

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA. 1200/82*
W.P. No. 6220/82 OF

NAME OF THE PARTIES *Hari Shon Kay Lal* Applicant

Versus

V.P. I 808 Respondent

Part A.

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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)
This file received from record room without (Batta)

Dated *15.9.11*

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title T. No. 1200 of 1987 (T)
W.P. 6220 (No)

Name of the parties

H.C. Tal

Applicant.

Versus

U.O. I ~~C.A. Rly (N.E. Rly)~~

Respondents.

Part A.E.C.

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CIVIL DE
CRIMIN

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

4/5

Nature and number of case W.P. 6220-82
Name of Parties Hari Shanker dal. vs. Union of India
Date of Institution 22-12-82 Date of decision _____

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with Annex and Affidavit	69	-	102.00			
	2-	Power	1	-	5.00			
	3-	COMA 13221167 0682 283	2	-	5.00			
	4-	orch sheet	2	-	-			
	5-	Bund copy orch 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.

Munsarim
Clerk

Date _____

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1200 of 1987

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
7/17/90	<p>Hon. Justice K. Nath, vs Hon. K. J. Raman, Am.</p> <p>Request for adjournment was made on behalf of Shri C. P. Srivastava for the applicant on the ground of illness. Shri Armit Asthalekar is present on behalf of respondents. The respondents may file their counter within four weeks to which the applicant may file rejoinder within two weeks thereafter & list for orders on 28/7/90.</p> <p>for Am</p>	<p>UT Case has been read from CAT, 11/10/89 to 28.01.89.</p> <p>Case is admitted. Stay is granted. No CA/RA filed. Date was fixed for CAT, 11/10/89. 6/12</p> <p>Submitted to</p> <p>6/12</p> <p>GR No CA filed S. F. order 2/12</p> <p>No entry adj to 22.2.90 He to the applicant is present</p>

T.A. 1200/87

A 3

Hence the case
be listed before
the Honble Bench
for orders on
8/3/91 ✓

18.4.91

No sitting adj to 4.7.91,

Q

4.7.91

Meml. Mr. Justice V. C. Srinivasulu V.
Honl. Mr. A. B. Sarth. Am

No RA filed

S PO

h
317

On the adjournment of the
of the learned Counsel for the applicant.
Case is adjourn to 13.9.91 for
final hearing

Q

Am

✓
ve

A-4

8/6

5-9-90

No sitting Advt to 26-9-90

QJ

26-9-90

Due to sort demise of Hon. the Chief Justice of India Mr. S. S. Mukherji, the case is adjourned to 4.10.90

OR
No RA filed
S.F.H.
L
25/9/90

1.10.90

No sitting Advt to 21.11.90

W

1.11.90

Hon. Mr Justice K. Math. VC.
Hon. Mr. M. M. Singh AM

On the request of Counsel for applicant case is adjourned to 12.12.90

M. M. L.
AM. VC

OR
No R.A. tiled
S.F.H.
L
R/H
For filing
R/A

8.3.91 Hon Mr Justice K. Math. VC.
Hon Mr P. B. Gouth AM

Shri D. P. Srivastava for applicant and requests for adj. is given last opportunity to file response within one month. The case may be listed for final hearing on 18-4-91, whether the response is filed or not.

12.12.90
D.R.

Mr. O. P. Srivastava Ld. counsel for the applicant is present today. He does not file R.A. O.P.'s side is absent today case is listed before me on 2.1.91 for filing R.A.

AM

VC

A-5

1/1

13.9.91

No setting adj to 16.12.91

16.12.91

No Siting adj to 16.1.92

D

16.1.92

No Siting adj to 28.1.92

28.1.92

Hon Justice U.C. Swinburne - v.c.
Hon Mr. A.B. Gerthi - Am.

OR

No RA filed
S.F.H

L
4/1/92

Put up tomorrow.

L

Am

W

ve

29.1.92

Hon Justice U.C. Swinburne - v.c.
Hon Mr. A.B. Gerthi - Am.

Put up tomorrow.

L
Am

W

ve

30.1.92

Hon Justice U.C. Swinburne - v.c.
Hon Mr. A.B. Gerthi - Am.

Argument heard, judgement
Reserved

L
Am

W
ve

A-6 A/8

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. 1200/87
(Writ Petition No. 6220/1982.)

Hari Shanker Lal

Petitioner

versus

Union of India & others

Respondents.

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

(Hon. Mr. A.B.Gorthi, A.M.)

Aggrieved by an order of removal from the service dated 8.12.82, the applicant filed a writ petition in the High Court which has since been transferred to the Tribunal. The prayer in the writ petition was that the removal order be quashed and that the applicant be reinstated in service with all consequential benefits.

2. The applicant was an Assistant Station Master at Bridmanganj, Railway Station of North Eastern Railway. On 16.1.81, when he was on duty at the Booking counter, the Vigilance staff conducted a raid and confiscated the money and documents available with him. He was then accused of charging excess money on tickets sold by him. On 10.2.91 he was suspended from duty, which suspension was later on revoked. On 15.7.81, a charge memo signed by the competent

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disciplinary authority, namely Divisional Operating Superintendent(D.O.S.) was served upon him, alleging that he has committed misconduct and thereby contravened Rule 3(i)(ii) and (iii) of the Railway Service(Conduct) Rules, 1966. An enquiry officer was appointed under the orders of Divisional Safety Officer who was not the disciplinary authority. During the pendency of the enquiry, an F.I.R. was also lodged against the applicant on account of the same incident. In the enquiry there was no worthwhile evidence to establish the charges against him but the enquiry officer nevertheless found him guilty. Agreeing with the enquiry officer's report, the Senior Divisional Safety Officer, who had no disciplinary powers over the applicant, passed the impugned order dated 8.12.82 removing the applicant from the service. The applicant assailed the disciplinary proceedings on various grounds. Firstly, he contended that the Senior DSO was not the competent authority. It was only the D.O.S. who issued the charge memo, who is competent to act as the disciplinary authority. The charges were also defective, in that Rule 3(i),(ii) and (iii) do not specify any punishable offence, as such. Further no evidence whatsoever was there in the enquiry proceedings as would justify his conviction. Finally, the punishment order ^{was} passed by the Senior D.S.O. who had no power to do so.

3. The respondents stated that, as there were complaints that the applicant was charging excess fare from passengers, it was decided to lay a trap. Accordingly, a trap witness was sent to purchase a ticket for which the applicant charged some extra money. At the same time, the Vigilance staff raided the booking counter and confiscated the cash and other material with him. Thereafter, a proper enquiry was held where sufficient ^{evidence} was laid against the applicant. There was nothing irregular either about the charges or the enquiry proceedings. Both the DOS and the Senior D.S.O. are of the same senior scale rank and both exercise control over the staff of the Operating branch and hence either of them could act as the disciplinary authority. The respondents have asserted that the impugned order of removal was validly passed.

4. The learned counsel for the respondents drew our attention to office order No. 1 dated 3.4.1969 issued by the General Manager, North Eastern Railway which says, inter alia, that "D.O.S. as well as D.S.O. will exercise control over all transportation staff for the purpose of disciplinary action in respect of work allotted to them" (underlined for emphasis).

5. We find that even according to these instructions, the Senior D.S.O. whose duties mainly pertain to the Safety aspect of the function of the railways cannot be said to be controlling the applicant

in respect of his duties connected with the selling of tickets. There does not, therefore, seem to be any justification as to why Senior D.S.O. should have put on the mantle of disciplinary authority in respect of the applicant instead of allowing the D.O.S., who initially assigned the charge memo, to continue to function as disciplinary authority. The enquiry ordered by the Senior D.S.O. and the punishment awarded by him are liable to be set aside on this count alone. In view of this we would not like to examine the plea raised by the learned counsel for the applicant on the quantum of evidence existing in the enquiry proceedings, particularly, when it is not for us to do so, so long as there is some evidence to justify the conviction.

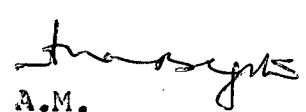
6. In the result, the impugned order of removal from service is quashed. As the applicant continues to be in service under stay order passed by the High Court, we need not pass an order directing his reinstatement in service. It is however, open to the respondents to take de novo disciplinary proceedings against the applicant. In doing so, they may keep in view the objections raised in this application to the validity of the chargesheet that it does not disclose any offence as such, because contravention of rule 3(i) (ii) and (iii) Railway Service (Conduct) Rules, 1955

A-10

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1966 is not punishable as offence as such.

7. The application is allowed in the above terms. There shall, however, be no order as to costs.


A.M.


V.C.

Shakeel/

Allahabad Dt. 3-2-92

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GROUP NO. A 14(6)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

6220

WRIT PETITION NO. OF 1982

8/14

Hari Shanker Lal Petitioner

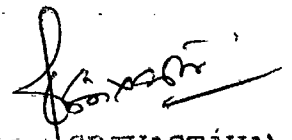
Versus

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

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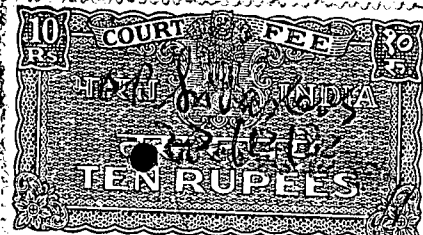
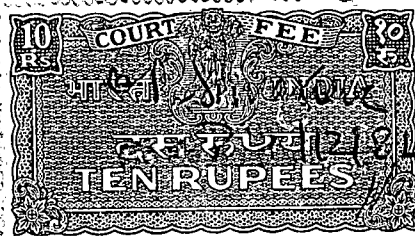
(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR PETITIONER.

LUCKNOW DATED
DEC. 22, 1982.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. 6220 OF 1982



1002-131072
82
27/12

Hari Shanker Lal, aged about 39 years, son of late Sri Jamuna Prasad, resident of Mohalla Rakebganj, P.O. Geeta Press, district Gorakhpur (at present working as Assistant Station Master, Gorakhpur).

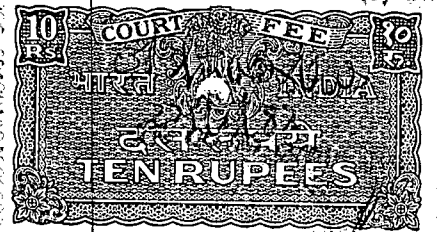
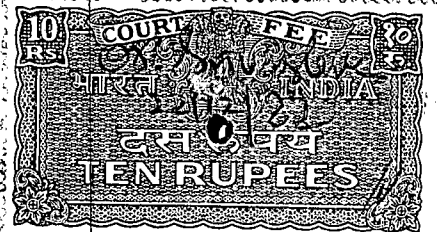
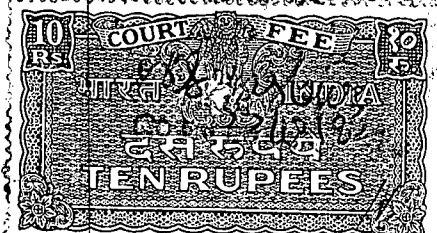
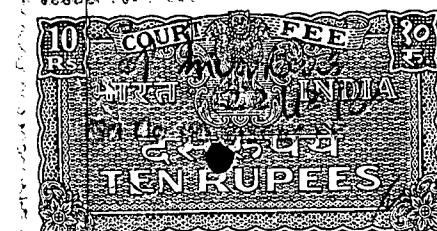
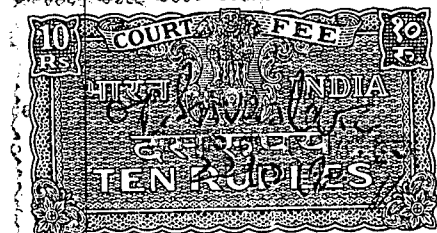
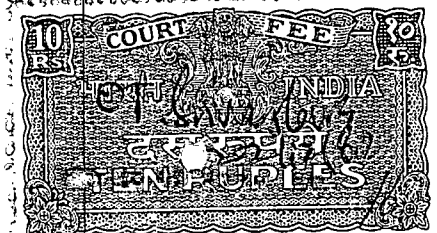
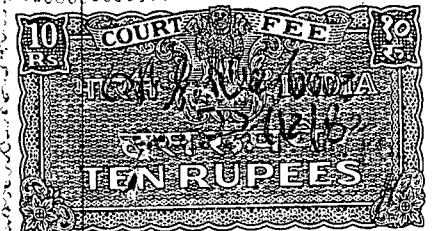
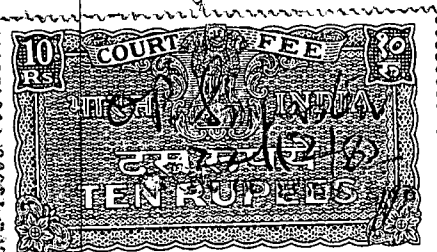
.... PETITIONER.

VERSUS

1. Union of India through its General Manager, N.E. Rly., Gorakhpur.
2. The Divisional Railway Manager, N.E. Rly., Ashok Marg, Lucknow.
3. The Divisional Operating Superintendent, N.E. Rly., Ashok Marg, Lucknow (New redesignated as Senior Divisional Operating Supdtg.).
4. Sr. Divisional Safety Officer, N.E. Railway, Office of the Divisional Railway Manager, Ashok Marg, Lucknow.
5. The Station Superintendent, N.E. Railway, Gorakhpur. ... OPP. PARTIES.

To

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



21/12/82

21/12/82

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

THE humble petitioner, abovenamed, most respectfully showeth as under:-

1. THAT this Writ petition arises out of an illegal order of removal of the petitioner from the services in the garb of illegal enquiry by an incompetent authority having no jurisdiction at all to remove the petitioner from the services.
2. THAT so far as the facts of the case are concerned it is stated that while the petitioner was discharging his duties as a permanent employee in the capacity of Assistant Station Master Rest Giver at N.E. Railway Station, Bridgmanganj on 16th January 1981 from 16 to 24 hours shift at about 7 PM, when there was no electricity, a person without knocking the door entered into the office where the petitioner was booking the tickets for the train. This is a station where the Assistant Station Master is to perform every sort of duties reckoning from the train passing to the booking of the tickets and parcels. The person who forcibly entered into the office ordered the petitioner to stop the booking and when the petitioner asked for his identification

21/1/81

6/1/81

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and reasons for such orders he replied that he is an Inspector of Vigilance and he will check the amount and saying so he forcibly taken all the money available at the booking window in his possession and in the meantime his other colleagues arrived in the room.

3. THAT thereafter a man entered into the office alongwith two other persons alleging themselves as passengers of the train No.185 Up which has already left the palatform but somehow was stopped at the home signal. It was told to the petitioner by the Vigilance authorities by showing some tickets of Bombay VT and Kalyan that the same have been sold by the petitioner by charging excess fare from the ticket holders.

4. THAT thereafter some statements were taken from the so called passengers who had purchased the tickets from the ticket window. The cash amount which was taken into the possession by the Vigilance Inspector was accounted and checked with the real sale of tickets and it was declared that there was some shortage in cash. Thereafter the Vigilance Inspector picked out some currency notes from the cash taken into his possession and told the petitioner that these are the currency notes which were found in the cash due to purchase.

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21/12/07

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of the tickets of Bombay VT by some decoy Khalasi of the Vigilance. The number of those currency notes were noted on a papersheet and the signatures of various persons including the petitioner were obtained on it. After sealing the currency notes in presence of the persons inside the office the petitioner was told to perform his routine duty.

.. 5. THAT on 10th of February 1981 the petitioner was served with a suspension order on the ground that some disciplinary proceedings against the petitioner were contemplated under Rules. The petitioner was neither informed regarding any charges for which the enquiry proceedings were going on nor he was asked anything regarding charges orally.

6. THAT on 15th of July, 1981 the petitioner was served with a chargesheet containing various articles of charges and statement of imputation the basis of which the article of charges were proposed to be substantiated accompanying the list of documents and the list of witness. It has been alleged that the petitioner had committed misconduct and thereby contravened Rule 3(1), (i), (ii) and (iii) of the Railway Service Conduct Rule 1966. A true copy of the above mentioned chargesheet is

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S. S. S. S.
S. S. S. S.

being filed herewith as Annexure-1 to this
Writ petition.

7. THAT thereafter the petitioner received a letter dated 25.1.1982 issued by the Divisional Safety Officer informing the petitioner about the appointment of the Enquiry Officer to conduct the enquiry under Rule 9 of the Railway Servants (D&A) Rules 1968 (hereinafter referred to as Rules of 1968) regarding the charges levied against the petitioner through chargesheet aforesaid. A true copy of the above said letter appointing Sri H.M. Mehrotra as the Enquiry Officer is being filed herewith as Annexure-2 to this Writ petition.

ANNEXURE-2

8. THAT a perusal of the memorandum of the chargesheet contained in Annexure-1 will reveal that the same has been issued under the seal and signature of Divisional Operating Superintendent, Lucknow who is the Disciplinary Authority for the purposes of imposing penalties under the provisions of Rules of 1968. Further a perusal of the Annexure-2 by which the enquiring officer was appointed will show that the same has been issued by the Divisional Safety Officer, Lucknow who is not the Disciplinary Authority as required under the Rules. When the Divisional Operating Superintendent had initiated the disciplinary

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Sd/-
Sd/- (encl)

proceedings against the petitioner then he was the only competent authority to appoint an Enquiry Officer and the Divisional Safety Officer, Lucknow was vested with no powers under Rules of 1968 to appoint any Enquiring Officer.

9. THAT thereafter the Enquiry proceedings were started by the illegally appointed Enquiring Officer for the charges for which the memorandum of chargesheet was issued against the petitioner.

10. THAT during the course of enquiry the proper procedure as required under Rule 9 of Rules of 1968 was not followed and arbitrary procedure was drawn by the Enquiring Officer.

All the witnesses on whose statements the Enquiring Officer has relied upon were not cross examined in the presence of the petitioner nor the list of witnesses given by the petitioner were called by the Enquiring Officer to give their evidences in the case. The Enquiring Authority also very arbitrarily recalled the witnesses, Sri Shekh Qismatdar, Sri R.R. Pandey and Sri G.C. Srivastava for the purpose to fill up the gap in the evidence as the statement and the cross examination which was made earlier by these witnesses were not having such weight to frame any charge against the petitioner or

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21/12/2017

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A/21

to corroborate any allegation levelled against the petitioner in the Article of charges contained in Annexure-1 to this Writ petition. This is totally against the Rules provided under Rule 12 of the Rules of 1968. It is worthwhile to note here that although the petitioner raised objection that the witnesses who have already been examined by and cross examined cannot be recalled for the purposes of filling up the gap in the evidence by the Enquiry Officer, but the same was not heeded to. The witnesses were recalled and re-examined by the Enquiry Officer who was not himself Disciplinary Officer against the provisions of law.

12. That Sri Ahmad Ali who was an important witness in the case and relied upon by the Enquiring Officer could not come on the date fixed for his statement and the order-sheet was drawn mentioning the fact that he could not attend the enquiry proceedings. Nevertheless the petitioner could not know when Sri Ahmad Ali was called and his statement was reduced in writing in the absence of the petitioner as no information regarding his examination was given to the petitioner. When petitioner raised objection regarding examination of Ahmad Ali c

21/12
Sri (21/12) (over)

his back and prayed for recalling him, the same prayer was rejected by the Enquiry Officer.

12. THAT during the course of the enquiry the important witnesses were Sri Jais Mohd passenger, Sri Ahmad Ali passenger, Sri Shekh Qismatdar, Station Master, Bridgmanganj, Sri G.C. Srivastava, and Sri R.R. Pandey, Assistant Station Master of Bridgmanganj Station and Sri Ramesh, Vigilance Khalasi ~~am~~ along with Ram Kalesh of the Vigilance. A perusal of the examination In-chief and cross examination of these witnesses will itself reveal that the charges were levelled against the petitioner are baseless and uncorroborated and have been levelled with some ulterior motive. True copies of the cross examination and the statement of the aforesaid witnesses are being filed herewith as Annexures-3, 4, 5, 6, 7, 8 and 9 respectively.

13. THAT the petitioner has been levied with two charges; firstly he realised excess money on sale of tickets for Bombay VT and Kalyan Stations from the passengers, of S/Shri Jais Mohammad and Ahmad Ali and also from Sri Ramesh Vigilance Khalasi for his personal gain and secondly he substituted page from LTC Book and made interpolation in the original entries recorded by other staff to make up the shortage

ANNEXURES-3 TO
9.

21/12

21/12/1967

found in Govt. cash during surprise check conducted by the Vigilance.

14. THAT the first ~~alleg~~ allegation regarding realisation of excess money in ticket fare is not proved by any of the witnesses relied upon. No witness has stated at any occasion that any amount of excessive fare was realised from them.

The main witness regarding the charge of realisation of excessive fare are two passengers S/Shri Jais Mohammad and Ahmad Ali and two Vigilance persons S/Shri Ramesh and Ram Kalesh.

This fact/point has been averted by all the aforesaid witnesses that although signatures were obtained by them on the statement recorded at the time of Vigilance raid yet the same was not read over to them. Sri Jais Mohammad, passenger (prosecution witness) could not remember about his thumb impression as he always makes his signatures. Shri Jais Mohammad also concealed in his cross examination that he was shown his statement recorded on station at the time of Vigilance raid i.e. on 16.1.1981 before his coming before the enquiry officer. He stranged that how his statements were taken away from the case file in custody of the Enquiring Officer and was shown to him outside somewhere else before his

21/12/81

21/12/81

coming to witness-box. All these facts not only vitiate the enquiry proceedings but also show booth to nail attempt of the Opposite parties to throw the petitioner on the street illegally.

15. THAT during the course of enquiry proceedings under the provisions of Rules of 1968, the petitioner came to know that some First Information Report was lodged by the Vigilance Inspectors on 17.1.1981 for registering a case against the petitioner. A true copy of the aforesaid FIR is being filed herewith as Annexure-10 to this Writ petition, which was supplied to the petitioner on demand.

ANNEXURE-10

16. THAT a perusal of the aforesaid FIR (contained in Annexure-10) clearly shows that all the allegations levelled against the petitioner are concocted one. The material fact mentioned in the FIR is that while the train No. 185 Up was on platform, the Vigilance Inspectors called the passengers from whom the alleged excessive fare was realised. This fact is controverted in the statement of very important independent public witness (contained in Annexure-3), who has stated during the course of his cross examination before the Enquiring Officer that the train was left the platform

21/12
21/12/12
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and it was stopped at signal wherefrom he was taken to the Booking Office. This important fact is not corroborated at other place and it renders whole of the prosecution story unbelievable and concocted.

17. THAT a perusal of the FIR (Annexure 10) also shows two contrary facts. One the one hand it raises allegation against the petitioner that he realised excessive fare in sale of ticket whereas on the other hand it seeks that while checking and accounting the cash amount available at the booking window a shortage of Rs. 137.15^p. was detected. As a matter of fact both the points cannot come into existence at a time, however, it shows the blindness and ulterior motive of the Opposite parties in relying upon both the facts that they had only a distinction of throwing the petitioner out of employment.

18. THAT the other prosecution witness is a passenger and whose statements have been relied upon. When the petitioner came to know regarding his statement, he prayed to call him for the purpose of cross-examination, but he was not called later on.

19. THAT Sri Ramesh Khalasi and Shri Ram Kalesh

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are the Vigilance Khalasis. A perusal of the statement of these witnesses (Annexures-8 and 9) also proves that the allegation levelled against the petitioner have no legs to stand.

20. THAT it would not be out of place to mention that the allegation regarding shortage in Government cash is also baseless as there was no actual shortage in the cash. That was a miscalculation due to wrongly over issued tickets. The amount of these tickets was already remitted to Government. This fault was checked in grand totalling and the information of this fact was sent by the petitioner to all concerning authorities on 15.1.81 i.e. before the date of Vigilance raid. A true copy of the aforesaid telegram is being filed herewith as Annexure-11 to this Writ petition.

ANNEXURE-11

21. THAT the second allegation regarding the substitution of pages in DTC Book and making interpolation in the original entries recorded by other staff is also not proved on the basis of the material available in the record. Sekh Qismatdar, Station Master, Sri Gulab Chand, A.S.M. and Sri.R.R. Pandey, A.S.M. of Railway Station Bridgmanganj are the important witnesses. On whose statements reliance has

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been placed in support of this allegation. A perusal of the statement of all these witnesses (contained in Annexures-5, 6 and 7 respectively) makes it obvious that all these witnesses have acceded that the DTC Book does not contain such number of pages which can be used for a complete month. For the purposes of using a DTC Book for a complete month loose papers are added in the DT C book as a convenient procedure. Therefore the finding that the pages of the DTC book were substituted is baseless. So far as the allegation of making interpolation in the original entries are concerned, it is stated that all the afore-said witnesses have accepted the fact that in emergency generally they take help of each other in filling the entries. It has not been established by the prosecution that the entire found in the DTC book was not correct

22. THAT thereafter the petitioner submitted his written arguments dated 5.8.1982 claiming that the allegations levelled against him as contained in Article of charges (Annexure-1) are not proved and as such he cannot be held responsible for committing misconduct amounting contravention of Rule 3(1), (i), ~~or~~ (ii) and (iii) of Railway Servant (Conduct) Rules 1966.

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23. THAT the suspension order which was earlier passed on 10th of February, 1981 was revoked on 18.5.1981 and since then the petitioner is continuously performing his duties as Assistant Station Master at Gorakhpur Railway Station.

24. THAT while the petitioner was functioning as Assistant Station Master at Gorakhpur Station fell ill on 8.12.1982 and as such he reported sick as per Rules and getting his treatment under Railway Doctor, Gorakhpur. Suddenly he came to know that an order of removal from services of the petitioner for contravening the Rule 3(1), (i), (ii) and (iii) of the Railway Servants Conduct (Rules) 1966 has been passed. A true copy of the aforesaid order of removal removing the petitioner from the services is being filed herewith as Annexure-12 to this Writ petition.

ANNEXURE-12

25. THAT a perusal of the aforesaid impugned order of removal will show that the same has been passed under the signature and seal of the senior Divisional Safety Officer, N.E.R., Lucknow, Opposite party No. 4. As the petitioner is an employee of the Operating Department he cannot be removed by any officer of the Safety Department and as such the Senior Divisional Safety Officer is vested with no power to pass the order of removal of the petitioner from the services.

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Therefore the order of removal which has been passed by an incompetent authority having no jurisdiction at all is liable to be quashed by this Hon'ble Court.

26. THAT it is pertinent to point out at this stage that the disciplinary authority who instituted disciplinary proceedings against the petitioner is the Divisional Operating Superintendent whereas the Enquiring Officer has been appointed by the Officer of the other department who is not the Disciplinary Authority in the same manner the order of imposing penalty of removal of the petitioner from the services has been passed by the Officer of some other department who has no any sort of administrative control on the petitioner's department and as such the whole of the enquiry become vitiated and liable to be quashed by this Hon'ble Court. This is further in violation of the provisions of Railway Board's letter No. E(D&A) 67-RG 6-35 of 20th December, 1967 which provides that the order shall be communicated to the accused on a punishment notice under the signatures of the Disciplinary Authority himself who has passed the orders imposing the penalty.

27. THAT for the purposes of the clarification of the disciplinary authority in case of the petitioner competent to impose a penalty under Rules of 1968, it has clearly been provided under

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the Railway Board's letter No. E(D&A) 60 RG-6/30 dated 28.7.1962 that a Railway Servant essentially belong to one department even though in accordance of the performance of his day to day duties he may follow certain Rules/Regulations administered by some other department, but the disciplinary action should be initiated and finalised by the authorities underwhose administrative control the delinquent employee may be working as any other procedure would not be in keeping with. It has further been provided in the Railway Board's letter No. E(D&A) 72-RG-13 dated 16.10.1973 which inter alia provides that, it would be procedurally wrong for an authority to initiate and finalise the disciplinary proceedings against an employee who is not under his administrative control. It has been very clearly provided in the Railway Board's letter No. E(D&A) 78 RG-6-15 of 10.1.1979 that the Assistant Station Masters and Station Masters belonging to the Operating Department even though they may have to perform the duties pertaining to commercial Department also from time to time. The disciplinary authorities in their cases would thus belong only to Operating Department and none else. If any other practice is being followed that is irregular and should be stopped forthwith. The

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disciplinary action should be initiated and finalised by the authorities under whose administrative control the delinquent employee may be working as any other procedure would not be correct. As such in view of the above provisions of law since the order for imposing of the penalty of removal of the petitioner from the service has been passed by the Divisional Safety Officer who originally belong to Safety Department, hence the impugned order of removal of the petitioner from the services has been passed by the incompetent authority who is not imprignated with the powers to pass such an order and the impugned order of removal is liable to be quashed by this Hon'ble Court.

28. THAT the petitioner is still continuing in service and this may be the pleasure of this Hon'ble Court to stay the operation of the impugned order of removal dated 8.12.1982 contained in Annexure-12 during the pendency of the present writ petition.

29. THAT since the whole of the Disciplinary proceedings initiated and finalised against the petitioner is not in accordance with the provisions contained in Rules of 1968 and the order of imposing penalty has been passed by the incompetent authority lacking jurisdiction hence the

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petitioner has no other alternative equally effective remedy except to invoke the jurisdiction of this Hon'ble Court. Moreover since the authorities are keeping ill-will against the petitioner and they are inclined to remove the petitioner from the services and if the petitioner will take the shelter of Rule 18 he will be thrown out from the employment and not only the petitioner but his whole family will starve to die for nothing.

30. THAT BEING aggrieved by the illegal order of removal of the petitioner from the services by the incompetent authority vesting no jurisdiction at all in colourable exercise of powers without following the provisions of Rules of 1968 the petitioner is challenging the validity of the impugned order of removal of the petitioner from the services contained in Annexure-12 inter alia amongst the following:-

G R O U N D S

- i) Because the order of removal has been passed by the incompetent authority lacking jurisdiction at all to pass such an order of removal against the petitioner.
- ii) Because the disciplinary authority has not passed any order imposing the penalty against

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for order

the petitioner and it has been passed by some other officer of other department.

- iii) Because the Enquiring Officer was not appointed by the Disciplinary Authority and he was also appointed by some officer of other department which makes the whole of the enquiry proceedings null and void abinitio.
- iv) Because the procedure provided under Rules of 1968 for the purposes of enquiry has not been properly followed and the petitioner has not been given proper opportunity to cross examine the witnesses relied upon as well as the prosecution has illegally recorded the witnesses in back of the petitioner who had already been examined earlier for the purposes of filling up the gap and with a bare inclination to throw the petitioner out of employment.
- v) Because the enquiry officer failed in giving proper opportunity to the petitioner as he did not recall Ahmad Ali for cross examination by the defence and whose statement was recorded at the back of the petitioner.

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- vi) Because a perusal of the statements of all the witnesses reveals that there is even not an iota of allegation regarding excessive realisation in sale of ticket. The inference drawn by enquiring officer is full of bias and an attempt to snare the petitioner.
- vii) Because the contention of FIR that the passengers witness was taken to the Booking Office during Vigilance raid while the Train No. 185 Up was on platform is not supported by the statement of Shri Jais Mohammad.
- viii) Because the finding of the Vigilance to the effect that the petitioner charged excessive fare in sale of tickets and a shortage in account of the booking money simultaneously was also detected is contrary in itself.
- ix) Because the charge regarding the substitution of pages in DTC book for making good the shortage is also not proved by the statement of concerning witnesses. The Enquiry Officer failed to appreciate the telegram dated 15.1.1981 regarding the over issue of tickets and there was actually no shortage in cash.

[Handwritten signature]

- x) Because the Enquiring Officer failed to appreciate the evidence adduced in favour of the petitioner.
- xi) Because the petitioner has not in any manner contravened the provisions of Rule 3(1), (i), (ii), (iii) of Railway Servants (Conduct) Rules 1966 and there is no case against him and in any manner he is not entitled for such a grave punishment of removal from the service.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may graciously be pleased:

- a) to issue a writ, order or direction in the nature of certiorari quashing the order of removal of the petitioner from the services dated 8.12.1982 contained in Annexure-12.
- b) to issue a writ, order or command in the nature of mandamus directing the Opposite parties not to implement the impugned order of removal of the petitioner from the service and to treat the petitioner in continuous service.

c) to issue any other order, writ or command which this Hon'ble Court deems fit, just and proper in the circumstances of the case.

d) to allow the petition with cost.

[Signature]
(O.R. SRIVASTAVA)
ADVOCATE
COUNSEL FOR PETITIONER.

LUCKNOW DATED:
DEC. 22, 1982.

[Signature]
S. K. Singh

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
SITTING AT LUCKNOW

WRIT PETITION NO. _____ OF 1982.

Hari Shanker Lal petitioner

VERSUS

Union of India & Others ... Opp. Parties.

ANNEXURE - 1

STANDARD FORM NO. 5

STANDARD FORM OF CHARGESHEET

(Rule 9 of the Railway Servants (Discipline & Appeal
Rules 1968) .

No. LD/SS-C/Vig/27/81

North Eastern Railway

Dated: 15.7.1981

Divisional Office, Lucknow

The undersigned proposed to hold an inquiry against Railway Servants (Discipline & Appeal) Rules 1968. The substance of the imputations of misconduct or mis-behaviour in respect of which the enquiry is proposed to be held to set out in the statement of Articles of charge (Annexure-I). A statement of the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV). Further copies of documents mentioned in the list of documents, as per Annexure III are enclosed.

2. Sri Hari Shanker Lal is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure-III) at any time during the

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office hours within ten days of receipt of this memorandum. For this purpose he should contact _____ GM (Vig) GKP immediately on receipt of this memorandum.

3. Sri Hari Shanker Lal is further informed that he may, if he so desired, take the assistance of any other railway servant/an official of Railway Trade Union (Who satisfied the requirements of rule 9(13) of the Railway Servants (D & A) Rules, 1968 and Note 1 and/or Note 2 thereunder as the case may be for inspecting the documents and assisting him in presenting his case before the Requiring authority in the event of an oral inquiry being held. For preference, before nominating the assisting railway servant(s) or Railway Trade Union Official(s) Sri Hari Shanker Lal should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist him during the disciplinary proceedings. The undertaking should also contain the particulars of other case (s), if any, to which the nominee(s) had already undertaken to assist and the undertaking should be furnished to the undersigned alongwith the nomination.

4. Sri Hari Shanker Lal is hereby directed to submit to the undersigned written statement of defence (which should reach the undersigned) within 10 days of receipt of this memorandum, if he does not require to inspect any documents for the preparation of his defence, and within ten days after completion of inspection of documents if he desires to inspect documents, and also -

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

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

5. Sri Hari Shanker Lal is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or/deny each article of charge.

6. Sri Hari Shanker Lal is further informed that if he does not submit his written statement of defence within the period specified in para 2 or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 9 of the Railway Servants (Discipline & Appeal) Rules 1968, or the orders/directions issued in pursuance of the said rules, the inquiry authority may hold the inquiry ex-parte.

7. The attention of Sri Hari Shanker Lal is invited to rule 20 of the Railway Services (Conduct) Rules, 1968 under which no Railway servant shall bribe or attempt to bring any political or toehr influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri Hari Shanker Lal is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the Railway Service (Conduct) Rules, 1966.

8. The receipt of this memorandum may please be acknowledged.

(By order & in the name of President

Encls: Anns I, II, II & IV
To Sri Hari Shanker Lal
ASM/UB.

Sd/- J.N. MEHROTRA
DIVL. OPERATING SUPDT.,
LUCKNOW.

TRUE COPY

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Article of charges against Shri Hari Shanker Lal,
RG/ASM, Uska-Bazar.

Shri Harishanker Lal while working as ASM and performing 16 to 24 hours shift duty at Bridgmanganj station on 16.1.1981 failed to maintain absolute integrity, devotion to duty and exhibited conduct unbecoming to a Railway Servant in as much as :-

i) he realised excess money on sale of tickets for Bombay V.T. and Kalyan stations from passengers S/Shri Jais Mohd and Ahmad Ali and also from Shri Ramesh Khalasi vigilance for his personal gain.

ii) he substituted pages from the LTC Book and made interpolations in the original entries recorded by other staff to cover up the shortage, found in the Govt. cash during the surprise check conducted by the vigilance as per details given in the statement of imputations.

Thus by the aforesaid act Shri Harishanker Lal RG ASM committed misconduct and thereby contravened Rule 3(1) (i), (ii) and (iii) of the Railway Services (Conduct) Rules, 1966.

Sd/- J.N. MEHROTRA
DIVISIONAL OPTG. SUPDT./LJN.

ANNEXURE-II

Statement of imputations on the basis of which the Article of Charges have been proposed to be substantiated against Shri Hari Shanker Lal, RG ASM.

i) Memo dated 16.1.81 drawn at Gorakhpur will prove that a test check was proposed at Bridgmanganj station on 16.1.81 to confirm the information regarding excess realisation from passengers and to catch the

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culprit red-handed. They deployed a vigilance decoy Shri Ramesh instructing him to purchase one ticket for bombay V.T. at the time of 185 Up train on 16.1.81 and for this purpose he(Shri Ramesh) was given an amount of Rs. ~~72.00~~ 72.00 in CC notes of different denominations and their numbers were noted in the said memo.

ii) Surprise check proforma dated 16.1.81 duly signed by Shri H.S. Lal and counter signed by Sekh Qismatdar SM/BMJ will prove that the cash and accounts with Shri H.S. Lal was checked and a sum of Rs.137.15 was found short in the Govt. cash with him. It will further prove that Shri H.S.Lal had not declared his private cash with him. It will also show the reason for shortage in Govt. cash was due to the fact that he could not realise fare from the passengers but issued tickets to them and that he would make good the shortage from his pocket in the morning.

iii) Statement dated 16.1.81 of Shri Ramesh Khalasi vigilance drawn in the hand writing of Shri R.R.Pand ASM/BMJ in a joint proceeding will prove that he demanded a ticket for Bombay V.T. from the BC on duty where upon BC on duty demanded Rs.68.65 from him. He paid a sum of Rs.69.00 to the BC and the BC gave him ticket No.03740 for BBVT and returned 5 paise to him. It will also prove that the produce CC notes of Re-one denomination and 35 paise which remained with him after purchase of ticket out of Rs. 72.00 given to him for the purpose. It will further prove that the number of CC notes made over to him was written on a memo which was signed by him and this memo was with the V.Is. It will also prove that Shri Ram Kalesh Khalasi vigilance was behind him (Shri Ramesh) at the time of purchase

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of ticket by him and that no other amount was found with him except Rs.3.00 and paise 35.

iv) Statement of Shri Ram Kalesh dated 16.1.81 recorded by Shri R.R. Pandey, ASM/BMJ in a joint proceeding dated 16.1.81 will prove that he was present behind Shri Ramesh at the time of purchase of ticket and Shri Ramesh enquired the fare of a ticket ~~from~~ for BBVT from the BC and the BC had told him the fare as Rs. 68.65 Shri Ramesh paid Rs.69.00 to the BC who returned 35 paise alongwith a ticket.

v) Proceedings dated 16.1.1981 drawn in the hand writing of Shri R.R. Pandey, ASM/MBJ duly signed by the V.Is. and station staff including Shri H.S.Lal RG ASM will prove that all the Rs. 69.00 which were given to Shri H.S. Lal RG ASM by the vigilance decoy Shri Ramesh as price for one ticket for Bombay V.T. No. 03740 were recovered from the cash of charged employee and numbers of each and all currency notes amounting to Rs. 69.00 were the same as noted in the Memo. Since while issuing the the ticket for BBVT to Vigilance decoy Shri Ramesh, BC returned 35 paise to him after realising Rs.69.00 (imputation no. (iii) as such the recovery of Rs.69.00 from the Govt. cash with Shri H.S. Lal conclusively proves that Rs. 68.65 was demanded and accepted by the charged employee against the due fare of Rs. 67.00 and the illegal excess money of Rs. 1.65 was recovered from his cash.

vi) Endorsement dated 16.1.81 of Shri H.S. Lal on the joint proceedings dated 16.1.81 will prove that PCT No. 03740 was issued by him and the statements recorded by Shri R.R. Pandey ASM/BMJ were correct

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and that the GC notes amounting to Rs. 69.00 as detailed in the Memo were recovered from his cash.

vii) Ticket No. 03740 ex.BMJ to BBVt will prove that it was a IInd OCM ticket with ordinary ex. BMJ to LTN and the fare printed thereon is Rs.59.55 and no correction in the fare was made by the charged employee. with intention to realise excess in booking.

viii) GC notes amounting to Rs. 69/- as numbered below will prove that these were recovered from the cash of the charges employees and that these are the same as noted in the memo dated 16.1.1981.

- a) One GC note of Rs.50.00 No.4EF-9/4449.
- b) One GC note of Rs.10.00 No. 568-370716.
- c) One GC note of Rs. 5.00 No.664-807580.
- d) One GC note of Rs. 2.00 No. 58G-811530.
- e) 2 GC note of Rs.1.00 No.99-667418 and
D-526860
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ix) Statement dated 16.1.81 of Shri Jais Mohd. (Passenger) recorded by Shri B.N. Srivastava, Guard 185 Up in presence of SM/BMJ Sekh Qismatgar will prove that passenger Shri Jais Mohd. purchased 3 tickets No.03732/34 ex. BMJ to BBVT and paid Rs. 69.65 on each ticket on demand by the BC against the due fare of Rs. 67.00 on each ticket. It will also show that the passenger reiterated the facts stated by him when confronted with Shri H.S. Lal but Shri H.S. Lal did not interrogate the passenger and endorsed on the passengers statement accordingly. As such the denial of Shri H.S. Lal clearly proves that he was unable to face the truth as stated by the passenger and any how he avoided it.

x) Statement dated 16.1.81 of the passenger Shri Ahmad Ali recorded by Shri B.N. Srivastava, Guard

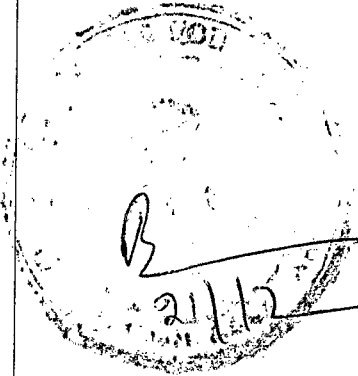
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185 Up in prexence of Sekh Kismatdar, SM/BMJ will prove that the passenger purchased 2 tickets No. 03737/38 for BBVT and 3 tickets No. 03696/88 for Kalayan Station and paid Rs. 342.30 to the BC on demand agai st the due fare of Rs. 329.00. It will further prove the denial of Shri H.S. Lal to interrogate the passenger when confronted with him.

xi) Page 5 of DTC cum Summary book of BMJ station for the period 1.1.81 to 20.1.81 will prove that 9 tickets for BBVT from No. 03732 to 03740 and 9 tickets for Kalayan station from No. 03686 to 03694 were sold in IInd shift (16 to 24) on 16.1.81 and a sum of Rs. 137.15 was found short in the Govt. cash. Examination of this book will show that the pages from this book had been substituted to make good the shortage found in the Govt. cash on 16.1.81 by showing 12 tickets of Nepalganj Road station No. 19261 to 19272 as over issued on 15.1.81 and also by adjustments in the sale of some stations. The substitution of pages from this book are proved from the facts shown below:-

- a) The original binding has been disturbed and the book has been reason with different threads.
- b) The persons whomade entries at page one of DTC Book in each shift on 14th, 15th and 16th January, 1981 did not make entires on 14th (sale proceeds side) 15th and 16th (Both the sides) at page 2 as writings are not identical and differs materially. Similarly the person who made entries in the I and IInd shifts regarding accountal of sale of tickets on 15.1.81 at page 3 did not make entries



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regarding sales proceeds of tickets
8 sold on 15.1.81 and 16.1.81 (Both sides).

Similarly the persons who made entireis
regarding the sale proceeds of tickets
sold for stations at page 1 on 15.1.81
did not make entries regarding sales proceeds
of tickets sold for the stations at page 4
on 15.1.81 and 16.1.81 (both sides).

c) The entireis regarding total sales proceeds
at page 5 on 15.1.81 in IInd and IIIrd
shifts have changed to Rs. 872.30 and 1153.00
by scoring out the original entries of
Rs. 964.10 and 1061.80 respectively.

d) The total sales proceed brought forward
at page 5 on 15.1.81 from the previous pave
viz. page-4 was first written as 781.95 and
then 864.70 and both these entries have been
scored out and another amount of Rs.772.00
has been written but there is no such scoring
of entireis at page 4 on 15.1.81 from where
the total was carried forward to page 5 on
15.1.81

xii) Station Diary of BMJ station for the period
from 22.1.80 to 28.1.80 will prove that S/S Sakh
Qismatdar, SM, G.C. Srivastava and RR Pandey
worked in shift duty at BMJ stations since 14.1.81
to 16.1.81. It will also prove that Shri H.S. Lal
worked at BMJ station on 15.1.81 and 16.1.81 in
shift duty from 16 hours to 24 hours.

xiii) Statement of Shri R.R. Pandey ASM/BMJ dated
11.4.81 and 2.5.81 will prove that Shri H.S. Lal
requested Shri Pandey to copy out the figures in

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column No. 25 and 28 dated 14.1.81 and he copies out the same and the other figures of the page were already copied out by Shri H.S. Lal and that Shri H.S. Lal utilised this page in changing the page of DTC Book. It will also prove that Shri Pandey never knew that Shri Lal will misuse his hand writing and that Shri Lal did it for his own benefit. It will further prove that the entries in column no. 22 23 and 35 are in the hand writing of Shri H.S. Lal.

xiv) Statement dated 11.4.81 of Shri G.C. Srivastava ASM/BMJ will prove that entries in column No. 22 and 35 on 14.1.81 at page 2 of the DTC book which were in his hand writing are not in his handwriting and that the page has been changed. It will further prove that on 15.1.81 he closed the DTC Book in his duty hours, the calling No. 00894 of CPJ station the sale proceeds of Rs. 5.95 in respect of sale of 1 ticket for CPJ station and Rs. 49.65 brought forward from page 1 as appearing at page 2 of DTC Book are not in his hand writing although these entries were in his hand writing. It will also prove that the entries regarding the amount of Rs. 53.60 Rs. 1.30 and Rs. 54.90 in column 22 at page 3 on 15.1.81 entry of Rs. 54.90 in column 22 at page 4 of the DTC Book on 15.1.81 are not in his handwriting although these entries were originally in his hand writing.

xv) Statement dated 8.4.81 of Sekh Qismatdar SM/BMJ will prove that on 15.1.81 and 16.1.81 he closed the DTC book personally in his duty hours and he fully remembers having made all entries in his shift duty but from the perusal of the DTC book

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it is found by him that none of the entries at page 2 on 15.1.81 and 16.1.81 are in his handwriting and these entries are in the handwriting of Shri H.S. Lal RG ASM and that the pages have been changed. It will further prove that at page 2 of the DTC Book dated 14.1.81 the closing numbers and the numbers of tickets issued in his shift duty are in his handwriting but the entries regarding account of sales proceeds are not in his handwriting and the same is in the handwriting of Shri H.S. Lal RG ASM it will also prove that Shri H.S. Lal did not work at his station on 14.1.81 and the amount written by him (sekh Quismat-dar) at page 5 on 15.1.81 of the DTC book was Rs.864.70 but the amount of Rs.772.90 and Rs.872.50 are not in his handwriting and the same are in the handwriting of Shri H.S. Lal, RG ASM.

xvi) Statement dated 17.5.81 and 17.4.81 of Shri H.S. Lal, RG ASM will show his admission that there was a vigilance check on 16.1.81 during his duty hours and his cash was checked and that Rs. 137.15 was found short in the Govt. cash with him. It will further show that he had informed Shri R.R. Pandey, ASM about the over issue of 12 tickets for NPR station on 15.1.81. The number of tickets mentioned in the DTC book in 8 to 16 hours and 16 to 24 hours shift duty on 16.1.81 are in his handwriting.

It will further show that the following entries in the DTC Book dated 15.1.81 and 16.1.81 are in his handwriting:-

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<u>Date</u>	<u>Page No.</u>	<u>Entries in columns of DTC Book</u>
15.1.81	2	9, 10, 22, 23, and 28
16.1.81	2	22, 23, 24, 25 and 28
15.1.81	3	22, 23, 24, 28 and 35
16.1.81	3	9, 10, 15, 18, 22, 23, 24, 25, 28, 30, 35
15.1.81	4	22, 23, 25, 28 and 35.
16.1.81	4	9, 10, 15, 22, 23, 24, 25, 28 and 35.

Sd/- J.N. MEHROTRA
DIVL. OPTG. SUPDT./LJN.

ANNEXURE-III

List of documents by which the articles of charges has been proposed to be sustained.

1. Memo dated 16.1.81 drawn at GKP at 12 hours.
2. Surprise check proforma filled in by Shri H.S. Lal, RG ASM on 16.1.81.
3. Statement dated 16.1.81 of the passenger Shri Mohd and endorsements thereon.
4. Statement dated 16.1.81 of the passenger Shri Ahmad Ali and endorsement thereon.
5. Joint proceedings dated 16.1.81 drawn in the handwriting of Shri R.R. Pandey, ASM/BMJ. duly signed by the V.Is, Vigilance Khalasis and station staff including Shri H.S. Lal, RG ASM.
6. P.C.T. No. 03740 ex. BMJ to BBVT.
7. Sealed envelop containing seized notes amount Rs. 69.00 from the Govt. cash of BMJ on 16.1.
8. F.I.R. dated 17.1.81 submitted by the V.Is.
- ~~9. Statements of Shri H.S. Lal, RG ASM dated 17.3.81 and 27.4.81.~~
9. Statements of Shri H.S. Lal, RG ASM dated 17.3.81 and 27.4.81.
10. Statement dated 8.4.81 of Shri Sekh Qismatda SM/BMJ.
11. Statement dated 11.4.81 of Shri G.C. Srivastava ASM/BMJ.
12. Statements dated 11.4.81 and 2.5.81 of Shri Pandey, ASM/BMJ.

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Signature

13. JTC Book for the period 10.1.81 to 20.1.81 of Bridgmanganj station.
14. Station Diary of Bridgmanganj station for the period 22.11.80 to 28.1.81.

Sd/- J.N. MEHROTRA
DIVISIONAL OPTG. SUPDT./LJN.

ANNEXURE-IV

List of witness by whom the articles of charges has been proposed to be sustained.

1. Shri Jais Mohd. Passenger.
2. " Ahmad Ali "
3. " S ekh Qismatdar SM/BMJ
4. " G.C. Srivastava, ASM/BMJ
5. " R.R. Pandey, ASM/BMJ.
6. " Sheopujan pd. V.I.
7. " D.D. Upadhya, V.I.
8. " I.C. Srivastava, CVI.
9. " Ramesh Khalasi, Vigilance.
10. " Ram Kalesh
11. " B.N. Srivastava, Guard, Gonda.

Sd/- J.N. MEHROTRA
DIVL. OPTG. SUPDT./LJN.

TRUE COPY

21/12/81

21/12

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1982

SriHari Shankar Lal Petitioner

VERSUS

Union of India and others Opp. parties.

ANNEXURE-2

STANDARD FORM OF ORDER RELATING TO APPOINTMENT
OF ENQUIRY OFFICER/BOARD OF INQUIRY.

(RULE 9(2) OF RLY SERVANTS (D&A)
RULES 1968).

No. LD/SS-C/Mg/27/81 Divisional Office
Dated 25.1.1982. North Eastern Railway
Lucknow

O R D E R

Whereas an inquiry under Rule 9 of the Railway
Servants (Discipline & Appeal) Rules 1968 is being
held against Sri Hari Shanker Lal, ASM/Uska Bazar.

AND whereas the undersigned considers that
an Enquiry Officer should be appointed to inquire
into the charges framed against him.

Now, therefore, the undersigned in exercise
of the powers conferred by sub-rule (2) of the
said Rule, hereby appoints,

Sri H.M. Mehrotra, EDA/Gorakhpur as
Enquiry Officer to inquire into the charges framed
against the said Sri Hari Shanker Lal, ASM/Uska
Bazar.

Sd/- K.K. Sarkar
Divl. Safety Officer
Lucknow.

Contd. ... 2

21/2/1982

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Copy to :

1. Sri Hari Shanker Lal, ASM/UB through SM/Uska Bazar for information and n/action.
2. Sri H.M. Mehrotra, EIDA/GK. He is requested to hold the DAR inquiry and submit his report early. Conf. file containing 53/C 2/N is enclosed.
3. GM/Vig/Gorakhpur in ref. to his case No. 5/81/101/Vig. for information.

Sd/-

Divl. Safety Officer
Lucknow.

TRUE COPY

21/11/12



इन दि आनरेबल हाई कोर्ट आफ़ जूडीचेर सेट इलाहाबाद,
लखनऊ बेन्च, लखनऊ।

8/5

....

रिट पिटीशन नम्बर

आफ़ 1982.

हरी शंकर लाल ---

... पिटीशनर

बनाम

यूनियन आफ़ इण्डिया आदि ---

.. अगो. पार्टीज

अनैग्नरं नम्बर - 3

स्टेट मेन्ट आफ़ जयस मोहम्मद पैसेन्जर {पी0डब्लू 0}
गिनेन स्प्रीक ओरि आदि र-क-वा-अ-दी - - - - -

टिकट लेने के बाद हम लोग गाड़ी में बैठ गये। उसके बाद में हम लोगों को बुलाया गया। आफ़िस में हमसे पूछा गया कि तुमने टिकट का कितना पैसा दिया है। हमने रुपया 68.65 पैसे हम लोगों ने दिया था तीन टिकट लिया था। हमने 70 रुपया दिया था एक टिकट के लिये और हमको रुपया 1.35 वापस दिया। इस बयान को हमने दिया था। हम लोग चले गये। बयान उत्तम।

बयान पक्ष द्वारा पूछे गये प्रश्न :-

हमको पास मिला है और हम लोग आये हैं। मौजा बिसरामपुर में रहते हैं थाना पुरन्दर पुर का रहने वाला हैं। पिता का नाम हसमुल है। साल भर हो गया है मुझको बम्बई से आये हुये। यह पास हमको किसी आदमी से भिजवाया गया था यहाँ अपने आप चले आये। हमने दूर से देखा आदमी को जिसने पास दिया था। उससे भेंट नहीं हुई। कलम पढ़े हैं या नहीं यह सवाल रेलीवेन्ट नहीं है। बुकिंग बाबू ने रुपया 68.65 माँगा और रुपया 70 दिया। दिन, शुक्रवार था। तारीख याद नहीं। दादा का नाम दूल है। हमसे पूछा गया कि बाम्बे की टी. का टिकट का दाम कितना दिया। हमको नहीं पता कि वहाँ कितने लोग थे। रामअवल यादव और दूसरे का नाम समझेर अलो है। वह भी मेरे गाँव के रहने वाले हैं। जो दूसरे गवाह आये हुये हैं उनका नाम

21/12

दीशकलाम

अहमद अली है। बाम्बे में मेरे साथ काम करते हैं। जो तीन टिकट लिया था उसमें उनका टिकट नहीं था जिस दिन टिकट हमने कटाया उस दिन अहमद अली ने भी टिकट कटाया अहमद अली हमारे साथ ट्रेन में नहीं बैठे थे वह दूसरे डिब्बे में थे। हम और अहमद अली साथ में आये थे १ आज १ डिफेंस रेलीवेन्ट सवाल पूछे जिससे कि इनक्वायेरी का समय वे करे न हों। मुझे नहीं मालूम है कि ब्रिजमनगंज से बम्बई का कितना किराया है मेरे सामने जैसा मुहम्मद है। हम गलत नहीं बोलते हैं। मैं बम्बई में पावरलूम चलाता हूँ। हमसे कोई नहीं मिला है। पहले एक का दाम दिया उसके पास दो का दाम रूपया 240 दिया कुछ पैसा वापस मिला लेकिन याद नहीं कि कितना था अगर वह दूसरी बात कहेंगे तो मुझे नहीं मालूम 5.35 या रूपया 4.35 लौटाये ठीक याद नहीं है लेकिन इसे मेरे से । वह अपने आप बयान करेंगे। कल इन्क्वायिमेंशन होगा।
क्रास इन्क्वायिमेंशन आफ श्री जाय मोहम्मद। पैसेन्जर पी० डब्ल्यू०
बाई डिफेंस :-

हम टिकट खरीद कर ट्रेन में बैठ गये। गाड़ी स्टार्ट हो चुकी थी। सिगनल के इधर गाड़ी रुक गई। पूछा गया कि जिनके पास बाम्बे बी. टी. का टिकट है बन्ना लें क्योंकि क्योंकि वह गलत है उसको ठीक करा लें। इसका मतलब सिर्फ इतना ही था कि बाम्बे जाने वाले लोग बता सकें कि वे कौन लोग हैं। जो मुझसे पूछ कर लिखा गया उस पर मैंने दस्तकृत किया लेकिन उसको पढ़ कर मुझे सुनाया नहीं गया। दो जगह से टिकट का दाम बताया एक गोण्डा से एक लखनऊ से कितना कितना बताया मुझको याद नहीं। मेल गोण्डा और मेल लखनऊ के टिकटों के दाम में फर्क बताया था। एक टिकट पहिले अपना खरीद चुके थे दो टिकट बाद में खरीदे जब मेरे गाँव से दो आदमी जो मेरे साथी थे उनके लिये खरीदा हमको लाने के बाद टिकट में कोई गड़बड़ी नहीं बतायी गई। हमको बहाने से लाया गया उस टिकट में कोई गड़बड़ी नहीं थी उसी टिकट से हम बम्बई गये। हमको यहाँ पर आने से पहिले स्टेशन पर लिया गया बयान दिखाया गया। हमने तीन टिकट लिया। एक टिकट पहिले लिया और दो बाद में

लिया। एक टिकट खरीदने पर 70/- बाबू को दिया उसमें से बाबू ने 1.35 वापस किया। दो टिकट बाबू बी.टी.

के लिये बाबू को 140/- रु0 दिया और कितना वापस किया यह मुझे याद नहीं कि 4.35 वापस किया या 5.35 वापस किया।

क्रास एक्जामिनेशन बोर्ड ई. ओ.

मुझे याद नहीं अंगूठे का निशान मेरा है या नहीं। इतने दिनों बाद मुझे याद नहीं पड़ रहा है कि अंगूठे का निशान मेरा है या नहीं। स्टेटमेंट दिनांक 16.1.81. इन्क्वायरी आपिस ने मुझको पढ़कर सुनाया। विजिलेन्स चेक के दिन मुझको यह पढ़कर नहीं सुनाया गया। मुझको ट्रेन से उतार कर लाया गया और मुझसे जो प्रश्न पूछे गये उसका मैंने उत्तर दिया था।

मैंने एक टिकट एक बार और दो टिकट दूसरी बार लिया। एक साथ तीन टिकट नहीं खरीदा मुझको यह याद नहीं है कि मैंने प्रति टिक 68 रु0 65 पै0 के दर से खरीदा और बुकिंग बाबू ने माँगा।

प्रश्न :- जब बाबू बी.टी. का पहला टिकट खरीदा तब बुकिंग बाबू को कितना रु0 दिया।

उत्तर :- बुकिंग क्लर्क को मैंने 70/- दिया।

एक्जामिनेशन - - - - -

ह0 - अपठनीय।

ह0-अपठनीय।

25-5 ह0- मु. जै.

20-5-82.

ई. ओ.

ह0 - अपठनीय।

ई. ओ. 25-5-82.

सत्य- प्रतिलिपि।

दी (21/1/82)

इन दि आनरेबुल हाई कोर्ट आफ जूडी कैररेंट इलाहाबाद,
लखनऊ बेंच, लखनऊ।

रिट पिटीशन नम्बर

आफ 1982.

हरी शंकर लाल ---

,,, पिटीशनर

बनाम

यूनिन आफ इण्डिया आदि ---

,, अपो. पार्टीज

अनैजर् नम्बर 4

अहमद अली पैसेन्जर प्राजिक्शुन विटनेस का जॉव प्राधिकारी के
समक्ष जॉव के दौरान लिया गया स्टेटमेन्ट :-

मैंने दो टिकट बाम्बे बी. टी. का 16.1.81 को लिया जिसके
लिये मैंने टिकट बाबू को 140/- दिया। उसके बाद एक टिकट
मैंने कल्याण का लिया जिसके लिये टिकट बाबू को मैंने 70/- दिया।
तीनों टिकट के पीछे हमको टिकट बाबू ने 6/- वापस किया। उसके
बाद दो टिकट फिर कल्याण का लिया और टिकट बाबू को 140/-
मैंने दिया जिसमे से 1 रुपया 70 पैसे हमको टिकट बाबू ने
वापस किया।

हO- अहमद अली,
25-5-82.

जॉव अधिकारी द्वारा पूछे गये प्रश्न :-

हमको बाम्बे बी. टी. और कल्याण का किराया नहीं मालूम।
हमको यह नहीं मालूम कि टिकट बाबू ने अधिक रियाया
लिया या कम किया लिया। मुझको जॉव प्राधिकारी द्वारा मेरा
स्टेटमेन्ट दिखाया गया जो कि मैंने विजिलेन्स को दिनांक 16.1.81
को दिया था। मैं प्रमाणित करता हूँ कि इस स्टेटमेन्ट पर मेरे ही
दस्तखत हैं और यह मेरा ही स्टेटमेन्ट है। यह स्टेटमेन्ट बिल्कुल
सही है।

जॉव समाप्त हुआ।

दी शंकर लाल

क्रास एक्जामिनेशन बोर्ड डिफेन्स :-

8/50

डिफेन्स को क्रास एक्जामिन करने के लिये अवसर दिया गया लेकिन श्री हरि शंकर लाल ए० एस० एम० आरोपित कर्मचारी। उसका बाजार और उनके बचाव सहायक श्री मकबूल हुसैन सी० जी०-1 ने दिनांक 25-5-82 के बाद दोपहर की इन्क्वायेरी को नहीं अटेंड किया और श्री अहमद अली पैसेन्जर प्राजिक्शंस विटनेस को जान बूझ कर क्रास एक्जामिन नहीं किया। इनको जॉब प्राधिकारी ने व्यक्तिगत रूप से जॉब में उपस्थित होने को कहा था। आरोपित कर्मचारी एवं उनके बचाव सहायक ने जॉब जो कि 3 बजे से दिनांक 25-5-82 को प्रारम्भ हुई थी उसको टाल दिया।

व० - अपठनीय।

25-5-82,

जॉब - प्राधिकारी।

व० - उर्दू में • अहमद अली,

25-5-82,

श्री अहमद अली,

प्राजिक्शंस विटनेस,

दिनांक 25-5-82,

सत्य - प्रतिलिपि।

डी. शर्मा (ला)

21/12

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X/51

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. _____ OF 1982

Hari Shanker Lal Petitioner

Versus

Union of India & Others Opp. parties.

ANNEXURE - 5

Statement of Sekh Qismatdar SM/BMJ given during
the course of enquiry.

I was taking rest during night. I was called
for through VI by one of the other ASM Sri R.R.
Pandey was also called for. I found in the station
office several VIs counting the cash then after
the closing No. of tube was taken by Sri R.R. Pandey
ASM. So far I remember. The VIs taken out certain
notes from the counter cash and compared it with
the entries already noted separate paper, for
which they have taken my witness. I conclude my
statement.

Cross examination by defence

He knows nothing more than what deposed
before E.O. Neither I was knowing anything before
it nor I know anything regarding the case of
Sri Hari Shanker Lal.

Examination by E.O.

I do not remember the no. of Notes taken out
from the cash of Sri Hari Shanker Lal ASM on duty
on that date and of incidence, but I certified the
No. of Notes taken out with that which were already

...

21/12

21/12/1981

noted on a separate paper.

Sd/-Sheikh Qismatdar 27.4.82
SM/EMJ
Dt.27.4.82.

Sd/- Illegible
D.O.
27.4.82

Sd/- Illegible

Few passengers (one or two) were giving their statements to the V.Is. They were for few minutes before me. I do not remember at this distant date what statement passengers had given. Passengers had given some statement regarding realisation of money. I do not remember anything more.

S.P.S. Sd/- Illegible
D.C. Sd/- Illegible
P.W. Sheikh Qismatdar
SM/EMJ 27.4.

E.O.

Gorakhpur
12.7.82.

Re-examination of Sri Sekh Qismatdar SM/EMJ.

1 Q. Your attention is drawn to item No.10 of Annexure 3 of the memorandum of charge issued to the S.P.S. You had given a statement to Vig. Inspector on 8.4.81 which may be perused by you. Please confirm that it is your statement under your signature.

R. I have gone through my statement dated 8.11.81 which was shown to me by E.O. I confirm even today that the contents of my statement are correct and it is under my signature.

2 Q. Kindly read your reply to question No. 3 given to in your statement dated 8.4.81 and confirm that the reply given by you are correct or not? Please also read Q. No. 4 and its reply.

R.

21/12

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A/59

R. I have read the reply of Q. No. 3 & 4 which I have given during the course of my statement to V.I. After the perusal of DTC Book I confirm that all the entries in my shift duty 8 to 16 hrs. on 15.1.81 and 16.1.81 had been made by me at page No. 2 but from the perusal of DTC Book I find that none of entries are in my hand writing. It appears that the entries made may be in the hand writing of Sri H.S. Lal ASM or R.R. Pandey, ASM, without changing the said ~~pages~~ pages of the concerning DTC book the entries made in it can not be in the hand writing of abovementioned ASMs. The pages of the DTC Book has been changed.

Sd/- Illegible E. O. 12.7.82 Sd/- Illegible 12.7.82 Sd/- Illegible 12.7.

Sd/- Qismatdar
SM/BMJ, 12.7.82.

Gorakhpur
12.7.82.

I have gone through the DTC book dt. 15.1.81 page No. 5 of BMJ Station and confirmed today that the amount written by me was Rs. 864.70, the correct amount but Rs. 772.90 and Rs. 872.30 is not in my hand writing. The amount of Rs. 772.90 and Rs. 872.30 may be in the handwriting of either Sri R.R. Pandey or Sri H.S. Lal, ASM.

Examination concluded.

Re-examination by Defence.

Re stretching of DTC book does not mean that the pages have been changed but for completing the DTC Book in the last 10 pages are required to be

21/12/82

21/12/82

A-50 46
8/60

added for completing the second period. In the month there are 3 periods, 10, 20 and the last date of the month for completing 10 days 50 pages of the DTC book are required. For completing the entries of second period of 10 days additional 10 pages are added to DTC book supplied by Press which generally go 90 pages. So restreatching is a common proceeding. In this DTC Book last ten pages have also been added also for the purpose of completing second period also. There is no daily practice for taking the assistance of co-workers in completing the entries of DTC book by another persons, but some times it happens that assistance of co-workers are required to complete the DTC book in extreme emergency like for taking medicine for children and to attend the call of nature.

Sd/- Illegible 12.7.82. Sd/- Illegible 12.7. Sd/- Illegible 12.7.

Sd/- Qismatdar
12.7.82.

GKP
12.7.82

The SM makes the remittances of cash daily, but sometimes the acknowledge for the remittance which is left is done after comparing with the entries of CR Note. The remittance of cash of dt. 15th and 16th have been done by me. There is no change in the amounts already remitted on the date by me. The remittance by me is correct. Regarding any over issues of tickets the matter should reported to higher authorities.

Re-examination concluded.

SPS Illegible
12.7.

DC Sd/- Illegible
12.7.

PW. Sd/- Sh. Qismatdar, SM/BMJ, 12.7.82

Sd/- Illegible
E.O. 12.7.82

TRUE COPY

E. J. (copy)

8-59 47

X6

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

WRIT PETITION NO. OF 1982.

Hari Shanker Lal Petitioner

Versus

Union of India & Others Opp. parties.

ANNEXURE-6

GKp (4)
27.4.

Statement of Sri Gulab Chand, ASM/BMJ during
the course of enquiry before E.O.

On the date of vigilance case I performed
duty 0.0 hrs to 8 hrs. and after then I availed
rest. I do not know anything about the vigilance
case against Sri H.S. Lal, ASM/BMJ. No vigilance
proceeding was drawn before me. I conclude my
statement.

Cross Examination by defence.

I have called here as P.W. in the DAR case
of Sri H.S. Lal, ASM/BMJ.

Examination concluded.

SPS.

Sd/- Illegible

DC

E.O. 27.4.82

P.W. Sd/- Illegible
27.4.82

Gorakhpur
13.7.82.

Re-examination of Sri Gulab Chand Srivastava
ASM/BMJ By E.O.

1. Q. please go through your statement dt. 11.4.81
which you had given to Vigilance Inspector
and state that it is your statement under
your signature.

21/12
21/21/12/12/12

A-60

48
X/67

R. After going through the above statement shown by the Enquiry Office it is confirmed today that it is my statement under my signature.

2 Q. Is the above statement given by you is correct?

R. After going through the statement and seeing the DTC Book before the enquiry I confirm that my statement is correct.

I have say nothing more than this. It is a fact that in the column No. 35 this is not in my handwritting in DTC Book. In column No. 22 and 35 of page 2 dt. 14.1.81 is not in my handwritting. I was on duty on 14.1.81 in odd to 8 hrs. This column should be in my handwritting I do not know whether the pages have been changed or not because on next day I was on rest.

3 Q. Please go through the page 2nd of DTC dt. 15.1.81. please state whether the closing No. 00594 is in your handwriting and amount Rs. 335 shown by you against sell of ticket for (R) is in your handwriting.

Sd/- Illegible
13.7.

Sd/- Illegible
E.O.13.7.

Sd/- Illegible
13.7.

Sd/- Illegible
13.7.

Gorakhpur
13.7.82.

This closing No. 00594 is not in my hand writing. Rs. 335 is also not in my hand writing. These entries are of my duty hrs. and this should be done by me. The entries should have been in

...

21/12
Sd/- (Cm)

my handwriting but it is not in my handwriting
after seeing the DTC book it is confirmed.

Examination Concluded

Re-examination by defence

While compiling the DTC Book I often ask my colleagues to check up the calculation of DTC book when required. Some time it happen that we ask our colligues to prepare the DTC Book as a short of help. I can not tell at this stage that on particular date the DTC is question was asked by some body else to prepare. The remittances of cash on 15.1.81 & 16.1.81 are correct, no charge have been made. Generally we help each other while preparing DTC book.

Examination concluded.

Sd/- Illegible
13.7.

Sd/- Illegible
13.7.

E.O.

Sd/- Illegible
13.7.

Sd/- Illegible
E.O.
13.7.

TRUE COPY

Signature

21/12

A-62 50

A
6M

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1982

Hari Shanker Lal Petitioner

VERSUS

The Union of India & Others Opp. Parties.

ANNEXURE - 7

Statement of Sri R.R. Pandey ASM/BMJ during the
Course of enquiry before E.O.

On 16.1.81 I was called by S.M. Sri Sekh
Quismatoar at Station. I came and found that cash
was checked by vigilance staff. The cash was
counted in presence as per list with vigilance
staff prepared. Few notes which were listed in
the memo were taken out from the cash and were
sealed in presence for which I have signed. I
have nothing to say more than this.

Cross Examination by defence.

I have come as a prosecution witness in
the case of Sri Harishanker Lal, ASM/BMJ. I do not
know anything more than this.

Cross Examination by E.O.

I had written the statement of one passenger.
I don't exactly remember the name of the passenger.
The man of the Vigilance organisation who had
purchased the ticket for BBVT had stated before
me that I have got balance of Rs.3.35 and paid
Rs. 72.00. The said vigilance man given Rs.72.00.

~~THE SAID VIGILANCE MAN~~

.....

21/12

21/2/1981

A-63 51.
A/5

Signed with
objections that
the questions
put up by E.O.
were replied
by P.W. and
the reply of
the PW was not
in original

to Sri H.S. Lalfor purchasing ticket. I recorded
the statement of the passenger, defence counsel
was asked not to interfere at the time of cross
examination of PW by E.O. DC has been asked second
time not to confuse P.W.

Sd/- Illegible
D.C.

Examination concluded.

Sd/- Illegible
E.O.
27.4.82

Sd/- R.R. Pandey
ASM/EMJ,
27.4.82.

Gorakhpur
13.7.82..

Re-examination of Sri R.R. Pandey, ASM/EMJ by E.O.

1 Q. Please go through your statements at.
11.4.81 which you have given to Vig.
Inspector and state that it is your statement
under your signature.

R. I confirm that the above statement shown by
E.O. during the course of enquiry is my
statement under my signature and I confirm
the contents of the same after seeing DTC
Book.

2 Q. Please go through the Q. No. 1, 2nd, 3rd &
4th put by the VJ and your reply to these
questions and shall state whether the reply
given by you is correct after seeing the DTC
Book today.

R. On 16.1.82 two pages of DTC book were given
to me to copy out accountal portion at.
14.1.81 and to carry out commencing no. of
ticket on 15th. I copies them under column
25 to 28 of 14.1.81 and 4th column of 15.1.81
of DTC book. So far over issue of Nepalganj
Road ticket are concerned those were over

B
21/12

612141 0101

issued on 15th and I was on rest and no such notice was given to me about this issue and writing mentioned in the above column are in my own handwriting for remaining rest. portion I have no knowledge. The handwritting mentioned in above column i.e. 25 to 28 dt. 14.1.81 and column 4 of 15.1.81 is in my handwriting and for the rest columns Sri Qismatdar, S.M. and Sri Gulab Chand Srivastava, ASM has annoyed that they are not in their handwritting though they performed their Roaster duly.

Sd/-Illegible
E. O.
13.7.82

Sd/- Illegible Sd/- Illegible
13.7.

Sd/- Illegible
ASM/BMJ
13.7.82.

Gorakhpur
13.7.82.

Q 3. Were the pages of DTC book in question were set to have been changed, change before you.

R. No. pages were not changed in my presence. Mostly pages in DTC book in each period remains eleven.

Q 4. For how many periods one DTC book is used.

R. It depends on consumption of tickets at Station.

Q 5. Pl. ~~examine~~ examine and tell whether this DTC book is restricted.

R. It cannot be ascertain because the pages of DTC book are not numbered.

Q. 6 Is there any practice of adding extra pages to DTC Books.

Contd.....

[Handwritten signature]

A-65-52
A/67

R. For saving extra pages of DTC, pages are added to complete the period i.e. from 1 to 10, 11 to 20 and 21 to 30.

Q. 7 Why other columns were not filled by you.

R. Because they were already filled.

Examination concluded.

Sd/- Illegible
EO 13.7.82

Sd/- Illegible
13.7.

Sd/- Illegible
13.7.81.

Sd/- Illegible
ASM/BMJ 13.7.82.

Gorakhpur
13.7.82.

Accordingly it is clear sympton that the pages have been changed and it is also misuse of handwriting which I had copies out. The tickets of Nepalganj ~~found~~ Road were over issued in the duty of Sri H.S. Lal, ASM from 16th to 24th hrs. duty from ticket No. 19261 to 19272. 15.1.81 which is recorded by him i.e. Sri H.S. Lal I was quite ignorent about the over issue of tickets neither he told me about misuse on 17.1.81 when I came on duty on odd hrs. On 17.1.81 because it was a matter of two days back i.e. of 15.1.81.

Examination concluded.

Re-examination by defence.

1 Q. Can the staff on duty at your station take help from his other collieque in preparing DTC book.

R. It happens in acute necessity.

2 Q. While working at BMJ Station have you ever help your collieque on duty for preparing the DTC book.

Cond. ..

21/12
[Signature]

A-66

54

18

R. Being permanent hand on that Station
I have help them who had disired my
assistance in this respect was given.

Sd/- Illegible E. O. 13.7.82.	Sd/- Illegible 13.7.	Sd/- Illegible ASM/BMJ 13.7.82.
	Sd/- Illegible 13.7.82.	

TRUE COPY

[Signature]

[Signature]
21/12

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इन दि आनरेबुल हाई कोर्ट आफ जूरीवेयर सेट इलाहाबाद,
लखनऊ बेंच, लखनऊ।

रिट पिटीशन नम्बर

आफ 1982.

हरी शंकर लाल ---

....., पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि ---

..., अपो. पार्टीज

अनैगजर नम्बर- 8

गोबिन्दपुर

12.7.82.

ब्यान श्री रमेश, विजिलेन्स प्राजिक्शन् विटनेस स्वस विजिलेन्स
डिक्ल

दिनांक 16.1.81. को बृजमनगंज रेल्वे स्टेशन सतर्कता
निरीक्षकों के आदेशानुसार मैने बुकिंग बाबू से एक बाम्बे वी० टी०
का टिकट माँगा। मुझको कुछ याद नहीं आ रहा है।

स्टेट मेन्ट समाप्त हुआ।

ब्याव पक्ष द्वारा पूछे गये प्रश्न :-

ब्याव पक्ष ने कोई प्रश्न नहीं पूछा क्योंकि रमेश प्रा० विटनेस
का कोई ब्यान ही नहीं है।

जॉव प्राधिकारी द्वारा पूछे गये प्रश्न :-

प्रश्न :- आपने अपना स्टेटमेन्ट 16.1.81. को विजिलेन्स
इन्स्पेक्टर को इस केस के बारे में दिया था, कृपया इसको
देखिये और बतलाइये कि इस पर आपका हस्ताक्षर है कि नहीं?

उत्तर :- मैं प्रमाणित करता हूँ कि आज अपना हस्ताक्षर देखने
के बाद कि यह मेरा ही हस्ताक्षर है।

यह सही है कि मुझको 72 रुपये बाम्बे वी० टी० का टिकट
कटाने के लिये वी० आई० लोगों ने दिया था। मुझको यह याद नहीं
है कि बाबू ने 68.65 रुपये माँगे। कितने कितने का नोट था

मुझको यह याद नहीं है जितना मैंने स्टेटमेंट में 16.1.81 को लिख कर दिया है उतना रुपया बुकिंग बाबू को दिया होगा। लेकिन मुझको ठीक से याद नहीं है। बहुत दिन हो गये इसलिये मुझको याद नहीं है। एक बाम्बे टी.टी. का टिकट बुकिंग बाबू ने हमको दिया था। मैंने 3 रुपये 35 पैसे शिवपूजन बाबू टी० आई० को दिया। मेमो पर मैंने दस्तखत किया था। जो स्टेटमेंट मैंने बोला होगा वही स्टेटमेंट लिखा गया होगा।

एक्जामिनेशन समाप्त हुआ।

रि-

॥ एक्जामिनेशन बाई डिपेंड्स ॥ बचाव द्वारा पुनः पूछे गये प्रश्न :-

लिखा तो मेरे सामने गया लेकिन पढ़कर मुझे सुनाया नहीं गया। सिर्फ मेरे दस्तखत हुये थे। कुछ याद नहीं है कि उन्होंने दो तरह का रेट बतलाया था।

रि- एक्जामिनेशन समाप्त हुआ।

हउ-अपठनीय।

आरोपित कर्मचारी हउ-अपठनीय।

॥ एच.एम. मेहरोत्रा ॥

बचाव सहायक हउ-अपठनीय।

जॉब-प्राधिकारी।

प्राजिक्शन विटनेस हउ-रमेश रमेश

12.7.82.

सत्य-प्रतिलिपि।

12/12/1982

12/12

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इन दि आनरेबुल हाई कोर्ट आफ जुडीक्वरेट जलहाबाद,
लखनऊ बेंच, लखनऊ।

रिट पिटीशन नम्बर

आफ 1982.

हरी शंकर लाल ---

.. पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि ---

.. अपो-पार्टीज

अनैम्बर नम्बर - 9

गोरखपुर 12.7.82.

ब्यान श्री राम क्लेश, एक्स विजिलेन्स खलासी, प्राजिक्शुशन विटनेस

॥ अब पम्प - चपलक आनन्दनगर ॥

16.1.81 का केस है। दैन नम्बर 185 के लिये बाम्बे बी.टी. का टिकट लिया गया था। हमको रमेश के पीछे खड़ा होने के लिये कहा गया था। उसके बाद रमेश टिकट लेने गये। उसके पीछे मैं भी खड़ा था। रमेश ने टिकट बाबू से पूछा कि बाम्बे बी.टी. का कितना किराया है। उन्होंने 67 रुपये और 68 कैस रुपये कुछ पैसे रेट बतलाया। उसके बाद रमेश ने पैसा दिया। ये मुझको याद नहीं कि रमेश ने 67 रुपये दिये या 68 रुपये दिये। उसके बाद रमेश ने मुझे बताया कि मुझसे कुछ पैसा अधिक ले लिये है। इसके बाद विजिलेन्स इन्स्पेक्टरों को हमने जाकर बतलाया। रमेश ने बतलाया कि कुछ पैसा अधिक ले लिया गया है। तब विजिलेन्स इन्स्पेक्टर लोगों ने बुकिंग आफिस में जाकर चेक करना शुरू कर दिये। इसके बाद हम कुछ नहीं जानते हैं।

बवाव द्वारा पूछे गये प्रश्न :-

जिस दिन का केस है उस दिन मैं वहाँ मौजूद था। जो बातें हुई हैं उसका ब्यान मैंने कही नहीं दिया है। मेरा ख्याल है कि मैंने केवल पंवनामे पर हस्ताक्षर किया है और कहीं हस्ताक्षर नहीं किया। मैंने यह सवाल इसलिये पूछा कि न तो कहीं आपका ब्यान है न आपका स्टेटमेन्ट है न ही कहीं हस्ताक्षर किया है। जो पूछा हो

21/12
दीपिका (मल)

तो वह फाईल में होगा कि मैं वहाँ मौजूद था या नहीं।

जॉव प्राधिकारी द्वारा पूछे गये प्रश्न :-

जो रमेश डिजिलेन्स डिकाय प्राजिक्शन् विटनेस ने जो अपना स्टेटेमेंट 16.1.81 को इस केस के बारे में जो बयान दिया था उस पर मैंने हस्ताक्षर राम क्लेश 16.1.81 को किया था। मैंने रमेश के साथ टिकट खरीदते समय था। रमेश ने 68/- रुपये 75 पैसे बुकिंग बाब को दिये होंगे।

ब्याव पक्ष पुनः पूछे गये प्रश्न ॥ रिस्क्यामिशन ॥

रमेश के बयान के अन्तर मैंने हस्ताक्षर किया है। रमेश के बयान कराने के बाद मुझसे हस्ताक्षर कराया गया। रमेश का बयान उस समय मुझे पढ़कर सुनाया गया था। इतने दिनों के बाद मुझे बयान याद नहीं है। लेकिन उस समय बयान मुझे जो सुनाया गया था सही सुनाया गया था।

रिस्क्यामिनेशन समाप्त हुआ।

व - अपठनीय।

12.7.82.

॥ एच० एम० मेहरोत्रा ॥,

जॉव- प्राधिकारी।

आरोपित कर्मचारी :- व - अपठनीय।

12.7.82.

ब्याव सहायक :- व - अपठनीय।

12/7.

प्राजिक्शन् विटनेस :- व - राम क्लेश
12.7.82.

सत्य- प्रतिलिपि।

(Signature)
12/7/82

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

A/S

WRIT PETITION NO. OF 1982.

Shri Hari Shanker Lal Petitioner

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 10

F. I. R.

There was an information that Shri Hari Shanker Lal while performing Relieving duty at Bridgmanganj station on Thursday, Friday and Saturday every week, is realising excess money @ Rs. 2.00 per ticket for distant places. Based on this information, it was proposed to conduct a test check on Friday at BMJ station at the time 185 Up and to translate this proposal into action, it decided to get a ticket for Bombay VT purchased through a vigilance Khalasi on 16.1.81 for which a sum of Rs.72.00 was given to Shri Ramesh Khalasi Vigilance and Shri Ram Kalesh was directed to over hear the conversation and witness the transaction between Shri Ramesh and the BC. On duty. A memo to this effect was drawn in the Vigilance Office/Gorakhpur, in which the details of G.C. notes of Rs. 72.00 made over to Shri Ramesh for the purchase of tickets for Bombay V.T. was incorporated and this memo was signed by the above named Khalasis and the Vigilance Inspectors.

2. The Vigilance party proceeded to Bridgmanganj station and reached there at about 18 hrs by road. On reaching Bridgmanganj S/Shri Ramesh and Ram Kalesh were deputed for the purpose indicated above

21/12

8/21/1981

and Shri D.D. Upadhyaya, V.I. also went shortly afterwards to keep a watch at the booking office. It was learnt subsequently that the booking window had not opened due to late running of 185 Up. The other two V.Is viz. S/Shri S.P. Prasad and I.C. Srivastava went to the platform from the Uska Bazar and side of the platform, where a number of passengers were found sitting hither and thither. On being asked, some passengers informed that one of their colleague/relation, had gone to purchase the tickets. While the above named two V.Is were at the platform it was gathered from the talks between the passengers that some of them had obtained the tickets and on enquiry from them, it was noticed that a sum of Rs. 68.65 was realised over a ticket for Bombay V.T. After waiting for some time at the platform, the two V.Is went to the booking window from off side of the platform i.e. from main entrance gate and on reaching there it was noticed that the booking had not yet started from the booking window. These two V.Is therefore, left the booking window for the market side. On hearing the bell sound for line clear, the aforesaid two V.Is. again rushed towards the booking window when they found that the booking had started. While the V.Is. were in the waiting hall, in front of the booking window Shri Ram Kalesh came and informed that the B.C. realised a sum of Rs. 68.65 on the ticket for Bombay V.T. purchased by Shri Ramesh. On getting this information, all the three V.Is. entered into the booking office and got the cash separately, by Shri Hari Shanker Lal, ASM,

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21/12/12
21/12/12 (Contd.)

A-73 61
X/78

who was found performing tube duty. Thereafter, Shri S.P. Prasad remained in the booking office and the other two V.Is. went to the platform to contact the passengers from whom excess money was realised on tickets purchased by them. In the mean while 185 Up train also arrived. The passengers from whom excess money was realised were brought to the booking office but the statement of only 2 passengers could be got recorded as the other travelling passenger became restive due to late running of the train and started creating nuisance for immediate start of the train. which he paid Rs. 210.00 to the BC against which he was paid back Rs.6.00. Besides he purchased 2 more tickets No. 03686 and 03688 for Kalayan and paid Rs.140.00 on demand of the Booking Clerk and the B.C. returned him Rs. 1.70 p. Another passenger, who disclosed his name as Shri Jais Mohd stated that he purchased 3 tickets No. 03732/34 for BBVT from inside the booking office and paid Rs.68.65 per ticket on demand by the BC. The statements of these passengers were recorded by Shri B.N.Srivastava, Guard of 185 up train in presence of SM Shri Shekh Qismatdar and Shri Hari Shanker Lal, Rg. ASM. Shri Hari Shanker Lal, was given an opportunity to interrogate these passengers but he stated that he was busy in train passing and as such, he was not in a position to interrogate the passengers and gave in writing to this effect on the passengers statement.

4. On verification, it was found that the fare for a OCM ticket for Bombay V.T. having Mail Exp. from GD is Rs. 68.65. while the fare of a OCM ticket having Mail express from Lucknow is Rs.67.00

B
21/12

6/21/12 (M1)

and the fare for Kalayanis Rs. 65.00 and Shri Hari Shanker Lal had thus realised Rs. 13.30 in excess from Shri Ahmad Ali passenger on the sale of 2 tickets for Bombay V.T. and 3 tickets for Kalayan stations and Rs. 4.95 p. in excess from Shri Jais Mohd. passenger on the sale of 3 tickets for Bombay V.T.

5. The cash and accounts were checked when the cash as per books was found to be Rs. 2,769.50p and the cash on hand with Shri H.S. Lal was found Rs. 2,654.85p. including cash imprest of Rs. 22.50p. There was thus a shortage of Rs. 137.15p. in the Govt. cash with Sri H.S. Lal for which Shri Lal explained that the shortage may be due to the non realisation of money from passengers on sale of tickets and also due to his engagement in shuttling of un. cane pilot. He gave in writing that the shortage would be made good in the morning i.e. 17.1.81 Shri H.S. Lal produced Rs. 1.90 as his private cash but he had not declared it.

6. After the check of cash and Accounts Shri Ramesh was called in the Booking Office, where his statement was recorded by Shri R.R. Pandey, ASM/EMJ in presence of S/Shri Hari Shanker Lal, Rg. ASM and SM/EMJ and the V.Is. In his statement Shri Ramesh deposed that he was given Rs. 72.00 for the purchase of a ticket for BBVT by the V.Is. on 16.1.81. He asked for a ticket for Bombay VT from the BC when the B.C. demanded Rs. 68.65 from him. He paid one CC note of Rs. 50.00 denomination, one CC note of Rs. 10.00 denomination, one CC note of Rs. 5.00 denomination, one CC note of Rs. 2.00 denomination and two CC notes of Rupee one deno-

mination to the BC and the BC returned him 35 paise alongwith ticket no. 03740 for BBVT. He produced Rs. 3.35, comprising of 3 GC Notes of Rupee one denomination and 35 paise in coins. The number of GC notes so produced by Shri Ramesh were also mentioned in his statement. He also stated that the number of GC notes, which were given to him for the purchase of tickets were written on a Memo on which he had signed and this paper was with the V.I. He further stated that Shri Ram Kalesh Khalasi/vig. was behind him at the time of purchase of ticket. The statement as given by Shri Ram Kalesh was also recorded by Shri Pandey ASM and in his statement Shri Ram Kalesh deposed that he was present behind Shri Ramesh at the time of purchase of ticket. Shri Ramesh ~~at the time of purchase~~ had enquired the fare for Bombay VT when the BC told Rs. 68.65. Shri Ramesh paid Rs. 69.00 out of which the BC returned 35 paise alongwith a ticket for Bombay V.T.

7. No other amount was found from the person of Shri Ramesh. The memo was thereafter produced before the station staff present and the following GC notes amounting to Rs. 69.00 from amongst the GC notes mentioned in the memo, were found in the Govt. cash with Shri H.S. Lal, RG BC/BMJ.

- i) One GC note of Rs.50.00 No. 4EF- 97449
- ii) One GC note of Rs. 10.00 No. 56B 370716
- iii) One GC note of Rs. 5.00 No.66U 807580.
- iv) One GC note of Rs. 2.00 No, 58G 811530
- v) Two GC notes of Re one No. 99, 667418,

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34

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21/2/79 (CNC)

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On being asked Shri Hari Shanker Lal stated that he realised the actual fare of Rs. 67.00 from the passenger to whom he issued ticket No. 03740 for BBVT and mentioned that the passenger had given him Rs. 72.00 and he had returned five 100 note of Re. one denomination to the passenger to whom he issued the aforesaid ticket No. 03740. The 100 notes amounting to Rs. 69.00 found from the Govt. cash as detailed above, were kept in an envelope, sealed with the station seal and signed by all present at the time. The ticket No. 03740 was also taken over under proper acknowledgement after getting the same non-issued.

7. From the facts mentioned above, it would appear that Shri HS Lal has indulged in corrupt practices of excess realisation on tickets from the passenger. If approved, a case may be registered against Shri H.S. Lal, Rg. ASM for further probe.

Sd/- S.P. PRASAD
V.I.
17.1.81

Sd/- DD Upadhyaya
V.I.
17.1.81

Sd IC Srivastava
CVI
17.1.81.

TRUE COPY

[Signature]
21/1/81

[Circular Stamp]
21/1/81

A-77 65

18/79

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. _____ OF 1982

Harishanker Lal petitioner

VERSUS

Union of India & Others Opp. Parties.

ANNEXURE - 11

(TRUE COPY)
15.1.81.

BMJ.

SM/NPR C/-79A/ANON DCI/SOT FA & CAO/GKP DRM(C) LUN.

om/46/1/81

II Class Ord. PCT No. 19261 to 19272

Ex BMJ to NPR wrongly over issued on
date ENSILE.

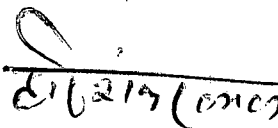
Attested

As per F.S. record the
mge was issued & despatched
under FS No. 4371 25 dt. 15.1.82

Sd/- Qismatdar
SM/BMJ

S.M./BMJ.

TRUE COPY





79 66

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In THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1982

Hari Shanker Lal Petitioner

VERSUS

Union of India & Others Petitioner

~~VERSUS~~

ANNEXURE - 12

Orders of
Imposition of penalty of removal from service
under Rule 6(VIII) of part III of the Rly Servants
(Discipline & Appeal) Rules 1968.

No. LD/SSMC/Vig/27/81 Divisional Office
Dt. 8.12.82. LJN.

To

Name Hari Shanker Lal
Father's Name Late Sri Jamuna pd.
Dept. Optg.
Date of app. 1.8.63
Station - GK
Scale 425-640.

1. Sri H.M. Malhotra EISA/GK who was nominated to hold a DAR enquiry in connection with the charge memo of even no. Dt. 15.2.81 issued to you has submitted his report along with the proceedings of the enquiry. A copy of this report is enclosed herewith.
2. I have carefully gone through the enquiry proceedings and finding of the Enquiry Officer. As per the enquiry report, the charges of realising excess money of on sale of tickets for BBVT and Kaiyan station from passengers and from Vig. Khalasi for personal gain and substituting of DTC book and interpolations in the original entries recorded by other staff to cover up the shortage found in Govt. cash, have been proved and he has been guilty of the above charges contravening Rule 3(1) (i), (ii) & (iii)

6/12/82

of the Rly Services (conduct) Rules, 1966. ^{X/6}

3. I am fully in agreement with the E.O. The charges found proved beyond all reasonable doubt. There has been no procedural flaw either.

4. In the view of the above, I find that you are not a fit person to be retained in service and, therefore, I have decided to remove you from service. You are removed from service with immediate effect.

5. Under Rule 18 of Rly Servants (D&A) Rules 1968, an appeal against these ~~ex~~ orders lies to D.R.M./N.E.R./LJN, provided -

I. The appeal is submitted through channel within 45 days from the date of receipt of these orders.


II. The appeal does not contain improper or disrespectful language.

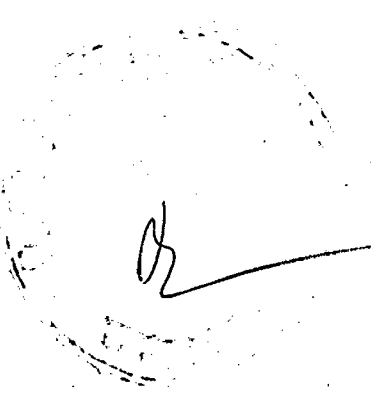
6. Receipt of this order may please acknowledge.

DA/EQS Report - 12 Pages

Sd/- A.K. DAS
Sr. D.S.O.
NER/LJN.

TRUE COPY


21/9/1967



A-80 68

X/82

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

A F F I D A V I T

IN RE:

WRIT PETITION NO. _____

OF 1982

CF 20903

(P)

Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form No. I, Chapter III, Paragraph 26, Financial Handbook, Volume V, Part I)

073028

17/12/82

Receipt No. _____

ce _____

Date _____

Department and office _____

High Court of Judicature at
Allahabad (Lucknow Bench)

... Petitioner

Received from _____

Ramesh Shanker Lal

Sum of Rupees _____

24 (Twenty four only)

... Opp. Parties.

Account of _____

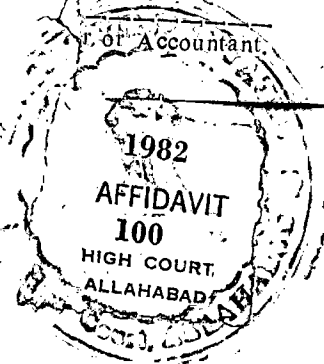
K. S. N.

Signature of Government Secretary
granting the receipt

Stamps and Registration Fees

Designation _____

ed about 39 years,



son of late Sri Jamuna Prasad, resident of

Mohalla Rakebganj, P.O. Geeta press, district

Gorakhpur (at present working as Assistant Station

Master, Gorakhpur), do hereby solemnly affirm and

state as under:

1. That the deponent is the petitioner in the above noted Writ petition and as such he is fully conversant with the facts of the case.

2. That the contents of paras 1 to 30 of the accompanying Writ petition are true to my own knowledge, except the legal averments which are believed to be true on the basis of legal advice.

3. That the Annexures to the Writ petition are

21/12/82
K. S. N.
24/12/82

A-01 68
1/80

true copies of the respective originals.

LUCKNOW DATED:
DEC. 21, 1982.

[Signature]
DEPONENT.

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my ~~own~~ personal knowledge and nothing materials has been concealed and no part of it is false, so help me God.

LUCKNOW DATED:
DEC. 21, 1982.

[Signature]
DEPONENT

[Circular Stamp]
Court, Lucknow

[Signature]
I identify the deponent who has signed before me.

[Signature]
ADVOCATE.

Solemnly affirmed before me on 21.12.82 at 4.45 PM by the deponent who has been identified by Sri O.P. Srivastava, Advocate, Allahabad 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 over to him and explained by me.

[Signature]
High Court, Allahabad,
Lucknow Bench

No. 982/100

Date 21.12.82

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issue of the order of removal from service^{Vide} No. LD/SS-C/Vig/27/81 dated 8.12.1983 contained in Annexure-12 to the petition, only are admitted. Rest of the allegations as alleged by the petitioners are denied. The orders of removal are perfectly legal, valid and were passed by the competent authority.

4. That the facts stated in paragraph nos. 2, 3 and 4 of the petition are absolutely false, incorrect and are denied. It is stated that there was complaint regarding excess realisation of fare on the tickets sold from Brijmanganj Railway Station by the staff posted there. In order to enquire into the facts, a team of Vigilance Inspectors^{was} ~~were~~ deputed by the Railway administration on 16.1.1981. The petitioner was on duty on 16.1.1981 in the duty shift from 1600 hours to 2400 hours. A vigilance khallasī accompanying the team was deputed with currency notes whose numbers were recorded and witnessed by the party before hand for purchase of the tickets from the window. He purchased the tickets for Bombay V.T. paying the currency notes given to him from the booking window of Brijmanganj Railway Station in the duty shift of the petitioner and the petitioner realised fare of Rs.68.65 from the said vigilance khallasī for the ticket for Bombay V.T. for which the current fare was^{0.75} actually Rs.67/- only. Thus, the petitioner

3m217
13.3.2004
Sr. Div. Safety
Rly. Lucknow

A-102 ^A/₈₀

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realised Rs. 1.65 paise in excess. The vigilance team has simultaneously contacted and interrogated passengers at the station who had purchased the tickets from the booking window at which the petitioner was on duty and it was informed to the team by Sri Jais Mohammad, a passenger that 3 tickets for Bombay V.T. ^{here} purchased by him ^{and} a sum of Rs. 4.95 were realised from him in excess of the current fare. Similarly, on two other tickets for Bombay V.T. Rs. 1.65 on each ticket was realised in excess of the actual fare from the passengers and for three tickets for Kalyan Rs. 10/- in excess of the actual fare were realised from the passengers by the petitioner. The vigilance team accordingly entered the booking office to verify the position from the petitioner and to check the cash etc. and completed their investigation for which they were deputed by the Railway administration. In the course of the vigilance check, by the Vigilance team, the currency notes whose numbers were recorded and witnessed by the party before hand and was given to the vigilance khallasi for the purchase of the tickets was found in the cash at the booking window at which the petitioner was on duty. A case was accordingly registered stating the facts for further action.

3m/16
13.3.90
Sp. Divl. Safety Officer
A. E. Rly. Lucknow.

A-103
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5. That in reply to the contents of paragraph no. 5 of the ~~said~~ petition, it is submitted that the suspension order was served on the petitioner on the standard form prescribed. Since there is no provision in the Rules to notify the charges in the suspension order, there was no question of stating the charges in the suspension order. The suspension order follows as on the charge of memorandum which contains the details of the charges.

6. That the facts stated in paragraph nos. 6 and 7 of the ~~said~~ petition are admitted.

7. That in reply to the contents of paragraph no. 8 of the ~~said~~ petition, it is stated that the Divisional Operating ^{officer} Superintendent and Divisional Safety ^{officer} Superintendent both are senior scale officers of the Operating Branch of Traffic Department and they are the controlling Officers of the employees ⁱⁿ and working of the Operating Branch. The two Officers are inter-changeable and have the same powers. The petitioner is an Assistant Station Master and a staff of the Operating Branch. ~~Formerly the Divisional Operating Superintendent was nominated to exercise discipline and control~~

3-216
Sr. Div. Officer
N. L. ... now,

A-104 ~~8~~

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The Schedule of powers contained in the Discipline and Appeal Rules, 1968 indicates the powers for disciplinary action in respect of the staff in the grade of the petitioner, for senior scale officer. The Divisional Operating Superintendent and the Divisional Safety Officer both being senior scale officers, the issue of suspension order, charges of memorandum and nomination of the Enquiry Officer by either the Divisional Operating Superintendent or Divisional Safety Officer is ^{valid} ~~in order~~ and is perfectly legal.

Moreover, with the introduction of Divisional system over the North Eastern Railway, a Procedure Office Order No. 1 dated, 3.4.1969 was issued by the General Manager, North Eastern Railway, Gorakhpur which provides therein the duties and powers of the various Divisional Officers working under the control of the General Manager, North Eastern Railway, Gorakhpur. In the said procedure office ~~conducting~~ ~~the investigation by the Vigilance party.~~ ~~any allegations to the contrary are ruled.~~

3m216
13-3-90
Sr. Divl. Safety Officer
N. E. Ry. Lucknow.

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A/89

Order at page Nos. 3 and 4 the duties and responsibilities of Divisional Safety Officer are given under the heading 'Divisional Safety Officer'. There is a clause (1)⁽ⁿ⁾ which provides that the Divisional Safety Officer and Divisional Operating Superintendent will exercise control over the working of all transportation staff for the purpose of disciplinary action in respect of the item of work allotted to them. Similarly, there is a clause (2)(o) which provides that the Divisional Safety Officer will control the Station Masters and Assistant Station Masters. The Railway Board vide letter No. E(D&A) 84-R6-6 dated 22-10-84 has clarified that Safety Officers, as distinct from Commercial Officers, belong to operating side and there should be no objection to their taking disciplinary action against the operating staff like Station Master and Assistant Station Master etc. who perform train passing duties.

A copy of the procedure Office order No. 1 dated 3.4.1969 and Rly Board's letter dated 22.10.84 are being filed herewith and marked as Annexure No. 1 and 2 respectively.

Any allegations to the contrary are denied.

8. That in reply to the contents of paragraph No. 9 of the ~~same~~ petition, it is stated that the enquiry

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13.1.90
Sp. Divl. Safety Officer
N. E. Rly, Lucknow.

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was conducted and charges were enquired by the Enquiry Officer correctly according to rules. It is denied that the Enquiry Officer was illegally appointed. The nomination of the Enquiry Officer was done by the competent authority under the provisions of rules.

9. That the contents of the paragraph No. 10 of the petition as alleged are not admitted being incorrect and misconceived. It is, however, stated further that the enquiry was conducted by the Enquiry Officer correctly under the provisions of rules. The statements of ~~the witness~~ all the witness^{es} were recorded in the presence of the petitioner and the objections raised by the petitioner were considered and relied by the Enquiry Officer. As regards re-examination of Sekh Kismatdar it is stated that the petitioner had raised the objection before the Enquiry Officer who after consideration of the objection of the petitioner has given a reply to the petitioner which was received by him on 12.7.1982.

A copy of the reply given by the Enquiry Officer to the petitioner on 12.7.1982 is being filed herewith and marked as Annexure-3 to this reply.

3-3-90
Sr. Divl. Safety Officer
N. E. Rly. Lucknow.

There is no illegality in ~~the~~ holding of the enquiry and the petitioner was given all reasonable opportunity to defend his case properly. Any allegations to the contrary are denied.

10. That the contents of the paragraph No.12(There is no paragraph No.11) in the petition) of the petition are denied as alleged by the petitioner. The enquiry was fixed for 25.5.1982 for the examination of Shri Ahmad Ali as a witness of procecutiion. The petitioner attended the enquiry on the said date and left the enquiry on his own without being spared by the Enquiry Officer or without giving any information to the Enquiry Officer. Sri Ahmad Ali attended the enquiry at 1.30 p.m. on 25.5.1982. A search was made of the petitioner and the defence counsel, but they were not found. Since Shri Ahmad Ali, the witnesses came from Bombay, his statement was recorded by the Enquiry Officer. After waiting for the petitioner for a long time, ~~leaving open his cross examination by the petitioner.~~ The petitioner did not attend the enquiry on 25.5.1982 after arrival of the witness Sri Ahmad Ali and the petitioner was informed of this fact on 17.6.1982, a true copy of which was received by the petitioner on 17.6.1982.

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13.7.90
Sr. Divl. Safety Officer
N. E. Rly, Lucknow.

A copy of the reply given by the enquiry Officer to the petitioner on 17.6.1982 is being filed herewith and marked as Annexure 4 to this reply.

11. That the contents of the paragraph no. 12 ~~(12nd)~~ of the petition with regard to the names of the witness cited by the petitioner are admitted. It is, however, denied that the charges levelled against the petitioner were baseless or levelled with ~~any~~ ulterior motive.

The petitioner has committed a serious misconduct by realising excess money from the passengers on tickets for Bombay V.T, and Kalyan Railways Stations. Any allegations to the contrary are denied.

12. That the contents of the paragraph no. 13 of the ~~said~~ petition needs no

2nd/16
13.3.90
Sr. Divl. Safety Officer
N. E. Ry, Lucknow.

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reply as the charges in detail have already been incorporated in the charge of memorandum, copy of which is already annexed as Annexure-1 to the petition.

13. That the contents of the paragraph no. 14 of the ~~said~~ petition as stated by the petitioner are not admitted ^{and are denied.} Besides other witnesses, the statement of Shri Ramesh, Vigilance Khallasi dated 12.7.1982 proves that excess amount on fare of ticket for Bombay V.T. purchased by the said khallasi was realised by the petitioner.

A copy of the statement of Shri Ramesh, dated 12.7.1982 is being filed herewith and marked as Annexure-4 to this reply.

It is denied that the Respondents attempted to act illegally in framing the charges, its investigation and arriving at the conclusion for disciplinary action against the petitioner.

14. That ~~xxx~~ in reply to the contents of paragraph no. 15 of the ~~said~~ petition, it is stated that a first information report was lodged by the Vigilance Inspector and a copy of the same was provided to the petitioner.

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13.3.90
Sr. Divl. Safety Officer
unknown.

A-110
A/93

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15. That the contents of the paragraph no. 16 of the ~~said~~ petition as stated by the petitioner are not admitted ^{and are denied} being incorrect and misleading. It is stated that the witnesses referred to by the petitioner in the examination-in-chief did not state that the train had left the station and was stopped at the signal when he was interrogated. It appears that in the cross examination, the witness mistook the facts and stated otherwise in respect of the time of the interrogation by the Vigilance party. The correct facts are, already contained in the first information report lodged. The facts, however, remained that the passenger was charged excess amount on fare by the petitioner. The statements contrary to it are denied.

16. That the contents of the paragraph no. 17 of the ~~said~~ petition as stated by the petitioner, are not admitted ^{and are denied}. The first information report contains position of two things, one relating to Realisation of excess amount of the fare of the tickets and the other relates to the fact of checking the cash with the petitioner from the sale proceeds of the tickets. The facts have been correctly stated in the first information report and it is denied that there was any ulterior motive

22/2/82
Sr. DIB 13382
N. E. Ry. Lucknow.

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17. That in reply to the contents of paragraph No. ¹⁸~~48~~ of the petition, it is stated that Shri Ahmad Ali a witness was called on 25.5.1982 for giving his statement and the petitioner was also informed of the date fixed for enquiry and to cross examine the witness. The petitioner although attended the enquiry, but left the enquiry ~~and~~ on his own without the knowledge of the Enquiry Officer and without having been spared by the Enquiry Officer. The witness had arrived at 1.30 p.m. before the Enquiry Officer and his statement was recorded before the Enquiry Officer after having searched and waited for the petitioner for a long time. The petitioner was informed of this fact vide letter dated, 17.6.1982 as contained in Annexure - 4 ²⁰ to this reply. Any allegations to the contrary are denied.

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13.3.90
Sr. Divl. Safety Officer
N. E. Rly, Lucknow.

18. That the contents of the paragraph No.19 of the ~~said~~ petition as alleged, are not admitted. The statement of Shri Ramesh, Vigilance Khalasi, a copy of which is Annexure-5 to this reply proves that the petitioner had realised an excess amount of the fare on the tickets purchased by the vigilance khallasi.

19. That the contents of the paragraph no.20 with regard to ^{issue} ~~issuing~~ ^{telegram} of Annexure-11 to the petition) is only admitted. Rest of the contents of the para as stated by the petitioner are not admitted and ^{are} denied. However, it is submitted that the petitioner has substituted pages from the Daily Trains Cash (DTC) book and made inter^olations in the original entries to ~~to~~ cover up the shortage of Rs.137.15 found ~~found~~ in the Govt. Cash. This was proved during the enquiry. A photo copy of Enquiry report is annexed and marked as Annexure-6 to this reply.

20. That the contents of the paragraph no.21 of the petition as stated by the petitioner are not admitted and are denied. The Enquiry Officer has given his finding in this regard and has stated in arriving at the conclusion that the original binding of the Daily Train Cash Report (DTC) has been resewn with different threads and the

37-218
13.3.90
Sr. Divl. Safety Officer
N. E. Ry, Lucknow.

A-113

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96

entries made were not identical.

A copy of the enquiry report of the enquiry finalised by the Enquiry Officer on 17.9.1982 is being filed herewith and marked as Annexure-6 to this ~~order~~ ^{reply}.

21. That with regard to the contents of paragraph No.22 of the ~~said~~ petition, filing of the written ^{arguments} ~~document~~ dated 5.8.1982 by the petitioner is admitted. However, the points raised in the said written argument are not admitted as they have no substance.

22. That the contents of the paragraph No.23 of the ~~said~~ petition are admitted. The petitioner is posted and working at present as Asstt. Station Master (Rs. 1400-2300) at Jarwal Road Rly. Station.

23. That the contents of the paragraph no.24 of the ~~said~~ petition are admitted except that the order of removal from service was issued suddenly. The orders of removal were passed and issued after issuing the charge-memorandum, holding of the enquiry and after affording all reasonable opportunity to the petitioner to establish his bonafides. Any allegations to the contrary are denied.

2nd/13.3.90
Sr. Div. Safety Officer
N. E. R.

A 114

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98

24. That the contents of the paragraph No.25 of the petition as alleged by the petitioner are denied. It has already been stated in paragraph No.7 ~~above~~ to this reply that the Divisional Safety Officer is an AOfficer of the senior scale of the Operating Branch and is vested with the powers of control and administrative functions of the staff of the Operating Branch to which the petitioner belongs. The Divisional Safety Officer is thus a competent authority to pass the order of removal from service of the petitioner and the orders removing the petitioner from service are valid, legal and in accordance with the provisions of the rules of the Railway administration.

25. That the contents of the paragraph No.26 and 27 of the ~~said~~ petition are denied being misconceived. The Divisional Safety Officers of the Operating Branch^{are} of the same rank^{and} scale of pay and have powers of the administrative control over the staff of Operating Branch. The Officers posted to the said two posts are inter-changable. Since memorandum of charges, order nominating enquiry officer to conduct the enquiry & orders

3m.16
13.3.90

Sr. Divl. Safety Officer
N. E. Rly, Lucknow.

A 115

A/98

removing the petitioner have been passed by the Officer of the same rank of the same branch viz. Divl. Safety Officer, the instructions of the Railway Board referred to by the petitioner have been Strictly followed in the case of the petitioner. The charge memorandum order nominating the Enquiry Officer and orders of removal from service have been passed by the competent authority having powers to pass such orders and there is no illegality in the same. Any allegations to the contrary ~~to~~ are denied.

26. That in reply to the contents of paragraph no. 28 of the petition, it is stated that orders of removal from service of the petitioner dated 8.12.1982 is effective from the said date and ^{the petition} is not legally entitled to continue upon the post or service but the petitioner has been allowed duty and he is being paid salary from month to month as Hon'ble High Court has granted the stay order dated 22.12.1982.

27. That the contents of the paragraph no. 29 of the ~~same~~ petition as stated by the petitioner are not admitted. The orders of removal from service of the petitioner are

7/12/82
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Sr. Divl. Safety Officer
N. E. Rly, Lucknow

A-118

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legal and in accordance with the rules. The petitioner had alternative remedy before the Divisional Railway Manager, North Eastern Railway Lucknow Laskar Junction as contained in paragraph 5 of the orders of removal, copy of which is annexed as Annexure-12 to the petition, and that being the statutory provision, the petitioner has since not submitted appeal to the Divisional Railway Manager, the petition is not maintainable ^{and} ~~and~~ being premature ~~and~~ is liable to be dismissed on this score alone with special costs to the Respondents.

28. That the contents of the paragraph no. 30 of the ~~said~~ petition read with the grounds thereunder are not admitted. The grounds taken by the petitioner are not tenable in law.

29. That the petitioner is ^{reliefs} not entitled to the ~~directions~~ prayed for in the petition and the petition is liable to be dismissed.

3-2018
13.3.90

V e r i f i c a t i o n

----- Sr. Divl. Safety Officer
N. E. Rly. Lucknow

I, Ashok Chandra Lath, aged about 34 years
S/o Shri J.C. Lath working as
Sr. Divl. Safety Officer

A 217
A
100

In the office of Divisional Railway Manager,
N.E. Railway, Lucknow do hereby verify that the
contents from paras 1 to 2 are true to my
personal knowledge and those of paragraphs
from 3 to 27 are based on records which are
believed to be true; and those of paragraphs
No. 28 and 29 are based on legal advice.
Nothing material has been concealed. So help
me God.

Date 13.3.90

Place Lucknow

3rd
DEPONENT 13.3.90

Sr. Div. Safety Officer
N. E. Ry. Lucknow.

IN The Central Administrative Tribunal
Circuit Bench, Lucknow.

TAMs. 1200 of 87 (CT)

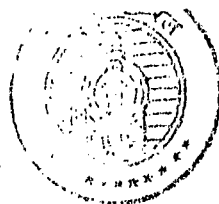
(18) A-118

Hari Shanker Lal
u/s

Union of India & others.

= A/101

Annexure No. 1



उत्तर पूर्वांचल

NORTH EASTERN RAILWAY

INTRODUCTION OF DIVISIONAL SYSTEM ON THE NORTH EASTERN RAILWAY

PROCEDURE OFFICE ORDER NO. 1

DATED 3RD APRIL, 1969.

GORAKHPUR

DATED 22ND APRIL, 1969

P. C. MATHEW

GENERAL MANAGER

True Copy

32/18

CC. DM: Safety Officer
N. E. Ry. Lucknow.

2. DUTIES OF DIVISIONAL SUPERINTENDENT

Each division will be placed under the administrative charge of a Gazetted Officer of the Inter-administrative grade to be designated as the Divisional Superintendent. He will be assisted by Divisional and Assistant Officers in-charge of all the various branches at present constituting the Division except for all railway workshops, stores depot and security branches. The Divisional Superintendent will be responsible to the General Manager for the overall working of the Division; nevertheless he will be responsible to the Heads of Departments for efficient discharge of the duties and functions pertaining to the Division in respect of matters both within and beyond their powers. They will be responsible for effecting co-ordination between the various departments working under their administrative control. For matters within their competence, they will take decisions adjudging the relative importance of the requirements of the different departments and will naturally take the responsibility for their decisions. In matters beyond their powers, they will refer the problems to the Headquarters office to the department or departments concerned presenting the various points for consideration relating to the different department, with their own views. When orders are received from the Headquarters office, they will ensure implementation thereof.

Normally with the formation of the Divisions, all the District Officers within the jurisdiction of the respective divisions will be located at the Divisional Headquarters. In some cases, and for some time certain officers may have to be located at other specified points, either in public interest or in administrative interest. But these officers will form part of the division concerned and work under the control of the divisional officers concerned and the Divisional Superintendent. All work now done in the districts will be transferred to the Divisional offices.

3. NON-DIVISIONALISED UNITS

The Store Depots at Izatnagar, Gorakhpur and Samastipur will continue to be controlled from the Headquarters office and will not be affected by the Divisional System.

Similarly the different Workshops including the Bridge and Signal Workshops at Gorakhpur will continue to be controlled from the headquarters and will not come within the ambit of divisionalisation.

The Security Department, also will not be incorporated in the Divisional Scheme. The different Security and Assistant Security Officers, however, will continue to maintain close liaison with the Divisional Superintendents and will seek advice regarding security and cognate problems.

4. DIVISIONAL OFFICERS

The Divisional Superintendent will be assisted by a number of Divisional and Assistant Officers for the various technical branches of division; the strength of the officers being commensurate with the quantum of work of each division. Normally the Divisional Superintendent will be assisted by the following Divisional Officers.—

Sl. No.	Designation of the Divisional Officers.	Abbreviated Code.
1	Divisional Operating Superintendent	DOS
2	Divisional Safety Officer	DSO/DASO
3	Divisional Commercial Superintendent	DCS
4	Divisional Mechanical Engineer (and a second DME (C. & W.) if justified)	DME
5	Divisional Engineer (and a second DEN if justified)	DEN
6	Divisional Signal & Tele-communication Engineer	DSTE
7	Divisional Electrical Engineer	DEE
8	Divisional Personnel Officer	DPO
9	Divisional Accounts Officer	DAO
10	Divisional Medical Officer	DMO

The Divisional and Assistant Officers of the various technical branches of the division would function as Technical Advisers to the Divisional Superintendent. They would on the one hand be responsible to the Divisional Superintendent for the day to day general administrative work of their respective departments and on the other, they would be answerable to their Heads of Departments for the technical work in their respective spheres, in accordance with the policy/directives issued by the Headquarters Office. Their relationship with the Divisional Superintendent will be similar to that of the Heads of Departments with the General Manager.

3-2018
133-90
Sr. Div.
E. Ry. Lucknow.

5. DUTIES AND RESPONSIBILITIES OF DIVISIONAL OFFICERS

In the Divisional set up, the Divisional Officer, in the various departments, will have to perform the duties and responsibilities which the Divisional Officer is expected to perform. The duties and responsibilities of the Divisional Officer are broadly indicated below. These are the duties and responsibilities of the Divisional Officer, who will be responsible for the efficient working of the Division. All the Divisional and Assistant Divisional Officers will have to perform the duties and responsibilities indicated to them. For dealing with common day to day work, the Divisional Officer will have to co-ordinate and co-operate with other respective departments. In this direction, however, the help/assistance of the Divisional Officer will be required.

(I) **Divisional Operating Superintendent.**—The Divisional Operating Superintendent will be responsible to the Divisional Superintendent for the efficient movement of all traffic. He will administer the working of the Transportation staff such as Station Masters, Station Clerks, Signalmen, etc. Functionally he will have control over the lapses of operating nature committed by the staff of way side stations Commercial staff, viz. for booking against restriction, wrong and undesirable clearance of Parcels and loading of stock in a dangerous and unsafe manner, wrong labelling, etc.

The Divisional Operating Superintendent along with the Assistant Officer will be generally dealing with the following and other allied matter pertaining to the movement of traffic in the Division is concerned.

- (a) Working of stations and yards of major marshalling yards and junction stations.
- (b) Time Table and train arrangements in general including drawing up
 - (i) Engine links, in consultation with D. M. F.
 - (ii) Passenger rake links in consultation with D. M. F.
 - (iii) Evolution of power plans.
- (c) Speed of trains and detentions, etc.
- (d) Distribution and interchange of coaching and goods stock.
- (e) Turn round of stock and irregularities in use of stock.
- (f) Restriction in the booking of goods and coaching traffic and all irregularities in connection therewith.
- (g) Supervision over Guards' Running Room.
- (h) All other operating matters of the Division regarding movement controlled by the Headquarters office.
- (i) Verification, Acceptance, Allocation, Adjustment of all coach and goods bills pertaining to the Department.
- (j) Parliamentary Questions concerning unpunctual running of trains, etc. and live seats, etc.
- (k) Works Programme proposals.
- (l) Movement/transhipment of over dimensioned consignments initiation of action regarding special trains.
- (m) Preparation of Station Working Rules jointly with the Divisional Safety Officer.
- (n) DOS as well as DSO will exercise control over all transportation staff for the purpose of disciplinary action in respect of work allotted to them.

(II) **Divisional Safety Officer.**—The duties of Divisional Safety Officers would *inter alia* be as follows :—

- (a) Attending site of accidents as and when necessary.
- (b) Enquiries into accident cases and initiating action on recommendations made by Enquiry Committee at different levels.
- (c) Processing all policy cases concerning safety and submission of all returns and statistics regarding accidents.
- (d) Holding of Accident Prevention Meetings, scrutiny of minutes of Accident Prevention Meetings held by other officers, safety councillors, Inspectors, and Station Masters and initiating action where due.
- (e) Processing the action in regard to the award of Safety Shields, Safety Stars, and Safety Arrows.
- (f) Holding Safety Seminars, distribution of Safety Posters, Launching of Safety Drives specially directed towards the specified categories of staff, locomotives, and motor cars for accident-prone categories.
- (g) Preparing analysis of train accidents and rules frequently violated and initiating remedial action.

True Copy

3/2/73
Sr. Divl. Safety Officer
M. E. Rly. Lucknow.

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- (h) Conducting all Safety, Line and Signal Light and other inspection and exercising a check on such inspections being carried out by Transportation and other departmental subordinates.
- ✓ (i) DSO and DOS will exercise control over working of all transportation staff for the purpose of disciplinary action in respect of items of work allowed to them.
- (j) Parliamentary questions concerning safety aspects, accidents, etc.
- (k) Works programme proposals concerning safety aspects.
- (l) Control over budget, expenditures and allocations, etc. concerning the requirements of whole operating department.
- ✓ (m) Preparation of station working rules jointly with the DOS.
- ✓ (n) Traffic Workshops will be under the control of DSO.
- ✓ (o) Control over staff of whole Operating Department. Transfers and postings of all Inspectors, Assistant Inspectors, Station Masters and other categories of staff in grades Rs. 250-380 and above; all class III yard staff, all controllers including Area controllers will be decided by the DSO in consultation with DOS.

(III) Divisional Commercial Superintendent.—The Divisional Commercial Superintendent will be responsible to the Divisional Superintendent for the efficient management and control of all commercial work pertaining to the Division. He will administer all the commercial staff such as clerks, transshipment clerks, ticket checking and other commercial staff.

The Divisional Commercial Superintendent with Assistant Officers, if any will generally deal mainly with the following commercial and allied matters pertaining to the Division :—

- (a) Responsibility for making arrangements for booking and delivery of goods, parcels and passenger traffic.
- (b) Measures connected with the prevention of claims such as addition of packages, labelling, sealing and rivetting, cleaning of wagons and monsoon protection measures.
- (c) Complaints from public regarding commercial and other matters.
- (d) Clearance of outstanding other than those dealt with by the Head Masters Office or by the Accounts Department.
- (e) Dealing with the Accounts and Audit Inspection Reports.
- (f) All arrangements for collection, safe custody and dispatch of securities and investigation into cases of loss or theft of cash.
- (g) All work in connection with issue of concession orders, season tickets, etc.
- (h) All matters in connection with handling contracts of goods and parcels at stations including billing for all items falling within powers of divisions.
- (i) Catering arrangements at station premises (except those controlled by the Departmental Office).
- (j) Prevention of Ticketless Travel.
- (k) Passenger Amenities.
- (l) All matters concerning licensed porters.
- (m) Maintenance of cleanliness of all stations.
- ✓ (n) Effective maintenance of station equipment and arrangement for sale of tickets, books and for stationery, etc.
- (o) Development of traffic and market research. Advising Divisional Commercial Superintendent about the pattern of traffic offering from time to time so as to enable the operating branch to plan distribution of available stock in the best possible way to cope with the traffic.
- (p) Verification, Acceptance, Allocation, Adjustment of all cash and adjacent bills pertaining to the Department.
- (q) Parliamentary questions.
- (r) Works programme pertaining to commercial facilities and passenger amenities.
- (s) Licensing of Railway land within station premises to merchants for stacking of goods, execution of agreements, realisation of license fees, etc.
- (t) Supervision and control over all Sheds, Parcel Offices, Repacking sheds and transshipment sheds.
- (u) All works in connection with reservation of berths and seats in trains except allocation of quotas.
- (v) Control over Retiring Rooms at stations.
- (w) Formation and functioning of D. R. U. C. C. and Station Committee meetings.
- (x) All other commercial matters, not dealt with at Headquarters level.

True Copy

32213
13-3-90
Sr. Divl. Safety Officer
N. E. Ry, Lucknow.

Central Administrative Tribunal

Circuit Bench, Lucknow

TA No. 1200 of 87(T)

Han'shanker Lal

Union of India & others.

(24)

A-123

A/106

Annexure No A/2

Copy of Railway Board's / New Delhi's L/No. 2(121) 8-26-47 dated 22.10.1984 to the General Manager/M. E. Ry/ Gorakhpur.

Sub: - disciplinary authority under railway
serv. rules (1908) rules, 1908-staff of
operating department.

Referenced your letter No. 3/74/2/Pt. 4/IV dated 24/26-7.84 on the above subject. The Board desire that your railway should forcefully contest the writ petitions challenging exercise of disciplinary powers by the Divisional Safety Officers in the case of operating staff and point out to the High Court that safety officers, as distinct from commercial officers, belong to operating side and there should be no objection to their taking disciplinary action against operating staff like this, Lals, etc. who perform train passing duties.

Please acknowledge receipt.

True Copy

3m218
13.3.90

Sr. Divl. Safety Officer
M. E. Ry, Lucknow.

(25) A-124
A/107
ANNEXURE 3 A/23

To

H.S.Lal
A.S.M./UB

Sub. Sekh Qismatdar P.W recalled
for reexamination.

In reference to your application submitted to
E.O.dated 12.7.82 on the above mentioned subject,
it is to inform you that re-examination of the
prosecution witness is permissible under DAR Rules
and for this purpose the PW can be called again
during the course of enquiry. Your objection not to
call the PW again for re-examination is not
justified. Hence it is over rule to meet the end of
justice.

sd. H.M.Mehrotra
E.O.

Received
Sd.
H.S.Lal
12.7.82

True Copy
3rd/10
13.3.90

Sr. Divl. Safety Officer
Al. E. Rly, Lucknow.

(26)

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ANNEXURE- A/34

No. LD/SS-C/V9/27/81

Confidential

Sri H.S. Lal (SPS)
A.S.M./ UB

Office of the G.M./Vg
Enquiry Branch
Gorakhpur.
28/17/ 20.6.82

Ref: Your application dated 17.3.82 submitted to E.O
during the course of Enquiry.

Kindly refer to the contents of order sheet No.IIInd dated 25.5.82 received by ~~you~~ you today. You were not spared on 25.5.82 in the after noon and were requested to attend the enquiry as Sri Ahmad Ali passenger (PW) reported to E.O. at about 1.30Pm after the enquiry was closed in the fore noon. But you did not attend the enquiry alongwith your defence counsel on 25.5.82. As the P.W. had come from the longdistance and was working in Bombay his evidence was recorded and you were given ~~offer~~ opportunity to cross examin him but you did not attend enquiry and filed away. In this way you have manage to evade the enquiry without being spared by the ~~enquiry~~ enquiry officer. However as a special case ~~xxxx~~ efforts will be made to call for the said prosecution witness in the enquiry.

Sd.

H.M. Mehrotra

Copy to Divisional Saffty Officer N.E.Railway
Lucknow for information and necessary action.

Sd.

(H.M.Mehrotra)
E.O.

Received a copy of letter No.LD/ss-e/vig/27/91
dated 17.6.82.

Sd.
H.S.Lal
17.6.82

True Copy
13.3.90
Sr. Divl. Saffty
N. E. Ry.

(27)

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अने वपर ११५

गोरखपुर - 12.7.82

बयान श्री रमेश, विजिलेन्स खलासी, प्राजिक्लूशन विटनेस एक्स विजिलेन्स,
डिक्काय ।

दिनांक 16.1.81 को बजमन गंज रेलवे स्टेशन सतलुता निरीक्षक के
आदेशानुसार मैने बुकिंग बाबू से एक बाम्बे बी०टी० का टिकट मांगा
मुझको कुछ यादनहीं आ रहा है ।

स्टेटमेंट समाप्त हुआ ।

बचाव पक्ष द्वारा पूछे गये प्रश्न :-

बचाव पक्षने कोई प्रश्न नहीं पूछा क्यों कि रमेशभा० विटनेस
का कोई बयानही नहीं है । जांच प्राधिकारी द्वारा पूछे गये प्रश्न :

प्रश्न :- आपने अपना स्टेटमेंट 16.1.81 को विजिलेन्स इन्स्पेक्टर को इस
केस के बारे में दिया था । कृपया इसको देखिए और बतलाइये कि इस पर
आपका हस्ताक्षर है कि नहीं ।

उत्तर :- मै प्रमाणित करता हूं कि आज अपना हस्ताक्षर देखने के बाद
कि यह मेरा ही हस्ताक्षर है । यह सही बात ऊहै कि मुझ को 72 रुपये
बाम्बे बी०टी० का टिकट काबाने के लिए बी०आई० लोगने दिया था ।
मुझको यह याद नहीं है कि बाबू ने 64.65 रुपये मांगे । कितने कितने
कानोट था मुझको याद नहीं । जितना मैने स्टेटमेंट में 16.1.81 को लिख
कर दिया है उतना रुपया बुकिंग बाबू को दिया होगा लेकिन मुझको ठीक
से यादनहीं है । बहुत दिन हो गया इस लिए मुझको याद नहीं है । एक
बाम्बे बी०टी० का टिकट बुकिंग बाबू ने हम को दिया था । मैने

3-2-82
Sr. Dy. S. P. O.
N. E. Ry. Lucknow

(28)

A-127

A/110

-2-

उ रुपये 35 पैसे शिव पूजन बाबू पी०आई० को दिया। मेमो पर मेने दस्तखत किया था। जो स्टेटमेंट मेने बोला होगा वही स्टेटमेंट लिखा गया होगा।

एक्जामिनेशन समाप्त हुआ।

"रिएक्जामिनेशन बाईडीडेन्स ॥ बचाव द्वारा पुनः पूछे गये प्रश्न:-

लिखा तो मेरे सामने गया लेकिन पढ़कर मुझे सुनाया नहीं गया। सिर्फ मेरे दस्तखत हुए थे। कुछ याद नहीं है कि उन्होंने दो तरह का रेट बतलाया था।

रिएक्जामिनेशन समाप्त हुआ।

आरोपित कर्मचारी

ह० अपरिणत

बचाव सहायक

12-7-82

प्रांतिज वृत्तानिर्देश

ह० अपरिणत

ह० रमेश

12-7-82

ह० एच०एम० मेहरा

जांच प्राधिकारी।

॥ सत्य प्रतिलिपि ॥

32018
13-3-90
Sr. Div. Safety Officer
M. E. Ry, Lucknow.

DIVISIONAL CASE NO.

LD/SS-C/Vig/27/81.

Held under the Rly. Servant (D & A) Rules 1968.

Disciplinary Authority	-	D.O.S./LJN.
Accused Rly. Employee	-	H. S. Lal, ASM/UB.
Defence Asstt.	-	M. Husain, CG-1, PA & CAO'S Office GKP.
Inquiry Officer	-	H. M. Mehrotra.

1.1 Article of charge against the accused Railway employee.

Shri Harishankar Lal while working as ASM and performing 16 to 24 hours shift duty at Bridgmanganj station on 16.1.81 failed to maintain absolute integrity, devotion to duty and exhibited conduct unbecoming to a Railway servant in as much as :

1) he realised excess money on sale of tickets for Bombay V.T. and Kalayan stations from passengers S/Shri Jais Mohd and Ahmad Ali and also from Shri Ramesh Khalasi vigilance for his personal gain.

11) he substituted pages from the DTB book and made interpolations in the original entries recorded by other staff to cover up the shortage found in the Govt. cash during the surprise check conducted by the vigilance as per details given in the statement of imputations.

Thus by the aforesaid act Sri Harishankar Lal RG ASM committed misconduct and thereby contravened Rule 3(1) (i), (ii) and (iii) of the Railway Services (Conduct) Rules, 1966.

Statement of imputations

1) Memo dated 16.1.81 drawn at Gorakhpur will prove that a test check was proposed at Bridgmanganj station on 16.1.81 to confirm the information regarding excess realisation from passengers and to catch the culprit red-handed. They deployed a vigilance decoy Sri Ramesh instructing him to purchase one ticket for Bombay V.T. at the time of 125 Up train on 16.1.81 and for this purpose he (Sri Ramesh) was given an amount of Rs.72.00 in GC notes of different denominations and their numbers were noted in the said memo.

11) Surprise check proforma dated 16.1.81 duly signed by Shri H.S. Lal and counter signed by Sekh Qismatdar SM/BMJ will prove that the cash and accounts with Sri H.S. Lal was checked and a sum of Rs.137.15 was found short in the Govt. cash with him. It will further prove that Sri H.S. Lal had not declared his private cash with him. It will also show the reason for shortage in Govt. cash was due to the fact that he could not realise fare from the passengers but issued tickets to them and he would make good the shortage from his pocket in the morning.

contd.....2

3-3-90
Sr. Divl. Safety Officer.
N. E. RAILWAY

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iii) Statement dated 16.1.81 of Shri Ramesh Khalsasi Vigilance drawn in the hand writing of Sri R.R. Pandey, ASM/BMJ in a joint proceeding will prove that he demanded a ticket for Bombay V.T. from the BJ on duty where upon BJ on duty demanded Rs.68.65 from him. He paid a sum of Rs.69.00 to the BJ and the BJ gave him ticket No.03740 for BBVT and returned 35 paise to him. It will also prove that the produced 3 GC notes of Rs. one denomination and 35 paise which remained with him after purchase of ticket out of Rs.72.00 given to him for the purpose. It will further prove that the number of GC notes made over to him was written on a memo which was signed by him and this memo was with the x V.I.s. It will also prove that Sri Ram Kalesh, Khalsasi vigilance was behind him (Sri Ramesh) at the time of purchase of ticket by him and that no other amount was found with him except Rs.3.00 and paise 35.

iv) Statement of Shri Ram Kalesh dated 16.1.81 recorded by Shri R.R. Pandey, ASM/BMJ in a joint proceeding dated 16.1.81 will prove that he was present behind Shri Ramesh at the time of purchase of ticket and Shri Ramesh enquired the fare of a ticket for BBVT from the BJ and the BJ had told him the fare as Rs.68.65 Shri Ramesh paid Rs.69.00 to the BJ who returned 35 paise alongwith a ticket.

v) Proceedings dated 16.1.81 in the hand writing of Shri R.R. Pandey, ASM/BMJ duly signed by the V.I.s and station staff including Shri H.S. Lal EC ASM will prove that all the Rs.69.00 which were given to Shri H.S. Lal EC ASM by the Vigilance decoy Shri Ramesh as price for one ticket for Bombay V.T. No.03740 were recovered from the cash of charged employee and numbers of each and all currency notes amounting to Rs.69.00 were the same as noted in the Memo. Since while issuing the ticket for BBVT to Vigilance decoy Shri Ramesh, BJ returned 35 paise to him after realising Rs.69.00 (imputation no. (iii) as such the recovery of Rs.69.00 from the Govt. cash with Shri H.S. Lal conclusively proves that Rs.68.65 was demanded and accepted by the charged employee against the due fare of Rs.67.00 and the illegal excess money of Rs.1.65 was recovered from his cash.

vi) Endorsement dated 16.1.81 of Shri H.S. Lal on the joint proceedings dated 16.1.81 will prove that FCT No.03740 was issued by him and the statements recorded by Shri R.R. Pandey, ASM/BMJ were correct and that the GC notes amounting to Rs.69.00 as detailed in the Memo were recovered from his cash.

vii) Ticket No.03740 ex. BMJ to BBVT will prove that it was a 11nd QJM ticket with ordinary ex. BMJ to LJN and the fare printed thereon is Rs.69.55 and no correction in the fare was made by the charged employee with intention to realise excess in booking.

viii) GC notes amounting to Rs.69/- as numbered below will prove that these were recovered from the cash of the charged employee and that these are the same as noted in the memo dated 16.1.81.

- a) One GC note of Rs.50.00 No. 4EF-9/4449.
- b) One GC note of Rs.10.00 No.568-370716.
- c) One GC note of Rs. 5.00 No.664-807580.
- d) One GC note of Rs.2.00 No.58G-811530.
- e) ~~One~~ 2 GC note of Rs.1.00 No. 99P-667418 and D-526860

34

True Copy
3/11/81
13.3.90

Sr. Div. Officer
 now.

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(31)

17. Statement dated 16.1.81 of Shri Jais Mohd. (Passenger) recorded by Shri B. N. Srivastava, Guard 185 Up in presence of SM/BMJ Sekh Qismatdar will prove that passenger Shri Jais Muhammad purchased 3 tickets No. 03732/34 ex. BMJ to BBVT and paid Rs. 68.65 on each ticket on demand by the BMJ against the due fare of Rs. 67.00 on each ticket. It will also show that the passenger reiterated the facts stated by him when confronted with Shri H.S. Lal but Shri H.S. Lal did not interrogate the passenger and endorsed on the passengers statement accordingly. As such the denial of Shri H.S. Lal clearly proves that he was unable to face the truth as stated by the passenger and any how he avoided it.

A-130

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x) Statement dated 16.1.81 of the passenger Shri Ahmad Ali recorded by Shri B. N. Srivastava, Guard 185 Up in presence of Sekh Kismatdar, SM/BMJ will prove that the passenger purchased 2 tickets no. 03737/38 for BBVT and 3 tickets no. 03686/88 for Kalayan station and paid Rs. 342.30 to the BMJ on demand against the due fare of Rs. 329.00. It will further prove the denial of Shri H.S. Lal to interrogate the passenger when confronted with him.

x1) Page 5 of DTJ cum-summary book of BMJ station for the period 1.1.81 to 20.1.81 will prove that 9 tickets for BBVT from No. 03732 to 03740 and 9 tickets for Kalayan station from No. 03686 to 03694 were sold in IInd shift (16 to 24) on 16.1.81 and a sum of Rs. 137.16 was found short in the Govt. cash. Examination of this book will show that the pages from this book had been substituted to make good the shortage found in the Govt. cash on 16.1.81 by showing 12 tickets of Nepalganj Road station No. 19261 to 19272 as over issued on 15.1.81 and also by adjustments in the sale of some stations. The substitution of pages from this book are proved from the facts shown below:-

a) The original binding has been disturbed and the book has been re sewn with different threads.

b) The persons who made entries at page one of DTJ Book in each shift on 14th., 15th. and 16th. January, 1981 did not make entries on 14th. (Sale proceeds side) 15th. and 16th. (Both the sides) at page 2 as writings are not identical and differs materially. Similarly the person who made entries in the I and IInd shifts regarding accountal of sale of tickets on 15.1.81 at page 3 did not make entries regarding sales proceeds of tickets sold on 15.1.81 and 16.1.81 (Both sides). Similarly the persons who made entries regarding the sale proceeds of tickets sold for stations at page 1 on 15.1.81 and 16.1.81 did not make entries regarding sales proceeds of ticket sold for the stations at page 4 on 15.1.81 and 16.1.81 (both sides).

c) The entries regarding total sales proceeds at page 5 on 15.1.81 in IInd and IInd shifts have changed to Rs. 872.30 and ~~Rs. 1153.60~~ by scoring out the original entries of Rs. 964.10 and 1061.80 respectively.

d) The total sales proceed brought forward at page 5 on 15.1.81 from the previous page viz page 4 was first written as 781.95 and then 864.70 and both these entries have been scored out and another amount of Rs. 772.00 has been written but there is no such scoring of entire at page 4 on 15.1.81 from where the total was carried forward to page 5 on 15.1.81.

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xii) Station Diary of BMJ station for the period from 22.1.80 to 28.1.80 will prove that S/S Sekh Qismatdar, SM, J.C. Srivastava and RR Pandey worked in shift duty at BMJ station since 14.1.81 to 16.1.81. It will also prove that Shri H.S. Lal worked at BMJ station on 15.1.81 and 16.1.81 in shift duty from 16 hours to 24 hours.

xiii) Statement of Shri R.R. Pandey ASM/BMJ dated 11.4.81 and 2.5.81 will prove that Shri H.S. Lal requested Shri Pandey to copy out the figures in column No.25 and 28 dated 14.1.81 and he copied out the same and the other figures of the page were already copied out by Shri H.S. Lal and that Shri H.S. Lal utilised this page in changing the page of the DTJ Book. It will also prove that Shri Pandey never knew that Shri Lal will misuse his hand writing and that Shri Lal did it for his own benefit. It will further prove that the entries in column no.22,23 and 35 are in the hand writing of Shri H.S. Lal.

xiv) Statement dated 11.4.81 of Shri G.C. Srivastava ASM/BMJ will prove that entries in column No.22 and 35 on 14.1.81 at page 2 of the DTJ book which were in his hand writing are not in his handwriting and that the page has been changed. It will further prove that on 15.1.81 he closed the DTJ book in his duty hours, the closing no. 00894 of CPJ station, the sale proceeds of Rs.3.95 in respect of sale of 1 ticket for CPJ station and Rs.49.65 brought forward from page 1 as appearing at page 2 of DTJ book are not in his hand writing although these entries were in his hand writing. It will also prove that the entries regarding the amount of Rs.53.60 on 1.1.80 and Rs.54.90 in column 22 at page 3 on 15.1.81 entry of Rs.54.90 in column 22 at page 4 of the DTJ book on 15.1.81 are not in his hand writing although these entries were originally in his hand writing.

xv) Statement dated 8.4.81 of Sekh Qismatdar SM/BMJ will prove that on 15.1.81 and 16.1.81 he closed the DTJ book personally in his duty hours and he fully remembers having made all entries in his shift duty but from the perusal of the DTJ book it is found by him that none of the entries at page 2 on 15.1.81 and 16.1.81 are in his handwriting and these entries are in the handwriting of Shri H.S. Lal RG ASM and that the pages have been changed. It will further prove that at page 2 of the DTJ book dated 14.1.81 the closing numbers and the numbers of tickets issued in his shift duty are in his hand writing but the entries regarding accountal of sales proceeds are not in his handwriting and the same is in the hand writing of Shri H.S. Lal RG-ASM. It will also prove that Shri H.S. Lal did not work at his station on 14.1.81 and the amount written by him (Sekh Quismatdar) at page 5 on 15.1.81 of the DTJ book was Rs.864.70 but the amount of Rs.772.90 and Rs.872.30 are not in his handwriting and the same are in the handwriting of Sri H.S. Lal, RG ASM.

xvi) Statement dated 17.3.81 and 17.4.81 of Shri H.S. Lal, RG ASM will show his admission that there was a vigilance check on 16.1.81 during his duty hours and his cash was checked and that Rs.137.15 was found short in the Govt. cash with him. It will further show that he had informed Shri R.R. Pandey, ASM about the over issue of 12 tickets for NPR station on 16.1.81. The number of tickets mentioned in the DTJ book in 8 to 16 hours and 16 to 24 hours shift duty on 16.1.81 are in his hand writing.

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It will further show that the following entries in the DT Book dated 15.1.81 and 16.1.81 are in his hand writing:-

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Date	Page No.	Entries in columns of DT Book.
15.1.81	2	9, 10, 22, 23, and 28.
16.1.81	2	22, 23, 24, 25 and 28.
15.1.81	3	22, 23, 24, 28 and 35.
16.1.81	3	9, 10, 15, 18, 22, 23, 24, 25, 28, 30, 35
15.1.81	4	22, 23, 25, 28 and 35.
16.1.81	4	9, 10, 15, 22, 23, 24, 25, 28 and 35.

II. (1) The defence of the accused Rly. Employee to disciplinary authority - not submitted.

(11) The fact stated by him in the course of Preliminary hearing dated 26.3.82- ROP-1.

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

III. Evidence.

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

Prosecution witness.

Attended the enquiry.

IV- Reasons for Finding.

(1) Statement of Sri D. D. Unadhya, V.I. (PW)

(PW) stated during the course of enquiry that on 16.1.82 he alongwith Sri I.C. Srivastava, CVI, Sheopujan Bibu V.I., Ramesh Vig. Khalasi and Ram Kalesh Vig. Khalasi went to Bridgemanganj by Bus. Ramesh Vig. was deputed to purchase a IInd class ticket for BBVT & Shri Ram Kalesh was deputed to stand behind Sri Ramesh Vigilance Khalasi (decoy) to hear the conversation between the booking clerk and Ramesh Vig. Khalasi. He was waiting for the signal on the receipt of the signal from Sri Ramesh, we the Vigilance party entered in the booking office. Booking clerk was asked to show the cash and keep it separately and also arrange selling of tickets & keep sale proceeds separately. Sri Sheo Pujan, V.I. remained in the booking office for watching the activities of the booking clerk, Hari Shankar Lal. He alongwith I.C. Srivastava, V.I. went outside the booking office on the platform for checking other passengers Ramesh Vig. Khalasi told that the booking clerk (SPS) has charged R.68.65 for the sale of the IInd class ticket for BBVT. Other two passengers also gave the statement that R.68.65 was realised by them separately by booking babu for IInd class ticket for BBVT. Ramesh Vig. Khalasi (decoy) also gave his statement alongwith Ram Kalesh, written by ASM/BMT, Hari Shankar Lal ASM was confronted with the said passenger and Vig. Khalasi and endorsement of the SPS was taken on the statement of Sri Ramesh Vig. Khalasi. R.69.00 which were given by

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Manish Vig. Khalasi to the booking clerk (SPS) were recovered from the cash of the booking clerk Sri Hari Shankar Lal (SPS). These recovered Govt. Cash from the cash box of the SPS were sealed in his presence. Other accountal was done by Sri Sheo Pujan, V.I.

II. Statement of Sri B. N. Srivastava, Guard/Gonda during the course of Inquiry.

B. N. Srivastava, Guard/Gonda stated during the course of inquiry that he was the guard of 185 Up train when he reached in the booking office he saw the crowd of passengers & the V.I.s were taking the statements of some passengers. V.I.s were questioning the passengers regarding purchase of ticket and he was writing the statements of the passengers.

III. Statement of Sri R.R. Pandey, ASM/BMJ during the course enquiry.

Sri R.R. Pandey, ASM/BMJ during the course of enquiry states that on 16.1.81 he was called by SM Sri Sekh Qismatdar at station. He came and found that cash was checked by Vigilance staff. The cash was counted in his presence as per list which vigilance staff had prepared. Few notes which were listed in the memo were taken out from the cash and were sealed in his presence. For which he has signed.

During the course of cross examination by E.O. Sri Pandey, ASM/BMJ stated that he had written the statement of one passenger. He does not exactly remember the name of the passenger. The man of vigilance organisation who had purchased the ticket for BBVT had stated before him that he had got balance of Rs.3.35 and was paid Rs.72.00.

During the course of re-examination Sri Pandey told to E.O. that he confirms that the statement shown by E.O. during the course of enquiry is his statement under his signature and he confirm the contents of the same after seeing DTC book.

He further stated that on 16.1.81 two pages of DTC book were given to him to copy out accountal portion dated 14.1.81 and to carry out commencing No. of ticket on 15th. He copied them under column 25 to 28 of 14.1.81 and 4th. column of 15.1.81 of DTC book. So far over issue of Nepalganj Road ticket are concerned those were over issued on 15th. and he was on rest and no such notice was given to him about this issue and writing mentioned in the above columns are in his own hand-writing. For remaining rest portion he has no knowledge. The handwriting mentioned in the above column i.e. 25 to 28 of 14.1.81 and column 4 of 15.1.81 is in his own handwriting and for the rest columns Sri Qismatdar SM and Sri Gulab Chand Srivastava, ASM has denied that they are not in their handwriting though they performed their Roster duty.

IV. Statement of Sekh Qismatdar, SM/BMJ given during the course of enquiry.

Sekh Qismatdar SM/BMJ stated during the course of enquiry that he was taking rest. During night he was called by one person of Vigilance. He reached Rly. station and other

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ASM Sri R. R. Pandey, was also called for. He found in the station office several V.Is counting the cash therefore the closing No. of tube was taken by Sri R.R. Pandey, ASM so far he remember. The V.Is taken out certain Notes from the counted cash and compared it with the entries already noted on separate paper for which they have taken his witness.

On cross examination by E.O. he stated that he does not remember the no. of notes taken out from the cash of SPS on duty on that date of incident but he certified the No. of notes taken out with that which were already noted on separate papers. He further stated that some passengers were giving their statements about realisation of money to the V.Is. He does not remember at this distant date what statements passengers had given.

After the perusal of DTC book he confirmed that all the entries in his shift duty 8 to 16 hrs. On 15.1.81 and 16.1.81 had been made by him at page No.2 but from the perusal of DTC book he find that non of entries are in his hand writing. It appears that the entries made may be either in the handwriting of H. S. Lal ASM or R.R. Pandey, ASM. Without changing the said pages of the concerning DTC book the entry made in it can not be in the handwriting of above ASMs. The pages of DTC book has been changed.

He had gone through the DTC book dt. 15.1.81 page No. 5 of BMJ station and confirmed today that the amount written by him was Rs.864.70. The correct amount but Rs.772.90 and Rs.872.30 is not in his handwriting and may be in the handwriting of either R.R. Pandey or H.S. Lal, ASM.

~~Re-stretching~~ of DTC book does not mean that the pages have been changed but for completing the DTC book in the last 10 pages are required to be added for completing the second period. In the month there are 3 periods 10,20 and the last date of the month. For completing 10 days 50 pages of D.T.C. book are required. For completing the entries of second period of 10 days, additional 10 pages are added to DTC book supplied by Press which generally are of 90 pages. So re-stretching is a common proceeding. In the DTC book last ten pages have also been added for the purpose of completing second period also. Sometimes it happens that assistance of Co-workers are required to complete the DTC book in extreme emergency like for taking medicine for children & to attend the call of nature.

The SM makes the remittances of the cash daily but some times the acknowledge for remittance which is left is done after comparing with the entries of C.R. Note. The remittance of cash of dated 15th. & 16th have been done by him. There is no change in the amounts already remitted on the date by him. The remittance by him is correct. Regarding any other cover issues of tickets the matter should be reported to higher authorities.

V. Statement of Sri Gulab Chand ASM/BMJ during the course of enquiry.

Gulab Chand ASM/BMJ stated that on the date of vigilance case he performed duty 0-0 hrs. to 8 hrs. and after that he availed rest. He does not know anything about the vigilance case against Sri H.S. Lal. No vigilance proceeding was drawn before him.

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During the course of re-examination Gulab Chand, ASM/BMJ stated that after going through the statement and seeing the DTC book before the enquiry he confirms that his statement is correct. It is a fact that in the column No.35 this is not in his hand writing in DTC book. In column No.22 & 35 of page 2 dated 14.1.81 is not in his handwriting. He was on duty on 14.1.81 in odd to 8 hrs. This column should be in his handwriting. He does not know whether the pages have been changed or not because on next day he was on rest. He further stated that the closing No.00594 is not in his handwriting No.3.35 is also not in his handwriting. These entries are of his duty hrs. and this should be done by him. The entries should have been in his handwriting but it is not in his handwriting after seeing the DTC book it is confirmed.

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VI. Statement of Sri Sheo Pujan Prasad Ex. V.I. (PW)
Sr. Clerk CCS(G) during the course of enquiry before
E.O.

Sheo Pujan Prasad Ex. V.I. (PW) stated that for purpose of test check they entrusted one of the khalasi and amount was given for the purchase of one ticket for BBVT. A panchanama memo to this fact was drawn at GKP. He deputed Sri Ramesh Khalasi and Sri Ram Kalesh to be in front of the booking window as Sri Ramesh was required to purchase the ticket and the other khalasi was to overhear the conversation between Ramesh & booking clerk. Both the aforesaid khalasi were in queue for the purchase of ticket. As soon as Sri Ramesh purchased ticket Sri Ram Kalesh who was behind Sri Ramesh in the queue informed us that excess money on the ticket for BBVT purchased by Sri Ramesh was realised. On hearing from Sri Ram Kalesh we immediately rush to the booking office. He asked the charged employee to separate the cash and then start booking. Keeping the sale proceeds was kept separately by the charge employee. The other two V. Is were deputed to contact these passengers from whom excess money was realised while the train was standing at the station the other two V. Is brought some passengers inside the booking office but the statement of only two passengers could be recorded with the help of the Guard of the train. The passengers whose statements were recorded in the booking office gave the statements in presence of the charge employee and the charge employee was given an opportunity to interrogate the passengers if he liked.

Rs.69.00 was recovered from the Govt. Cash with the charge employee. The details of G.C. Notes so recovered has been mentioned in this FIR which is before him. On comparing the No. of G.C. Notes given in the memo he can say that Rs.69.00 were from these G.C. Notes mentioned in the memo before him. He has also checked the DTC book of 16.1.81. Shortage of the extent of Rs.137.50 was found in the Govt. Cash. The ticket purchased by Sri Ramesh Khalasi was a DCM ticket having Mail Express from LJN and the fare of this ticket was Rs.67.00. He can say that excess amount was realised on the ticket sold by the charge employee.

VII. Statement of Jais Mohammad, Passenger(PW) given during
the course of enquiry.

Jais Mohammad passenger (PW) stated that he had given Rs.70.00 to the Booking Clerk and the booking clerk gave a ticket. Jais Mohammad further said that he had purchased 3 tickets in all ex. BMJ to BEVT and paid Rs.68.65 on each ticket on demand by the booking.

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VIII. Statement of Ahmad Ali passenger (PW) given during the course of enquiry.

Ahmad Ali passenger (PW) stated that on 16.1.81 he purchased 2 tickets for BBVT and paid Rs.140/- to the booking clerk. He also purchased one more ticket for Kalyan for which he paid Rs.70/- to the booking clerk. Booking Clerk returned him Rs.6.00 with the 3 tickets. He did not know about the fare of tickets of BBVT & Kalyan stations.

IX. Statement of Ram Kalesh Vig. Khalasi (PW) given during the course of Inquiry.

Ram Kalesh Vig. Khalasi said that this is a case of 16.1.81. A ticket for BBVT was purchased. He was after Ramesh Vig. Khalasi, who had purchased the said ticket. He did not remember whether Ramesh had paid Rs.67 or Rs.68. But Ramesh had told him that some excess amount had charged from him. Booking Clerk had told the fare Rs.67.00 and Rs.68.00 some paisa. He is not sure about it.

X. Statement of Ramesh Vig. Khalasi (PW) during the course of enquiry.

Ramesh Vig. Khalasi (PW) stated that he had purchased a ticket for BBVT as per instructions of V.I.s from the B.C. of DM on 16.1.81. Ramesh confirmed after seeing his statement dated 16.1.81 as correct. It was his statement under his signature. This is a fact that he was given Rs.72/- by the V.I.s for purchasing the ticket for BBVT. He does not remember whether he had paid Rs.68.65 at this distant date. Whatever amount he had given in his statement dated 16.1.81 must have been given to the booking Clerk. At this distant date he does not remember.

XI. Statement of I.C. Srivastava, C.V.I. (PW) during the course of Enquiry.

I. C. Srivastava stated that it was found that H.S. Lal substituted page of DTJ book and made interpolations in the original entries recorded by other staffs to cover the shortage found in the Govt. cash during the course of check on 16.1.81 which is proved by the statement of the staffs working at DM station and DTJ book details of which have been mentioned in the imputations (Annexure -2 of the charge sheet).

He further stated that Jais Mohammad and Ahmad Ali passengers informed that they have paid the amount which is already mentioned in their statements and on enquiry it was found that they had paid excess than the due fare. The Vigilance deoy Ramesh after purchase of ticket also mentioned that he paid Rs.68.65 for a ticket, the No. of which were already mentioned in Panchnama and later on enquiry it was also found that he was also charged excess than the due fare. Therefore the G.C. notes paid by the deoy to the SPS, were searched out from the cash available with the SPS. After comparing with the Panchnama these notes were seized and sealed which is one of the RPB. The recovery of the G.C. Notes more than the due fare of the tickets is itself prove. Jais Mohammad and Ahmad Ali passengers also paid the amount more than due fare. There is no other

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Possibilities by which the notes can be handed over to, the B2 duly mentioned in the Panahnama. The original Binding has been disturbed. The persons who have made entries at page one of the DTC book in each shift on 14th, 15th, 16th, January 1981 did not made entries on 14th (Sale proceed side) and on 15th, & 16th on both the side on page 2 (Sale and ticket side). The staff who made entries in the First and Second shift regarding accountal of sale of ticket on 15.1.81 at page 3 regarding sale proceeding of ticket did not made entries regarding sale proceed of tickets sold on 15.1.81 and 16.1.81 both the side

Statement of defence submitted by H.S. Lal, ASM/BMJ (SPS) during the course of inquiry.

Shri H. S. Lal, ASM BMJ (SPS) stated that he has submitted his statement of defence in writing and he has nothing to add more what he has submitted in his defence. He further stated during the cross examination by B.O. that from the decoy he charged only Rs.67.00. The excess Rs.2.00 which is said to be recovered from his cash as such by vigilance might have come through exchanges by other passengers. Regarding substituting pages in the DTC book and made interpolations in the original entries recorded by other staff to cover up the shortage of Rs.137.15 found in the Govt. cash for the period 1.1.81 to 20.1.81 during the surprise check conducted by the Vigilance as per detail in imputation No.11, ~~xxxx~~ It is stated it was already been explained in the defence submitted by him. The pages were never substituted by him.

In face of the evidences of the PWs as mentioned above and RUDs the defence submitted by H.S. Lal, ASM/BMJ (SPS) is not satisfactory and far from truth. It is evident from the proceedings of enquiry that the SPS evaded to cross examine the PW Ist, But cross examined them later on during the course of inquiry. It has been established that a memo dt. 16.1.81 was drawn and Ramesh Vig. Khalasi (PW) and decoy purchased one ticket for BBVT ~~xxx~~ at the time of 185 Up train on 16.1.81 and for this purpose, Ramesh was given an amount of Rs.72.00 in G.C. notes of different denominations and their numbers were quoted in the said memo. It has also been established that the cash and account with Sri H.S. Lal (SPS) was checked and a sum of Rs.137.15 was found short in Govt. Cash with him as per surprise check proforma dt. 16.1.81 duly signed by H. S. Lal and counter signed by Sekh Qismatdar, SM/BMT. It has been established further that G.C. Notes amounting to Rs.69.00 were recovered from the cash of the charge employee and the Nos. of these G.C. notes were tallied with the memo dated 16.1.81. Ramash Vig. Khalasi (PW) had purchased a ticket for BBVT at BMJ station at the time of 185 Up train on 16.1.81. Ticket No.03740 ex BMJ to BBVT has proved that it was a second class OCM ticket which is ordinary ex BMJ to LJN and the fare printed thereon is Rs.59.55 and no correction in the fare was made by the charge employee with intention to realise excess in booking. Endorsement dated 16.1.81 of H.S. Lal (SPS) on the joint proceeding dt. 16.1.81 has proved that PCT No.03740 was issued by him and the statement recorded by R.R. Pandey, ASM/BMJ (PW) was correct and the G.C. Notes amounting to Rs.69.00 as mentioned in the memo were recovered from his cash (SPS) has been also established that Rs.69.00 which were given to H.S. Lal Rlg. ASM (SPS) by the Vigilance decoy Ramesh as fare for one ticket of BBVT No.03740 were recovered from the cash of the charge employee and the

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N. E. Rly. Lucknow.

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Nos. of each and all currency Notes amounting to ₹.69.00 were the same as noted in the said memo. Since while issuing the said ticket for BEVT to Vig. decoy, B. Clerk returned 35 paise to him after realising ₹.69.00. As such the recovery of ₹.69.00. H. S. Lal (SPS) was conclusively proved. ₹.68.65 was demanded and accepted by the charge employee against the due fare of ₹.67.00 and the illegal excess of ₹.1.65 was recovered from his cash. This fact was also confirmed by other PWs before the enquiry (D. D. Upadhyaya, V.I. and R.R. Pandey, ASM/BMJ (PWs)). From the statement of the passengers (PWs) it has been established that the SPS realised excess money on sale of tickets for BEVT and Kalyanpur stations from them.

Page 5 of DTC cum summary book of BMJ station for the period 1.1.81 to 20.1.81 has proved that 9 ticket for BEVT and 9 ticket for Kalyanpur station were sold in the second shift 16 hrs. to 24 hrs. on 16.1.81 and a sum of ₹.137.15 was found short in the Govt. cash. Examination of this book has (RVD) shown that the pages from this book had been substituted to make good shortage found in Govt. cash on 16.1.81 by showing 12 tickets for Nepalganj station as over issued on 15.1.81 and also by adjustment in the sale of some stations. The original binding has been disturbed and the book has been stitched with different threads. This fact has been established by the statements of R.R. Pandey, ASM/BMJ (PW) dt. 2.5.81 and his evidence before inquiry. H. S. Lal (SPS) had requested to Pandey (PW) to copy out the figure in column 26 to 28 dt. 14.1.81 and he copied out the same. H.S. Lal (SPS) utilised this page in changing the page of DTC book. Pandey (PW) never knew that H.S. Lal will misuse his hand writing and he (SPS) did it for his own benefit. Statement dated 11.4.81 of G.C. Srivastava of ASM/BMJ and his evidence before the inquiry has proved that the entries in the column 22 and 35 on 14.1.81 of the DTC book at page No.2 which were in his handwriting are not in his handwriting. The page has been changed. Statement dated 8.4.81 of Sri Sekh Qismatdar SM/BMJ and his evidence before enquiry has proved that on 15.1.81 & 16.1.81 he closed the DTC book personally in his duty hrs. and he fully remembered having made all entries in his shift duty. But from the persual of DTC book it is found by him that non of the entries at page 2 on 15.1.81 & 16.1.81 are in his handwriting and these entries are in the handwriting of H.S. Lal Rlg. SM (SPS) and the pages have been changed. At page No.2 of the DTC book dt. 14.1.81 the closing Nos. & the nos. of the tickets issued in his shift are in his handwriting but the entries regarding accountal of sale proceeds are not in his handwriting and the same is in the handwriting of H.S. Lal Rlg. ASM (SPS).

I. C. Srivastava (PW) confirmed the above facts, Sheo Pujan Pd. (PW) also supported the above mentioned fact in his evidence before the enquiry. From the above evidences of the PWs it has been proved that H.S. Lal, Rlg. ASM (SPS) while working as ASM and performing 16 to 24 hrs. duty at BMJ station on 16.1.81 failed to maintain absolute integrity and devotion to duty and exhibited conduct unbecoming to a Rly. Servant in as much as :-

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- (1) He realised excess money on sale of tickets for BBVT and Kalyan stations from passengers Jais Mohammad and Ahmad Ali and also from Ramesh Khalsi, Vigilance for his personal gain.
- (ii) He substituted pages from the DTJ book and made interpolations in the original entries recorded by other staff to cover up the shortage found in the Govt. Cash during the surprise check conducted by the Vigilance as per details given in the statement of imputations.

Thus by the aforesaid act Shri H.S. Lal IG ASM committed misconduct and thereby contravened Rule 3(1) (i), (ii) & (iii) of the Railway Services (Conduct) Rules, 1966.

F i n d i n g .

- Rule No. 3 (1) (i) - Proved.
- Rule No. 3 (1) (ii) - Proved.
- Rule No. 3 (1) (iii) - Proved.

H. M. Mehrotra
(H. M. Mehrotra)
Enquiry Officer

17/9/82

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13.3.90
Sr. Divl. Safety Officer
N. E. Ry, Lucknow.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

cm 1322160-132160
C.M. AN. NO. 732160 (W) OF 1982. 3/1

IN RE: 6220

WRIT PETITION NO. OF 1982



Hari Shanker La, aged about 39
years, son of late Sri Jamuna
Prasad, resident of Mohalla
Rekaganj, P.O. Geeta Press,
district Gorakhpur (at present
working as Assistant Station
Master, Gorakhpur.

... Applicant-
petitioner.

VERSUS

1. Union of India through the
its General Manager, N.E. Rly.
Gorakhpur.
 2. The Divisional Railway
Manager, N.E. Rly., Ashok
Marg, Lucknow.
 3. The Divisional Operating
Superintendent, N.E. Rly.
Ashok Marg, Lucknow (Now
redesignated as Senior
Divisional Operating Supdt.).
 4. Sr. Divisional Safety Officer,
N.E. Railway, Office of the
Divisional Railway Manager,
Ashok Marg, Lucknow.
 5. The Station Superintendent,
N.E. Railway, Gorakhpur.
- ... Opp. Parties.

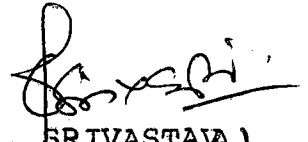
STAY APPLICATION

The humble applicant-petitioner above
named most respectfully begs to submit as under:-

3/2
That for the facts, reasons and circumstances disclosed in the accompanying writ petition it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of the impugned order dated 8.12.1982 contained in Annexure-12 and issue directions to the Opposite Parties to treat the petitioner in continuous service during the pendency of the present writ petition or to pass any other suitable order or direction which this Hon'ble Court deems just, fit and proper in the circumstances of the case. 124

P R A Y E R

WHEREFORE it is most respectfully prayed that the Operation of the impugned order dated 8.12.1982 contained in Annexure-12 be stayed during the pendency of the writ petition and the petitioner be treated as in continuous service during the pendency of the Writ petition. For this act of kindness the applicant shall ever pray.


(O.P. SRIVASTAVA)
ADVOCATE

COUNSEL FOR PETITIONER.

LUCKNOW DATED:
DEC. 22, 1982.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p. No. 6220

of 1982

vs.

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	22/2/82	<p>Sen SCM,</p> <p>Sen SSA,</p> <p>Admit and connect with w.p. no. 3335 of 82. Issue notice to the off. parties.</p> <p>Sd SCM.</p> <p>Sd SSA.</p> <p>22/2/82</p>	
	22/2/82	<p>C.M. An No. 13221 of 82</p> <p>Sen SCM,</p> <p>Sen SSA,</p> <p>Issue notice. Meanwhile the operation of the impugned order —</p> <p>the post held by him.</p> <p>Sd SCM.</p> <p>Sd SSA.</p> <p>22/2/82</p>	
		<p>U-3-83</p> <p>Fixed for attendance and for filing C.A. in W.P. and C.M. An No 13221 (w) 82 N. 1 to O.P. No. 1 to B. J. R. P.</p>	

B

12-1-83

A-99

4/2/11
120

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP No. 6220 of 1982

25.

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	11-9-84	Mm. KNM, ? Mm. SS A, ? List in the week commencing on 24 th Sept. 1984. In the meantime learned counsel for the respondent may file counter affidavit, if he may so like. Petitioner may also exchange rejoinder affidavit during that period. Dt/-11-9-84 Jeeves [Signature]	
	24-9-84 15-10-84 15-10-84 19-10-84	24-9-84 [Signature] Shree S. Shree CMJ 19-11-84 [Signature]	Benched by [Signature]

A-84
(5)

127-137-83

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १ नियम १ और ७)

दीवानी विभाग

५/२७

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९..... ई०
..... सं० 6220 स० १९..... ई०

----- Hari Shankar Lal ----- प्राथी

----- Union of India ----- प्रत्याथी

Sd/- Divisional Safety Officer.

N.E. Railway office of the
Divided Railway Manager

Ashok marg Lucknow.

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय उपयुक्त लिखे नुबतों के सम्बन्ध में
..... लिये प्रार्थनात्र दिया है अतः आपको आदेश दिया जाता है
कि आप दिनांक 14 माह 3 सन १९८३ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति दी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से वज दिनांक 12 माह 1-83
..... को जारी किया गया।

..... के एडवोकेट



डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

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दीवानी विभाग

प्रकीर्णक (मुत्तरिक) प्राईन १० सन १९ ई०

..... सन १९ ई०

Union of India and ors.

vs. Divisional Safety Officer.

N.E. Railway. Office of the
Divisional Railway manager

Ashraf nagar Lucknow.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे नुबतों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक ५ माह ३ सन १९ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थगित अथवा विसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह १ सन १९ को जारी किया गया।

..... के एडवोकेट

तिथि

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं० सन १९..... ई०

..... ५१..... सं० ६२२० सन १९..... ई०

--- Harsi Sankar Lal --- प्रार्थी

प्रति

--- Union of India --- प्रत्यार्थी

--- The Provincial Railway

--- Manager --- Mr. E. R. Ashok

--- Meerut --- Lucknow.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे नुकसनों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक ५ माह ३ सन १९८३ ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह १-८३
सन १९..... को जारी किया गया।

..... के एडवोकेट
तिथि
THE HIGH COURT AT ALAHAABAD
708
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

128-131-83

(5)

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

दीवानी विभाग

प्रकीर्णक (मुत्तफरिफ) प्रार्थना सं० 6220 सन १९८३ ई०

सं० 6220 सन १९८३ ई०

Hari Shankar Lal प्रार्थी

Union of India and ors. प्रति प्रत्यार्थी

To the Station Superintendent

N.E. Railway

Gorakhpur

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त लिखे दस्तावेजों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 14 माह 3 सन १९८३ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

12 माह 1-83

बीमा नहीं NOT INSURED		क्रमांक/No.
अटके गये डाक टिकटों का मूल्य Rs. 4/0		2365
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वाले वाले का नाम		
128	N.E. Railway	
Signature of Receiving Officer		डिप्टी रजिस्ट्रार इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

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

दीवानी विभाग

प्रकीर्णक (मुत्तफर्रिक) प्रार्थना सं० सन १९..... ई०

..... सं० सन १९..... ई०

-----प्राथी

-----प्रत्यार्थी

.....
N.E. Railway.....

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त लिखे रुबदमें के सम्बन्ध में
.....लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक माह सन १९..... ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थयं अथवा विसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 12 माह
सन १९..... को जारी किया गया।

.....के एडवोकेट

तिथि.....

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 कर्क के हस्ताक्षर

124-131-83
(NC)

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

दीवानी विभाग

प्रकीर्णक (मुत्तफरिफ) प्रार्थना सं० सन १९..... ई०

..... सं० 6220 सन १९८३..... ई०

Hard Envelope Lal प्राथी

Union of India ^{प्रति} प्रत्याथी

Union of India through its

General manager M.E.R. Rly

GaraKhux

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त लिखे दस्तावेजों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 4 माह 3 सन १९८३ ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थगित अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

12 माह 1 83

बीमा नहीं NOT INSURED	
अक्षरों में डक टिकटों का मूल्य Rs. 500	क्रमांक/No. 2359
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रजिस्ट्री प्राप्त किया Received a Registered	पानिबन्ध अधिकारी के हस्ताक्षर
दावे वाले का नाम	Signature of Receiver
124 M.E.R.	

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 कर्क के हस्ताक्षर

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

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना सं० सन १९..... ई०

..... सं० सन १९..... ई०

-----प्रार्थी
..... प्रति

-----प्रत्यार्थी
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चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे नुबतों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक ४ माह ३ सन १९७३ ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह १२३
सन १९..... को जारी किया गया।

..... के एडवोकेट

तिथि.....



.....
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ
.....

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

126-131-83

(3)

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

दीवानी विभाग

A-91

A/133

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९..... ई०

..... सं० 6220 सन १९..... ई०

----- Havi Shankar Lal ----- प्राथी

----- Under of India and ors. ----- प्रत्याथी

----- The Divisional operating Superintendent, -----

----- M. E. RLY Ashok marg, Lucknow. -----

(New appointed as Senior Divisional operating Subg)

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त लिखे नुबइ के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 6/..... माह 3 सन १९८३ ई० को या उससे पहले
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।

..... कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एटवोरेट या
..... ना-पत्र की सुनवाई और

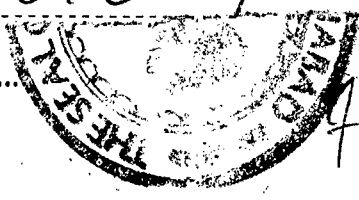
ये
दि

बीमा नहीं NOT INSURED		क्रमांक/No
अट्टाये गये डाक टिकटों का मूल्य	रु० 51 पैसे	2357
Amount of Stamps affixed	Rs.	
प्राप्त किया		
Received a Registered		
पाने वाले का नाम		
Addressed to		
पानेवाले अधिकारी के हस्ताक्षर		
Signature of Receiving Offices		

126

..... माह 1-83

तिथि.....



डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

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

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दीवानी विभाग

प्रकीर्णांक (मुत्फरिफ) प्रार्थना सं० सन १९ ई०

..... सं० सन १९ ई०
Haru Shrivastava

-----प्रार्थी

Union of India and ors.
-----प्रत्यार्थी
The Divisional operating Superintendent,
N. E. Rly Ashot Marg, Lucknow.

(New redeeminted as Senior
Divisional operating Supergr.)

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे नुबदमें के संबंध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 14 माह 3 सन १९ 83 ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 12 माह 1 83
सन १९ को जारी किया गया।

..... के एडवोकेट

तिथि



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 कर्क के हस्ताक्षर

RPD 2359 - 124 - 13-1-83
(NR)

135

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

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135

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९८३ ई०

..... सन १९८३ ई०
Haru Sanchel

-----प्रार्थी

Union of India and others.
-----प्रत्यार्थी

Union of India through its

General manager. M.E.R. Ely

Gorakhpur.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रुबदमे के रुबबध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 14 माह 3 सन १९८३ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा विसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 12 माह 1 83.
सन १९८३ को जारी किया गया।

..... के एडवोकेट

तिथि

S.O. Wink

14.2.83



डिप्टरजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम ३६ आधीन प्राप्त तलवाना
मिल गया।

तलवाना त करने वाले कर्क के हस्ताक्षर

A-94

10-30-40 400

ॐ नमो भगवते वासुदेवाय

$\frac{A}{135}$

75

मापद्वय रत्नव प्रयन्त्रिका (का)

15/11/21

(हार्दिक शुभाह्लादा)

53/34/पार/लाकड/03

১৭০১৩) বাঁচলো (৭৪৩)

Rev. —

22-1.83

S.O. Wnt Dept. विषय- रि. नं. 6220 सन् 1982
हरि कोटि इत्यादिवाक ला

हरे कौटिल्यवाक्ये च
 विवर्णना- हरे शिवसुखान्न वनाग
 यान् यन आन आन आन

D.L.
1.2.03

सन्दर्भ

सम्मन सं. 125, 126 तथा 127
दि 013-1-1983 उक्त दिने

उक्त सम्मन जो डिवाजनल लेवल में था
सीधे डिवाजनल आफिसिंग सुपाइण्टण्डेंट तक सौंपि
डिवाजनल सुपाइण्टेंडेंट आफिस के लिए भेज गये थे
की एक प्रत में रीट की प्रत लिपि में प्राप्त हुई।
सम्मन की एक प्रत वापस की जा चुकी है।

रिमूटा
3.2.20

Aglaonotis
H. & G. (St.)

125

11-95

A/198

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९..... ई०

..... सं० सन १९..... ई०

-----प्राथी

प्रति -----प्रत्यार्थी

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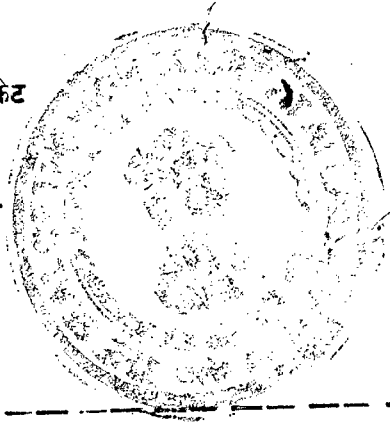
चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त लिखे नुबतसे के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक माह सन १९..... ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह
सन १९..... को जारी किया गया।

..... के एडवोकेट

स्थिति.....



डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ बें आधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले कर्क के हस्ताक्षर

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

9-96

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दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९..... ई०

..... सं० सन १९..... ई०

-----प्रार्थी

प्रति

-----प्रत्यार्थी

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चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त लिखे तबदमे के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक माह सन १९..... ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह
सन १९..... को जारी किया गया।

..... के एडवोकेट

तिथि.....



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 कर्क के हस्ताक्षर

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A/139

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

दीवानी विभाग

प्रकीर्णांक (मुत्तफर्रिक) प्रार्थना सं० सन १९..... ई०

..... सं० सन १९..... ई०

-----प्राथी

प्रति

-----प्रत्यार्थी

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.....

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त लिखे नुबतों के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक ५ माह ३ सन १९८३ ई० को या उससे पहले
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।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और
आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 12 माह 1-83
सन १९..... को जारी किया गया।

..... के एडवोकेट

तिथि.....

408 h...
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ बें आधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले कर्क के हस्ताक्षर

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

T.A. No. 1200 of 1937

No.CAT/Alld/Jud

dated the

20/9

~~6220~~ Hari Shanker Lal

APPLICANT(S)

VERSUS

Union of India.

RESPONDENT(S)

TO

- 1- Shri O.P.Srivastava, Advocate, Lucknow High Court
Lucknow.
- 2- Chief Standing Counsel(C.G.) 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. 6220

of 1989

of the Lucknow High Court, Lucknow

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

25th

day of August 1989.

dinesh/

DEPUTY REGISTRAR

In The Honble High Court of Madras at Madras
 Lucknow Bench

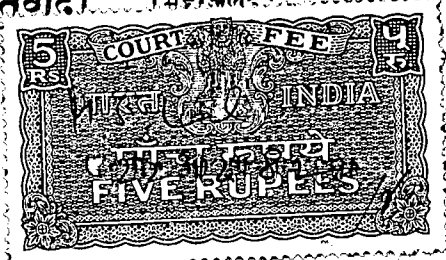
ब अदालत श्रीमान

महोदय

वादी Hanshan Lal
 (मुद्दे)
 प्रतिवादी (मुद्दालेह)

का

वकालतनामा



WP No. 4152

19/5/12
 27/12

A/141

Hanshan Lal

प्रवादी (मुद्दे)

बनाम

Union of India & Co. प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
 ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

O.P. Sinha A.W.

एडवोकेट

महोदय

वकील

नाम अदालत	नाम मुकद्दमा	नाम फरीकन
.....

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

हस्ताक्षर ह. शिखर (1912)

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक..... 22 महीना 12 - 82

VAKALATANAMA

The Central Administrative Tribunal
Chowk Beach, Lucknow.

Before
in the Court of

TH No. 1200 of 87 (7)

Plaintiff	Defendant
Plaintiff	Defendant
Claimant	Appellant
Petitioner	Respondent

Versus

Union of Gals and
c/o

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

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

The President hereby agree to ratify all acts done by the aforesaid Shri.
A. N. Verma

in pursuance of this authority.

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

India this the day of 198

Smt. M. N. Islam
Designation of the Executive Officer,
Muz Huzar Aliqar (Muz)

for Union of Gals
for Union of Gals

Accepted
Advocate
Dated 198