

Central Administrative Tribunal
Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 1191 1987. (T) in WP No. 49 27/83
..... Applicant.
V.N. Chaubey Versus
U.O.O. & Sons Respondents.

1.	Index Papers	:	01
2.	Order Sheet	:	2 to 10
3.	Any other orders	"	NIL
4.	Judgment	"	11 to 12
5.	S.L.P.	"	NIL

Dy. Registrar

Supervising Officer

Dealing Clerk

Note: If any original document is on record-Details. NIL.

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- 2- Order sheets - A4 to A11
- 3- Judgments/orders dt. 16-9-91 A12 to A13
- 4- Written Petition/Annexure. A14 to A57.
- 5- Interim relief Appli. A58.
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Dealing Clerk 31-12-98

File B/C destroyed on 9-5-12

Received
on 21-3-12

So (5)

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW..

INDEX SHEET

CAUSE TITLE

T.A. No. 1191/87 of 1999
W.P. 4927/83

Name of the parties

V.N. Chaudhary Applicant.

Versus.

D.R.M. (N.R.I.) Respondents.

Part A.B.C.

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(1)	Index sheet	A 12 - A 6
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(6)	Affidavit	A 14 - A 15
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Shafiq

27/3/92

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CRIMINAL

Nature and number of case.....*cc-P-4937-83*.....

Name of parties.. Wendell Math Charities vs Northern Kentucky

Date of institution.....15-9-83..... 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.f.	1-14	5	Rs. 100	P.		
	2	Annexure 1	15-16	—	—	—		
	3	" 2	17	—	—	—		
	4	" 3	18	—	—	—		
	5	" 4	19	—	—	—		
	6	" 5	20-21	—	—	—		
	7	" 6	22-23	—	—	—		
	8	" 7	24-28	—	—	—		
	9	" 8	29	—	—	—		
	10	" 9	30	—	—	—		
	11	" 12	31-34	—	—	—		
	12	Affidavit	35	2	2	—		
	13	Power	36-38	1	5	—		
	14	Copy of the original of the above papers	2	1	5	—		

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 papers 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

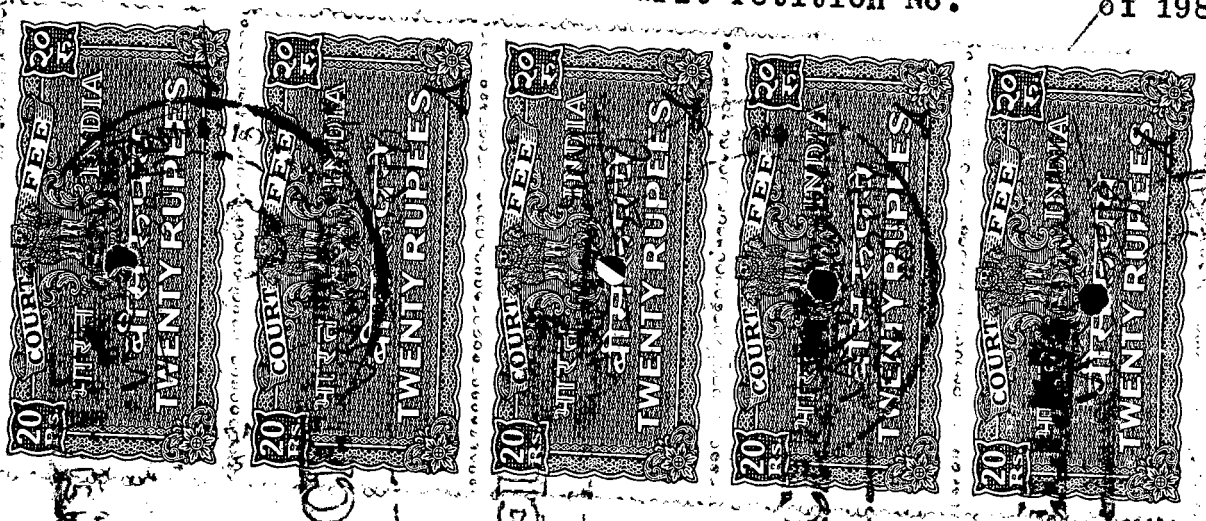
A12 4

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

Lucknow Bench: Lucknow.

4927

Writ Petition No. _____ of 1983.



Virendra Nath Chaubey, aged about 43 years, Son
of Shri Shree Nath Chaubey, Assistant Station
Master working as Station Master, Railway Station,
Anupganj, Northern Railway, Lucknow.

SEP-1983

Ran
1-9-83

----- Petitioner.

Versus.

1. Northern Railways through the Divisional
Railway Manager, N.R., Hazratganj, Lucknow.
2. The Additional Divisional Railway Manager
(Operating), Northern Railway, Hazratganj, Lucknow.
3. The Senior Divisional Safety Officer, N.R.,
Hazratganj, Lucknow.

----- Opp. Parties.

Writ Petition Under Article 226
of Constitution of India.

To

The Hon'ble Chief Justice and his other
companion Judges of this Hon'ble Court.

The humble petitioner, named above, most
respectfully begs to state as under:-

Chaubey

A58. 1/5
punishment is highly discriminatory and unlawful and if the respondents are not restrained from with-holding the promotion of the petitioner on the basis of impugned order, he will suffer irreparable and perpetual loss casting stigma and incurring evil consequences to him.

P R A Y E R.

Wherefore it is humbly prayed that this Hon'ble Court may be graciously pleased to restrain the opposite parties from withholding the promotion of the petitioner on the basis of impugned order contained in Annexure-1 of petition during pendency of this writ petition.

Lucknow: Dated:

August 29, 1983.

D.S. Chaubey
(D.S. Chaubey).
Advocate.

Counsel for the Petitioner.

D.S. Chaubey

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4927

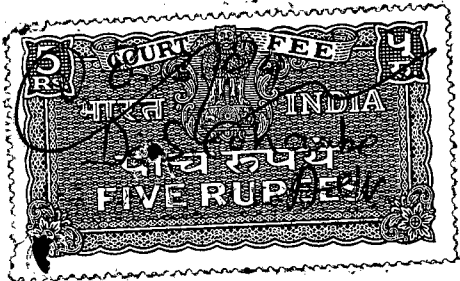
of 1983

25

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
15-9-83	<p>Mem SC Mathur, J</p> <p>Put up tomorrow.</p> <p>Sd. SC Mathur</p> <p>15-9-83</p> <p>CM. An N. 10401 of 1983</p>	
15-9-83	<p>Mem SC Mathur, J</p> <p>Put up tomorrow.</p> <p>Sd. SC M.</p> <p>15-9-83</p>	
16-9-83	<p>Mem SC Mathur, J</p> <p>Admit. Issue notice</p> <p>Sd. SC Mathur</p> <p>16-9-83</p>	
16-9-83	<p>Mem SC Mathur, J</p> <p>Issue notice</p> <p>Sd. SC Mathur</p> <p>16-9-83</p>	
	<p>2-12-83 fixed for attendance</p> <p>for filing C.A. in C.P.R.</p> <p>CM. An. 10401 of 1983.</p> <p>N. 9 to CP. 1001 to 3 by</p> <p>R.P.</p> <p>Q2</p> <p>1-10-83</p>	<p>14</p> <p>23/9</p>

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW



Civil Misc. Application No. _____ of 1984

Vireendra Nath Chaube

.... Applicant

In re

Writ Petition No. 4927 of 1983

Vireendra Nath Chaubey

.... Petitioner

Versus

Northern Railway and others.

.... Opp. parties

SECOND APPLICATION FOR INTERIM RELIEF

The applicant who is petitioner in the above case respectfully begs to state as under:-

1. That the applicant filed the above writ petition challenging the validity of the order dated 6.3.1982 passed by respondent No. 3 contained in Annexure-1 of the petition by means of which the increment of petitioner was stopped for three years.
2. That the writ petition was admitted on 16.9.1983 and on an application ^{for} Interim Relief, the notices were directed to be issued.
3. That since then no order on the application for interim relief has been passed and the applicant has been compelled to face irreparable loss in the matter of promotion.
4. That as brought out in the writ petition the petitioner was suspended for about 16 days and



sd/ Ny/ 24/9/83
2-12-83

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A51

A/B

17

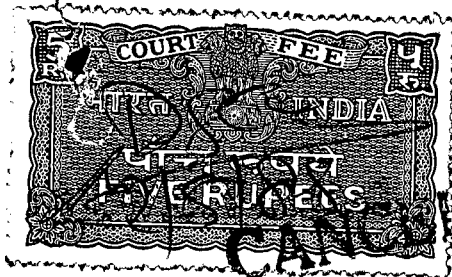
In the Hon'ble High Court of Judicature at Allahabad.

Lucknow Bench, Lucknow.

Civil Misc. Application No. 5679(u) of 1985.

Virendra Nath
Chaube.

----- Applicant.



12/8/82
A/B
0.5.05
In Re.

Writ Petition No.4927 of 1983.

Virendra Nath
Chaube.

----- Petitioner.

Versus.

625/
Chauhan
Northern Railway
and others.

----- Opp. Parties.

Application for interim relief.

The applidant who is petitioner in the
above case respectfully begs to state as under:-

1. That the applicant filed the above writ petition challenging the validity of the order dated 6-3-1982 passed by respondent No.3 contained in Annexure-1 of the petition by means of which the increment of petitioner was stopped for three years.
2. That the writ petition was admitted on 6-9-1983 and on an application for interim relief,



N. Chauhan

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 4927 of 1983
Vs. _____

A6

18

2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
8-5-85	29-7-85 Cm. 5679 (4)-85 (interim relief) Ltr. with record on 29-7-85	
29-7-85	29-7-85 fixed Cm. 10401 (W)-83, 3175 (W)-84 fixed 5679 (W)-85 for orders. Hm. Jm. 3 Jm. 29/7/85	Simple By el
20-8-85	de Jm. 3 Jm. 2/8/85	
	20-8-85 fixed CMA 10401 (W)-83 3175 (W)-84, 5679 (W)-85 for orders	at 10 Sugl

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18

17m

18

V.C.

31/1

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1191/07(7)

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A3

A/11

12/11/90

Hon. Justice K. Nalwa, V.C.
Hon. Mr. M.Y. Pralokar, A.M.

On the request of Mr. A. Sivastava,
counsel for rebels, Adj to 10.12.90

6

10.12.90

A.M.

V.C.

Case not reached Adj to
28.1.91.

OR

No CA filed
S.F.H.
L
STIL

7

28.1.91

No sitting Adj to 22.2.91.

B.O.C.

22.2.91

No sitting Adj to 7.5.91.

A

V

7.5.91
D.R.

15.91

Hon. Justice U.C. Sinhasawa - ve
Hon. Mr. A.B. Gorthi

Applicant is present in
person. He files an appli-

On the request of counsel for fixing the case
for applicant case is adj for ex parte hearing from
to 31.7.91 for fixing

A.M.

V.C.

The Hon. Bench. no
this case is listed
The Hon. Bench. on 9

31.7.91 No sitting adj to 16.9.91
for orders.

9.91

Hon. Justice U.C. Sinhasawa - ve
Hon. Mr. A.B. Gorthi

A.M.

31/10/91

The F.A. has been disposed of by 9
separate orders.

11 - 87

A/T

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. 1191/87
(W.P. 4927/83)

V.N.Chaubey

Applicant/Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava V.C.
Hon. Mr. A.B.Gorthi, Adm. Member.

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

The applicant was Assistant Station Master (officiating), Anupganj, Lucknow. He was placed under suspension on 8.2.1982 and was thereafter ~~was~~ served with a chargesheet on 8.3.1982 containing five charges. The enquiry proceeded against him and the enquiry officer was appointed. The applicant submitted his explanation denying all the charges. While the disciplinary proceedings were pending against him the suspension order was revoked with effect from 23.2.1982 and the applicant was informed that the proceedings initiated against him under Rule 9 of the Railway Servants(Discipline & Appeal) Rules, 1968 have been dropped and it has been ~~xxxxxx~~ decided to initiate proceedings under Rule 11(1) of the said Rules on the article of charges already communicated to the applicant. The applicant submitted representation against the same again pleading not guilty. It was thereafter the impugned of punishment of withholding of increment for three years was passed on the ground that the representation of the applicant was not satisfactory. It was the case of minor penalty that

in

Group A-13(f) (BIO)
2077

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

Lucknow Bench: Lucknow.

4927
Writ Petition No. of 1983.

Virendra Nath Chaubey. ----- Petitioner..

Versus.

Northern Railway & others ----- Opp. Parties.

I N D E X.

Sl.No.	P a r t i c u l a r s	Page No.
1.	Writ Petition.	1-14
2.	<u>Annexure No.1.</u> Order dated 6-3-1982 regarding punishment.	15-16
3.	<u>Annexure No.2.</u> Order dated 8-2-1983 regarding suspension.	17
4.	<u>Annexure No.3.</u> Statement of Article of charges.	18
5.	<u>Annexure No.4.</u> Order dated 23-2-1982 regarding release from suspension.	19
6.	<u>Annexure No.5.</u> Letter dated 23-2-1982 for initiating proceeding for minor punishment.	20-21
7.	<u>Annexure No.6.</u> Representation dated 4-3-1982 of petitioner.	22-23
8.	<u>Annexure No.7.</u> Appeal dated 29-5-1982.	24-28

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9. Annexure No.8. 29
Order dated 24-2-1983
regarding rejection of
appeal.
10. Annexure No.9. 30
Statement dated 15-5-1982
of Shri J.L. Khiani,
Permanent Way Inspector.
11. Annexure No.10. 31-34
Review appeal dated
9-3-1983.
12. Annexure No.11. 35
Letter dated 8-8-1983
for taking decision
of review.
13. Annexure No.12. 36
Representation dated
5-6-1982 regarding
promotion.
14. Affidavit. 37-38
15. Vakalatnama.

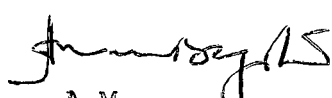
Lucknow: Dated:
August 29, 1983.

D.S. Chaubey
(D.S. Chaubey).
Advocate.
Counsel for the Petitioner.

Imchaubey

is why the detailed enquiry was not held. ~~The~~ ^{He} filed an appeal which was dismissed vide order dated 24.2.83. Then the applicant filed the Review Application. The contention of the applicant is that the authorities did not pass the speaking order on the ground that the explanation of the applicant is unsatisfactory and the appellate authority also passed unreasoned order and the Reviewing authority also. Although it is a case of minor penalty and charge was specified but when the one charge proved the order should have been a reasoned order and rather speaking order so that the applicant should have given the reply.

In view of this all these orders i.e. the punishment order, appellate and Review order are non speaking orders. Consequently, the punishment order dated 6.3.82, appellate order dated 24.2.83 and the Review order are quashed. It is, however open for the respondents to pass speaking orders in accordance with law, in case it is still desired to go ahead with the enquiry proceedings. As the punishment order has been quashed, the applicant will approach the department for consequential benefits and the department will consider the same. No order as to costs.


A.M.


V.C.

Lucknow Dated: 16.9.91

1. That this writ petition is directed against the order of respondent no.3 contained in No.TG/74/123/82 dated 6-3-1982 by means of which the increment of the petitioner due on 1-4-1982 was withheld for three years. A copy of letter dated 6-3-1982 is enclosed as Annexure No.1 to this writ petition.

2. That the petitioner is holding the post of Assistant Station Master in substantive capacity and presently is working as Station Master at Railway Station, Anupganj, Lucknow for about three years.

3. That while holding the post of Assistant Station Master (officiating) Station Master, Anupganj, Lucknow, the petitioner was placed under suspension with effect from 8-2-1982 by respondent no.3 vide his order No.TG/74/123/82 dated 8-2-1982. The above order further indicated that during the period of suspension the petitioner will get 1/2 of his pay and usual allowances thereon. A true copy of order dated 8-2-1982 is enclosed as Annexure No.2 to this writ petition.

4. That the petitioner was given charge-sheet by the respondent no.3 through his O.M.No.TG/74/123/82 dated 8-3-1982, which contains 5 charges. The

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petitioner was informed that the disciplinary enquiry was contemplated against him on the said charges. A true copy of the statement of article of charges framed against the petitioner and received with aforesaid O.M. dated 8-2-1982 is enclosed as Annexure No.3 to this writ petition.

5. That the petitioner submitted his explanation on 16-2-1982 refuting all the charges levelled against him. He also pointed out that the petitioner was wholly innocent in the matter and the charges have been concocted with the sole malafide intention of harming and ruining his career.

6. That thereafter the order of suspension of the petitioner was revoked with effect from 23-2-1982 after-noon by the respondent no.3 vide his order No.TG/74/123/82 dated 23-2-1982.

A true copy of this order is enclosed as Annexure No.4 to this writ petition. In this order there was an endorsement to the effect that the period of suspension will be decided later on.

7. That the petitioner was informed by the respondent no.3 vide his No.TG/74/123/82 dated 23-2-1982 that the proceeding initiated against him under Rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968 has been dropped and it has

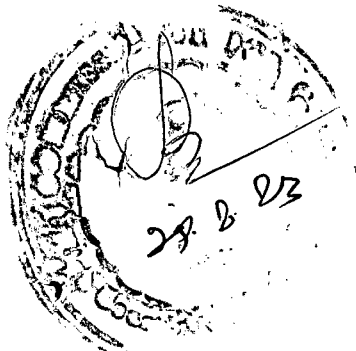


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been decided to initiate proceeding under Rule 11(1) of the said Rules on the article of charges already communicated ² and [✓] the petitioner was further directed to submit representation on the charges levelled against him. A true copy of letter dated 23-2-1982 is enclosed as Annexure No.5 to this writ petition.

8. That in reply to letter dated 23-2-1982 the petitioner submitted his representation on 4-3-1982 in which he again pleaded not guilty to the charges levelled against him. A true copy of his explanation is enclosed as Annexure No.6 to this writ petition.

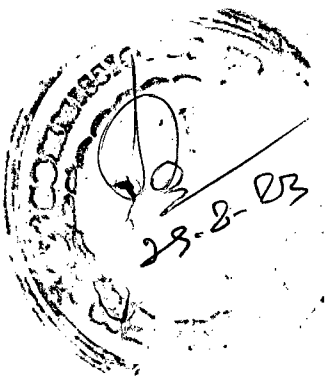
9. That thereafter the order for imposition of the punishment of with-holding the increment for three years was issued by the respondent no.3 vide his No.TG/74/123/82 dated 6-3-1982 on the ground that the defence of petitioner being unsatisfactory for mis-behaving with Transportation Inspector Safety-I, Shri S.P. Gupta during his inspection of Anupganj on 5-2-1982 was not acceptable. A true copy of this order is already enclosed as Annexure No.1 to this writ petition. However, the order of punishment does not state whether or not the stoppage of increments will have cumulative effect.



Mohantey

10. That the petitioner feeling aggrieved by the impugned order of with-holding of his increments, submitted an appeal before the respondent no.2 on 29-5-1982 pointing out that the punishment imposed upon the petitioner is wholly unjustified, arbitrary and illegal. The petitioner also submitted that he may be given a opportunity to defend himself in a ~~full~~ fulfledged enquiry earlier instituted for major punishment so that he may prove as to how he was falsely implicated by the Transportation Inspector on misconception. The petitioner further requested that he may also be permitted to place his case personally along with Shri V.P. Trivedi, Divisional Secretary, Northern Railway Mens Union, Lucknow. The written consent of Shri V.P. Trivedi was also enclosed alongwith ~~his~~ his appeal. A true copy of appeal dated 29-5-1982 is enclosed as Annexure No.7 to this writ petition.

11. That the petitioner was subsequently informed by the Assistant Personal Officer, Northern Railway, Lucknow vide his letter No.E/Appeal/Misc. dated 24-2-1983 that the appeal of petitioner had been rejected by the respondent no.2 on the ground that he did not ~~found~~ any reason to alter the punishment awarded. A true copy of letter dated 24-2-1983 is enclosed as Annexure No.8 to this writ petition.



Inclosure

12. That feeling aggrieved by the rejection of his appeal, the petitioner submitted his review appeal to the respondent no.1 on 9-3-1983 in which he specifically pointed out that the Transportation Inspector Safety-I mis-represented the facts by perverting the truth and implicating the petitioner with the sole malafide intention of harming him in prejudicial manner. The correct position is that at the railway station, Anupganj, he unnecessarily indulged with the students who were daily passengers which resulted in the use of some hot words between the Transportation Inspector Safety-I and the students. Shri J.L. Khiani, Permanent Way Inspector, Mohanlalganj, Lucknow was also a witness to the ~~xxx~~ scene and in any impartial enquiry it can be substantiated that in no case the petitioner could be blamed in respect of what happened between the Transportation Inspector Safety-I and those of students. This is substantiated from the statement dated 15-5-1982 of Shri Khiani Permanent Way Inspector, Mohanlalganj, Lucknow, a true copy of which is enclosed as Annexure No.9 to this writ petition. A true copy of Review Appeal made on 9-3-1983 is also enclosed as Annexure No.10 to this writ petition.

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13. That thereafter the petitioner approached his superiors occasionally and made every effort to get the review appeal expedited but he has not been made to hear anything from superiors so far and no order has been communicated despite last letter dated 8-8-1983 sent to the respondent no.1. A true copy of letter dated 8-8-1983 is also enclosed as Annexure No.11 to this writ petition.

14. That it appears that the petitioner was falsely implicated in the matter at the instance of the persons inimical to him with the sole malafide intention of with-holding his promotion in the scale of pay of Rs.425-640 due in June, 1982. The petitioner is at present in the scale of of pay of Rs.330-560. He also made representation on 5-6-1982 in the matter of his promotion but the petitioner was shocked to find that although his appeal remained pending, his promotion was withheld and his juniors were given promotion in June, 1982. This injustice caused to him has not been rectified in spite of request made to superiors from time to time. A true copy of representation dated 5-6-1982 is also enclosed as Annexure No.12 to this writ petition.



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15. That feeling aggrieved and having no efficacious remedy the petitioner is left with no option except to invoke the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

16. That the impugned order passed by respondent no.3 is not a speaking one and does not disclose the reason as to why the explanation of the petitioner to the charges was not found acceptable by the punishing authority.

17. That it is well recognised principle of law and natural justice that no one can be held guilty and punished for the weakness of de-fence. It was obligatory on the part of the departmental authorities to prove the charges levelled against the delinquent on the basis of proper and relevant evidences and it is not for the delinquent to prove his innocence.

18. That there is no evidence to support the allegation of mis-behaviour of petitioner with the Transportation Inspector Safety-I as alleged. On the contrary, it is evident from the statement of Shri J.L. Khiani, Permanent Way Inspector, Mohanlalganj, Lucknow that the allegation of mis-behaviour was totally false.

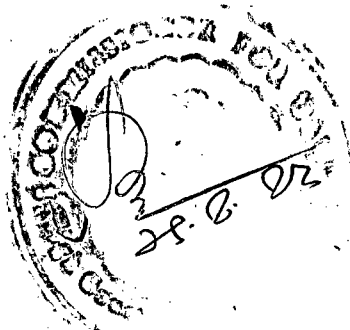
24/8/23

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19. That the orders of punishment as well as rejection of his appeal do not fulfil the requirement of law and the same deserve to be quashed by this Hon'ble Court.

20. That according to rule 5 of Discipline and Appeal Rules, a government servant can be placed under suspension only for conducting enquiry against him for major punishment. In the case of petitioner, he was suspended on 8-2-1982 as an enquiry against him was contemplated for major punishment. Subsequently he was re-instated on 23-2-1982 and the decision was taken to drop the proceeding for major punishment earlier instituted against him. It is, therefore, evident that the order of suspension was wholly unjustified and therefore, the petitioner is entitled to get full pay and allowances for the period of suspension and the suspension period shall be treated as on duty for all purposes.

21. That the petitioner in his explanation denied all the charges made against him and therefore, it was only proper and legal course open before the punishing authority to give the petitioner reasonable opportunity for defence in a regular enquiry before imposing any punishment in arbitrary and mechanical manner.



mechanical

22. That the charge-sheet contained as many as 5 charges against the petitioner, but he was allegedly held guilty only for mis-behaviour with the Transportation Inspector Safety-I. This itself substantiates that other charges were falsely concocted by the Transportation Inspector Safety-I ~~make~~ maliciously.

23. That if the order stopping the increments will have cumulative effect, the same is illegal because such an order cannot be made without holding regular enquiry according to sub-rule 2 of rule 11 of Discipline and Appeal Rules.

24. That according to provisions contained in sub-rule 3 of rule 11 of Discipline and Appeal Rules the disciplinary authority while imposing minor punishment is required to record formal proceedings embodying a statement of imputation of mis-conduct or mis-behaviour, the representation made by the delinquent, the findings on each imputation of mis-conduct and also the reason for holding the delinquent guilty and for imposing the punishment. The impugned order does not fulfil the above requirement of law.

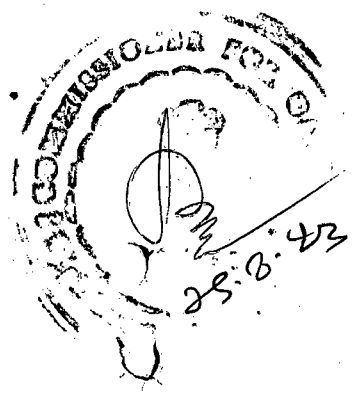
Moharney

25. That the action of the respondent no.2 in rejecting the appeal of petitioner is also arbitrary and illegal and does not fulfil the requirement of law. According to rule 22 of Discipline and Appeal Rules, the appellate ~~author~~² authority is required to consider whether in awarding the punishment, the requirement of law has been fulfilled and whether the findings of the disciplinary authority are supported by the evidence on record. He was also required to consider whether the penalty was reasonable. In the present case the appeal was rejected without application of mind and without objective consideration in summary and mechanical manner.

26. That the respondent no.1 also committed wrong and acted arbitrarily in withholding decision on the review appeal indefinitely and in the meantime getting the promotion of petitioner with-held.

27. That the petitioner has at his credit good service records and there is nothing adverse which may justify the with-holding of his promotion to the senior scale.

28. That according to law the appeal and review should be deemed as continuation of proceedings and the punishment imposed upon the petitioner



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should not be treated as final so as to justify the with-holding of his promotion unless the review appeal is finally decided.

29. That the petitioner has been made to suffer and punished for no fault of his and in case some interim relief is not given and his more juniors are allowed to be given promotion, he will suffer irreparable and perpetual loss casting stigma and incurring evil consequences to his service career.

30. Wherefore the petitioner begs to prefer this writ petition for ^{redressal} ~~addressal~~ of his above grievances and rectification of injustice caused and illegality committed on the following amongst other

G R O U N D S

1. Because the impugned order dated 6-3-1982 imposing the punishment of stoppage of increment for three years is arbitrary, illegal.
2. Because the impugned order dated 24-2-1983 of respondent no.2 rejecting the appeal of petitioner is arbitrary, illegal and mechanical.
3. Because the order dated 8-2-1982 placing the petitioner under suspension was wholly unjustified and unlawful and therefore, he is

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DC Chauhan

entitled to get full pay and allowances for the period of suspension and the period of suspension shall be treated as on duty for all purposes.

4. Because the petitioner has been wholly innocent in the matter and he cannot be held guilty into any charge in any proper and impartial enquiry.

5. Because the respondent no.1 committed wrong and acted illegally in delaying the decision on the review petition which resulted in continued with-holding of the promotion of the petitioner.

6. Because the with-holding of promotion of petitioner and in the meantime promoting his juniors is arbitrary, discriminatory and infringes fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India.

P R A Y E R.

Wherefore on the facts and grounds stated above, it is most respectfully prayed that this Hon'ble Court may be graciously pleased;

1. to issue a writ of certiorari or a writ, direction or order in the nature of certiorari

W. Chauhan

D. Chauhan

to quash the impugned order dated 6-3-1982 passed by respondent no.3 imposing the punishment of stoppage of the increment for three years contained in Annexure-1 of the petition and also impugned order dated 24-2-1983 passed by respondent no.2 rejecting the appeal of petitioner contained in Annexure No.7 of this petition.

2. to issue a writ of mandamus or a writ, direction or order in the nature of mandamus commanding the respondents to pass order permitting the petitioner to get full pay and allowances for the period of suspension and the period of suspension shall be deemed as on duty for all purposes.
3. to issue a writ of mandamus or a writ direction or order in the nature of mandamus commanding the respondents not to withhold the promotion of petitioner on the basis of impugned order contained in Annexure(1) of this writ petition and to issue direction for his promotion accordingly.
4. to issue such other writ direction or an order as to cost which in the circumstances of the case, this Hon'ble Court may deem just and proper.

Lucknow: Dated:
August 29 , 1983.

DS Chauhan
(D.S. Chauhan).
Advocate.

Counsel for the Petitioner.

Chauhan

समक्ष ज्ञाननीय उच्च न्यायालय इलाहाबाद, लखनऊ पीठ, लखनऊ

रिट पिटिशन सं-----

वीरेन्द्र नाथ चौबे

याची

बनाम

नार्दन रेलवे तथा अन्य -----

विपक्षीगण

संलग्नक संख्या 1

सामान्य 223

फार्म संख्या-4

रेल वर्मचारी अनुशासन तथा अपील नियम 1968 के नियम 68(1)(1) के अनुसार साबित देने का आदेश

संख्या टी0जी0 74/123/82

मंडल कार्यालय

उ0र0 लखनऊ

दिनांक-6-3-82

प्रति:

श्री वी.एन.चौबे,

ए0एस0एम0

अनुपगंज

आरोप पत्र ज्ञात संख्या टीसी-74/123/82 दिनांक 23-2-82 के उत्तर में आपके दिनांक 4-3-82 के अभ्यावेदन पर मैंने ध्यान पूर्वक विचार किया है मुझे आपका अभ्यावेदन निम्नलिखित कारणों से संतोषजनक नहीं मालूम होता :-

Defence not accepted being unsatisfactory for misbehaving with TI/Safety-I Sr. S.P.Gupta during his inspection of APG on 5.2.82.

अतः मैं आपके विरुद्ध लगाये गये आरोप संपूर्ण अर्थात् दिनांक 8-2-82 आपका दोषी ठहराता हूँ और वेतन वृद्धि रोक रखने की आपकी शास्ति होने का मैंने निर्णय किया है। अतः वेतन श्रेणी रु0 330-560 मैं आपका वेतन 515/- रु0 में 15/- रु0 बढ़ाने वाली आपकी वेतन वृद्धि को सामान्यतः 1-4-82 को मिलती है 3४४ की अवधि के लिए रोक दी गई है जिसके कारण भविष्य में मिलने वाली वेतन वृद्धियाँ

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-2-

स्थगित हो जायेगी/नहीं होगी।

2- रेल कर्मचारी अनुशासन तथा अपील 1968 के नियम 18 के अनुसार इन आदेशों के विरुद्ध एडीआरएम॥ओपी॥/लखनऊ की अपील की जा सकेगी यदि:

- 1- आदेश मिलने से 45 दिन के भीतर विधिगत अपील की जाये और ।
- 2- अपील की भाषा अनुचित या अभद्र न हो।
- 3- कृपया इस पत्र की पा ती दें।

पावती

ह0/- अपठनीय

नाम॥बी.एम.एस.विश्ट॥

अनुशासनीय अधिकारी का
पद नाम

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22.8.83

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A-20

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.

Virendra Nath Chaubey ----- Petitioner.

Versus.

Northern Railway and another ----- Opp. Parties.

ANNEXURE NO.2.

Railway Servants Discipline & Appeal Rules.
1968.

Northern Railway
Divisional Office,
Lucknow. Dated 8-2-1982

No.TG/74/123/82.

O R D E R.

Whereas a disciplinary proceed- Whereas case against
Shri V.N. Chaubey, Sr.ASM/APG.

Now, therefore, the aPresident/the Railway Board/
the undersigned the authority competent to place the
Rly. Servant under suspension in terms of Schedule I,
II and III appended to the Railway Servants Discipline
and Appeal Rules, 1968 or any lower authority in
exercise of the Powers Confirmed by Rule 4 of the
Railway Servants Discipline and Appeal Rule 1968/
Provision ~~of~~ to Rule 5(1) of the Railway Servants
Discipline and Appeal Rules, 1968, hereby places the
said Shri under suspension with immediate effect/
with effect from 8-2-1982.

He will draw half pay and ~~at~~ usual allowances thereon
during the suspension period.

Signature: B.M.S. Bisht.

Design.of the suspending authority.

To

Sr. DSO/Lko.

- (1) Shri V.N.Chaubey,
Sr. ASM (Officiating SM),
Anupganj.

- (2) The DPO for information in n/a pl.

Chaubey

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

Lucknow Bench: Lucknow.

A/2

Writ Petition No. of 1983.

Mirendra Nath Chaubey ----- Petitioner.

Versus.

Northern Railway & others ----- Opp. Parties.

ANNEXURE No.3.

Statement of Article of Charges framed against
Sri V.N. Chaubey, Sr. ASM (officiating SM),
Anugganj.

While performing duties of ASM/APG in day
shift on 5-2-1982.

- (1) Ferrules were not applied on this slides
of blocked line i.e. loop line blocked
by 1 SL.
- (2) There were over writing and cutting train
register by you.
- (3). Entries on station log register for the
passage of 114 Dn was not filled.
- (4) The said log register which was confiscated
by safety counsellor (T) I/LKO. You come
in breakvan of 1 SL passenger alongwith
one porter and you instructed your porter
to disconnect Hose-Pipe of moving 1 SL
passenger.
- (5). That you snached the said log register from
the hand of Safety Counsellor (T).I/LKO.

Shri V.N. Chaubey thus violated the para
3 i(ii) and (iii) of the Rly. Service Conduct Rules
1966.

Sd/- B.M.S. BISHT,
SR.DSO./LKO.

Mirendra Nath Chaubey

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

Lucknow Bench: Lucknow.

A/3

Writ Petition No. of 1983.

Virendra Nath Chaubey ----- Petitioner.

Versus.

Northern Railway & others ----- Opp. Parties.

ANNEXURE NO.4.

STANDARD FORM NO.4

THE RAILWAY SERVANTS DISCIPLINE & APPEAL RULES 1968.

Northern Railway

No.TG-74/123/82.

Divisional Superintendent's Office,
Lucknow Dated: 23-2-1982.

O R D E R

Whereas an order placing Shri V.N. Chaubey (Name and Designation of the Railway Servant) under suspension was made by (undersigned on 8-2-1982.

Now, therefore, the undersigned (the authority which made or is deemed to have made the order of suspension or any higher authority) in exercise of the powers conferred by Rule 5(5)(c) of the Railway Servants Discipline and Appeal Rules, 1968, hereby revokes the said order of suspension with effect from 23-2-1982 A.N.

Signature: (B.M.S. BISHT)

Design: Sr. DSO/LKO.

To

Northern Railway, Lucknow.

1. Shri V.N. Chaubey Sr. ASM/APG through (in office)
(Name & Designation of the suspension
Railway Servant)
2. Sr. D.P.O., Lucknow. Penal will be decided later on.

meekaubey

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

Lucknow Bench: Lucknow.

13/34

Writ Petition No. of 1983.

Virendra Nath Chaubey, ----- Petitioner.

Versus.

Northern Railway & others ----- Opp. Parties.

ANNEXURE NO.5.

Standard Form 11(C)

Standard Form for taking disciplinary action under
Rule 9(7) (a)(IV) of the Railway Servant (Discipline
and Appeal) Rules 1968.

No.TG-74/123/82.

Divisional Superintendent's Office,
Lucknow Dated: 23-2-1982.

Whereas the article of charges was communicated
to Shri V.N. Chaubey, Sr.ASM/APG under this office
memorandum No.even dated 8-2-1982 whereas a written
statement of defence was submitted by him on
16-2-1982.

Now therefore, the undersigned has carefully
considered the said written statement of defence
and holds, without prejudice to his right to
impose any of the minor penalties not attracting
the provisions of sub-rule (2) of rule 11 of
Railway Servants (Discipline & Appeal) Rules,
1968 & that the imposition of a major penalty
including the minor penalty attracting the provision
of sub-rule (2) of rule 11 the said rules, is not
necessary.

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The undersigned has, therefore, dropped the proceedings already initiated under rule 9 of the said rules and has decided to initiate proceedings, under rule 11(1) of the said rules on the article of charge already communicated to Shri V.N. Chaubey, Sr.ASM/APG vide this Office Memorandum No. even dated 8-2-1982.

Shri V.N. Chaubey is hereby given an opportunity to make such representation as he may wish to make against the proposal to take action against him under rule 11(1) of the Railway Servants (Discipline and Appeal) Rules, 1968. The representation, if any, should be submitted to the undersigned within 10 days of the receipt of this Memorandum.

If Shri V.N. Chaubey fails to submit his representation, within the period specified above, it will be presumed that he has no representation to make and orders will be liable to be passed against Shri V.N. Chaubey, Sr.ASM/APG ex-parte.

The receipt of this Memorandum should be acknowledged by Shri V.N. Chaubey, Sr.ASM/APG.

Name: (B.M.S.BISHT).

To,

Design. Sr. DSO/LKO.

Shri V.N. Chaubey,
Design. Sr. ASM/APG.
Through (in office).

N.Rly., Lucknw.

Chaubey

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

Lucknow Bench: Lucknow.

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350

Writ Petition No. _____ of 1983.

Virendra Nath Chaubey. ----- Petitioner.

Versus.

Northern Railway & others ----- Opp. Parties.

ANNEXURE No.6.

Dt. 04/3/82.

To

Sr. D.S.O./Lko.

Subject:- Your memorandum No.TG-64/123/82 dated 8-2-82.
and 23-2-1982

Sir,

Most respectfully, I will like to submit
my explanation of above noted memorandum as under:-

1. On 5-2-1982 1 SL Pass arrived at station and after receiving private No. from westcabinman in token of complete arrival of the train, I applied ferrules on the concerned slides and it remained there till the departure of 1 SL Pass.
2. On train signal register in fact no any over-writing or cutting has been done to change one figure into another. It is only the mode of my writing that at a few places ~~at~~ it looked like over-writing to safety counsellor(T).
3. As regards entries of 114 Dn. in cabin Log Register the same was complete in all respect. Your honour may verify it from the concerned documents (such as Train signal Register, Log Register and P.No.Book) which have been already submitted to you through T2/Lko.

28.2.82

inclosure

- 2 :-

4. Regarding Hose Pipe disconnection in 1 SL Pas, it was done by the students and not by the porter on my initiative. It was not the first day that H.P.D. took place at this station but it is a common feature in this section and Anupganj is not the exception. Your honour may get it verified from the detention reports of guards and CNL Charts.
5. As regards snatching of Log Register, it is quite baseless. The question of snatching does not arise when the entries of 114 Dn. were complete in all respect in Log Register. In fact, Safety Counsellor arrived in the office and was demanding some register to see, I politely expressed my inability to entertain him as I was busy in crossing of ~~the~~ trains and booking of passengers. I also requested him not to disturb during train passing work which he took in wrong way and that is why he has fabricated all that charges, without any base, simply to harass me.

Therefore, I will request your honour to look into the whole facts and cancell the said memorandum for which I shall ever remain ~~grate~~ grateful to you.

Yours faithfully,

Sd/-
V.N. Chaubey,
ASM.
Anupganj,
04/3/82.

V. N. Chaubey

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.

Virendra Nath Chaubey ----- Petitioner.

Versus.

Northern Railway and others. ----- Opp. Parties.

ANNEXURE NO. 7

The A.D.R.M.(OP),
Northern Railway,
Lucknow.

Reg: Appeal.

Ref: Punishment Notice No.TG/74/123/82 dated 23-2-82.

Sir,

Most respectfully I beg to submit as under:-

1. I was issued a Memorandum for Major

Penalty for the following charges:

"While performing duties of ASM/APG in day shift on 5-2-1982, (1) Ferrules were not applied on the slides of blocked line i.e. loop line blocked by 1 SL. (2) There were over writing and cuttings on train register by you. (3) Entries on station log register for the passage of 114 DN was not filled. (4) The said log register which was confiscated by Safety Counsellor (T)I/Lko. You come in break van of one SL Passenger alongwith one porter and you instructed your porter to disconnect Hose pipe of moving 1 SL Passenger. (5) That you snatched the said log register from

Chaubey

-: 2 :-

the hands of Safety Counsellor (T)1/Lko. Shri V.N. Chaubey thus violated the para 3 1(ii) and (iii) of the Rly. Service Conduct Rules 1966".

2. I submitted a reply and a notice for minor penalty was issued and I was penalised.

3. That my representation has been rejected without valid reasons. While rejecting my appeal,

the learned Sr. D.S.O. has mentioned as under:

~~Defence not accepted being un-satisfactory for misbehaving with T.I./Safety-I, Shri S.P. Gupta, during his inspection of APG on 5-2-1982".~~

"Defence not accepted being un-satisfactory for misbehaving with T.I./Safety-I, Shri S.P. Gupta, during his inspection of APG on 5-2-1982".

4. That the learned Sr. D.S.O. has not applied his mind before awarding punishment of 3 years/months stoppage of increment for the following reasons.

a) He has not scored out years or months and thus punishment notice is defective.

b) He has not mentioned reasons of being un-satisfactory as laid down in P/S No.8225, vide which comprehensive reasons are to be given while recording his findings. In this way he has awarded punishment with closed eyes and closed mind.

That he has closed my door for submitting and effecting appeal as I do not know the grounds of rejecting my representation, when I had submitted para-wise reply to each charges.

Chaubey

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8) The while awarding punishment, he has mentioned as under:-

१. मुझे आपका सम्पादन विधिमिति का (वि)
२. संतोषजनक रहे. धन्यवाद.

"Defence not accepted being unsatisfactory,
for misbehaving with T.I. Safety-I, Shri S.P. Gupta".

I would very humbly mention that:

i) The reason advanced by Sr. D.S.O. can not be said to be reasons and therefore, he has not applied his mind at all.

ii) He has mentioned that he has gone through the explanation carefully. I would like to invite your attention to english part of P/Notice. The sentence signed by the learned Sr. DSO does not given any meaning. Thus I can only say that whatsoever was written by the clerk Gr.250-400/- was signed by him by closed mind and closed eyes, otherwise an officer ~~is~~ directly appointed as Class I officer can not write such a sentence which does not carry any meaning and gramatically wrong.

iii) Shri, the learned Sr. D.S.O. has very carefully signed the punishment notice and failed to score out W.I.T. or W.I.D. and thus application of his mind can be judged.

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iv) Fourth example of closeness of his mind can be judged that there is designation as TI/Safety on N. Rly. and thus no men visited at my station who can be known as T.I./Safety and therefore charges are unfounded.

v). That SFS was justified as Sri Gupta should have been in witness Pox alongwith, Guard, Porter and few others and only when I would have got an opportunity to prove the charges against Sri Gupta, Safety Counsellor.

Sir, I shall be highly obliged if ~~SFS~~ SF5 is restored and I am given an opportunity to prove that how falen reports are being lodged by such a responsible Inspector Gr.700-900/-. However, I would request that defence submitted may be kindly seen so far as the merit of the case is concerned and I may be alleged personal hearing along with Sri V.P. Trivedi, Divl. Secy., NRMU/Lko so that I may prove my innocence.

His written consent is attached herewith.

Yours faithfully,

Sd/-

(V.N.Chaube).

ASM/APG 29-5-82.

-: 5 :-

A/42

No.NRMU/17

29/5/82.

The A.D.RM.(OP),
Northern Railway,
Lucknow.

Reg: Consent to act as Defence Helper.
=====

Dear Sir,

I hereby submit my consent to act
as Defence Helper in the personal hearing of
appeal of Shri V.N. Chaubey, ASM, Anupganj.

Yours faithfully,

Sd/-

(V.P.TRIVEDI)

Divl.Secy.

25.6.23

Mohansen

A/17

समक्ष माननीय उच्च न्यायालय, इलाहाबाद, लखनऊ पीठ, लखनऊ

रिट पिटीशन संख्या-----

वीरेन्द्र नाथ चौबे

याची

बनाम

उ० रेलवे तथा अन्य -----

विपक्षीगण

संलग्नक संख्या 8उत्तर देलवे
मण्डल कार्यालय
लखनऊ दिनांक 24-2-83पत्र संख्या: ई/अपील/ एम ~~अपील सी~~

श्री वी एन चौबे, ए.एस.एम./ए.पी.जी.

द्वारा टी.आई/ लखनऊ

विषय: दंड नोटिस संख्या टीआई/74/123/82 दिनांक 6-3-82

निमित्त दंड डब्लू आई टी श्री १३१ इयर्स

द्वारा डी.एस.ओ. के विल्ट आपकी अपील

सन्दर्भ आपकी दिनांक 29-5-82 की अपील

रेल कर्मचारी अनुशासन एवं अपील नियम 1960 के नियम 22(2) के अनुसार अपील अधिकारी एडीआरएम/ओपी/ लखनऊ ने श्री डीएस ओ द्वारा उपरोक्त आदेशा के विल्ट आपके द्वारा की गई अपील पर ध्यान पूर्वक विचार करके निम्नलिखित निष्कर्ष व्यक्त किया है।

१. अनुशासन प्राधिकारी के निष्कर्ष अभिलेखों के सक्षम के अनुसार प्रमाणित है तथा

२. आरोपित दंड (i) I have gone through the appeal and the case and do not find any reason to atten the punishment awarded.

2. appeal is rejected.

प्रतिलिपि सूचनार्थ कार्यवाही हेतु

1- सम्बन्धित लिपिक कार्मिक विभाग

सहायक कार्मिक अधिकारी/
लखनऊ

Meharben

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

Lucknow Bench: Lucknow.

A/44

Writ Petition No. of 1983.

Virendra Nath Chaubey. ----- Petitioner.

Versus.

Northern Railway & others. ----- Opp. Parties.

ANNEXURE No.9.

I the undersigned the then PWI-Gr.III
CDRL was also travelling by 1 SL of 5-2-1982.
Due to crossing of 114 Dn. I got down at APG and
went to station where Shri S.P. Gupta, Safety
Councillor was sitting in the SM's office and
some conversation was going on with Shri V.N. Chaubey
ASM-APG on duty. After the Passage of 114 Dn. Shri
Gupta left the office and I remained in the
office till the departure of 1 SL and there was
no unusual happening between Shri S.P. Gupta
Safety Councillor and Shri V.N. Chaubey ASM-APG.

Sd/- J.L. Khiani.

15/5/82.

PWI- MLJ.



Virendra Nath Chaubey

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

Lucknow Bench: Lucknow.

Writ Petition No.

of 1983

Virendra Nath Chaubey ----- Petitioner.

Versus.

Northern Railway & others. ----- Opp. Parties.

ANNEXURE No. 10

To

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sir,

Reg: REVIEW APPEAL

Ref: Your No.E/Appeal/Misc.

dated 24-2-1982.

Most respectfully I beg to submit as under

for your kind consideration and justice:-

1. That I was charged for the following:-

"While performing duties of ASM/APG in day shift

on 5/2/82, (1) Ferrules were not applied on the

slides of blocked line i.e. loop line blocked by

1 SL. (2) There were over writing and cutting

on train register by you. (3) Entries on station

log register for the passage of 114 Dn. ~~no~~ was

not filled. (4) The said log register which was

confiscated by safety Counsellor (T) I/LKO. You

come in break van of one SL Passenger alongwith one

porter and you instructed your porter to disconnect

hose pipe of moving 1 SL Passenger. (5) That you

snatched the said log register from the hands of

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Safety Counsellor (T)/LKO. Sri V.N. Chaubey thus violated the Para 3 1(ii) and (iii) of the Railway Service Conduct Rules 1966".

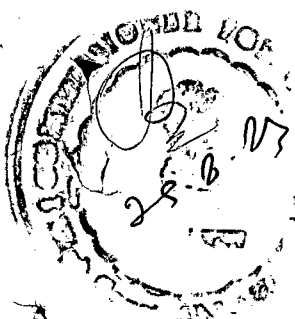
2. That I submitted my explanation which was not considered by Sr. DSO and I was awarded ~~2~~ XX W.I.T. for three years.

3. That my appeal has also been rejected by ADRM/OP which has been communicated vide letter dated 24-2-1983 under reference. Now I prefer this review appeal which is within rules and time limit.

PROCEDURAL FLAWS:

4. That I was issued memo for minor penalty, as per P.S.No.8025 comprehensive reasons for rejecting representation/appeal should be communicated to the delinquent railway servant so that he can prefer effective appeal or review as the case may be, but in this case no comprehensive reasons were given as a result of which I am unable to add certain points which are essential in this case to be considered by your honour.

5. That your honour will very carefully go through the charges and punishment ^{notice} ~~note~~ which been issued by Sr. DSD/LKO. From the punishment notice I have been exonerated from all the charges except one as Sr.DSO has mentioned as under:-



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"Defence not accepted being unsatisfactory for misbehaviour with T.I. (Safety) Shri S.P. Gupta during his inspection of Anupganj on 5-2-1982".

In this way I am to submit only review against this charge alone. According to this particular charge I snatched the said Log Register from the hand of Safety Counsellor (T)/I, Lucknow, which was said to have confiscated by him.

6. That while deciding my appeal A.D.R.M.

(OP) has passed the following orders:-

"He has gone through the appeal and case and did not find any reason to alter the punishment awarded. The appeal is rejected."

This is not a comprehensive reason as to why my appeal was not convincing and thus while deciding my appeal ADRM(OP) did not pay attention to comply with the instructions contained in P.S. No.8025. ADRM(OP) also did not mention anything about my para 4(b) in which I had mentioned that Sr.DSO did not mention any reason as to how I misbehaved with T.I. (Safety).

NEW POINTS TO BE CONSIDERED.

7. That the T.I.(Safety) has reported that I snatched the Log Register which was confiscated by him. He was sitting in the Break-van of 1 SL as per memorandum. The P.W.I. of the section was

Unrelaxing

also sitting in the Brake-van other than the Guard I/C. PWI of the Section has noticed that I did not snatch the Log Register at all but T.I.(Safety) indulged himself with certain students unnecessarily who were trying to travel on foot-board of the Brake-van, which resulted that the mob mentality developed and the T.I. was saved by intervening into it as I was known to those students being daily passenger. The eye witness who is a responsible man cannot be disbelieved. The T.I. did not take any witness to prove this charge either from the Guard-van. On the basis of this very document the punishment may be set aside.

Your honour will very well know that the daily passengers are in habit to misbehave as soon as they come to know that some official is travelling. T.I. (Safety) Shri Gupta did not use common sense and tried to indulge himself with the students for which I cannot be made responsible.

Yours faithfully,

Sd/-

(V.N. Chaube)

ASM/Anupganj.

Dated:

9-3-1983.

inchausly

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.

Virendra Nath Chaubey, ----- Petitioner.

Versus.

✓ Virendra Nath ✓

Northern Railway & others ----- Opp. Parties.

ANNEXURE No. 11.

To

Divisional Railway Manager,
N.R., Lucknow.

Subject:- Review appeal in case No. TG-74/123/82
dated 23-2-1982.

Ref: E/Appeal/1 Misc. dated 24-2-1982.

Sir,

Most respectfully I wish to state before
your honour that I had submitted my review appeal
in above mentioned case on 9-3-1983. But so far
I have not received any letter from your side.

My promotion in scale 425-640 has been withheld and

I am in a great loss financially. ~~I am in a g~~

I will, therefore, request you to let me know

the orders passed by your honour so that I may

move for further proceedings.

Yours faithfully,

Sd/-

V.N. Chaubey,

ASM/Anupganj.

08-8-83.

Virendra Nath Chaubey

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

Lucknow Bench: Lucknow.

A/80

Writ Petition No. of 1983.

Virendra Nath Chaubey..... Petitioner,
Versus.
Northern Railway & others ----- Opp. Parties.

ANNEXURE No.12.

To

Divisional Railway Manager,
N.R. Lucknow.

Subject:- Promotion in scale 425-640.

Ref: Punishment notice No.TG.74/123/82 dated
6-3-1982.

Sir,

Most respectfully I will like to submit
before your honour that I have been awarded
punishment of W.I.T. 3 years with effect from
1-4-1982. My next promotion in scale 425-640 is
due in June 1982, which I have come to know is
likely to be with-held. I have submitted my
appeal before ADRM(OP) Lucknow in above mentioned
punishment case on 29-5-1982.

Therefore, I request your honour to be
so kind as to allow my promotion for which I shall
remain ever grateful to you.

Yours faithfully,

Sd/-

V.N. Chaubey,
ASM.

Anupganj N.R.

dated 05/6/82.

Chaubey

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

Lucknow Bench: Lucknow.

Writ Petition No. _____ of 1983.

Virendra Nath Chaubey. ----- Petitioner.

Versus.

Northern Railway & others -----Opp. Parties.

A F F I D A V I T.

I, Virendra Nath Chaubey, aged about 41 years, Son of Shri Shree Nath Chaubey, Assistant Station Master working as Station Master Railway Station, Anupganj, Northern Railway, Lucknow do hereby solemnly affirm and state as on oath as under:-

1. That the deponent is the petitioner is accompanying writ petition and as such he is well conversant with the facts and circumstances of the case.
2. That the contents of paragraphs Nos. 1 to 26 and 29 of the accompanying writ petition are true to my personal knowledge, those of paragraphs Nos. 27 and 28 are believed by me to be true as per information derived from records and those of paras 30 are ~~not~~ based on legal advice.

Virendra Nath Chaubey



-: 2 :-

3. That the Annexures 1 to 12 and of the petition are true copies and they have been compared with the originals.

Lucknow: Dated:

August 29, 1983.

V. Helansen
29/8/83
(Deponent).

VERIFICATION.

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

1 Signed and verified this day 29th of August, 1983 at Lucknow.

Lucknow: Dated:

August 29, 1983.

Helansen
29/8/83
Deponent.

(MADAN MOHAN)
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No..... 69/389
Date..... 28.8.83

I identify the deponent who has signed before me.

D.S. Chaubey
Advocate.

Solemnly affirmed before me on 28.8.83 at 7 a.m./p.m. by Shri Virendra Nath Chaubey, the deponent, who is identified by Shri D.S. Chaubey, Advocate, High Court of Allahabad, Lucknow Bench, Lucknow.

I have certified myself by examining the deponent that he understand the contents of this affidavit which has been read ~~and~~ over and explained by me.

the notices were directed to be issued.

3. That since then no order on the application for interim relief has been passed and the applicant has been compelled to face irreparable loss in the matter of promotion.

4. That as brought out in the writ petition, the applicant was suspended for about 16 ~~xx~~ days and was thereafter given punishment of stopping his increment for three years arbitrarily and illegally which has resulted in with-holding of his promotion also.

5. That the applicant is still working as Assistant Station Master in the scale of Rs.330-560/- whereas about 300 of his juniors have been given promotion in the scale of Rs.425-640/= and about 40 of his juniors have been given promotion in the scale of Rs.455-700/=.

6. That the with-holding of promotion of the applicant on the basis of impugned order of punishment is highly discriminatory and unlawful and if the respondents are not restrained from with-holding the promotion of the applicant on the



Undaunted



basis of impugned order, he will suffer irreparable and substantial injury in his entire career.

P R A Y E R

Wherefore, it is humbly prayed that this Hon'ble Court may be graciously pleased to restrain the opposite parties from making any further promotion unless the case of petitioner is also considered for promotion without taking any cognizance of impugned order dated 6-3-1982 contained in Annexure-1 of writ petition.

Lko. Dated:
May 2, 1985.

D.S. Chaube
(D.S. Chaube)
Advocate.
Counsel for Petitioner.

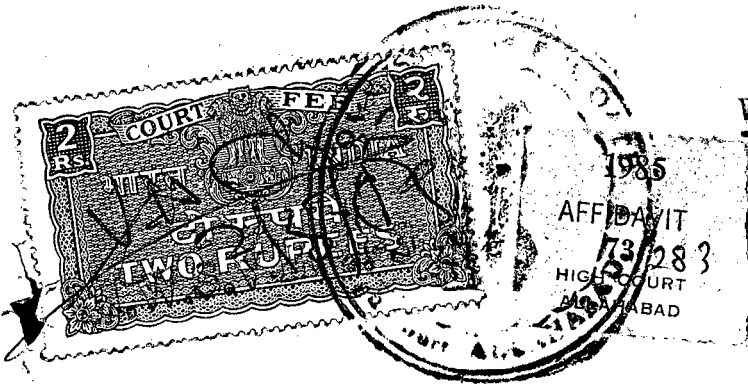
prchaube

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

Lucknow Bench, Lucknow.

In Re.

Writ Petition No.4927 of 1983.



Virendra Nath
Chaube.

Petitioner.

Versus.

Northern Railway
and others.

Opp. Parties.

Affidavit in support of application
for interim relief.

I, Virendra Nath Chaube, aged about 41 years, Son of Shri Shri Nath Chaube, Assistant Station Master, working as Station Master Railway Station, Anupganj, Northern Railway, Lucknow do hereby solemnly affirm and state on oath as under:-



1. That the deponent is the petitioner in the accompanying writ petition and as such he is well conversant with the facts and circumstances of the case.

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- 2 :-

2. That the contents of paras 1 to 6 of the application are true to my personal knowledge.

Lko.Dated:

May 2, 1985.

Michaelson
02/5/85
Deponent.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified this 2nd day of May, 1985 at Lucknow.

Lko.Dated:

May 2, 1985.

Michaelson
02/5/85
Deponent.

I identify the deponent who has signed before me.

Lko.Dated:

May 2, 1985.

D.S. Chaube
(D.S. Chaube)
Advocate.
Counsel for Petitioner.



A56

-: 3 :-

12/6

Solemnly affirmed before me on 2.5.85
at 9.10 a.m./p.m. by Shri Virendra Nath Chaubey, the
deponent, who is identified by Shri D.S. Chaube,
Advocate, High Court of Allahabad, Lucknow Bench,
Lucknow.

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

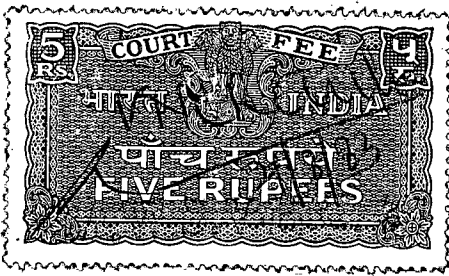


Ref. to
JATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
2.5.85

A57
1046160/13 (14)

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

Lucknow Bench: Lucknow.



492

Writ Petition No. _____ of 1983.

Virendra Nath Chaubey. ----- Petitioner.

Versus.

Northern Railway and others ----- Opp. Parties.

Application for interim relief.

The applicant petitioner respectfully
begs to state as under:-

1. That the applicant is filing the accompanying writ petition challenging the validity of the order dated 6-3-1982 passed by respondent no.3 contained in Annexure-1 of the petition by means of which the increment of petitioner was stopped for three years.

2. That as brought out in the writ petition the petitioner was suspended for about 16 days and was thereafter, given punishment of stopping his increment for three years arbitrarily and illegally which has resulted in with-holding of his promotion also.

3. That the with-holding of promotion of the petitioner on the basis of impugned order of

Melausey

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A/9

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या.....सन १६ ई०

W.P.सं० 4927.....सन १६८३ ई० में

Virendra Nath Chaube — — — — — प्राथी
Northern Railway through Divisional Railway Manager
N.R., Hazratganj Lucknow
through the Senior Divisional Safety Officer
N.R. Hazratganj, Lucknow प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

1108

Stamps affixed except in case of uninsured letters of not more than the initial D weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received by a V. P. Registered*
addressed to

Senior Divi. Safety Officer 7

Signature of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs.

P.



words)

weight

(in words)

के लिये प्रार्थना-पत्र
आप दिनांक 2 माह 12 सन १६ 83

प्राये कि प्रार्थना-पत्र क्यों न स्वीकार कर
सके बाद नियमानुसार विज्ञप्ति किशो और

पर या उससे पहले स्वयं अथवा किसी
गोर से कार्य करने के लिए कानूनन अधिकृत
को सुनवाई और निर्णय आपकी अनुपस्थित

से आज दिनांक 4 माह 10 सन १६ 83

तिथि

21.9.83

Receivd

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

8/80

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९८३ ई०
..... W.P. 4927 सन १९ ई० में

— Virendra Nath Chaube — प्राथी

Northern Railway through ^{प्रति} Divisional Railway Manager
N.R. Hazratganj, Lucknow
Through the Senior Divisional Safety Officer
N.R. Hazratganj, Lucknow ^{प्रत्याधी}

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १२ माह १२ सन १९८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६ माह १६ सन १९८३ को जारी किया गया।

D. S. Chaube के एडवोकेट

दिनांक २१.९.८३

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

7109
A/G

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या.....सन १६ ई०

W.P. 4927 सन १६८३ ई० में

Virendra Nath Chaube प्राथी

Northern Railway through the Divisional Railway Manager

N.R. Hazratganj, Lucknow

Through the Additional Divisional Railway Manager

Hazratganj, Lucknow

1107

R. P.-51 (a)
Stamps affixed except in case of unusu-Rs. P
red letters of not more than the initial Date-Stamp
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. Registered
addressed to

Addl. District 07/09
Railway

Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

Insurance fee Rs.

P.

weights rates
(in words) grams

रजिस्ट्रार या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत
हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थित
में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक.....
को जारी किया गया।

D. S. Chaube

के रजिस्ट्रार

तिथि 21.9.03

रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९५३ ई०

W. P. 4927 सन १९ ई० में

Virendra Nath Chaube प्राथी

^{प्रति} ~~Northern Railway through~~ Divisional Railway Manager
N. R. Hazratganj, Lucknow
Through the Additional Divisional Railway Manager
(Operating) N. R. Hazratganj, Lucknow
^{प्रत्ययी}

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में
..... के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक २१ माह १२ सन १९८३ }
को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और
दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी
एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत
हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति
में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ११ माह १६ सन १९८३ }
को जारी किया गया।

D. S. Chaube के एडवोकेट

तिथि २१. १. ८३

डिप्टी रजिस्ट्रार

२ इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

7100 1/2

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

..... 4927 सन १९८३ ई० में

Veranda No. 1 Chamley प्राथी

Northern Railway through Deccan Railway Manager. प्रत्याथी
..... Northern Railways.

Through - The Deccan Railway -

Manager N.R. Hazratganj प्रत्याथी
Just now

चूंकि ऊपर लिखे प्रार्थ

इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

No. केलिये प्रार्थना-पत्र

Name & address क आप दिनांक २२ माह १२ सन १९८३

Sender बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर

Amount इसके बाद नियमानुसार विज्ञप्ति किशी और

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नांक पर या उससे पहले स्वयं अथवा किसी

ओर से कार्य करने के लिए कानूनन अधिकृत

की सुनवाई और निर्णय आपकी अनुपस्थित

Signature of Receiving Officer

Insured for Rs. (in figures)

मर हस्ताक्षर और न्याय

को जारी किया गया।

D. S. Chamley के एडवोकेट

तिथि 21-9-83

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के ह
ताक्षर

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and was therefore, given punishment of stopping his increment for three years arbitrarily and illegally which has resulted in with- holding of his promotion also.

5. That the applicant is still working as Assistant Station Master in the scale of Rs. 330-560 whereas about 300 of his junior's have been given promotion in the scale of Rs. 425-640 and about 40 of his junior's have been given promotion in the scale of Rs. 455-700.

6. That the applicant has been superseded in the matter of promotion only on account of his stoppage of increments for three years.

7. That the with-holding of promotion of the petitioner on the basis of impugned order of punishment is highly discriminatory and unlawful and if the respondents are not restrained from with-holding the promotion of the petitioner on the basis of impugned order, he will suffer irreparable and perpetual loss which cannot be compensated in any manner in future whatsoever.

8. That the balance of convenience lies in favour of restraining the Opp. parties from with-holding the promotions of petitioner during pendency of writ-petition.

P R A Y E R

Wherefore it is humbly prayed that this Hon'ble Court may be graciously pleased to restrain the opposite parties from making any further promotion unless the case of petitioner is also

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considered for promotion without taking any
cognizance of impugned order dated 6.3.1982
contained in Annexure -1 of writ petition,
subject to decision of writ petition.

D.S. Chaubey

(D.S. Chaubey)

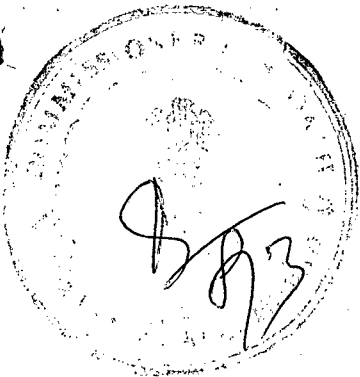
Advocate

Counsel for applicant-petitioner

Lucknow /

Dated: March 8, 1984.

McLausey



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABADLUCKNOW BENCH, LUCKNOW

In Re:

Writ Petition No. 4927 of 1983.

1984
AFFIDAVIT
96
HIGH COURT
ALLAHABAD

Virendra Nath Chaubey

....Petitioner

Versus

Northern Railway & others.

....Opp. parties.

AFFIDAVIT IN SUPPORT OF SECOND APPLICATION FOR
INTERIM RELIEF

I, Virendra Nath Chaubey, aged about 41 years, son of Shri Shree Nath Chaubey, Assistant Station Master, working as Station Master Railway Station, Anupganj, Northern Railway, Lucknow do hereby solemnly affirm and state ~~as~~ on oath as under:-

1. That the deponent is the petitioner in ~~an~~ ^a writ petition and as such he is well conversant with the facts and circumstances of the case.
2. That the contents of paragraphs Nos. 1 to 8 of the application are true to my personal knowledge.

Virendra Nath Chaubey
DEPONENT

LUCKNOW/
Dated: March 8, 1984.

contd. on 2.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of para 1 and 2 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed, so help me God.

Signed and verified this day 8th March 1984 at Lucknow.

Lucknow

Dated: 8 March, 1984

Dechaubey
DEPONENT

I identify the deponent who has signed before me.

D.S. Chaube
(D.S. Chaube)
Advocate.

Solemnly affirmed before me on 8/3/84 at 9.10 a.m./p.m. by Shri Virendra Nath Chaubey, the deponent, who is identified by Shri D.S. Chaubey Advocate, High Court of Allahabad, Lucknow Bench, Lucknow.

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

[Signature]
High Court, Allahabad
Lucknow Bench

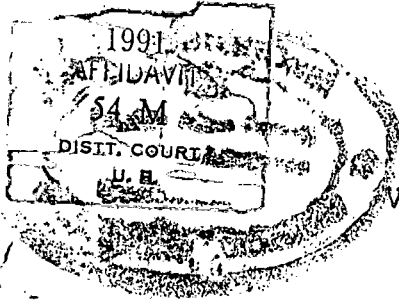
No. 9613141/83
Date 8/3/84

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

8/6/87

T.A. No. 1191/1987 (T)

(Writ Petition No. 4927/83)



Virendra Nath Chaubey

Petitioner/
Applicant

versus

Union of India & others

Respondents/
Opposite parties.

A F F I D A V I T

I, P.N. Tripathi, aged about 52 years,
at present working as Asstt. Personnel Officer
in the office of Divisional Railway Manager,
Northern Railway, Hazratganj, Lucknow do hereby
solemnly affirm and state on oath as under:

1. That the deponent above named is Assistant Personnel Officer in the office of Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow and he is fully conversant with the facts and circumstances of this case and has been authorised by other respondents to file this affidavit on their behalf also.

.....2

9/5/91
16.9.91

Asst. Personnel Officer
N. R. Ego.

A/B

2. That despite best efforts made by the answering respondents and the branch concerned the relevant file of the case could not be traced out, hence parawise comments of the case could not be prepared and handed over to the Railway Advocate for drafting and filing of the counter reply in this case.

3. That it appears that all the files concerning this case have deliberately been removed from the office of the respondents.

4. That in view of the aforesaid facts and reasons the answering respondents are unable to file any counter reply and therefore the answering respondents have requested their counsel to inspect the Hon'ble Tribunal's file and argue the case even without filing counter reply.

Lucknow Dt. 7.5.91

Verification

I, the deponent named above do hereby verify that the contents of paras 1 to 4 of this affidavit are true to the best of

Assist. Personnel Officer
N. R. Lko

Assist. Personnel Officer
(Deponent)

my knowledge and belief. No part of it is false and nothing has been suppressed. So help me God.

Lucknow Dt. 7.5.91
91

[Signature]
Deponent
Personnel Officer
N. R. Lko.

I identify the deponent who has signed before me.

[Signature]
Advocate.

Solemnly affirmed before me by Shri *P. N. Tripathi* who has been identified by Shri *Adv. Anand Kumar* Advocate on at 2.05 am/pm. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been explained to him by me.

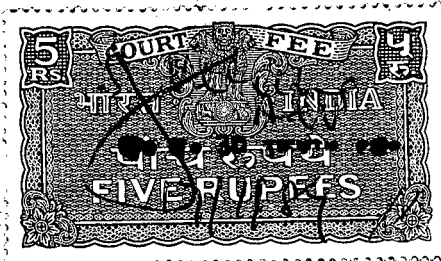
affirmed before me by *P. N. Tripathi*
9.05.91 by *P. N. Tripathi*
affirmed by Shri *Adv. Anand Kumar*

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

[Signature] 915291
JUSHIR ALAKI PALOU
Oath Commissioner
Civil Court Lucknow

N.R.

VAKALATNAMA



Before
In the Court of

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow
WRIT PETITION No. 4927 of 1983

Sri Virendra Nath Chaubey Plaintiff
Defendant

Claimant
Appellant
Petitioner

Versus

Union of India and others Defendant
Plaintiff

Respondent
Opp. parties

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate,
C-16, K. Road, Mahanagar Extension, Lucknow

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

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate, in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 17.1.1984.

ACCEPTED

Shering

Dated 17.1.1984:

(SIDDHARTH VERMA)
ADVOCATE

Designation of the Executive Officer

N.R.: 149/1-June, 1981-75.00 F.

SP
2-1283

Secy. Genl. Personnel
Northern Railway, N

ब अदालत श्रीमान

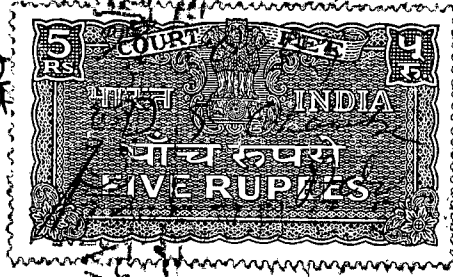
उच्च न्यायालय, लखनऊ बैन महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

श्री वीरेन्द्र नाथ चौधरी वकालतनामा

वीरेन्द्र नाथ चौधरी



वादी (अपीलान्त)

1st. 25/11/19

नादन रैलवे तथा अन्य बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं मुकदमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

डी० एस० चौधरी

वकील

महोदय

एडवोकेट

नाम अदालत	मुकदमा नं० नाम	बनाम
.....
फरीकत

को अपनी वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुजहनामा व इकबाल दावा तथा अपील 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 विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

DS Chauhan
Advocate

हस्ताक्षर

V. N. Chauhan

(Virendra Nath Chauhan)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

C 120 8/72

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CHIEF JUSTICE, LUCKNOW:

C.A. Application No. of 1991.

P.B

M. P. No. 275/91 (S)

V.N. Chaube son of Sri S.N. Chaube, Bilkucha Cabin,
B.A. Lucknow.

.. .. Applicant.

In Re;

C.A. No. 1191 of 1987 (F)

H.P. No. 4927 of 1983.

V.N. Chaube Petitioner.

Versus

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

Whereabove named

APPLICATION FOR EDITED THE CASE FOR
EXAMINE FINAL HEARING

The applicant above named begs to submit as
under:-

1. That the applicant filed the above cited petition
before the Hon'ble High Court in the year 1983.
2. That the case was transferred to this Hon'ble
Tribunal in the year 1987.

C/21

8/23

i.e. for about four years nor any counter has been furnished till today even though the claim is pending for ^{four} years in this Hon'ble Tribunal.

4. That since eight years have elapsed but no counter has been filed as yet, it is, therefore, expedient and necessary in the interest of justice that the petition be fixed for final ex parte hearing.

PRAYER

It is, therefore, prayed that this Hon'ble Tribunal may graciously be pleased to fix the above O.M. No. 1191 of 1987 (T) for being heard and disposed of ex parte.

Lucknow

Dated: 7.5.1991

Applicant-

V. N. Chauhan

C122
P/M

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALIHAHAB
CIRCUIT BENCH, LUCKNOW.

C.M.Application No. of 1991.

M.P. No. 275/91 *✓*

V.N. Chaube son of Sri S.N. Chaube, Dilkusha Cabin,
N.R. Lucknow.

.. .. Applicant.

In Re;

O.M. No. 1191 of 1987 (T)

W.P. No. 4927 of 1983.

V.N. Chaube Petitioner.

Versus

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

~~The~~ ~~above~~ ~~named~~

APPLICATION FOR FIXING THE CASE FOR
EX PARTE FINAL HEARING

The applicant above named begs to submit as
under:-

1. That the applicant filed the above noted petition before the Hon'ble High Court in the year 1983.
2. That the same was transferred to this Hon'ble Tribunal in the year 1987.
3. That the opposite parties were duly served but neither any counter was filed during the period, the writ petition remained in the High Court ~~was~~

*Recd duplicate
Shri Chaube
AW
7/5/91*

*Filed today
7/5/91*

J.N. Chaube

...2...

i.e. for about four years nor any counter has been furnished till today even though the claim is pending for ^{Four} years in this Hon'ble Tribunal.

4. That since eight years have elapsed but no counter has been filed as yet, it is, therefore, expedient and necessary in the interest of justice that the petition be fixed for final exparte hearing.

PRAYER

It is, therefore, prayed that this Hon'ble Tribunal may graciously be pleased to fix the above O.M. No. 1191 of 1987 (T) for being heard and disposed of exparte.

Lucknow

Dated: 7.5.1991

Applicant-

V.N. Chauhan

C124

X/10

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALIQUOT

CIRCUIT BENCH, LUCKNOW.

C.M. Application No. of 1991.

M. I. No. 275/91/14

V.N. Chaube son of Sri S.N. Chaube, Dilkusha Cabin,
N.R. Lucknow.

.. .. Applicant.

In Re;

O.M. No. 1191 of 1987 (T)

U.P. No. 4927 of 1983.

V.N. Chaube Petitioner.

Versus

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

~~Resubmitted~~

APPLICATION FOR FIXING THE CASE FOR
EX PARTE FINAL HEARING

The applicant above named begs to submit as
under:-

1. That the applicant filed the above noted petition before the Hon'ble High Court in the year 1983.
2. That the same was transferred to this Hon'ble Tribunal in the year 1987.
3. That the opposite parties were duly served but neither any counter was filed during the period, the writ petition remained in the High Court that.

..2..

V. N. Chaube

C/235

~~1/1~~

i.e. for about four years nor any counter has been furnished till today even though the claim is pending for ^{four} years in this Hon'ble Tribunal.

4. That since eight years have elapsed but no counter has been filed as yet, it is, therefore, expedient and necessary in the interest of justice that the petition be fixed for final exparte hearing.

PRAYER

It is, therefore, prayed that this Hon'ble Tribunal may graciously be pleased to fix the above O.M. No. 1191 of 1987 (T) for being heard and disposed of exparte.

Lucknow

Dated: 7.5.1991

Applicant-

V. N. Chauhan

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

c/26

20
X/8

No.CAT/Alld/Jud 40488 dated the

T.A.No. 1191 of 1987

40573

~~Virendra Nath Chaubey~~

APPLTANT(S)

VERSUS

~~Virendra Nath Chaubey H.O.I~~

RESPONDENT(S)

TO

- 1- Shri D.S.Chaubey, Advocate, Lucknow High Court Lucknow.
- 2- Shri Siddartha Verma, Advocate, Lucknow High Court Lucknow.

Whereas the marginally noted cases has been transferred by

~~H.C.LKO~~

Under the provision of the

Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 4927
of 198 3
of the Lucknow High Court, Lucknow

~~H.C.LKO~~

The Tribunal has fixed date of
7-12-1989 1989. The
hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 25-8-1989 1989.

dinesh/

DEPUTY REGISTRAR