shift duty before handing over charge he found that one ticket ex. JLD to Bombay V.T. was missing from the ticket tube. The petitioner as is the practice is required to indicate the details of the transactions which he did. The petitioner accordingly in the daily Trains cash book made an endorsement on 4.4.1980 that he made good a sum of Rs. 55.25 from his own pocket being the fare of Ticket no. 04815 ex-JLD to BBVT.

5. That the petitioner on 11.4.1980 fell ill and was given a sick memo for taking medical advice and treatment by the Assistant Divisional Medical Officer, N.S.Railway Badshahnagar, Lucknow. The petitioner reported for medical advice and treatment to the said Assistant Divisional Medical Officer at Badshahnagar Hospital in the morning of 12.4.1980.

6. That it appears that a vigilance team sent one Sri Ram Saran Khalasi as their decoy to purchase a ticket ex. Jarwal Road Station to Bombay VT on 12.4.1980.

RECORDED

7. That on 12.4.1980 one Sri R.R.P. Singh booking clerk was on shift duty when the said Sri Ram Saran is said to have purchased the said ticket. The said Sri Ram Saran is said to have paid Rs. 57.50 against the actual fare of Rs. 55.25, that is to say, Rs. 2.25 excess. The vigilance team conducted a search and raid immediately after the said ticket was obtained by Sri Ram Saran and seized all the registers and cash box etc and also recorded the statements of Sri R.R.P. Singh and Sri Mohammad Yousuf and Sri Mangleshwar Prasad Srivastava.

8- That before the vigilance the said Sri R.R.P. Singh alleged that the petitioner had given him the ticket in question on 11.4.1980 before proceeding on sick leave for being re-sold.

9. That one Sri H.M. Mehrotra was appointed as Inquiry Officer to conduct an inquiry into the allegations levelled against the petitioner in the said memorandum dated 25.9.1980 as also against the said Sri R.R.P. Singh who was also given a charge-sheet and a common proceeding against both of them was ordered to be held. The charge against the said Sri R.R.P. Singh was that he while working in the capacity of booking clerk failed to maintain absolute integrity and devotion to duty inasmuch as:

"He resold the second class PCT no. 04815 ex-JID to BVT on 12.4.1980 on realisation of Rs. 57.50 against the actual fare Rs. 55.25 i.e.

Rs. 2.25 excess inspite of the fact that said ticket was already shown sold on 4.4.1980 in DTC book by Shri V.P. Singh. ~~that the Inquiry~~

10. That the Inquiry Officer by means of memo. L.D./SS-C/Vig/36-80 dated 16.2.1981 intimated that 25.2.1981 was fixed as the date for the inquiry and required the petitioners presence. The said memo. did not indicate the names of the other persons who had been cited as witnesses proposed to be examined in support of the charge. A true copy of the said memo. dated 16.2.1981 is being annexed as Annexure no.2 to this petition.

11. That the petitioner on receipt of the said memo. submitted a representation to the Inquiry Officer and therein indicated that there was no need for him to attend the inquiry since on 12.4.1980 the date the alleged occurrence took place he was away from station and had absolutely no concern with the case. The petitioner, however, indicated that unless all the persons who were working as Booking Clerks on 12.4.1980 at Jarwal Road are ~~not~~ called to appear at the inquiry, no useful purpose would be served by his appearing alone before the Inquiry Officer. A true copy of the said reply is being annexed as Annexure no.3 to this petition.

12. That no heed was paid to the request made by the petitioner and the inquiry officer by a

memo. dated 25.2.1981 again intimated that the petitioner is required to appear on 10.3.1981, the ~~fix~~ next date of hearing. In the said memo. the person whose attendance was required on the said date of enquiry viz., 10.3.1981 contained the name of the petitioner alone; hence it is stated that no intimation of the said date of inquiry was sent to any of the witnesses named in the charge-sheet and their attendance on the said date i.e. 10.3.1981 was also not called for by the inquiry officer. The petitioner accordingly reiterated the reply which he had earlier sent in response to the inquiry officer's memo. dated 16.2.1981 by his representation dated 2.3.1981.

13. That even so, the enquiry officer by again by his memo. dated 30.3.1981 fixed 8.4.1981 as the next date of inquiry and required the petitioners attendance on the said date. Again none of the witnesses cited in the charge-sheet were called by the inquiry officer to attend the enquiry on 8.4.1981 and no intimation of the said date was sent to any of the witnesses.

14. That the petitioner in response to the said memo. dated 30.3.1981 submitted a representation on 2.4.1981. A true copy of the said representation is being annexed as Annexure no.4 to this petition.

15. That the inquiry officer by memo. dated 16.3.1981 intimated the petitioner that the next date fixed is ~~fix~~ 24-3-1981 and 25.3.1981 and stated that if the petitioner fails to appear in the inquiry on the dates

fixed ex parte decision will be taken against him.

It is stated that the inquiry officer by his memo. dated 16.3.1981 did not intimate any of the witnesses of the next dates of hearing but only required the petitioners presence. The petitioner in response to the said memorandum dated 16.3.1981 submitted a representation dated 21.3.1981 to the inquiry officer and reiterated his stand that unless other persons are called to attend the inquiry, no useful purpose would be served by the petitioner alone attending the same.

16. That the inquiry officer did not pay any heed to the repeated requests made by the petitioner that the witnesses cited in the charge-sheet be also called to appear on the date fixed for the inquiry and calling the petitioner alone to attend the inquiry was wholly futile. The inquiry officer ignoring the said requests again by a memo. dated 25.3.1981 intimated, the next dates of inquiry had been fixed for 16.4.1981 and 17.4.1981. The petitioner again in response to the said memo. on 13.4.1981 submitted a representation and reiterated his demand that the witnesses be also required to attend.

17. That ultimately the inquiry officer by memo. dated 8.6.1981 fixed 22.6.1981 and 23.6.1981 as dates for holding inquiry and in the said memo. intimated S/Sri R.R.P.Singh, K.N.Gaur, and *Mohd Yusuf*

Mangleshwar Prasad Srivastava also to attend the inquiry.

18. That the petitioner did not go to attend the inquiry on 22.6.1981 since the three witnesses, S/Sri K.N.Gaur, Mohammad Yousuf and M.P.Srivastava who were working at the Jarwal Road Station had not been spared to attend the inquiry.

19. That ultimately the petitioner appeared before the inquiry officer on 6.11.1981 which was fixed as the next date of inquiry as also on 7.11.1981 and the petitioner was intimated about the same by the inquiry officer through his memo. dated 3.10.1981. On the said dates none of the witnesses had appeared or were available before the inquiry officer. The petitioner submitted his defence statement and his statement was recorded by the inquiry officer.

20. That before the inquiry officer S/Sri K.N.Gaur, Mohammad Yusuf and Mangeshwar Prasad Srivastava did not appear and their statements were not recorded. The inquiry officer recorded the statements of S/Sri U.N.Singh and B.D.P.Jaiswal, Vigilance Inspectors, Gorakhpur.

It is stated that the statements of Sri U.N.Singh and Sri B.D.P.Jaiwal were recorded by the inquiry officer on 18.7.1981. The petitioner was not intimated about the said date of inquiry nor of the fact that the statements of the said

*For signature*

witnesses would be recorded while the statement of Ram Saran Khalasi was recorded by the inquiry officer on 17.8.1981. The petitioner was not ~~intimated~~ informed by the inquiry officer about 17.8.1981 being ~~xxx~~ fixed as the date of inquiry or of the fact that the statement of Ram Saran Khalasi would be recorded on that date. The petitioner had no information that Sri Ram Saran was required to attend the inquiry on 17.8.1981.

21. That for reasons indicated above the petitioner was not afforded any opportunity of cross-examining even the few witnesses whose statements were recorded by the inquiry officer during departmental proceedings.

22. That the inquiry officer submitted his report on 30.3.1982. A true copy of the said report which was made available along with the notice of imposition of penalty is being annexed as Annexure no.5 to this petition.

23. That on the basis of the inquiry officers report opposite-party no.3 by a notice of imposition of penalty dated 14.6.1982 imposed the punishment of reduction to the post of booking clerk in scale Rs. 260-430 (RS) for the balance period of the petitioners service and directed that the petitioners pay is reduced from Rs. 560/- to the maximum of the grade of Rs. 260-430 (RS) i.e. Rs. 430/-. It may be stated that the petitioner at the relevant time was working as Senior Booking Clerk in scale Rs. 330-560 and had reached the stage of Rs. 560/- in that scale

27/52

27/52

27/52

of pay. Copy of the said notice of imposition of penalty as served on the petitioner is being annexed as Annexure no.6 to this petition.

24. That aggrieved by the said punishment, the petitioner preferred an appeal to opposite-party no. 2 on 20.7.1982. With a view to place on record the facts stated and grounds raised by the petitioner a true copy of the said appeal dated 20.7.1982 is being annexed as Annexure no. 7 to this petition.

25. That the petitioner was intimated by means of memo. dated 13.9.1982 of the order passed by opposite-party no.2 on the petitioners appeal. The said order was wholly cryptic and bald and reads as under:-

"I am satisfied that Sri V.P.Singh has been correctly punished in this case.

The appeal is rejected."

A true copy of the said memo. dated 13.9.1982 is being annexed as Annexure no. 8 to this petition.

26. That the said memo. was served on the petitioner on 16.9.1982.

26. That a perusal of the inquiry officers report would show that Sri R.R.P.Singh against whom proceedings were commonly held along with the petitioner had in his written defence statement

took entirely a different stand and denied having sold the ticket in question to Ram Saran on 12.4.1980 and indicated that the petitioner may have done it. It is stated that the petitioner at no time was apprised of the defence statement given by Sri R.R.P. Singh nor was called upon to give his version of the fact in reply to the said defence statement. The statement of Sri R.R.P. Singh was also not recorded on oath during the enquiry proceedings. The petitioner in any event had at no time been ~~appris~~ served or supplied with the copy of any such statement of Sri R.R.P. Singh. Even the enquiry officers report does not disclose and such a statement was recorded.

27. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this petition and sets forth the following, amongst others,

GROUND:

(a) Because there has been denial of reasonable opportunity of defence inasmuch as the statements of U.N. Singh and B.P.D. Jaiswal as also of Ram Saran Khalasi were recorded at the petitioner's back.

(b) Because in the absence of statements of the other witnesses having been recorded by the Inquiry

*Ans*

Officer during departmental proceedings, it must be held that the charge against the petitioner had not been brought home.

(c) Because in view of the circumstance that the petitioner was not present on duty on 12.4.1980 the finding of the Inquiry Officer is wholly perverse.

(d) Because the punishment of reduction in rank is wholly illegal inasmuch as the petitioner has not been afforded any opportunity to show cause against the same.

(e) Because the appellate authority failed to discharge the mandatory duty cast on it under the Railway Servants (Discipline and Appeal) Rules, 1968.

(f) Because there has been denial of reasonable opportunity of defence inasmuch as the petitioner was not furnished with a copy of the statement of Sri R.R.P. Singh. The Inquiry Officer erred in relying on the said statement even though the same was not recorded during inquiry proceedings.

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

(i) to issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quashed the order of imposition of penalty dated 14.6.1982 contained in annexure 6 to the writ petition as also

*Re*

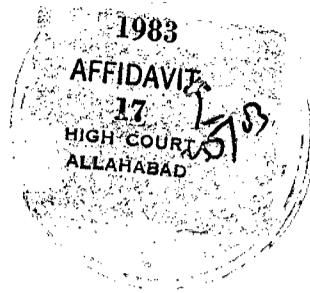
the order dated 13.9.1982 contained in annexure 8 to the writ petition passed by opposite-party no.2.

(ii) to issue a writ of mandamus or a writ order or direction in the nature of mandamus commanding the opposite-parties to treat the petitioner ~~was~~ having continued as Senior Booking Clerk and to pay him arrears of salary and allowances which accrue due accordingly as also to give the petitioner benefits in the matter of seniority , promotion etc.

(iii) to 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  
26. 4 . 1983

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



14

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

Vijaipal Singh

--Petitioner

vs.

Union of India and others

-Opp-parties

I, Vijaipal Singh, aged about 58 years, son of Sri R.N. Singh, permanent resident of village Paharpur, post Siroli, district Farrukhabad, 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 contents of paras 1 to 26 of the accompanying petition are true to my own knowledge.

3. That annexures 1 to 5, 7 and 8 have been compared and are certified to be true copies.

Dated Lucknow

25/5

*for me*

Deponent

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

Dated Lucknow

25/5

*for me*

Deponent

I identify the deponent who has signed in my presence.

*for me*  
(Clark to Sri B.C. Saksena, Advocate)

Solemnly affirmed before me on 25/5/53 at 10.15 a.m. by *for me* the deponent who is identified by Sri *for me* Clark to Sri *for me* 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.

SATISH CHANDRA
SHIVASASTRI
OATH SWORN ON 25/5/53
High Court, Allahabad
No. 417/17/53
Date 25/5/53

A 23

16

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

Writ Petition No. of 1982

V.P. Singh

--petitioner

versus

Union of India and others

--Opp-parties

Annexure no.1

Annexure 1

Article of charge framed against Shri V.P. Singh,  
Sr. BC/JLD

That the said Shri V.P. Singh while working in the capacity of Sr. BC/Jarwal Road, failed to maintain absolute integrity and devotion to duty inasmuch as he sold 11nd class Pct No. 04815 ex JLD to BBVT and took back the said ticket ~~no. 04815~~ and with collusion of Sri R.R.P. Singh resold the ticket no. 04815 on realisation of Rs. 57.50 against the actual fare of Rs. 55.25 i.e. 2.25 excess as per his direction for which he put remark in the last page of DTC/Book dated 4.4.1980 that Rs. 55.25 made good by him. Thus he connived with reselling of PCT no. 04815 ex JLD to BBVT.

The above act of Sri V.P. Singh Sr. BC/J.L.D. amounts to misconduct in contravention rule 3(1)(i) of Railway Service Conduct Rule, 1966.

Sd.J.Lal  
Divl. Comml. Supdt.,/LJN.

Annexure II

Statement of imputation on the basis of which Article of charge framed against Shri V.P.Singh Sr.B.C. has been proposed to be sustained.

1) Statements dated 12.4.1980 of Sri R.R.P.Singh, RBC along with endorsement made thereon by S/sri Mohd. Yusuf ASM and K.N.Gaur, JLD will show that second class PCT No. 04815 ex- JLD to BBVT was sold by Sri V.P.Singh on 4.4.1980 and after taking back the sold ticket it was handed over to Shri R.R.P.Singh on 11.4.1980 for resale and Rs. 55.25 was realised from him against the sale of said ticket showing the remarks in the last page of DTC book dated 4.4.1980 that shortage of Rs.55.25 was made good from Sri V.P.Singh. It will also show that Sri V.P.Singh was instructed him to realise Rs.2/- excess on the sale of foreign ticket to avoid exposure of rules.

ii) Endorsement dated 12.4.1980 made by S/Shri R.R. P. Singh, RBC and K.N.Gaur SM/ JLD below the statement of Sri Ram Saran Vig/ Kh will show that second class PCT no. 03815 ex JLD to BBVT was handed over to Sri R.R.P.Singh by Shri V.P.Singh on 11.4.1980 for resale.

iii) Statement dated 12.4.1980 of Sri Mohammad Yusuf ASM/ KLD will show that second class PCT No. 03815 ex JLD to BBVT was shown sold by Sri V.P.Singh on 4.4.1980 was taken back from a passenger and the same was handed over to Sri R.R.P.Singh on 11.4.1980 for resale. It will also show that remark showing Rs. 55.25 made good by Sri V.P.Singh was put by him on the last page of DTC book dated 4.4.1980.

2  
20/3/81  
11/4/80

iv) Statement dated 12.4.1980 of Sri Mangleshwari pd. Srivastava ASM/ JLD will show that second class PCT no. 04815 ex JLD to BBVT was sold by Sri V.P.Singh on 4.4.1980 and after taking back from a passenger the same was handed over to Sri R.R.P.Singh on 11.4.1980 for resale. It will show that the remark of shortage of Rs. 55.25 made good from the pocket of Sri V.P.Singh was put by him in the last page of DTU book dated 4.4.1980.

v) Statement dated 10.7.1980 of Sri V.P.Singh Sr. BC/ JLD in reply to question no.2 and 3 will show that second class PCT no. 04815 ex JLD to BBVT was sold by him on 4.4.1980 and remark of the shortage of Rs. 55.25 made good by him was put in the last page of DTU book dated 4.4.1980.

Sd. J.Lal

Divl. Comml. Supdt/ Lucknow

Annexure III

List of documents by which article of charge framed against Shri V.P.Singh Sr. BC has been proposed to be sustained.

i) Statement dated 12.4.1980 of Sri R.R.P.Singh along with endorsement thereon by S/ Shri Mohd. Yusuf ASM/ JLD and K.N.Gaur, SM/ JLD

ii) Endorsement dated 12.4.1980 of S/ Sri R.R.P.Singh RBC and K.N.Gaur SM/ JLD made below the statement of Sri Ram Saran Vig/Kh

iii) Statement dated 12.4.1980 of Sri Mohd. Yusuf ASM/ JLD and endorsement made thereon.

iv) Statement dated 12.4.1980 of Sri Mangleshwari pd. Srivastava, ASM/ JLD and endorsement made thereon.

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v) Statement dated 10.7.1980 of Sri V.P.Singh in reply to question nos. 2 and 3.

Sd.J.Lal  
Divl. Comml. Supdt/ LTN

Annexure IV

List of witnesses by whom article of charge framed against Sri V.P.Singh Sr. BC/ JLD has been proposed to be sustained -

~~List of witnesses by whom article of charge framed~~

1. Shri R.R.P.Singh, RBC/ JLD
2. Shri K.N.Gaur SM/ JLD
3. Shri Mohammad Yusuf ASM/ JLD
4. Shri Mangleshwari Prasad Srivastava, ASM/ JLD
5. Shri U.N.Singh and B.D.Pd. Jailwal, VI/s/GKP.

Sd. J. Lal

Divl. Comml. Supdt/LTN.

2013

10/11/1980

इन दि आनखुत हाईकोर्ट आफ जूडीकेवर इट छलाहाबाद  
लखानऊ बैच लखानऊ

रिट पिटीशन नं आप 1982

बी.पी.जिंह ----- -- पिटीशनर

बनाम

स्ट्रैटगियाल एण्ड एगिकल  
यूनियन आफ इण्डिया तथा अन्य ----- अपीजिटपा ट्रिपि

स्ट्रैटिक रेलवे

कार्यात्मक महाप्रबन्धक  
(विभागीय कार्यवाई-जांच अनुभाग)

सं० LD/SS-C/Vig/36/80

गोखपुर दिनांक 16/2/81

श्री V.P. Singh - Sr. RO/Erwal R.O का  
RRP Singh - R.R.C./Lucknow City

विषय Above named

के विरुद्ध

अनुशासनात्मक कार्यवाई ।

संदर्भ :- दिनांक 25.9.80 का अनुभाग अधिकारी द्वारा

जारी किया गया ज्ञापन सं even No.

उक्त विषय पर आपका ध्यान अनुशासन अधिकारी के दिनांक 7-2-81 के आदेश संख्या इकैन नं० की ओर आकृष्ट किया जाता है जिसके अर्थात् अधोहस्ताक्षरी को आपके विरुद्ध लगाए गए जारीपों को जांच के, निमित जांच प्राधिकारी के स्थ में नियुक्त किया गया है जारीप संवंधी तथ्यों का विवरण संवंधित जारीपों के अनुच्छेदों में किया गया है। उक्त जांच रेल सेवक (अनुशासन) एवं अपील नियम 1968 के अंतर्गत की जायगी।

2- अर लिखित आरोप के परिच्छेद 4 में आप से उस रेल सेवक को नामंकित करने को कहा गया था जिसको सहायता इस जांच के दौरान आप लेना चाहते हो, परन्तु आपने अभी तक यह सूचना नहीं दी है यदि आप इस प्रकार को सहायता से लाभ उठाना चाहते हो तो उक्त सूचना

विज्ञप्ति लिखित

-2-

भीजे । सूचना के साथ नामांकित रेल सेवक जिसको सहायता आप जांच के दौरान लेना चाहते हों की लिखित स्वीकृति जिसमें इसका उल्लेख अनिवार्य रूप में किया गया हो कि उस व्यक्ति को दो से अधिक मास्कों में जांच के दौरान सहायक के रूप में उपस्थित नहीं होना है ।

3- प्रारम्भिक सुनवाई/ जांच को तिथि दिनांक 25/2/81 को निरिक्षित की गई है जो अधीक्षित स्थान की गोखापुर स्थित कार्यालय में 10-30 प्रातः/ सै प्रारम्भ होगी । आप स्वयं तथा रेल सेवक जो जांच के दौरान आपकी सहायता करेंगा उक्त समय निर्धारित तिथि तथा स्थान पर उपस्थित हो ।

4- हमें भूलोभाँति तथा स्पष्ट रूप से समझ लिया जाना चाहिए कि यदि आप निर्धारित तिथि को बताए हुए स्थान पा निर्देशित समय पर उपस्थित न हुए तो जांच कार्य आपकी अनुपस्थिति में स्कस पाटौं किया जायगा ।

5- उक्त तिथि पर ज्ञापन के चतुर्थ छाप्ड में वर्णित गवाहों का बयान दर्शिया जायगा ।

ह0 अपठनीय

जांच अधिकारी निरोक्षक (सतीक्षा)

1- स्स एम / जर्वल रोड

2-

3-

4-

5-

कृपया निम्नलिखित कर्मचारी को जांच कार्य के लिये कार्यमुक्त कर निर्धारित तिथि स्थान और समय पर उपस्थित होने का आदेश दें:-

नाम व विवरण

टिप्पणी

1- श्री वीष्णोसिंह

Sr. BC/Jarwal Road

2- श्री

3- श्री

4- श्री

5- श्री

कृपया पात्र हैं

-3-

6- श्री

6- महाप्रबंधाक (सतीकर्ता) उनके कायात्तिय की मिसिल सं०  
के संदर्भ में । उक्त तिथि पर कृप्या निम्न ज्ञाहों को  
अस्थिति का प्रबंध करें :-

1- श्री

2- श्री

3- श्री

4- श्री

ह० अपठनोय  
जाच अधिकारी

सत्य प्रतिलिपि

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अप्र० पालमीद

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

Writ Petition No. of 1982

V.P. Singh.... .... Petitioner

versus

State of U.P. and others.... .... opp. parties

Amexure no.3

N.E.Rly

Sri H. M. Mehrotra EDDA  
NE Rly (KP)

Subject- DAR Enquiry on 25/2/81

Ref. DSLJ NNU LD/SS-c/Vig/36-80 d.7.2.81  
& Vig No.8.80/121/Vig dt. Nil.

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Sir,

In reference to your above quoted I need not attend enquiry on the following grounds:-

1. That on 12.4.80 the day of raid I being on sick list was away from the station and absolutely have no concern with the case.
2. That further I add that at the time of raid M/s Sri Mohd yousuf and Sri M.P. Srivastava both Off duty uncalled for Asm were available in advance with their illegal presence in Booking Office duly enjoining all sorts of commercial benefits in collusion with Sri RRP Singh RLC under directives of Sri K.N. Gair Sm as per routine sic practice but but all have been totally ignored by Raiding VL being well fed by them from major Allegations against all which is absolutely unfair on spot and against human justice in Democracy and feel pity on the sumpletonship of Sri BDP Jaiswal VII for believing the misleading and fabricated statement of Sri RRP Singh B conduty in connivance with Sm and ASms JLD and thus avoiding so

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important feature in this connection only leaving them all from penalties is highly regretted and proves him (VI) an ignorant of rules on the subject.

That therefore I would like to condemn any enquiry being used on mere fabrication in this connection till all the three above named are not majorly charge sheeted for PmDAR for their maladiousness shackness and illegal presence in Booking Office on the spot in off duty as already reported long ago by me and all other EUS who worked at JLD to DCS/LJN on the subject.

Please do need full early to enable me to proceed further on the subject.

Yours faithfully

V.P.Singh Sr BC  
JLD

1. Copy to DMR(C) LJN for Inf & N.A.  
2.. - Dy. Vig Office NERLY GRP for N.A.

True copy

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

Writ Petition No. of 1982  
V.P. Singh..... .... Petitioner

versus

Union of India and others... .... opp. parties

Annexure No.4

No. v/2/81 N.E.R. The E Officer Office of the  
General Manager (KP(VI))  
Departmental action E/Section

Re f:- Your No. LD/55/C/ri g/36/80 D/ 30.3.81

8.4.81

Sir,

In ref. to your above quoted I have to state as  
Under:-

That the charge sheet merely issued on fabrication  
hence already referred in original DCS/LJN for cancella-  
tion with request to serve the same to I.O.P.Jaiswal  
Radding vi for his no competency, ignorancy into making  
numerous erasures, settings and showing Rs.26/55  
short against his own excessed voucher for Rs.57/50 in  
DT C Book on 12.4.80 under pressures being well fed by  
all of them on spot and for in plot on ship on Believing  
the malafied, milingering and mispeading statement of  
Shri RRP Singh REC/LC in connivance with Sri & Asms  
and Shri K.N.Singh Gain for his malacious permission  
to both Asms in Bookin gOfi ce and Both Asms M/s  
Sri Mohd Yusuf and Sri M.P.Sri vastava for their illegal  
presences in B/Ofi ce with deliberate malafied  
intentions who were available in advance on the day  
of raid D/ 12.4.80 as usual.

2. That I being absent (Sicks) was away from the  
station when the prestollen before 4480 RVI TKT NO  
481t was sold by Sri RRP Singh to VI(R) on 12.4.80 for

for you

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which I had already passed a remark for a shortage of Rs.55.25 in DTC Book duly declaring the fact of theft of the very ticket to all of them on the same day which I had to make good from my pocket on 4.4.80 under unavoidable circumstances.

3. Further please see that the charge was given to Shri M.P. Srivastava ASM 16 to 24 on 11.4.80 at 18 Hours after closing cash by me with BBVI Ticket No.04822 in Tube and had no concern with RRP Singh RBC/LC on the Subject.

4. Thus, I am at see share and have no concern with the framed case nor I deem it fit to attend such bogus enjuries with loss of Railway Revenue in TA Etc duly fixed by Vigilance Deptt in vague on the Subject.

5. That I also further do not authorize the authorities to establish any thing in the bogus case attempted to frame against me by RRP Singh RBC/LC in comivance with Sm & both ASms & D to save their own skins on the subject please.

Yours faithfully,

V.P.Singh (Exsm)

Sr. RBC JLD

D/- 2.4.81

1. Copy forwarded to DCS/LJN for Inf & N/A.

2..

CVO/GKP -

True copy

9/11/78

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

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

Annexure no.5

N.E.Railway  
Lucknow Division case no. LD/SS-C/Vig/36/80

Report of Inquiry

Held under the Railway Servants ( D &A) Rules, 1968

Disciplinary authority	DCS/Lucknow
Accused Rly Employees	S/Sri R.R.P.Singh, RBC/JLD and V.P.Singh, Sr. BC/ JLD
Defence Assistant	Sri S.M.Ali, TIE/West GKP of Sri R.R.P.Singh
Inquiry Officer	H.M, Mehrotra

(Common proceeding)

1.1 (a) Article of charge against Sri R.R.P.Singh  
RBC/JLD (Accused Railway Employee).

On 12.4.1980 while Shri Rana Ram Pal Singh was working in the capacity of Booking Clerk failed to maintain absolute integrity and devotion to duty inasmuch as:-

i) He resold the second class POF no. 04815 ex- JLD to VCF on 12.4.1980 on realisation of Rs.55.25x Rs.57.50 against the actual fare of

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Rs. 55.25 i.e. Rs. 2.25 excess inspite of the fact that said ticket was already shown sold on 4.4.1980 in DIC Book by Shri V.P.Singh.

(b) Statement of imputation of misconduct in support of the aforesaid article against Sri R.R.P.Singh B.C./JLD

i) Statement of Sri Ram Saran Vigilance, KH (Decoy) dated 12.4.1980 will show that second class PCT No. 04815 ex JLD to BBVT was purchased by him and paid Rs. 57.50 on demand and realisation by Sri R.R.P.Singh RBC. It will further show that on verification by VIs it was noticed that this ticket was already sold by Sri V.P.Singh, Dr. B.C./JLD on 4.4.1980 as confirmed by ASW/ JLD.

ii) Endorsement dated 12.4.1980 made by Sri R.R.P.Singh below the statement of Sri Ram Saran Khalasi will show that second class PCT no. 04815 ex JLD to BBVT was sold by him to Sri Ram Saran on realisation of Rs. 57.50 and the same amount was returned to him in presence of SM/JLD. It will further show that this ticket was handed over to him by Shri V.P.Singh to Sr. BC/ JLD and sold the same as per his direction.

iii) Endorsement dated 12.4.1980 of Sri K.N.Gaur SM/ JLD will show that Sri Ram Saran identified Sri R.R.P.Singh from whom he had purchased second class PCT no. 04815 Ex- JLD to BBVT on realisation of Rs. 57.50 by him who returned Rs. 57.50 in presence of SM / JLD. It will further show that Sri R.R.P.Singh maintained his version that PCT no. 04815 ex JLD to BBVT was handed over to him by Shri V.P.Singh Sr. B.C.

Temporary

iv) The detail statement dated 12.4.1980 endorsed by s/Shri Mohd. Yusuf, ASM/ JLD and K.N. Gaur, SM/JLD will show that second class PCF no. 04815 ex JLD to BBVT was sold by him to Ram Saran which was handed over to him by Sri V.P. Singh on 11.4.1980 with instruction to resale it as it was wrongly issued on 4.4.1980 along with ticket no. 04814. It will show that correction was made in DTC book dated 4.4.1980 and took the amount of Rs. 55.25 from Sri R.R.P. Singh after making remark in the last page of DTC/Book that Rs. 55.25 made good from pocket. It will further show that it was directed by Sri V.P. Singh to realise Rs. 2/- excess on sale of foreign ticket to avoid exposure of rules.

v) DTC/Book dated 12.4.1980 in the last page where calculation has been made will show that sale of ticket no. 04815 ex JLD to BBVT was included in the cash and shortage found in the cash was made good by Sri R.R.P. Singh.

vi) DTC book dated 4.4.1980 will show that ticket no. 04815 was sold by Sri V.P. Singh Sr. BC/JLD on 4.4.1980.

vii) Second Class PCF no. 03815 will show that it was cancelled on 12.4.1980 by Shri R.R.P. Singh without deducting clerkage and the same was handed over to V.I. for exhibit.

viii) F.I.R. dated 14.4.1980 show the brief history of the case.

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1.2. (a) Article of charge against Sri V.P.Singh, Sr. BC/JLD (Accused railway employee)

That the said Shri V.P.Singh while working in the capacity of Sr BC/Jarwal Road failed to maintain absolute integrity and devotion to duty inasmuch as he sold second class PCT No. 04815 ex-JLD to BBVT and took back the said ticket and with collusion of Sri R.R.P. Singh resold the ticket no. 04815 on realisation of Rs. 57.50 against the actual fare Rs. 55.25 i.e. Rs.2.25 excess as per his direction for which he put remark in the last page of DTC/Book dated 4.4.1980 that Rs. 55.25 made good by him. Thus he connived with re-selling of PCT no. 04815 ex JLD to BBVT.

The above act of Sri V.P.Singh Sr. BC/ JLD tantamounts to misconduct in contravention of rule 3(I)(i) of Railway Servants Conduct Rules, 1966.

(b) Statement of imputation of misconduct in support of the aforesaid article against Sri V.P.Singh, Sr. BC JLD.

i) Statement dated 12.4.1980 of Sri R.R.P.Singh RBC along with endorsement made by S/Sri Mohd. Yusuf, ASM and K.M. Gaur/JLD will show that second class pct. no. 04815 ex-JLD to BBVT was sold by Sri V.P.Singh on 4.4.1980 and after taking back the said ticket it was handed over to Shri R.R.P. Singh on 11.4.1980 for resale and Rs.55.25 was realised from him against the sale of said ticket showing the remarks in the last page of DTC book dated 4.4.1980 that shortage of Rs.55.25 was made good from Sri V.P.Singh. It will show that Sri V.P.Singh was instructed to <sup>him</sup>

realise Rs.2/- excess on the sale of foreign ticket to avoid exposure of rules.

ii) Endorsement dated 12.4.1980 made by S/ Shri R.R.P. Singh, RBC and K.N. Gaur SM/ JID below the statement of Sri Ram Saran Vig./Kh. will show that second class PCT No. 04815 ex. JID to BBVT was handed over to Sri R.R.P. Singh by Shri V.P. Singh on 11.4.1980 for resale.

iii) Statement dated 12.4.1980 of Sri Mohd. Yusuf ASM/JID will show that IIInd class PCT no. 04815 ex JID to BBVT was shown sold by Sri V.P. Singh on 4.4.1980 wastaken back from a passenger and the same was handed over to Sri R.R.P. Singh on 11.4.1980 for resale. It will also show that remark showing Rs. 55.25 made good by Sri V.P. Singh was put by him on the last page of DIC book dated 4.4.1980.

iv) Statement dated 12.4.1980 of Sri Mangleshwari Pd. Srivastava, ASM/JID will show that second class PCT No. 04815 ex- JID to BBVT was sold by Sri V.P. Singh on 4.4.1980 and after taking back from a passenger the same was handed over to Sri R.R.P. Singh on 11.4.1980 for resale. It will also show that the remark of shortage of Rs. 55.25 made good from the pocket of Sri V.P. Singh was put by him in the last page of DIC book dated 4.4.1980.

v) Statement dated 10.7.1980 of Sri V.P. Singh, Sr. BC/ JID in reply to question no. 2 and 3 will show that second class PCT no. 04815 ex JID to BBVT was sold by him on 4.4.1980 and remark of the shortage

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of Rs. 55.25 made good by him was put in the last page  
DTC Book dated 4.4.1980.

II (a) (i) The defence of the accused railway employee  
Sri R.R.P.Singh, Sr. BC/ JLD to disciplinary authority:-  
at 40/C of the linked file

(ii) The fact stated by him in the course of preliminary hearing dated 25.2.1981. ROP-1

(ii) His written statement of defence and questioning by E.O. under 9(21) of DAR and defence brief from page 10 to 18.

II(b) (i) The defence of the accused Railway employee  
Sri V.P.Singh Sr BC/ JLD to disciplinary authority  
Not submitted

(ii) The fact stated by him in the course of preliminary hearing. He did not attend preliminary hearing.

(iii) His written statement of defence and questioning by E.O. under 9(21) of DAR and defence brief from page 19 to 26 of ROP.

### III- Evidence

The charges against the accused railway employees have been proposed to be sustained by the documents enumerated in Annexure III to the memorandum of charge.

#### Prosecution witness

1. V.I. attended
2. Sri K.N.Gur, SM/JLD Mohd. Yusuf, ASM/JLD,

Sri Mangeshwar Pd., ASI/JLD PW's did not attend the enquiry.

IV Reason for finding.

Statement of Sri BDP Jaiswal, OM (PW) and Sri N.W. Singh ex V.I. (PW) given during the course of enquiry.

The above-mentioned PW's stated during the course of inquiry that FIR dated 14.4.1980 is their examination-in-chief. It has been stated in the FIR that joint surprise check was conducted on 12.4.1980 at the time of 9 UP train. Sri Ram Saran Vig. Khalasi was deputed to work as decoy with instruction to purchase a ticket for BBVI. Accordingly, he purchased a second class PCR No. 04815 ex-Jarwai Road to BBVI and paid Rs. 57.50 on demand by booking clerk Sri Rana Ran Pal Singh against the actual fare Rs.55.25 paise i.e. Rs.2.25 excess. During the course of confrontation Sri Ram Saran gave a written statement to this effect which was got endorsed by Sri R.R.P.Singh accepting the sale of aforesaid ticket on 57.50 as per direction of Sri V.P.Singh, Sr. BC given on 11.4.1980. Sri K.N.Gaur, SM/ JLD also put his endorsement regarding confrontation proceedings in respect of sale of ticket no.04815 JLD to BBVI on realisation of Rs. 57-50 by Sri R.R.P.Singh. On check of DC book it was revealed that T/W No. 04815 was sold on 4.4.1980 by Sri V.P.Singh, Sr. BC/ JLD and the money was remitted on the same day against the sale of this ticket further in the last page of DC book dated 4.4.1980 a remark was made found made by Sri V.P.Singh, Sr. BC as Rs.55.25 short made good from pocket. When

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the clarification was asked from Sri R.R.P.Singh BC, he stated that this ticket was handed over to him by Sri V.P.Singh, sr BC/ JLD in presence of Sri Mohammad Yusuf, ASI/ JLD and Mangalwar Rd.Srivastava, ASI/ JLD on 11.4.1980 with instruction to sale it and taken over a sum of Rs. 57.25 against the fare of this ticket which was paid by him ( Sri R.R.P.Singh from his personal cash)- Both the ASIs gave in writing separately. Sri K.N.Gaur accepted the occurrence as stated above. The cash and account was checked and found Rs.26.45 short for which Sri R.R.P.Singh explained the reasons as short due to error in transaction. PCR no. 04815 was got cancelled on requisition by V.I. and handed over for exhibit in this case. During the course of cross-examination by defence Sri BDP Jaiswal ex- VI (P) stated during the course of enquiry that he did not see the transaction between dec and RRP Singh BC because he was away from the booking office. He further stated that a Panchnama was drawn before laying the check at JLD. The no. of G.C.notes were written in the Panchnama, that G.C.notes were given to decoy to purchase the ticket for BBVT after the check the G.C.notes were not recovered and hence not seized though the cash was checked and the cash found short. It is a fact that the Ticket no. 04815 JLD to BBVT was sold by Sri V.P.Singh on 4.4.1980 as shown by him in BDC book. He had recorded statement of Sri R.R.P.Singh in the Vig. Office on 22.7.1980 apart from check proceeding. His statement dated

Testimony of

22.7.1980 was not considered necessary to include in the report. There was no complaint particularly against Shri R.R.P. Singh B.C. There was no complaint of excess realisation from the passengers who took foreign ticket on 12.4.1980. During the course of cross-examination by E.O., B.D.P. Jaiswal(PW) stated that at that time the recovery of G.C. Notes written in Panchnama was not possible because G.C. notes used in transaction were shifted or kept elsewhere not included in government cash produced for verification. These G.C. Notes were not found in Govt. cash. This ticket no. 04815 was purchased in the duty hours of Sri R.R.P. Singh RBC who admitted that it was sold as per instruction of Sri V.P. Singh, Sr. BC/ JLD dated 12.4.1980. This instruction was verbal. As per DTC book the ticket was not shown in DTC book. Sri U.N. Singh ex. V.I. prosecution witness also confirmed the fact as stated above. Shri U.N. Singh stated at the time of cross-examination by E.O. that while going on leave on 11.4.1980 (sick) Sri V.P. Singh Sr. BC/JLD gave the above said ticket to sale it to his duty hrs. as stated by Sri R.R.P. Singh, RBC, Mangleshwar Pd. ASI had confirmed that Sri V.P. Singh had kept PCR no. 04815 ex- JLD to BBVT till 11.4.1980 and he had kept PCR no. 04815 ex. JLD to BBVT till 11.4.1980 and he gave it to Sri R.R.P. Singh for disposal finding him to a new man at JLD station because he himself had sold BBVT ticket.

Statement of Sri Ram Saran, Vig. Khalasi during the course of enquiry

The assessment of the evidence given by Sri Ram Saran vig. Khalasi revealed that on 12.4.1980 at 2.30 P.M.

he went to the booking window of JLD and asked for second class ticket for BBVT and also enquired about its fare. Babu demanded Rs. 57.50 paise and he gave him Rs. 58. ~~50~~ Paise was refunded with ticket. After purchase of ticket he gave signal to the V.I.s Sri U.N. Singh and Sri Jaiswal (P.W.D) who went inside the booking office and started proceeding and he remained outside with the said ticket. Sri Ram Saran Vig. Khalasi decoy further stated during the course of cross-examination by defence that there was heavy crowd on booking window with great difficulty he could purchase ticket. There were two persons inside the booking counter. One was having glasses and the second was old fellow. One out of the two who was old one gave him the ticket without punching in the dating machine and the G.C. Notes were given to him and it was in his hand. He took 50 paise from the cash and gave it to him that man did not put Rs. 58.00 in the cash box before him and remained holding note in his hand. The other man wearing power glasses being young was not having the G.C. notes he wrote his statement dated 12.4.1982 in the booking office and signed it. The V.I.s had told him (decoy) to write Rana Ram Pal Singh, B.P.C JLD in the statement written by him. The said ticket and 50 paise was given to Sri Jaiswal V.I.

For the witness

Statement of defence submitted by Sri R.R.P. Singh, RBC given during the course of enquiry

The assessment of the evidence given by Sri R.R.P. Singh, RBC/JLD during the course of enquiry

- 11 -

revealed that as stated by him he did not resale ticket no. 04815 ex-JLD to BBVR on 12.4.1980 to Sri Ram Saran Vig. Khalasi. He did not enter in transaction with Sri Ram Saran Vig. Decoy. He did not accept Rs. 58/- . He did not demand Rs. 57.25 paise as stated by Sri Ram Saran. The FIR is false which says for demand of Rs. 57.50. The fact is this that Ram Saran Vig. Khalasi decoy took the ticket from Sri V.P. Singh, Sr. BC/JLD in his duty hours. Sri V.P. Singh accepted Rs. 58/- from the decoy and took away these G.C. notes. Ticket no. 04815 was not in his tube. It was not given to him by Sri Mohammad Yusuf, ASI/JLD from whom he had taken charge on 12.4.1980. The DTC book will state that above ticket was sold by Sri V.P. Singh on 4.4.1980. As per rule if V.P. Singh had got the above ticket wrongly issued by him on 4.4.1980 he should have either deposited to C.C.S. or non-issued it. The non-recovery of G.C. notes written in panchanama and statement of Sri Ram Saran dated 17 & 18.8.1981 disproves the charges levelled in the annexure I and II of the memorandum of charge. He has further stated in his defence during the course of inquiry that as regards imputation no. 2 the memorandum of charge regarding his endorsement on the statement of Ram Saran Vig. Khalasi (decoy), he clarifies that he had already disowned all his endorsement dated 12.4.1980 to Sri Jaiswal, V.I. who had examined him in vigilance office. He had explained in answer no. 4 and 6 to Sri Jaiswal that his endorsement were taken on dictation by Sri

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Jaiswal under duress while his mental equilibrium was disturbed. He was a new person and a raw hand. The V.I. threatened him and put his endorsement as dictated by them. He was decategorised from TMC and absorbed to work as booking clerk from 24.2.1980.

His Headquarter was at LTN city. He was called by DC-I to work at JLD on 8.4.1980. Therefore he cannot turn to be dishonest from 9.4.1980 to 12.4.1980 i.e. three days. Sri V.P. Singh took the benefit of his position and being raw hand he put him in trouble in that he resold on 12.4.1980 ticket no. 04815 already sold by him on 4.4.1980 in his duty as per DTC book. Therefore endorsement as stated in imputation no.2 are irrelevant. Sri P.N. Gaur, Mohammad Yusuf and Mangalishwar Prasad Srivastava (PW) have not attended the enquiry. As regards imputation no.3 and 4 it is stated that the statement of K.N. Gaur and Mohammad Yusuf were recorded under pressure of V.I.s. The ticket no. 04815 was not handed over to him by Sri V.P. Singh to the decoy on 12.4.1980. He was not identified by Sri Ram Saran in presence of Sri K.N. Gaur, SM/ JLD and Sri Mohammad Yusuf, ASM. Sri Jaiswal asked him to give Rs. 57.50 from the cash which he gave him but not the G.C. notes of the Panchnama. It is wrong to say that he realised excess on direction of V.P. Singh BC/JLD who himself entered into transaction with Sri Ram Saran and sold the ticket and might have realised money as stated by Sri Ram Saran on 12.4.1980 in his duty hours. No doubt as per rule one person is allowed to work on the tube but sometimes when the B.C. is new the Sr. B.C.

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extends the necessary help to the newly appointed BC to sell the ticket. He could not object on 12.4.1980 for sailing of ticket in his duty. B (Sri V.P. Singh) took Rs. 58.00 for sales of second class said BBVT ticket and went away untraced and put him into trouble. He was on duty but the fact is this that he is innocent when his Mr. DCS Sri Arya found him innocent he revoked his suspension within six days. I had given Rs. 57.50 to Sri B.D.P. Jaiswal in lieu of his memo. dated 12.4.1980. The photo state copy of memo. is submitted to B.O. which reads as follows:-

"Rana Ram Pal Singh RBC/ LC at JLD dated 12.4.80  
Please cancel second class PCTNo. 04815 ex JLD  
to BBVT without deducting G.C. and handover the  
aforesaid ticket for exhibit and also refund  
Rs. 57.50 (Rs. 57.50 Fifty seven paise fifty only)  
against the sale of these ticket in which Rs. two  
excess realised signed by BDP Jaiswal VI/OKP at  
JLD dated 12.4.1980."

He had given Rs. 57.50 to Sri Jaiswal from the Government cash when the V.I.s failed to recover the G.C. note written in Panchama stated to have been paid by the Vigilance decoy to the B.C. Rs. 58.00. Rs. 57.50 were not the notes of Panchama otherwise those notes would have been put in the relied upon document to prove the recovery of G.C. note written in Panchama given to the decoy. The V.I. Sri U.N. Singh and B.D.P. Jaiswal and Sri Ranbir have accepted before the enquiry officer that there was a

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Panchnama" which contained the G.C.Notes on ROP-3. Sri B.D.P.Jaiswal admitted to the question of Inquiry Officer that at that time the recovery of G.C.Notes written in Panchnama was not possible. They further admitted on ROP-2 that a Panchnama was drawn before laying the check at JLD. Sri V.W.Singh V.I also admitted on ROP-4 that Panchnama was drawn which contained the particular of G.C.Notes given to Sri Ram Saran. Therefore why the Panchnama was cancelled by Sri B.D.P.Jaiswal is a matter to be considered by E.O. because Panchnama is not relied upon document. This proves that he did not enter into transaction with Sri Ram Saran otherwise the Panchnama notes would have been recovered to make out a case of misconduct against him.

Statement of defence by Sri V.P.Singh,  
Sr. BC/ JLD

The assessment of the defence statement submitted by Sri V.P.Singh during the course of enquiry revealed that as stated by him he has got no concern with the case being absent on that date of occurrence. He further stated that a case was framed against him to save their own skin by over mischievous elements on the spot Sri K.N. Gaur, SM, Sri Mohammad Yusuf and Sri M.P. Srivastava ASW and Sri R.R.P. Singh BC on duty whose malicious activities was reported to DCS/LJN long ago but all in vain he further stated that the BBVI ticket no. 04815 was neither sold nor returned but was stolen away from the tube box.

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before my absolute accountal dated 4.4.1980 by any of the above man as per their habitual malpractices as he had refused to obey their malicious advices for better attraction for them and the fact of theft was declared to all on the Saturday and he had to make good amount rs.55.25 from his own pocket with the remark in DFC book. He further stated that so far as he was available at JLD station none could dare to put the stolen ticket on sale and as soon as he left the station after giving charge to Sri V.P. Srivastava ASM with BBVT no. 04822 in tube. Ticket no. 04815 was sold to vigilance Inspector by any of the mentioned man who used to remain 24 hours in booking office with malafide intention for delivery, collection on gate, Parcial booking and purchasing foreign tickets for passengers etc. From the above statements of the PWs and RUDs it is established that second class PUT no. 04815 ex- JLD to BBVT was sold by Sri V.P. Singh on 4.4.1980 and the said ticket was resold in the duty shift hours of Sri R.R.P. Singh, X Rlg. Booking Clerk/ JLD on 12.4.1980. It is also evident that the shortage of rs.55.25 paise was made good by Sri V.P. Singh on 4.4.1980. It could not be established during the course of enquiry that excess money was realised on the sale of the said ticket as the prosecution witness Sri K.N. Gaur, SM/JLD, Mohammad Yusuf, ASM/ JLD and Sri Mangleshwar Prasad Srivastava, ASM/ JLD did not turn up in the enquiry. The endorsement given by them on the statement of Sri R.R.P. Singh RBC during the course of Vig. check can be read as evidence during

FIR NO. 112449/80  
Date: 12.4.1980

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the course of enquiry against Sri R.R.P. Singh RBC but under preponderance of probability. It is established that V.P. Singh Sr. BC/JLD managed to sell second class PCT no. 04815 ex JLD to BBVT in the duty hours of Sri R.R.P. Singh, RBC/JLD. On 12.4.1980 finding him to be a new BC. From the statement of Sri Ram Saran, Vig. decoy during the course of enquiry it is established that second class PCT No. 04815 ex-JLD to BBVT was purchased by him in the duty hours of Sri R.R.P. Singh RBC. From verification of D.T.C. book it is evident that this ticket was already sold by Sri V.P. Singh, Sr. BC on 4.4.1980 and he managed to re-sell the said ticket no- 04815 in the duty hours of Sri R.R.P. Singh RBC on duty. It is established from the statement of Sri Ram Saran (Vig. Khalasi) decoy given during the course of enquiry that Sri R.R.P. Singh BC on duty did not resell the ticket no. 04815 ex-JLD to BBVT on 12.4.1980 and he did not enter into transaction with Sri Ram Saran Vig. decoy. Sri R.R.P. Singh neither received Rs. 58.00 from him (decoy) nor he returned 0.50 paise to decoy with the ticket. It is a fact that Sri R.R.P. Singh BC was on duty on 12.4.1980 at JLD and the said ticket was sold in his duty hours. Sri R.R.P. Singh RBC had taken the charge from Yusuf, ASM/JLD on 12.4.1980. He was quite new and raw hand at JLD. The V.Is (PWS) as per their statements given during the course of enquiry searched the G.C.notes noted in the panchnama as given by the Vigilance decoy but could not recover all G.C.notes from the cash of Sri R.R.P. Singh on 12.4.1980. Sri R.R.P. Singh B.C. stated that he had not resold the

*for review*

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ticket no. 04815 and the same was resold by Sri V.P. Singh BC on 12.4.1980 who managed to take away GC notes but as the V.I.s gave warning that threat and pressured in such a way that whatever was dictated to him by V.I.s, he wrote without understanding its illegal complications. His mental equilibrium was disturbed being new person and working at a new place with not having ~~practical~~ practical knowledge. Shri R.R.P. Singh BC stated during the course of inquiry that he was called in Vig. Office on 12.7.1980 and he refuted the allegation of Sri B.D.P.Jaiswal, V.I. emphatically and he had disowned all the endorsement and statements dated 12.4.1980 taken by the V.I.s under duress which were against facts. Sri B.D.P.Jaiswal PW admitted that he did not see the transaction between decoy and Sri R.R.P.Singh BC because he and U.N. Singh were away from booking office. Sri B.D.P. Jaiswal, Sri U.N.Singh and Sri Ram Saran PWs. had admitted the presence of panchnama which speaks of G.C.Notes given to Sri Ram Saran to purchase that ticket. In the charge memorandum panchnama is not in the list of RUD. It might be due to reason that G.C.notes mentioned in it given by Sri Ram Saran decoy could not be recovered from the cash of Sri R.R.P.Singh Booking Clerk on duty on 12.4.1980. From the evidence of Sri Ram Saran Vig. Khalasi (decoy) given in the enquiry it is established that there were two persons inside the booking office, one person was wearing glass and the second was an old fellow. The decoy entered into transaction

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with old person who had accepted Rs. 58/- and had given back 50 paise. The non-recovery of GC notes from the cash of Sri R.R.P.Singh BC on duty is a material evidence. Sri V.P.Singh, Sr.BC managed to sell the said ticket and took away these G.C.notes given by Ram Saran Vig. Khalasi (decoy). Sri B.D.P. Jaiswal (PW) also admitted that GC notes used in transaction was shifted or kept elsewhere. G.C.notes were not found in Government cash. Sri V.P.Singh Sr. BC/JLD evaded cross-examination of the prosecution witnesses as is evident from the order sheet drawn time to time in the enquiry. However, he submitted his statement of defence to the enquiry officer which is neither satisfactory nor convincing under the above circumstances it is established that Sri V.P.Singh, while working in the capacity of Sr. BC/JLD failed to maintain absolute integrity and devotion to duty as he managed to sell second class PCT no. 04815 ex. JLD to BBVT in the duty hours of Shri R.R.P.Singh BC finding him new man. It could not be established that ticket no.04815 was resold on realisation of Rs.57.50 against the actual fare Rs.55.25 i.e. 2.25 excess as the G.C. notes mentioned in the panchnama could not be recovered from the cash of the B.C.on duty Sri R.R.P. Singh on 12.4.1980. While Sri R.R.P.Singh, booking Clark was working on duty he failed to maintain devotion to duty as PCT no.04815 ex JLD to BBVT on 12.4.1980 was sold in his duty hours. Malafide intention on the part of both SPSS is proved under preponderance of probability.

Finding

Shri V.P.Singh Sr. B.C.(SPS) is guilty under rule 3(1)(i) of Railway Conduct Rules (Integrity) and Sri Rana Ram Pal Singh Rlg. BC(SPSP) is guilty under rule 3(1)(i). Sd.H.M.Mehrotra 30.3.1982,  
Enquiry Officer.

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Datta Harsali High Court of Judicature of Bihar  
Mellon Beach (Patna)  
Mo. 103.

Vijaypal Singh — Retired

Offices of India Jotters spp. Patna

Former plot

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NOTICE OF IMPOSITION OF PENALTY OR REDUCTION TO LOWER GRADE  
BY EXERCISING SECTION 18 OF RAX UNDER RULE 6 (vi) OF PART III OF  
THE RAILWAY SERVANTS (DISCIPLINE AND APPEAL) RULES, 1968.No. LD/SS-C/Vig/36/80  
Dated : 14.6.1982.

PAL

Name	:	VIJAY SINGH
Father's name	:	Sri R. N. Singh
Designation	:	Sr. Booking Clerk
Department	:	Commercial
Date of apptt.	:	7.2.45
Station	:	Jarwal Road
Scale of pay	:	Rs 330-560/RS

Sri M.M. Mehrotra, EIDA/GKP, who was nominated as EO to hold a DAR inquiry in connection with the charge memorandum No. LD/SS-C/Vig/36/80 dated 25.9.80 issued to you, has submitted his report alongwith the proceedings of the inquiry. A copy of the inquiry report is enclosed herewith.

2. I have gone through the proceedings and the report submitted by the Enquiry Officer in this case. The EO has held Sri V.P. Singh, Sr. BC/JD responsible for the charges levelled against him. As per the statement of Sri Ram Saran, Vig. Decoy, it appears that he has seen two gentlemen inside the booking office, one of them is stated to be old and the other young wearing power glasses. He has also stated that he entered into transaction with the old gentleman from whom he has taken the ticket and paid Rs 58/- and refunded 50 paise. This clearly confirms that Sri V.P. Singh actually sold the ticket to the Vigilance decoy and pocketed the money. At the same time this is also confirmed that Sri R.R.P. Singh was also on duty at the time of purchasing the ticket.

3. In view of the reasonings given in the findings, I am convinced that both the employees are responsible for the charges. Since it is a case of joint working, therefore, the EO has not been able to give conclusive judgement fixing staff responsibility on one individual. He has stated that malafide intention on the part of both the SPSs is proved under preponderance of probability. I have kept in view this clause also while considering the case.

4. Under the circumstances stated above, I hold Sri V.P. Singh responsible and, therefore, he is reduced to the post of Booking Clerk in scale as 260-430/RS for the balance period of his service as his date of superannuation is 30.11.82 (AN). His pay is reduced from Rs 560/- to the maximum of the grade of 260-430/RS i.e. Rs 430/-

5. Under rule 18 of the Rly. Servants (D&A) Rules, 1968, an appeal against these orders lies to DRM/Lucknow provided:-

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

6. Please acknowledge receipt.

Encl: EO's report in 9 pages.

Copy to : DRM/P in dup.  
Sri/Vig for info.

Divl. Commercial Supdt.  
(J. Lal)  
Lucknow.

10/5/4 UTT/1982

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

Writ Petition No. of 1982  
V.P.Singh --Petitioner  
vs.  
Union of India and others --Opp-parties

Ankaxure no. 7

To

Divisional Railway Manager,  
N.E.Railway, Lucknow

Sub: Appeal against the penalty of reduction to lower  
grade

Ref: Your no. LD/SS-C/Vig/36/80 dated 14.6.1982

Sir,

That the penalty imposed on me a sick man by Sri  
J.Lal on honourable DCS/LJN based on EO's mere  
favouritism imaginary findings is absolutely wrong and  
does not add to the glory of administration on the  
following grounds:-

1. That on 12.4.1980 on duty S.M. Sri K.N.Gaur both  
ASms as well as both VIs together with his decoy  
confirmed my sickness without ~~my~~ any hesitation,  
physically through their statements and by records  
too in the case.
2. That after reporting sick on 11.4.1980 after noon I  
made over charge to Sri M.P.Srivastava with the last  
ticket no. 04822 in tube as Sri RRP Singh BC was  
ordered to come in day being myself sick. I proceeded  
to ADM/ BNZ on EDpass no. 200342 dated 12.4.1980 by  
185 Up passenger duty signed by Sri RRP Singh RBC

and got the sick certificate no. 1953/35/6 dated 12.4.1980 and continued till 7.5.1980 before noon i.e. 25 days. Both sick and fit certificate in original are available on the file in your office. Thus my presence is hereby confirmed at BNZ on 12.4.1980 by ADMU/BNZ who may be called for in person for proof if required.

3. That in addition to this if I was available during vig. raid at JLD in Booking office on 12.4.1980 why my statements were not recorded by VIs before SM, JLD on the spot or if at all there was any escaping from my side the fact to this effect must have been brought in the notice of SM., JLD and I should have not been called for my statement by VIs at GKP on 10.7.1980 in the case.

4. That it is also very astonishing that the torai enquiry from top to bottom without proper identification of the real accused by Sri Ram Saran decoy who entered into transaction. The old one of the (sic) against Mohd. Yusuf off duty ASM/JLD as told latter on by Sri RRP Singh RBC, not myself. The punishment imposed on me an innocent and sick as admitted by VIs on page 4 of the proceedings.

5. That in fact as well as the findings speak and prove the gentleman stated to be standing nearby Sri RRP Singh BC was S/o Mohammad Yusuf off duty ASM/JLD who gave the ticket no. 04815 to Vig. Decoy, pocketed money and went away untraced with GC notes and could not recovered from Govt. cash. He used to remain the duty off Sri RRP Singh and other malaciously in the

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booking cash off every day was closed by Sri Mohd. Yusuf ASW and the DIC books of the that period may be called for proof if required before you sir. As regards myself after performing my own 12 hours night duty I did not help him at all in his duty hours nor it was physically possible for me being an old of 58 on 30.11.1982 the date of my retirement too Sir.

5. That as per the Vig. Decoy's statement a piece of paper ( which is the life of the case) along with the ticket was also given to him duly something written thereon, and which was immediately given to Sri B.D.P Jaiswal VI on spot was neither produced at all during course of enquiry for verification of the writing and signature nor deliberately therefore mentioned in the findings by EIDA GKP to catch the proper accused hence a fresh judicious judgment is essential.

7. That I also request that Vig. Decoy Shri Ram Saran, Shri B.D.P.Jaiswal VI along with that piece of paper and Sri K.N. Gaur SM., J.L.D must be called on the date of hearing before you or whomsoever your honour deems fit to identify and to prove me the accused in transaction with him. If any one of them tells me to be there at JLD during vig. raid on 12.4.1980 I should be removed from service instead of reversion.

8. As the regards the excess realisation on other foreign ticket by RRP Singh B.C. as mentioned in findings does not arise as one and only one ticket no. 04815 was sold to decoy on 12.4.1980. This merely

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proves favouritism by EIDA GKP on RRP Singh in the case.

9. That throughout Sri H.M. Mehrotra EIDA/ GKP attempted to favour Sri R.R.P. Singh RBC repeatedly beyond limits in the case. In the findings on page 6 he mentioned that Sri RRP Singh joined JLD on 8.4.1980 against his actually joining on 27.3.1980 and cannot turn to be dishonest within three days. Secondly on page 7 being innocent the Sr. DCS/ LTN Shri Arya revoked his suspension within 6 days and are altogether EO's false. against the fact that neither he was suspended due to acute shortage of BCS in the Division nor the same needed to be revoked.

10. Since Sri Mohammad Yusuf off duty ASM was intentionful to dispose of the ticket no. 04815 in BBVT in my absence. so he made himself available in the booking office well in advance on 12.4.1980 and thus the decoy saw two persons inside the booking office and the one out of the two who was old was Sro Mohd. Yusuf off duty ASM/ JLD who managed to sell the said ticket without punching in the dating machine in collusion with Sri RRP Singh RVC and took away the GC notes given by the decoy finding him assumption to work on the tube independently and Shri A.K.Das the then DCS/LTN also had found him (Sri Mohd. Yusuf ASM) guilty in his personal inspection in Feb 1980 and had charged sheeted him for his irregular ~~presence~~ presence in the booking office and preparing EFTs for BBVT only during BC8s duty hours and forming a parallel booking office for foreign

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ticket only at JLD.

11. That the misleading and fabricated statements of Sri RRP Singh RVC in connivance with the two uncalled for off duty ASM/ JLD before VIs at JLD and the altogether changed by him at GKP were accepted and honoured duly ignoring the genuine facts of my statements by EIDA/GKP with intention to favour RRP Singh causing thereby an incorrect and great imposition on me a sick on 12.4.1980 in vain.

That I also pray that your honour may grant me personal hearing along with my defence counsel Sri O.P. Tripathi General Secretary PR KS U/D DRM (Engg) office, Lucknow.

With regards,

Yours faithfully,

(V.P. Singh)

Senior BC., JLD

Copy forwarded to DRM by registered A.D. for information and early action.

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

Writ Petition No. of 1982  
V.P. Singh petitioner  
versus  
Union of India and others --opp-parties

Annexure no. 8

No. LD/SS-C/Vig/36/80  
Dated 13.9.1982

N.E. Railway  
Divisional Office,  
Lucknow

To

Sri V.P. Singh  
Sr. B.O/JLD

Through SM/ JLD

Sub: Your appeal dated nil to DRM.

Your above appeal has been considered by  
DRM and he has passed the following order:-

"x x x x x x

I am satisfied that Sri V.P. Singh has been  
correctly punished in this case.

The appeal is rejected.

Sd. Illegible

For DRM(U), Lucknow

7/10/78

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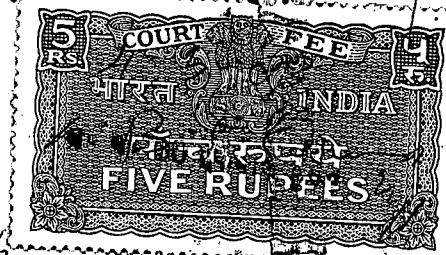
R.59

In the Kumbli High Court of Judicature at Allahabad

ब अदालत श्रीमान M. K. Beniwal <sup>L. K. O.</sup> महोदय

वादी (मुद्रा) Post Office का वकालतनामा

प्रतिवादी (मुद्रा अलेह)



*Vijaypal Singh*

वादी (मुद्रा)

1st May  
by  
5.5.53

बनाम  
*Union of India v. Other* प्रतिवादी (मुद्रा अलेह)

20 नं० मुकदमा सन् १९५३ पेशी की ता० १६ ई०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री

*S. B. C. Solusena* एडवोकेट

महोदय  
वकील

अदालत  
मुकदमा  
क्रमांक  
नं०

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी  
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल  
दावा तथा अपोल व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें  
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) 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 पैरो-  
कारको भेजता रहूगा अगर मुकदमा अदम पैरवी में एक तरफा  
मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील  
पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि  
प्रभाग रहे और समय पर काम आवे।

*Accepted by*

हस्ताक्षर नियमाला पाइ

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

दिनांक ..... महीना

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.



C.M. Application No. of 1984

Union of India & others .. Applicants

In re:

Writ Petition No. 2512 of 1983

Vijai Pal Singh .. Petitioner

Versus

Union of India & others.. Opp. parties

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S/c

Application for condonation of delay

The applicants above named most respectfully  
beg to submit as under:-

That in the above noted case some delay took  
place in filing the counter affidavit as enquiries  
had to be made from different places and verification  
of record had also to be done. Therefore, there was  
unavoidable delay in filing the counter affidavit.

It is, therefore, prayed that the delay may  
kindly be condoned and the counter affidavit may be  
taken on record.

*C. A. Basir*  
( C.A.Basir ),  
Advocate,  
Counsel for the Applicants.

Lucknow:

Dated: Dec. 1985

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

Writ Petition No. 2512 of 1983

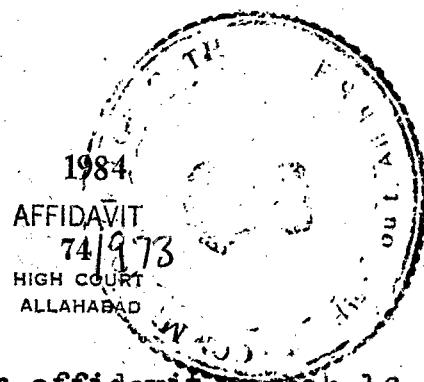
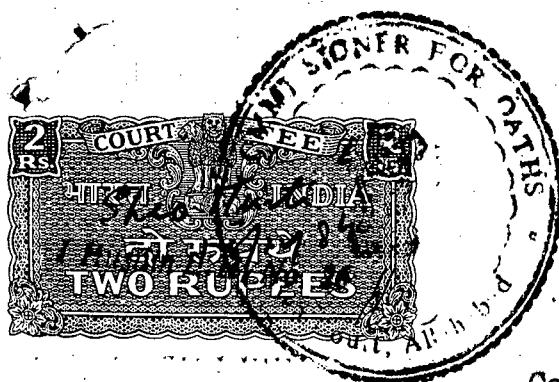
Vijai Pal Singh ..

Petitioner

Versus

Union of India & others..

Opp. parties.



Counter affidavit on behalf  
of opposite parties.

I, Sheo Murli, aged about 50 years son of Sri Avadh Behari working as Assistant Personnel Officer, North Eastern Railway, Ashok Marg, Lucknow do hereby solemnly affirm and state on oath as under:-

2. That the deponent is working as Assistant Personnel Officer in the North Eastern Railway, Ashok Marg, Lucknow and is fully conversant with the facts of the case.
3. That the deponent has read the writ petition and has understood its contents and is authorised to file this counter affidavit.
4. That the averments made in paras 1 to 3 of the writ petition are admitted.
5. That of the contents of para 4 of the writ

petition only this much is admitted that the petitioner had put a remark in the last page of the DTC book dated 4.4.1980 that Rs.55.25 made good by him and rest are denied.

6. That of the contents of para 5 of the writ petition it is admitted that the petitioner was issued medical certificate of sickness from 12.4.1980 to 6.5.1980 by the ADMO/Badshahnagar. The rest of the contents of para are not admitted.

7. That of the averments made in paras 6,7,8 and 9 of the writ petition it is admitted that the vigilance party made a check of Jarwal Road Station on 12.4.1980 seized records, recorded statements etc. and Sri Ram Saran Khalasi of the vigilance organisation had purchased Second Class ticket No.04815 ex JLD to BBVT from Sri R.P.Singh Booking Clerk in his duty shift and paid Rs.57.50 as fare on demand by the said Booking Clerk although the fare was Rs.55.25 paise and enquiry was set up against the petitioner and Sri R.P.Singh, Booking Clerk after issuing the memorandum of charges. Rest of the paras as alleged are not admitted.

8. That in reply to the averments made in para 10 of the writ petition it is stated that the Enquiry Officer had asked the petitioner to attend the enquiry fixed for 25.2.1981. The names of any witness were not required to be indicated in the letter fixing the date of enquiry as the names of witnesses were already indicated in the memorandum of charges.

MO

9. That the averments made in para 11 of the writ petition do not call for any reply. It is however, stated that the petitioner did not attend the enquiry on 25.2.1981 and sent application dated 2.3.1981, copy of which is Annexure -3 to the writ petition.

10. That in reply to the averments made in paras 12 and 13 of the writ petition it is stated that despite Enquiry Officer's repeated notices to attend the enquiry the petitioner did not attend the enquiry. The petitioner was required to attend the enquiry and put forth his grievances/defence before the Enquiry Officer but he did not do so and submitted applications only.

11. That in reply to the averments made in para 14 of the writ petition it is stated that the petitioner submitted an application dated 2.4.1981 to the Enquiry Officer.

12. That in reply to the averments made in para 15 of the writ petition it is stated that it is correct that the Enquiry Officer had intimated on 16.3.1981 to the petitioner to attend enquiry on 24.3.1981 and 25.3.1981. The letter of intimation had contained that enquiry would proceed ex-parte, if the petitioner did not attend. The Enquiry Officer had also requisitioned the attendance of prosecution witnesses of the vigilance & Inspectors as is evident from the endorsement of the said intimation letter to General Manager/Vigilance/Gorakhpur. A copy of the letter dated 16.3.1981 is annexed with this counter affidavit.

Annexure A-1 and is marked as Annexure A-1. The statements contrary to it are denied.

13. That in reply to the averments made in para 16 of the writ petition it is admitted that again under letter dated 25.3.1981, dates of enquiry were fixed for 16.4.1981 and 17.4.1981 wherein the Enquiry Officer had requisitioned for the attendance of two prosecution witnesses as mentioned in the charge sheet as 3 of the five witnesses did not attend enquiry despite notices to them. The statement of the petitioner that his request was not considered and witnesses were not called are not correct and hence denied.

14. That the averments made in paras 17 and 19 of the writ petition are admitted. As regards averments against para 18 of the writ petition, it is stated that S/Sri K.N.Gour, Mohd. Yusuf and N.P. Srivastava who were called to attend the enquiry on 22.6.81 did not attend the enquiry.

15. That in reply to the averments made in para 20 of the writ petition it is stated that the petitioner was intimated of the dates of enquiry but the did not attend and as such the Enquiry Officer had to record the statements of witnesses who had attended the enquiry on the dates fixed.

16. That in reply to the averments made in para 21 of the writ petition it is stated that further dates of enquiry were fixed on 27.8.1981, 6.11.1981 and 7.11.1981 and despite chances afforded to the petitioner by the Enquiry Officer, the petitioner

did not attend the enquiry and therefore could not cross examine the witnesses. Copies of the letters dated 18/20.8.1981 and 1/3.10.1981 are annexed with this counter affidavit and are marked as Annexures A-2 and Annexure A-3 respectively.

Annexure A-2

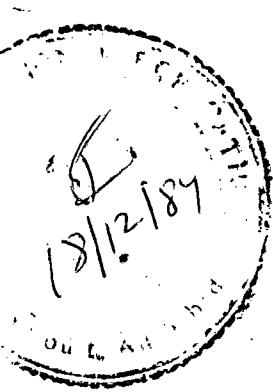
Annexure A-3

17. That the averments made in paras 22 and 23 of the writ petition do not call for any reply.

18. That in reply to the averments made in para 24 of the writ petition it is stated that the appeal was undated and was received on 18.8.1982 in this under registered post.

19. That the averments made in para 25 of the writ petition do not call for any reply.

20. That in reply to the averments made in para 26 of the writ petition it is stated that Sri R.R.P. Singh had submitted his written statement of defence to the Enquiry Officer and there was no question to give a copy of the same to the petitioner. It is, however, further submitted that the petitioner had not called for a copy of the same at any stage. The copy of the enquiry report drawn by the enquiry officer was provided to the petitioner and the report of enquiry contained the evaluation of evidence of Shri R.R.P.Singh.



21. That the contents of para 27 of the writ petition read with the grounds thereunder are not admitted. The grounds taken by the petitioner are not tenable in law.



22. That the action taken against the petitioner is in accordance with the provisions of rules of Discipline and Appeal Rules, 1968 and there is no illegality in the order of punishment passed by the competent authority.

23. That the petitioner is not entitled to the directions prayed from this Hon'ble Court and the writ petition is liable to be dismissed.

Lucknow:

MO  
Deponent

Dated: Dec. 18 1984

Verification

I, the above named deponent do hereby verify that the paras 1 to 3 are true to my personal knowledge, those of paras 4 to 20 are based on records hence are believed to be true by me and those of paras 21 to 23 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

MO  
Deponent

Dated: Dec. 18 1984

I declare that I am satisfied by the perusal of the records, papers and details of the case narrated to me by the person alleging himself to be Sri

MO

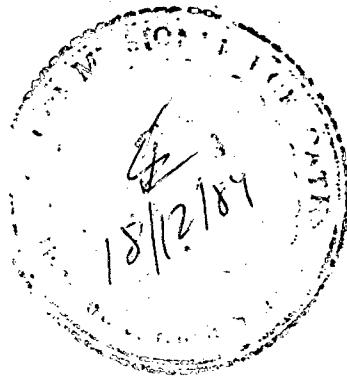
Sheo Murti is that person.

C. A. Basir  
Advocate

Solemnly affirmed before me on 18/12/84  
at 7 a.m./p.m. by the deponent  
who is identified by Sri C.A.Basir,  
Advocate, High Court, Lucknow Bench,  
Lucknow.

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

MO,



Ravi Bhawarwala  
OATH COMMISSIONER  
High Court, Allahabad,  
(Lucknow Bench)  
No. 74/973  
Date 18/12/84

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ज्ञ दि आनरेबुल हाईकोर्ट आप, जुडीकेवर एट इलाहाबाद

गुलछानउ, वेन्क, गुलछानउ

रिट पिटीशन नं- 2512 अप्र० 1983

विज्य पाल सिंह ----- पिटीशनर

ब्राम

यूनियन आप, इन्डिया टैटा अन्य ----- आौजिट पाटीजि

ओवजर नं--- ए-।

पूर्वोत्तर रेलवे

कायाखिय महा पुर्बोत्तराकूस तक्सिा गु

गुविभागीय कार्यवाही जांच अभ्याग

सं या० एलडी० प्स प्स-डिग्न/36/80 गोखापुर 16/18-3-8।

श्री वौपौ० सिंह-सौ० बी० जलवर रोड

आर० आर० पौ० सिंह / लछानउ, सिटी

विषय:- श्री एबब नेम्ड

के विरुद्ध अश्वासन निक कार्यवाही ।

सन्दर्भ:- दिनांक 25-9-80 का अश्वासन अद्विकारी द्वारा जारी किया गया सम्बंधिक आरोप पत्र इवेन नो ।

उक्त विषय पर आपका ध्यान अश्वासन अद्विकारी के

दिनांक 7-2-81 के सम्बंधिक आदेश की ओर आकृष्ट किया जाता है जिसके अंतर्गत अश्वासन अद्विकारी को आपके विरुद्ध लगाये गये आरोप की जांच के निमित्त जांच अद्विकारी के रूप में नियुक्त किया गया है उक्त जांच रेल सेवक अश्वासन एवं अनील गुनियुम 1968 के नियम 9 के अंतर्गत की जायेगी ।

कृपा० उ०---2

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- 2 -

2- ऊपर लिखित आरोप के परिच्छेद में आपसे एक सेवक को नामांकित करने को कहा गया था जिसकी सहायता इस जांच के दौरान आप लेना चाहते हों परन्तु आपने अपनी तक नामांकन को सूझाना नहीं दी है । यदि आप इस प्रकार की सहायता से लाभ उठाना चाहते हों तो नामांकन भरें । इस सूझाना के साथ नामांकित रेल सेवक जिसकी सहायता आप जांच के दौरान लेना चाहते हों को लिखित स्वीकृति तथा दांषण्य के स्थिर में इसका उल्लेख अनिवार्य रूप में किया गया है कि इस व्यक्ति को दो से अधिक बैम में जांच के दौरान सहायक के रूप में उपस्थित नहीं होना है ।

3- इस केस की प्रारम्भिक सनुवायी/जांच की तिथि दिनांक 24-3-8। और 25-3-8। को निश्चित की गयी है जो अंदांदूरी के गोरखपुर स्थानिक कायालिय में 10-30 प्रातः से प्रारम्भ होगी । आप स्वयं तथा रेल सेवक जो जांच के दौरान आपकी सहायता करेगा उक्त समय निर्धारित तिथि तथा स्थान पर उपस्थित हों ।

4- इसे भी भाग्य तथा स्पष्ट रूप से समझा लिया जाना चाहिये कि यदि आप निर्धारित तिथि को बताये हुये स्थान या निदेशित समय पर उपस्थित नहीं हुये तो जांच कार्य आपकी अनुस्थिति में एक पाठम् किया जायेगा ।

5- उक्त तिथि पर ज्ञापन के चतुर्थ छान्ड में वर्णित गवाहों का बयान दर्ज किया जायेगा ।

जांच अधिकारी/निरीक्षक

इस लक्ष्य से

1- डी सी एस

2- एम एम/जखल रोड

3- एस एम/एल टी

4- टी टी आई

5- ए टी एस मनाडीह

१ प्लीज इन्स्पेक्टर अफेन्डेन्स रुटाप,

२ नाट अफेन्डिंग इन्क्वारी फिल्म इज हेल्ड आ इन्टीमेट रीज

कृपा ०००-०००-०००

कृपा ०००-०००-०००-०००

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-3-

कृया निम्नलिखित रेल कर्मियारी को जांच कार्य के लिये  
कार्यमुक्त कर निर्धारित तिथि स्थान और समय पर आस्थित होने  
का आदेशा दें।

नाम तथा विवरण

- 1- श्री वी०प०सि०स०बी०स०/जै०एल०डी०
- 2- श्री आर०आर०प०सि०रेलवे०बी०स०/एल०स०
- 3- श्री कै०एन०गोड० ए०एम०
- 4- श्री मोहम्मद यूसुप० जै०एल०डी०
- 5- श्री मगीश्वर प्रभाद श्रीवास्तव
- 6- श्री बी०ओ०जाय्यवाल
- 7- -

महापूर्बन्धाक श्रूतकिताको ऊके कायाखिय को मिसिल संछया --  
के सन्दर्भ में प्रेषित। उक्त तिथि पर कृया निम्नलिखित गवहों  
के उपस्थिति का पूर्बन्धा करें।

- 1-
- 2-
- 3-
- 4-

ह० अमौय  
जांच अद्वितीय

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सत्य प्रतिलिपि

१३/१२/८५

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१२/१२/१२ १२  
इ दि आन रेबुल हाईकोर्ट आप, जुडीक्वेर एट इलाहाबाद  
ग्रूलानउ, वेन्च ग्रूलानउ,

रिक्त प्रैष्टीशन नं-२५।२ आप, १९८३

विजय पाल सिंह ----- प्रैष्टीशनर

बनाम

यूनियन आप, इन्डिया तथा अन्य ----- अौजिट पाटीज

ओक्जर नं-२

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पूर्वोत्तर रेलवे

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कार्यालय महाप्रबन्धाकालस तक्ता १

विभागीय कार्यवाही जांच अनुभाग

संयां एल डी/एस एस-१३६/८। गोरुपुर दिनांक १८/२०-८-८।

श्री वर्षीपर्णो सिंह

श्री आरो आरोपर्णो सिंह

विषय:- श्री एबब नेट्ट

के विरुद्ध अशास्त्र निक कार्यवाही

सन्दर्भ:- दिनांक २९-९-८० का अशास्त्र अदिकारी

द्वारा जारी किया गया समर्थक आरोप

कान्व / इकेन नाम।

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उक्त विषय पर आपका ध्यान अशास्त्र अदिकारी के दिनांक ७-२-८। के समर्थक आदेश की ओर आकृष्ट किया जाता है जिसके अन्तर्गत अदांदोहस्ताक्षारी को आपके विरुद्ध लगाये गये आरोप की जांच अदिकारी के रूप में नियुक्त किया गया है। उक्त जांच रेल सेवक अशास्त्र एवं अील ग्रूप नियम १९६८ के नियम ९ के अंतर्गतकी जायेगी।

२- उपर लिखित आरोप के परिच्छेद ४ में आपसे एक सेवक को

१००

क०प०००-२

-----नामांकित करने को कहा गया था जिसकी सहायता इस जांच के दौरान आप लेना चाहते हों परन्तु आपने अभी तक नामांकन को सूचना नहीं दी है। यदि आप इस प्रकार की सहायता से लाभ छोड़ना चाहते हों तो नामांकन भी। इस सूचना के साथ नामांकित रेल सेवक जिसकी सहायता आप जांच के दौरान लेना चाहते हों को लिखित स्वीकृति तथा उत्तराधिकारी के जिसमें इसका उल्लेख अविवार्य रूप से किया गया हो कि इस व्यक्ति को दो से अधिक क्षेत्र जांच के दौरान सहायक के रूप में उपस्थित नहीं होना है।

3- इस क्षेत्र को प्रारम्भिक संनुवायी/जांच की तिथि दिनांक 27-8-8। को निश्चित की गयी है जो अंतिम तारीख के गोरुखपुर स्थानिक कार्यालय में 10-30 प्रातः से प्रारम्भ होगी। आप स्वयं तथा रेल सेवक जो जांच के दौरान आपकी सहायता करेगा उसके सम्बन्धित तिथि तथा स्थान पर उपस्थित हों।

4- इसे भाली भाति तथा स्पष्ट रूप से सम्झा लिया जाना चाहिये कि यदि आप निर्धारित तिथि को बताये हुये स्थान या निर्देशित समय पर उपस्थित नहीं होते तो जांच कार्य आपकी अपुस्थिति में रुक्ष पार्टी द्वारा किया जायेगा।

5- छक्ति स्थिति पर ज्ञापन के चलते छाण्ड में विवरण गवाहों का बयान दर्ज किया जायेगा।

जांच अधिकारी/निरीक्षक

संस्कृत लिखित

- 1- डी सौ एस-पी डब्लू -- डिड नाट अटेन्ड इन्क्वारी क्षेत्र पार प्रासीक्युल इज कोर्ड
- 2- एस एम/जे०एल०डी० इन्स्प्रियोर अटेन्डेन्स। हि सुडू स बमिट डिपिन्स
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कृया निम्नलिखित रेल कर्मियों को जाँच कार्य के लिये कार्यभिक्षु  
कर निर्धारित तिथि से ताज और समय पर ज्ञ रिधात होने का आदेश दे

1- श्री वीष्णुप्रसाद सिंह - यूसबमिट योर डिपिन्स विद्वन ए परेटनाइट  
2- श्री  
3- श्री  
4- श्री  
5- श्री  
6- श्री  
7- श्री  
8- श्री

महापुरुषक द्वास तक्कता को उनके कार्यालय को मिसिल संख्या--  
के सन्दर्भ में उक्त तिथि पर कृया निम्नलिखित गवाहो के अस्थिति  
का पुरुष करें।

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ह० आमीय  
जाँच अधिकारी

=====

संत्य प्रतिलिपि

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१५

ज्ञ दि आन रेबुल हाइफोट आप, जुडीकेवर एट इलाहाबाद  
गूल्हानउ, वैचूल्हानउ,

रिट पिटीशन नं-2512 आप, 1983

विजय पाल सिंह ----- पिटीशनर

ब्राम

यूनियन आप, इन्डिया तथा अय ----- अौजिट पाटर्जि

ओव्हर नं-ए-३

पूर्वोत्तर रेलवे

कायालिय महा पुर्बोत्तर क्षेत्र तकिया

विभागीय कार्यवाही जांच अभ्यास

संघया/ एल डी/विग/३६/८। गोखापुर दिनांक १३-१०-८।

विषय:- श्री एबब नेम्ह

के विरुद्ध अश्वासन निक कार्यवा

सन्दर्भ:- दिनांक 29-९-८० का अश्वासन अद्याकारी द

जारी किया गया सम संघयक आरोप पत्र इवेन

उक्त विषय पर आपका द्यान अश्वासन अद्याकारी

7-२-८। के सम संघयक आदेश की ओर आकृष्ट किया जात

अंतर्गत अद्याकारी को आपके विरुद्ध लगाये गये

जांच के निमित्त जांच अद्याकारी के रूप में नियुक्त कि  
उस जांच रैल सेवक गूल्हानउ एवं अंतर्गत नियम।

के अंतर्गत की जायेगी १

2- उपर लिखित आरोप के परिच्छेद ३ में आप स

को नामांकित करने को कहा गया था जिकी सहायता

के दौरान आप लेना चाहते हो परन्तु आपने अपनी तक नामांकि  
सूचना नहीं दी है। यदि आप इस पुकार की सहायता से लाभ

उठाना चाहते हो तो नामांकन भरें। इस सूचना के साथ नामा

कृपा उ

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रेल सेवक जिसकी सहायता आप जांच के दौरान लेना चाहते हों को लिखित स्वीकृति तथा दाखिला के जिसमें इसका उल्लेख अनिवार्य रूप में किया गया है कि इस व्यक्ति को दो से अधिक बैंक में जांच के दौरान सहायक के रूप में उपस्थित नहीं होना है ।

- 3- इस की प्रारम्भिक सनुवायी/जांच की तिथि दिनांक 6-11-81 और 7-11-81 को निश्चित की गयी है जो अंतोहस्ताकारी के गोरखपुर स्थित कायामीय में 10-30 प्रातः से प्रारम्भ होगी । आप स्वयं तथा रेल सेवक जो जांच के दौरान आपकी सहायता करेगा उक्त समय निर्धारित तिथि तथा स्थान पर उपस्थित हों ।
- 4- इसे भाली भाति तथा स्पष्ट रूप से सम्झा लिया जाना चाहिये कि यदि आप निर्धारित तिथि को बताये हुये स्थान या निर्देशित समय पर उपस्थित नहीं हुये तो जांच कार्य आपकी अनुस्थिति में एक पार्टी किया जायेगा ।
- 5- उक्त तिथि पर जापन के चतुर्थ छान्ड में वर्णित गवाहों का व्याप दर्ज किया जायेगा ।

जांच अद्याकारी/निर्देशक  
इस तरह ।

1- डी सी एस

2- एस एमीज इन्स्योर अटेनेन्स । हिस्तु सबमिट डिपिन्स ब्रीफ, इंडिएनी ।

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कृपया निम्नलिखित रेल कर्मारी को जांच कार्य के लिये कार्यमुक्त कर निर्धारित तिथि समय और स्थान पर ऊपर स्थित होने का आदेश दें ।

कृपया ०३०-०३०-०३०

NO.

18/12/81

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नाम तथा विवरण

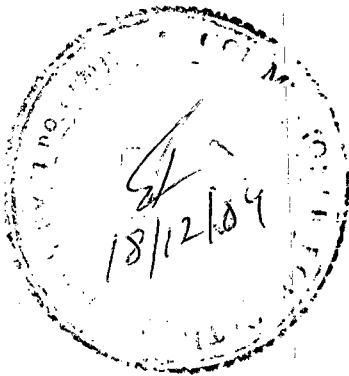
- 1- श्री वीरोपीरोसिंह
- 2- श्री
- 3- श्री
- 4- श्री
- 5- श्री
- 6- श्री

6- महापुरुष के स्वतर्कारों को उनके कायाखिय की मिसिल  
संख्या--- के सन्दर्भ में उक्त तिथि पर क्षया निम्नलिखित ग्राहों  
के ऊस्थिति का पुरुष करें।

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जात्य अद्वितीय

सत्य पुर्ति लिपि

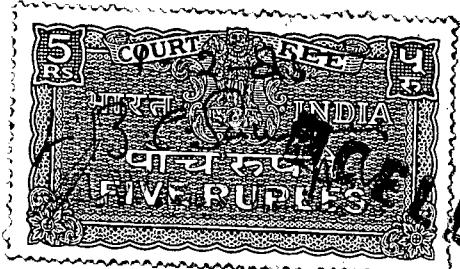
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Ram Singh Chauhan  
High Court, A.D. Bld. d.  
(Delhi & N.C. N.C.)  
No. 74/973  
Date 18/12/84

A27 5/

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



Application for condonation of delay in  
filing rejoinder-affidavit

C.M. Application No. 1180 (w) of 1985

(CFS/SP/30/185)

In Re:

Writ Petition no. 2512 of 1983

T427

Vijai Pal Singh

-Petitioner-  
applicant

SPC

versus

Union of India and others

-Opp-parties

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

1. That a copy of the counter-affidavit was served  
on the petitioner's counsel who on its receipt  
informed the petitioner about the same and the  
necessity to file a rejoinder-affidavit.

That  
2. To meet the allegations contained in the

For

counter-affidavit it was necessary to obtain certain documents which has taken some time; hence the rejoinder-affidavit could not be filed in time.

3. That the delay in filing the rejoinder-affidavit has not occasioned any adjournment of the hearing of the petitioner.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record.

Dated Lucknow  
29.1.1985.

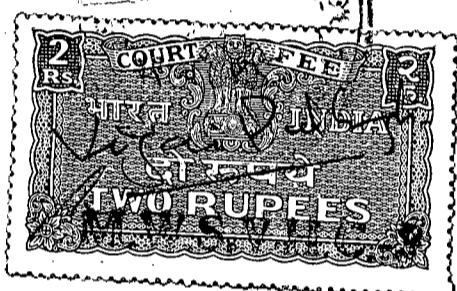
*B.C. Saksena*  
(B.C. Saksena)  
Advocate  
Counsel for the applicant

A29

3

1985

47<sup>th</sup>  
AFFIDAVIT  
HIGH COURT  
ALLAHABAD



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

Rejoinder-affidavit in reply to the counter-affidavit filed on behalf of opposite-parties

Writ Petition no. 2512 of 1983

Vijai Pal Singh

-Petitioner

versus

Union of India and others

-Opp-parties



I, Vijai Pal Singh, aged about 60 years, son of Sri R.N. Singh, permanent resident of village Paharpur, Post Siroli, district Farrukhabad, do hereby solemnly take oath and affirm as under:-

Vijai Pal Singh

1. That I am the petitioner in the above-noted writ petition and am fully acquainted with the facts of the case. I have perused the counter-affidavit filed on behalf of the opposite-parties and have understood the contents of the same.
2. That the contents of paras 1, 2, 3 and 4 do not call for any reply.

3. That the contents of para 5 in so far as they admit the assertions made in para 4 of the writ petition call for no reply. The other specific assertions made in para 4 have though not been controverted, nevertheless, the said assertions are hereinagain reiterated.

4. That the contents of para 6 in so far as they admit the assertions made in para 5 of the writ petition call for no reply. A bald denial of the contents of para 5 is wholly baseless. The said assertions are hereinagain reiterated.

5. That the contents of para 7 do not in any manner controvert the specific assertions made in paras 6 to 9 of the writ petition. Nevertheless, the said assertions are hereinagain reiterated. Anything contrary to the assertions made in paras 6 to 9 of the writ petition contained in para 7 of the counter-affidavit is denied.

6. That the contents of para 8 are based on incorrect appreciation of the assertions made in para 10 of the writ petition. Admittedly the Inquiry Officer while requiring the petitioner to attend the inquiry on 25.2.1981 did not indicate the names of the other persons who had been cited as witnesses proposed to be examined in support of the charge. The assertions made in para 10 of the writ petition thus should be taken to have not been controverted.

Vijay Pal Singh



7. That the contents of para 9 do not in any manner controvert the specific assertions made in para 11 of the writ petition. Nevertheless, the said assertions are hereinagain reiterated.
8. That in reply to the contents of para 10 it is stated that for the reasons detailed in paras 11 and 12 the petitioner was well within his rights to abstain from the inquiry. Since none of the witnesses proposed to be examined in support of the charge had been intimated of the date of inquiry, the petitioners appearing at the inquiry would have served no useful purpose.
9. That the contents of para 11 do not in any manner controvert the specific assertions made in para 14 of the writ petition. Nevertheless, the said assertions are hereinagain reiterated.
10. That the contents of para 12 in so far as they admit the assertions made in para 15 of the writ petition call for no reply. It is stated that in view of the facts detailed in para 15 of the writ petition, the Inquiry Officer unwarrantedly indicated that the inquiry would proceed ex parte. It is moot to state that without bringing home the charge by examination of witnesses proposed to support the charge, there was no valid reason or basis to hold the inquiry ex parte. It is stated that the Vigilance Inspectors and others whose attendance was requisitioned by the Inquiry Officer by letter dated 16.3.1981 had not been cited as witnesses proposed to be examined in

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support of the charges. Neither there was any intimation that the said Vigilance Inspector was to be examined as a witness. The assertions made in para 15 of the writ petition are, therefore, reiterated.

11. That the contents of para 13 in so far as they state that the Inquiry Officer by letter dated 25.3.1981 had requisitioned the attendance of two prosecution witnesses is factually incorrect and is, therefore, wholly baseless. The same is denied. The assertions made in para 16 of the writ petition are herein again reiterated. A true copy of the said letter dated 25.3.1981 is being annexed as Annexure no.9 to this rejoinder-affidavit while a true copy of the representation dated 13.4.1981 is being annexed as Annexure no. 10 to this rejoinder-affidavit. A perusal of the letter dated 25.3.1981 would belie the allegations made in para 13 of the counter-affidavit.

12. That the contents of para 14 do not in any manner controvert the specific assertions made in para 17 of the writ petition. Nevertheless, the said assertions are herein again reiterated. It is stated that since the said three witnesses mentioned in para 18 of the writ petition had not been spared to attend the inquiry, they could not have attended the inquiry.

*in full light.*

13. That in reply to the contents of para 15 the contents of para 20 of the writ petition are

reiterated. It is stated that the petitioner was not informed of 18.7.1981 being fixed as the date of inquiry or of the facts that the statements of Sri U.N.Singh and Sri B.D.P.Jaiswal would be recorded. Similarly, the petitioner was not informed of 17.8.1981 being fixed as the date for inquiry or that the statement of one Sri Ram Saran Khalasi would be recorded. The allegations to the contrary in paragraph 15 are denied.

14. That in reply to the contents of para 16 it is stated that fixing of subsequent dates by the Inquiry Officer after recording the statements of the witnesses was wholly futile. The petitioner was deliberately not informed of the dates when the statements of witnesses, Viz., Sri U.N.Singh, B.D.P. Jaiswal and Ram Saran Khalasi were recorded. The Inquiry Officer deliberately

Vijay Pal Singh

wanted to record the statements of the witnesses in the petitioners absence-.

15. That the contents of para 17 do not call for any reply since the assertions made in paras 23 and 23 have not been controverted.

16. That the contents of para 18 do not in any manner controvert the specific assertions made in para 24 of the writ petition. Nevertheless, the said assertions are herein again reiterated.

17. That the ~~plea~~ contents of paras 19 do not call for any reply since the assertions made in para 25 of the writ petition have been admitted.

18. That the ~~xxx~~ plea in para 20 is legally untenable and is, therefore, denied. It is stated that admittedly the statement of Sri R.R.P. Singh was not recorded by the Inquiry officer. The petitioner was also not furnished with a copy.

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of the written statement submitted by him. The same was necessary to have been supplied to afford him the petitioner an opportunity to meet the allegations contained against him. The assertions made in para 26 of the petition remain uncontroverted. The same are herein again reiterated.

19. That the pleas in paras 21 and 22 are legally untenable and are, therefore, denied.

Dated Lucknow

Vijay Pal Singh

Deponent

January 28, 1985

I, the deponent named above do hereby verify that contents of paras 1 to 19 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow

January 28, 1985

Vijay Pal Singh  
Deponent

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 28-1-85  
at 6.15 a.m./p.m. by Vijay Pal Singh  
the deponent who is identified by Sri R.K. Srivastava  
clerk to Sri B.C. Saksena

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.

SATISH CHANDRA  
SRIVASTAVA  
OATH COUNSELLOR  
High Court Allahabad;  
Lucknow Bench,

No. 837/37/85

Date 28-1-85

Writ Petition No. of 1985

V.P.Singh..... . . . . . Petitioner  
versus

Union of India and others.....opp. parties

Annexure 9

q LD/SS-C/Vig/36/8

कायात्त्वं महाप्रबंधक  
विभागात्त्वं कायेवाह जाँद अनुभाग  
गोरखपुर दिनांक 25/3/81

तिष्ठाय यी

### के विरुद्ध

अनुशासनिक कार्यवाही

संक्षिप्त दिनांक

## का अनशासन और अधिकारी द्वारा

## जारी किया भया ज्ञापन स०

उक्त विभाग पर आपका ध्यान अनुशासन अधिकारी के दिनांक

के आदेश संघर्ष को और आकृष्ट किया जाता है जिसके अर्थात्

अधीक्षिताकारी को आपके विस्तृत लगाए गए आरोपों को जाँच के

निमित्त जांच प्राधिकारों के स्थान में नियुक्त किया गया है उष्णगांगार्गा रिवेन्यू विभाग

राजभूषणासमग्रं संबंध आरोप संबंधों तथ्यों का विवरण सम्बोधित जारीपो

के अनुकूलों में किया गया है उक्त जाव रेल सेवक अनुशासन इवं जपोल

३) नियम 1968 के अंतर्गत को जापेंगी ।

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2- अर लिंगित आरोप के पार्स्वद्वेष 4 में आप से उस रेल सेवक को नामांकित करने को कहा गया था जिसको सहायता इस जांच के दौरान आप लेना चाहते हो, परन्तु आपने अभी तक यह सूचना नहीं दी है। यदि आप इस प्रकार को सहायता से लाभ उठाना चाहते हो तो उक्त सूचना भेजें। सूचना के साथ नामांकित रेल सेवक जिसको सहायता आप जांच के दौरान लेना चाहते हो, का लिंगित स्वोपूर्ति जिसमें इसका उल्लेख अनिवार्य रूप में किया गया हो एक उस व्यक्ति को दो से अधिक मामलों में जांच के दौरान सहायता रूप में औदात नहीं होना है।

3- प्रारम्भिक सुनवाई / जांच को रोताथा दिनांक 16/4/81 एवं 17/4/81 को निश्चित को गहर है जो अधोहस्ताकारों को रुक्ष कार्यालय में 10-30 प्रातः से प्रारम्भ होगी। आप स्वयं तथा रेल सम्बन्धी जांच के दौरान आपको सहायता करेगा उक्त समय निधारितितिथि तथा स्थान पर अस्थित हो।

4- इसे भलोभावित तथा स्पष्ट रूप से समझा लिया जाना चाहता है कि आप निधारित तिथि को बताए हुए स्थान पर निर्देशित समय अस्थित न हुए तो जांच कार्य आपको अनुपास्याते में (एवस पाटो) किया जायेगा।

5- उक्त तिथि पर ज्ञापन के चतुर्थ छाप्पे में वाणिंत गवाहों का बयान दिया जायेगा।

Vijai Pal Singh

५० अप्रृनीय  
जांच अधिकारों निरोदाक (सर्वकर्ता)

R. S. 12

- 3 -

1- रसोमज रखल रोड

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कृपया निम्नलिखित क्रमबाटे को जाँच कार्य के लिये कार्यालय कर नियमित तिथि स्थान और समय पर आस्थित होने का जादेश दे

नाम व विवरण

टिप्पणी

1- श्री बोधी गोपनी सह Sri BC/JID  
s/o SM/JID

2- श्री you have failed to attend inquiring

in the past and submit name of D.C. which

3- श्री may be submitted with a week. This is the

4- श्री last chance.

5- श्री

6- श्री

7- श्री

6- महाअधिकारी के स्तंकरा उनके कार्यालय का नियमित सं

के संदर्भ में उक्ति तिथि पर कृपया निम्न गवाहों का

आस्थिति --- स्क

1- श्री

2- श्री

3- श्री

4- श्री

ह० अपनाय  
जाँच अधिकारा

Dec 13

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

Writ Petition No. of 1985  
Petitioner  
V.P.Singh..... versus

Union of India and others... Opp. parties

Annexure No. 19

DAR NERLY EIDA NERLY  
Subject =Enquiry on 17.4.81 GKP  
Ref. : Your No. LD/SS/Vig /31/80 D 25.3.81

000

Sir,

Please refer to my No. VI/3/81 D/ 2.3.81  
and arrange for call all persons pertaining to  
this case in DAR Enquiry at your .. alone  
that It is no use to attend any enquiry in this  
connection unless and until all attend to <sup>identify</sup> ~~went by~~  
the real accused by me before EIDA GKP.

13/4/81

Yours faithfully

V.P.Singh  
Sic

True copy

Vijai Pal Singh

For 11/2/3  
A/90  
B/268  
**VAKALATNAMA**

Before The central Administrative Tribunal circuit Bench.  
In the Court of Lucknow.

TA No. 1157 of 1987 CAT/CMO

.....Nijai...Pal...Singh...and others.....

Versus

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

I/We.....Divisional Railway Manager/N.E.Rly/Lucknow and  
S.P. Kaushal, Divisional Commercial Superintendent/N.E.R/Lucknow

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

Railway Advocate.../L. U. D. N. D. O. to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Application/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.

25.4.84  
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.....198.....

D. M. Verma

(S. P. Kaushal)

मण्डल वाणिज्य अधीक्षक

(.....)

मण्डल

Accepted  
Advocate

C. M. Verma

(K. P. Singh)

Divisional Railway Manager  
N.E. Railway Lucknow

## वकालतनामा

The Central Administrative Tribunal

के समक्ष

Circuit Bench/Lucknow

के न्यायालय में

TAND 1157/87(C)/CAT/Ch

वादी  
प्रतिवादी

Vijai Pal Singh and others

दावेदार  
अपीलार्थीवादी  
प्रतिवादी

Union of India and others

अर्जीदार  
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

A. N. Verma... Railway Advocate

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ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2512

of 1983.

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
9-5-83	Hon' S.C. Mathur, J. Put up tomorrow. Sd/-	
10-5-83	Hon' Mathur, J. Admit issue notice. Sd/-	
16-5-83	Office report Sri Vinay Chandra Ahluwalia received a duplicate for behalf of O.D. No. 183. May office proceed.	
		16-5-83
	Yes, proceed.	
		16-5-83
	fixed for hearing	
	Case 5992 (w) 83 for	
	10-5-83	
	from S.C. J.	
	Put up tomorrow before Judge	
	recording of petitions.	
		Sd/- from S.C. J.
		10-5-83