

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

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

NAME OF THE PARTIES ... Hari Singh Kav Lal ....., Applicant

Versus

U.O. F. Secy.

Respondent

Part A.

Sl.No.	Description of documents	Page
1	Index sheet	A1 to A2
2.	order sheet	A2 to A7
3	Judgement orders dt. 03-02-92	A8 to A12
4	West Petition form no. one	A13 to A83
5	Reply	A84 to A122
6	cm. no. 1322	A123 to A124
7	H.C. order sheet	A125 to A126
8	No. 1400 official	A127 to A140
9	Power	A141 to
10		
11		
12		
13		
14		
15		
16		
17		
18		

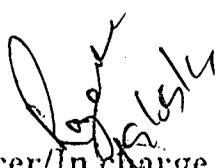
CERTIFICATE

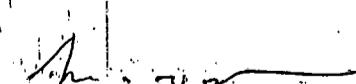
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

*This file received from record room without (Batta)*

Dated 15.7.11.....

Counter Signed.....

  
Section Officer/In charge

  
Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOWINDEX SHEETCause Title T. A. No. 1200 of 1987 (T)  
W.P. 6220 (80)

Applicant.

Name of the parties V.O.P. v. C.A.R. (N.E. Rly.)

Versus

V.O.P. v. C.A.R. (N.E. Rly.)

Respondents.

Part A, B, C.

SI No.

Description of documents

Page.

① Order Sheet

A file

A-1 to A-3

A-6 to A-10

A-11 to A-34

A-35 to A-79

A-80 to A-81

A-82

A-83 to A-99

A-100 to A-139

A-140

② Judgment

③ Writ Petition

④ Annexure

⑤ Affidavit

⑥ Power

⑦ Stay Application, Notices &amp; Orders

⑧ Reply on behalf of Respondents

⑨ Notices

B file

B-1 to B-23

① Writ Petition

B-24 to B-68

② Annexure

B-69 to B-70

③ Affidavit

B-71 to B-72

④ Stay Application

B-73 to B-112

⑤ Reply on behalf of Respondent

B-113 to B-115

⑥ Power &amp; Application

B-116 to B-131

⑦ Annexure

CIVIL

DE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

A-11

✓/✓

Nature and number of case

W.P. 6220-82

Name of Parties

Hari Shanker Lal. 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 Answer 69 and affidavit			102.00			
2		Power	1	1	5.00			
3		Comm. 13221(V) 0682-83	2	2	5.00			
4		order sheet	2	2	—			
5		Burg. 894 order sheet	1	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

A-2

REGISTRATION No. 1200 of 1987 (S)

APPELLANT  
APPLICANT

VERSUS

DEFENDANT  
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

7/1/1990. Hon. Justice K. Nath, v.  
Hon. K. J. Ramam, Am.

Request for adjournment is made on behalf of Shri G. P. Srivastava for the applicant on the ground of illness. Shri Amit Asthalakar is not 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 28/1/1990.

KPR  
RJM

VR  
VR

No entry adj to 22/2/90  
Hc to the applicant is present

OR  
Case has been read to me and filed on 20.1.90.  
Case is admitted.  
Stay is granted.  
No CA/RA filed.  
Date to file for stay, etc. etc.  
Attached  
Submitted to  
6/1/2.

OR  
No entry  
S. F. order.  
2/1/2

A B

X

Hence the case  
be listed before  
the Hon'ble Bench  
for orders on  
8/3/91 ✓

18.4.91

No sitting adj. to 4.7.91

P

4.7.91

Stenbl. Mr. Justice V. C. Srivastava Vc  
Stenbl. Mr. A. B. Srinivas A m

NRA filed

SPO

L  
317

On the adjournment application  
of the learned Counsel & the applicants.  
Case is adjourned to 13.7.91 for  
final hearing

d

A m

✓  
Vc

A-4

86

5-9-90

No sitting held to 26-9-90

OR

No RA filed

S.F.H

L  
26/9/90

26-9-90

Due to sick demise of Hon'ble  
Chief Justice of India Mr.  
S. S. Mukherji, the case is  
adjourned to 4-10-90

OR

1-10-90

No sitting held to 21-11-90

OR

1-11-90

Hon. Mr. Justice K. Nethi V.C.  
Hon. Mr. M. M. Singh A.M.

OR

No RA filed

S.F.H

L

SIL R/H

For filing  
R/A

On the request of Counsel  
for applicant case is adjourned  
to 12-12-90

M. M. Singh OR

A.M. V.C.

12-12-90

D.R.

Hon. Mr. Justice K. Nethi V.C.  
Hon. Mr. D. B. Grover D.M.

Sir D. B. Grover for  
applicant and requests for  
an opportunity to file his  
replies within one  
month. The case may be  
listed for final hearing  
on 18-4-91 whether the  
replies are filed or not.

Mr. O. P. Srivastav L.D.  
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. ✓

OR

Hon

V.C.

A-5

A/X

13.9.91

No setting Adi to 16.1.91

16.1.91

No setting Adi to 16.1.91

D

16.1.92

No setting Adi to 28.1.92

A

28.1.92

Hon. Justice V.C. Srinivasa - V.C.

Hon. Mr. A. B. Gorai - A.M.

OR

No RA filed

S.P.H

with

Putup tomorrow.

I

L

A.M.

V.C.

29.1.92

Hon. Justice V.C. Srinivasa - V.C.

Hon. Mr. A. B. Gorai - A.M.I  
A.M.L  
V.C.30.1.92Hon. Justice V.C. Srinivasa - V.C.  
Hon. Mr. A. B. Gorai - A.M.Argument heard, Judgement  
Reserved

A

I  
A.M.L  
V.C.

A-6 A8

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

A7  
A9

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 <sup>was</sup> 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 <sup>evidence</sup> 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

A.S

AM

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 ~~resigned~~ 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.

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.

*Shakeel*

A.M.

*lu*

V.C.

Shakeel/

Allahabad Dt. 3-2-92

1036

P-12

GROUP NO. A 14(6)

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

WRIT PETITION NO.

OF 1982

6220  
8/14

Hari Shanker Lal ..... Petitioner

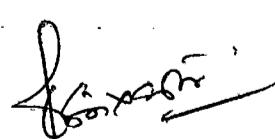
Versus

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

I N D E X

6

SL. NO.	DESCRIPTION OF PAPERS	PAGE NO.
1.	WRIT PETITION .. .. .. ..	1 - 22
2.	ANNEXURE - 1 CHARGESHEET DATED 15.7.1981	23 - 35
3.	ANNEXURE - 2 LETTER DATED 25.1.82 REG. APPOINTMENT OF ENQUIRY OFFICER	36 - 37
4.	ANNEXURE - 3) CROSS EXAMINATION ) PAPERS & STATEMENTS	38 - 40
5.	ANNEXURE - 4) OF THE WITNESSES. —	41 - 42
6.	ANNEXURE - 5) — — — — —	43 - 46
7.	ANNEXURE - 6) — — — — —	47 - 49
8.	ANNEXURE - 7) — — — — —	50 - 54
9.	ANNEXURE - 8) — — — — —	55 - 58
10.	ANNEXURE - 9) — — — — —	59 - 59
11.	ANNEXURE - 10) F.I.R. DT. 17.1.81 —	59 - 64
12.	ANNEXURE - 11) TELEGRAM DT. 15.1.81 —	65
13.	ANNEXURE - 12) REMOVAL ORDER DATED 8.12.1982. —	66 - 67
14.	AFFIDAVIT .. .. .. ..	68 - 69
15.	VAKALATNAMA (POWER) .. .. ..	- 70

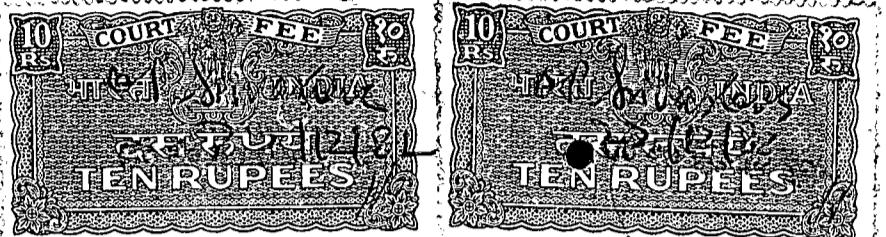
LUCKNOW DATED  
DEC. 22, 1982.
  
 (O.P. SRIVASTAVA)  
 ADVOCATE  
 COUNSEL FOR PETITIONER.

A-13

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

WRIT PETITION NO. 6220 OF 1982

6/5



10/82 B10/2  
82  
2/1/2

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.

2/1/82

EL 21 on 10/1/82

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA.

THE humble petitioner, abovenamed, most respectfully sheweth 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 Januaty 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

11/14/82

John

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

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

2/11/2

Signature

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

*S. S. Salath (con't)*

.....

21/12

A.D. 8

20

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

21/12

81(213)(C101)

....

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

Editorial

...

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 ~~xx~~ 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 ETC 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  
21/12/2008

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

14. THAT the first ~~any~~ 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

S/Ch/lnen

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.

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

ANNEXURE-10

B  
21/12

Ch. 8103 (Chm)

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. On 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/- 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 ainstination 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.

21/12

19. THAT Sri Ramesh Khalasi and Shri Ram Kalesh

24  
10  
100

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.

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 Qismatullah 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

ANNEXURE-11

21/12

21/2/81 (0107)

A 25  
A/25

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 conceded 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 DTC 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 aforesaid 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 entries 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), ~~and~~ (ii) and (iii) of Railway Servant (Conduct) Rules 1966.

21/12

8/12/14 (Contra)

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.

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.

ANNEXURE-12

21/12

81/201/2008

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 ~~2~~ who has no any sort of administrative control on the petitioner 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(L&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

21/12  
S. B. T. C. M. S.

A 28  
X  
30

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 under whose 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

21/12

Diary (contd)

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 impregnated 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

21/12

Oppn Comr

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 inclind 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.

*Original (mc)*

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:-

*21/1/20*

#### G R O U N D S

*for*

- 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

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 ab initio.

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.

\*\*\*

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 ~~pa~~ 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.

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.

-: 22 :-

A-34  
A/30

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

a) to allow the petition with cost.

*S. Srivastava*  
(O.R. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR PETITIONER.

LUCKNOW DATED:  
DEC. 22, 1982.

*Editor (Clerk)*

A-3599

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

WRIT PETITION NO. 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  
Divisional Office, Lucknow

Dated: 15.7.1981

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

*Editorial Note*

A36 23  
R/S

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 Note1 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

Elain C. M.

(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 bring or attempt to bring any political or other 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 with in 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, III & IV Sd/- J.N. MEHROTRA

DIVL. OPERATING SUPDT.,

To Sri Hari Shanker Lal

LUCKNOW.

ASM/UB.

TRUE COPI

Editorial Com

A 39 25

ANNEXURE-1 CONTD.

ANNEXURE - I ~~X/10~~

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 DTC 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 contravenced Rule 3(1) (i), (ii) and (iii) of the Railway Services (Conduct) Rules, 1966.

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

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

6/21/12  
GJ/21/12 (CJ/21/12)

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 in CC notes of different demominations 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 paise to him. It will also prove that the produce CC notes of Re-one demomination and 35 paise which remained with him after purchase of ticket out of Rs. 72.00 given to him for the purpose. It will fufther 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.I.s. It will also prove that Shri Ram Kalesh Khalasi vigilance was behind him (Shri Ramesh) at the time of purchase

21/12  
S. I. C. (M)

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/MEJ duly signed by the V.I.s. 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

2/12  
2012/01/09

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 IIInd OCM ticket with ordinary ex. BMJ to LJN 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. 664-507580.
- 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

34

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 Qismatkar 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.

21/12

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

21/12

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. 03696/88 for Kalayan Station and paid Rs. 342.30 to the BC 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.

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 IIInd 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 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 IIInd shifts regarding accountal of sale of tickets on 15.1.81 at page 3 did not make entries

21/1/81  
21/1/81

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  
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 entries regarding total sales proceeds  
at page 5 on 15.1.81 in IIInd 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 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 entries 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 Sekh  
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

21/12

21/2/81 (1981)

column No. 25 and 28 dated 14.1.81 and he copies out the same and the other figures of the page were already copies 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 closing 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 Qismataar 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

21/12  
Sekh Qismataar SM/

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 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 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 N.P.R 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 hand writing.

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

-: 12 :-

A-ub

34

X  
48

<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. / L.J.N.

### 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 b 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.I.s, 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.I.s.

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.

2/1/12

2/1/12  
dil 21st (C1101)

13. DTC 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. SUPT/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. " Sekh Qismatdar SM/BMJ
4. " G.C. Srivastava, ASM/BMJ
5. " R.R. Pandey, ASM/BMJ.
6. " Shreepujan Pa. V.I.
7. " D.M. Upadhyay, 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. SUPT./LJN.

TRUE COPY

8/2/2001 (2001)

2/1/2

A-19 36  
A/50

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.

ANNEXU RE-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/Vig/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, EIUA/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.

*8/21/82*

Contd. ... 2

R-49 37  
X  
X

Copy to :

1. Sri Hari Shanker Lal, ASM/UB through SM/Uska Bazar for information and n/action.
2. Sri H.M. Mehrotra, EIDA/GKP. He is requested to hold the DAR inquiry and submit his report early. Confld. 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/-

„ivl. Safety Officer  
Lucknow.

TRUE COPY

6/1/21/97 (C4119)

2/11/2

इन दिं आनरे बुल दाईं कोट आफ़ छुटी क्येर इट इलाहाबाद,  
लखनऊ बैन्च, लखनऊ।

रिट पिटीशन नम्बर अफ़ 1982-

हरी शॉकर लाल ---

पिटीशनर

बनाम

यूनियन आफ़ इण्डिया आदि ---

अपो पार्टीज़

अनैजर नम्बर - 3

स्टेट मेन्ट आफ़ जायस मोहम्मद पैसेन्जर १००० ब्लू ४  
गिवेन इण्डिया लोरी आफ़ ८-९-१०००

टिकट लेने के बाद हम लोग गाड़ी में बैठ गये। उसके बाद में हम लोगों को बुलाया गया। आपस में हमसे पूछा गया कि तुमने टिकट का कितना पैसा दिया है। हमने रुपया ६५-६५ पैसे हम लोगों ने दिया था तीन टिकट दिया था। हमने ७० रुपया दिया था एक टिकट के लिये और हमको रुपया १०० वापस दिया। इस ब्यान को हमने दिया था। हम लोग चले गये। ब्यान उत्तम।

ब्याव पक्ष दारा पूछे गये प्रश्न :-

हमको पास मिला है और हम लोग आये हैं। मौज़ा बिसरामपुर में रहते हैं थाना पुरन्दर पुर का रहने वाला है। पिता का नाम छसमुल है। साल भार होगा है मुँहको बम्बई से आये हुये। यह पक्ष हमको क्यों आदमी से मिजाजाया गया था यहाँ अपने आप चले आये। हमने दूर से देखा आदमी को जिसने पास दिया था। उससे भैं नहीं हुई। कलम पढ़े हैं या नहीं यह सवाल रेलीवेन्ट नहीं है। बुकिंग बाबू ने रुपया ६५-६५ मौंगा और रुपया ७० दिया। दिन शुक्रवार था। तारीख याद नहीं। दादा का नाम छल है। हमसे पूछा गया कि बाम्बे वी 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 गोव के रहने वाले हैं। जो दूसरे ग्राह आये हुये हैं उनका नाम

हृषीकेश

अहमद अली है। बांधे मेरे साथ काम करते हैं। जो तीन टिकट लिया था उसमें उनका टिकट नहीं था छिस दिन टिकट छमने कटाया उस दिन अहमद अली ने भी टिकट कटाया अहमद अली हमारे साथ देने मेरे नहीं बैठे थे वह दूसरे डिब्बे मेरे थे। हम और अहमद अली साथ मेरे आये थे आज ही डिफेन्स रेलीवेन्ट सवाल पूछे जिससे कि इनक्षुयेरी का समय वे करे न हो। मुझे नहीं मालूम है कि ब्रिजमनगंज से बम्बई का कितना किराया है मेरे आम जैसा मुहम्मद है। हम गलत नहीं बोलते हैं। मैं बम्बई मेरे पावरलूम चलाता हूँ। हमसे कोई नहीं मिला है। पहले एक का दाम दिया उसके पास दो का दाम रुपया 240 दिया कुछ पैसा वापस मिला लेकिन याद नहीं कि कितना था अगर वह दूसरी बात कहेगे तो मुझे नहीं मालूम 5.35 या रुपया 4.35 लौटाये ठीक याद नहीं है लेकिन इसे मेरे से। वह अपने आप ज्यान करेगा। कल एक्षुआमिनेशन होगा। क्रास इक्षुआमिनेशन आफ श्री जाय मोहम्मद। पैसेन्जर पी ०५ ब्लू बाई डिफेन्स :-

हम टिकट खरीद कर देने मेरे बैठ गये। गाड़ी लटार्ट हो चुकी थी। सिंगल के इधर गाड़ी रुक गई। पूछा गया कि जिनके पास बांधे बींटी का टिकट है बन्ता लें क्योंकि क्योंकि वह गलत है उसको ठीक करा लें। इसका मतलब सिर्फ इतना ही था कि बांधे काने वाले लोग बता सके कि वे कौन लोग हैं। जो मुझसे पूछ कर लिखा गया उस पर मैंने दस्तखत दिया लेकिन उसको पढ़कर मैंने सुनाया नहीं गया। दो जगह से टिकट का दाम बताये एक गोण्डा से एक लखनऊ से कितना कितना बताया मुझको याद नहीं। मैल गोण्डा और मैल लखनऊ के टिकटों के दाम मेरे पूर्व बताया था। एक टिकट पहिले अपना खरीद चुके थे दो टिकट बाद में खरीदे जब मेरे गोंव से दो आदमों जो मेरे साथी थे उनके लिये खरोदा हमको लाने के बाद टिकट मेरे कोई गङ्गाजी नहीं थी उसी टिकट से हम बम्बई गये। हमको यहाँ पर आने से पहिले स्टेशन पर लिया गया ज्यान दिखाया गया। हमने तीन टिकट लिया। एक टिकट पहिले लिया और दो बाद मेरे

3.

लिया। एक टिकट खरीदने पर 70/- बाबू को दिया उसमें  
से बाबू ने 1.35 वापस लिया। दो टिकट बाखे बी.टी.  
के लिये बाबू को 140/- रु लिया और किसावापिस लिया  
यह मुझे याद नहीं कि 4.35 वापिस लिया या 5.35 वापस  
लिया।

क्रास एक्यामिशन बाई ई. ओ.

मुझे याद नहीं आ गये का निशान मेरा है या नहीं। इतने दिनों  
बाद मुझे याद नहीं पड़ रहा है कि आगे का निशान मेरा है  
या नहीं। स्टेटमेन्ट दिनांक 16.1.82। इनक्वायरी आपिस  
ने मुझको पढ़कर सुनाया। विजिलेंस चेक के दिन मुझको यह पढ़कर  
नहीं सुनाया गया। मुझको ट्रेन से उतार कर लाया गया और मुझसे जो  
प्रश्न पूछे गये उसका मैने उत्तर दिया था।

मैने एक टिकट एक बार और दो टिकट दूसरी बार लिया। एक साथ  
तीन टिकट नहीं खरीदा मुझको यह याद नहीं है कि मैने प्रति  
टिक 68 रु 65 पैसे के दर से खरीदा और बुकिंग बाबू ने  
मैंगा।

प्रश्न :- बब बाखे बी.टी. का पहिला टिकट खरीदा  
तब बुकिंग बाबू को कितना रु दिया।

उत्तर :- बुकिंग कर्ल को मैने 70/- दिया।

एक्यामिशन - - - - -

80 - अपनीय।

80 - अपनीय।  
25-5 80 - मु. जै. 20-5-82.

ई. ओ.

80 - अपनीय।

ई. ओ, 25-5-82.

सत्य- प्रतिलिपि।

टी. 21/1/82

इन दिन आनंद बुल छाई कोटी अफ जुडी केरसेट हलाहाबाद,  
लखनऊ बैच, लखनऊ।

रिट पिटीशन नम्बर

अप्रू 1982.

हरी शंकर लाल ---

पिटीशन

बनाम

यूनियन अफ इण्डिया आदि ---

ओपो पार्टीज़

अनेक नम्बर 4

अहमद अली पैसेन्जर प्राइवेशन विटेस का जाँच प्राधिकारी के सम्भव जाँच के दौरान क्षिया ग्या स्टेटमेन्ट :-

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

ह०- अहमद अली,  
25-5-82.

जाँच अधिकारी छारा दूषे ज्ये प्रश्न :-

हमको बाम्बे बी.टी. और कल्यान का क्रिया नहीं मालूम। हमको यह नहीं मालूम कि टिकट बाबू ने अधिक रिया क्षिया या क्षम किया लिया। मुझको जाँच प्राधिकारी छारा मेरा स्टेटमेन्ट दिखाया गया जो कि मैने विजिलेस को दिनांक 16.1.81 को किया था। मैं प्रमाणित करताहूँकि इस स्टेटमेन्ट पर मेरे ही दस्तखत हैं और यह मेरा ही स्टेटमेन्ट है। यह स्टेटमेन्ट बिलकुल सही है।

जाँच समाप्त हुआ।

टी.सी.एस.पी.सी.

24

## क्रास एंजामिनेशन बाई डिफेन्स :-

50

डिफेन्स को क्रास एक्यूआरिन करने के लिये अवसर प्रिया ग्या लेकिन श्री हरि शंकर लाल ४० इस० इम० भारोपित कर्मचारी उसका बाजार औरउनके बवाब सहायक श्री मक्कूल हुैन सी० जी०-१ ने दिनांक २५-५-८२ के बाद दोपहर की इन्वेंटरी को नहीं अटैच किया और श्री अहमद अली पैसेन्जर प्राजिक्याल विट्नेस को जान लूँ कर क्रास एक्यूआरिन नहीं किया। इनको जॉच प्राधिकारी ने व्यक्तिगत रूप से जॉच में उपस्थित होने को कहा था। आरोपित कर्मचारों एवं उनके बवाब सहायक ने जॉच जो कि ३ बजे से दिनांक २५-५-८२ को प्रारम्भ हुई थी उसको टाल किया।

८) - अपठनीय ।

25-5-82

जाँच - छातिकारी ।

६० - उद्धृत में • अहमद अली,

25-5-82,

ਸ਼੍ਰੀ ਅਹਮਦ ਅਲੀ,

प्राणिक्यूशन विट्नेस,

दिनांक 25-5-82,

## सत्य- प्रतिलिपि ॥

Erläuterungen

81/12

R + 55 42

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.

ANEXURE - 5

Statement of Sekh Qismatdar SM/HMJ 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 coml uae my  
statement.

Cross examination by defence

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

Examination by E.O.

I do not remmeber 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 cerrified the  
No. of Notes taken out with that which were already

21/12

21/12/1981

...

noted on a separate paper.

Sa/-Sheikh Sa/-Illegible Sa/- Illegible  
Qismatuar 27.4.82 D.O.  
SM/BMJ 27.4.82  
Dt.27.4.82.

Sa/- Illegible

Few passengers (one or two) were giving their statements to the V.I.s. 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 Sa/- Illegible  
D.C. Sa/- Illegible  
P.W. Sheikh Qismatdar E.O.  
SM/BMJ 27.4.

Gorakhpur

12.7.82.

Re-examination of Sri Sekh Qismatuar SM/BMJ.

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 8.4.81 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  
E.O. 21/12/1981

-: 3 :-

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

Sd/- Qismatuar  
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

Examination by Defence.

-: 4 :-

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 restatching is a common procedure. 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 sometimes 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 Sd/- Illegible Sd/- Illegible  
12.7.82. 12.7. 12.7.

Sd/- Qismatdar  
12.7.82.

GKP  
12.7.82.

The SM makes the remittances of cash daily, but sometimes the acknowledgement for the remittance which is left is done after comparing with the entries of CR Note. The remittance of cash of at. 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 be reported to higher authorities.

Re-examination concluded.

SPS Illegible Sd/- Illegible  
12.7. E.O. 12.7.82  
DC Sd/- Illegible  
12.7.  
PW. Sd/- Sh. Qismatdar, SM/EMU, 12.7.82

TRUE COPY

Explanatory

Brst 47  
X61

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 SAR case  
of Sri H.S. Lal, ASM/BMJ.

Examination concluded.

SPS.

Sd/- Illegible

LC

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. 11.4.82  
which you had given to Vigilance Inspector  
and state that it is your statement under  
your signature.

Signature

B-60

48  
X62

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 handwriting in DTC Book. In column No. 22 and 35 of page 2 dt. 14.1.81 is not in my handwriting. I was on duty on 14.1.81. in odd to 8 hrs. This column should be in my handwriting 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.

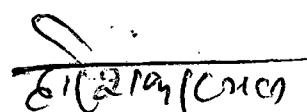
Sd/- Illegible      Sd/- Illegible      Sd/- Illegible  
13.7.                    E.O.13.7.                    13.7.

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

...

  
B-60  
X62

-: 3 :-

A-61

49

X/29

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 colleagues to prepare the DTC Book as  
a short of help. I can not tell at this stage  
that on particular date the DTC in 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      Sd/- Illegible  
13.7.                    13.7.

E.O.

Sd/- Illegible      Sd/- Illegible  
13.7.                    13.7.

TRUE COPY

*S. S. (Clerk)*

*21/12*

A-62 50  
X/61

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  
Quismataar 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 XXXXXXXXX man

21/1/81  
E.O. 21/1/81

.....

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

Sd/- Illegible  
P.C.

to Sri H.S. Lal for 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.

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 ~~shadi~~ state whether the reply  
given by you is correct after seeing the DTC  
Book today.

R. On 16.1.81 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

*2/11/12*

*6/21/81*

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 at. 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.....

81/219/01/03

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 Sd/- Illegible Sd/- Illegible  
EO 13.7.82 13.7. 13.7.81.

Sd/- Illegible  
ASM/BMJ 13.7.82.

Gorakhpur  
13.7.82.

Accordingly it is clear symptom 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 ignorant 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 colleague in preparing DTC book.

R. It happens in acute necessity.

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

Conc. ..

21/12  
S. M. C. M.

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

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

TRUE COPY

EIC/21a(CN10)

02  
21/12

इन दि आनरेबुल हार्ड कोर्ट आफु युनीवेर सेट इलाहाबाद,  
लखनऊ बेन्च, लखनऊ।

8/9

रिट पिटीशन नम्बर आफु 1982.

हरी झौकर लाल —

,,, पिटीशन

बनाम

यूनियन आफु इण्डिया आदि —

,,, अपो. पाटीज़

अनैग्जर नम्बर- 8

गोप्यपुर

12.7.82.

ब्यान श्री रमेश, विजिलेन्स प्रायिक्यशान विटेस एक्स विजिलेन्स इक्य

दिनांक 16.1.81. को बृजमनगंग रेलवे स्टेशन सर्कारी निरीक्षकों के आदेशानुसार मैंने बुकिंग बाबू से एक बाम्बे ट्री० टी० का टिकट माँगा। मुझको कुछ याद नहीं आ रहा है।

स्टेट मैन्ट समाप्त हुआ।

ब्याव पक्ष द्वारा पूछेगये प्रश्न :-

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

जाँच प्राधिकारी द्वारा पूछेगये प्रश्न :-

प्रश्न :- आपने अपना स्टेटमेन्ट 16.1.81. को विजिलेन्स हास्पेक्टर को इस केस के बारे में दिया था॒ कृपया इसको देखिये और बतलाईये कि इस पर आपका हस्ताक्षर है कि नहीं॒

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

यह सटीक है कि मुझको 72 रुपये बाम्बे ट्री० टी० का टिकट करने 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

01/12

ट्रैकिंग (ट्रैकिंग)

— २४८

मुझको यह याद नहीं । जितना मैंने स्टेटमेन्ट में 16.1.81. को लिख कर दिया है उतना रूपया बुकिंग बाबू को दिया होगा। लेकिन मुझको ठीक से याद नहीं है। बहुत दिन हो गये हालिये मुझको याद नहीं है। एक बाबू दी.टी. का टिकट बुकिंग बाबू ने हमको दिया था। मैंने 3 रूपये 35 पैसा शिवपूजन बाबू दी.टी. को दिया। भेजो पर मैंने दस्तखत किया था। जो स्टेटमेन्ट मैंने बोला होगा वही स्टेटमेन्ट लिखा गया होगा।

एक ज्ञामिनीन समाप्त हुआ।

रि-  
एक ज्ञामिनीन बाई डिफेन्स 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 तरफ का रेट बतलाया था।

रि- एक ज्ञामिनीन समाप्त हुआ।

ह०- अपठीय।

आरोपित कर्मचारी ह०- अपठीय।

ह०- एवं एम. मेहरोत्रा,

बचाव सद्व्यक्त ह०- अपठीय।

जौह- प्राधिकारी।

प्राणिकृष्णन विट्नेस ह०- रमेश रमेश

12.7.82.

सत्य- प्रतिलिपि।

ह०- एक ज्ञामिनीन

21/12

हैन दि आनरेबुल हाई कोर्ट आफ जुडी केव रेट जलाई बाद,  
लखनऊ, बेंगलुरु, लखनऊ।

रिट पिटीशन नम्बर

आफ 1982.

हरी शॉकर लाल ---

पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि ---

अपो-पार्टीज

अनेग्जर नम्बर - 9

गोरखपुर 12.7.82.

ब्यान श्री राम क्षेत्र, एक्स विजिलेन्स खलासी, प्राप्तिक्षण विटनेस  
अब पर्य - चपलक आनन्दनगर

16.10.81. का वेत है। दैन नम्बर 185 के लिये बास्बे बी.टी. का टिकट लिया गया था। हमको रमेश के पीछे छड़ा होने के लिये कहा गया था। उसके बाद रमेश टिकट लेने गये। उसके पीछे मैं भी छड़ा था। रमेश ने टिकट बाबू से पूछा कि बास्बे 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 इन्सपेक्टरों को हमने जाकर बतलाया। रमेश ने बतलाया कि कुछ पैसा अधिक ले लिया गया है। तब विजिलेन्स इन्सपेक्टर लोगों ने बुकिंग आफिस में जाकर चेक करना कर कर दिये। इसके बाद हम कुछ नहीं जानते हैं।

बवाव द्वारा पूछे गये प्रश्न :-

जिस दिन का वेत है उस दिन मैं वहाँ मौजूद था। जो बातें हुई हैं उसका ब्यान मैंने कही नहीं दिया है। मेरा ख्याल है कि मैंने क्यूंकि पंचनामे पर हस्ताक्षर किया है और कही हस्ताक्षर नहीं किया मैंने यह सवाल हस्ताक्षर किये पूछा कि न तो कही आपका ब्यान है न आपका स्टेटमेन्ट है न ही कही हस्ताक्षर किया है। जो पूफ हो

१०१२/८०

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

जाँच प्राधिकारी वारा पूछे गये प्रश्न :-

जो रमेश डिजिलेन्स डिकाइ प्राजिक्यूशन विट्नेस ने जो अपना स्टेटमेन्ट 16.1.81. को इस लेस के बारे में जो ज्ञान दिया था उस पर मैंने हस्ताक्षर राम क्लेश 16.1.81. को दिया था। मेरे रमेश के साथ टिकट खरीदते समय था। रमेश ने 68/- ल्यारे 75 पैसे बुकिंग बाबू को दिये होंगे।

ब्याव पक्ष पुनः पूछे गये प्रश्न १२ रिस्क्यूमिशन

=====

रमेश के ज्ञान के ऊपर मैंने हस्ताक्षर दिया है। रमेश के ज्ञान कराने के बाद मुझसे हस्ताक्षर लिया गया। रमेश का ज्ञान उस समय मुझको पढ़कर सुनाया गया था। इतने दिनों के बाद मुझे ज्ञान याद नहीं है। लेकिन उस समय ज्ञान मुझे जो सुनाया गया था सही सुनाया गया था।

रिस्क्यूमिनेशन समाप्त हुआ।

घ- अपठीय।

12.7.82.

१२ एच० एम० मेहरोत्रा,

जाँच- प्राधिकारी।

आरोपित कर्मचारी :- घ-अपठीय।

12.7.82.

ब्याव सहायक :- घ-अपठीय।

12.7.

प्राजिक्यूशन विट्नेस :- घ-राम क्लेश

12.7.82.

सत्य- प्रतिलिपि।

१०८२०१००००

A-71  
59

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

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 Firday 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 ShriRamesh and the EC.

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

ana Shri D.D. Upadhyay, 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.I.s 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.I.s 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.I.s 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.I.s therefore, left the booking window for the market side. On hearing the bell sound for line clear, the aforesaid two V.I.s. again rushed towards the booking window when they found that the booking had started. While the V.I.s. 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.I.s. entered into the booking office and got the cash separately, by Shri Hari Shanker Lal, ASM.

01/12

21209 (Contd.)

who was found performing tube duty. Thereafter, Shri S.R. Prasad remained in the booking office and the other two V.I.s. 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 r. Another passenger, who disclosed his name as Shri Jais Mohd stated that he purchased 3 tickets No. 03732/34 for BBVY 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 GU is Rs. 68.65. while the fare of a OCM ticket having Mail express from Lucknow is Rs. 67.00

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 Moha. 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 shunting 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. Sandey, ASM/EMJ in presence of S/Shri Hari Shanker Lal, Rg. ASM and SM/EMJ and the V.I.s. In his statement Shri Ramesh deposed that he was given Rs. 72.00 for the purchase of a ticket for BBVT by the V.I.s. 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 GC note of Rs. 50.00 denomination, one GC note of Rs. 10.00 denomination, one GC note of Rs. 5.00 denomination, one GC note of Rs. 2.00 denomination and two GC 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 P. 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. 99F 667418,  
D-526860

21/2/1970 (C2105)

A-70

64

✓/28

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 a ticket No. 03740 for BBVT and mentioned that the passenger had given him Rs. 72.00 and he had returned five GC note of Re. one denomination to the passenger to whom he issued the aforesaid ticket No. 03740. The GC notes amounting to Rs. 69.00 found from the Govt. cash as detailed above, were kept in an envelop, 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/- B Upadhyay  
V.I.  
17.1.81

Sd IC Srivastava  
CVI  
17.1.81

TRUE COPY

21/2/81 (RJD)

2/11/81

A-27  
65

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

X/19

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/ANLN DCI/SOT FA & CAO/GKP DRM(C) LNJ.

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  
image was issued & despatched  
under FS No. 4371 25 dt. 15.1.82

Sd/- Qismatdar  
SM/EMJ

S.M./EMJ.

TRUE COPY

*Qismatdar*  
16/2/81 (contd)

*Qismatdar*

A 79 66

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

WRIT PETITION NO. 651982

X/60

Hari Shanker Lal ..... Petitioner

VERSUS

Union of India & Others ..... Petitioner

VERSES

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. LU/SSMC/Vig/27/81 Divisional Office  
Dt. 8.12.82. L.J.N.

To

Name Hari Shanker Lal

Father's Name Late-Sri Jamuna Pa.

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)

6/10/2024 07:00:00

of the Rly Services (conduct) Rules, 1966. X

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 ~~etc~~ 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.

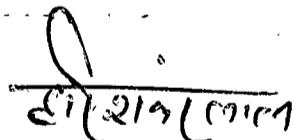
II. The appeal does not contain improper or disrespectful language.

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

  
21/2/1971





-: 2 :-

68  
A-81

true copies of the respective originals. X/3

LUCKNOW DATED:  
DEC. 21, 1982.

E. B. Singh (cuse)  
DEPONENT.

VERIFICATION

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

LUCKNOW DATE  
DEC. 21, 1982.

E. B. Singh (cuse)  
DEPONENT

I identify the deponent who has signed before me.

R. Singh  
ADVOCATE.

Solemnly affirmed before me on 21.12.82  
at 4.30 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.

B. D. Joshi  
High Court, Allahabad,  
Lucknow Bench

No. 982/100

Dated 21.12.82

A/101  
K/S  
8

:: 2 ::

*Vide*  
issue of the order of removal from service 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 petitioner,  
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 <sup>was</sup> ~~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 khallasi 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 khallasi for  
the ticket for Bombay V.T. for which the current  
fare was <sup>Rs.68.65</sup> ~~Rs.67/-~~ actually Rs.67/- only. Thus, the petitioner

3/mais  
13.3.2004  
Divl. Safety  
Rly. Lucknow

A-102 100

:: 3 ::

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. <sup>were</sup> purchased by him <sup>and</sup> 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(2)  
13.3.90  
Supt. Divl. Safety Officer  
A. E. Rly. Lucknow.

A-103  
1/67  
:: 4 ::

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 Superintendent~~ and ~~Divisional Safety Superintendent~~ both are senior scale officers of the Operating Branch of Traffic Department and they are the controlling Officers of the employees ~~and~~ working <sup>in</sup> 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.

~~For every day the Divisional Operating Superintendent works he is entitled to exercise disciplinary authority~~

*3/1/19  
S. Divisional Officer  
N. L. now*

A-104 X  
RE

:: 5 ::

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 ~~in order~~ <sup>valid</sup> 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~~ ~~investigation by the Vigilance party~~ ~~allegations to the contrary~~ ~~service~~.

*3/ma/s  
13.3.90  
Sr. Divl. Safety Officer  
N.E.R.R. Lucknow.*

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) <sup>(n)</sup> 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 allowed to them.

~~similarly~~ Similary, 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 ~~second~~ petition, it is stated that the enquiry

3/1/85  
13.3.90  
Sr. Divl. Safety Officer  
N. E. Rly, Lucknow.

C

Ar 106 80

:: 7 ::

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~~ <sup>all the</sup> witness 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 prosecution. 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 witness 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.

20

~~3rd/107  
13.3.90~~

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

P-168

8/1

11 9 11

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~~of~~ 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~~

~~any~~ ~~any~~ any ulterior motive.

The petitioner has committed a serious mis-

conduct 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

2m/16  
13.3.90  
Sr. Divl. Safety Officer  
N. E. Rly, Lucknow.

A109  
X  
X  
X

::: 10 :::

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 <sup>and are denied.</sup> 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 ~~the~~ 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.

3/3/82  
13.3.90  
Sr. Div. Safety Officer  
Unknown.

P-10  
A/3

:: 11 ::

15. That the contents of the paragraph no. 16 of the ~~said~~ petition as stated <sup>and are denied</sup> by the petitioner are not admitted 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 <sup>and are denied</sup> by the petitioner, are not admitted. 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 motiv

20/10/62  
S. D. B. S. P.  
N. E. Rly, Lucknow.

R-111  
8/24

ss 12 ::

17. That in reply to the contents of paragraph No. <sup>18</sup> 43 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 to this reply. Any allegations to the contrary are denied.

*3nw/1b  
B. 3.40  
Sr. Div. Safety Officer  
N. E. Rly, Lucknow.*

PA/12

8/65

:: 13 ::

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 ~~issuing~~ <sup>use</sup> ~~of~~ <sup>telegraph</sup> 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 interpretations 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

31/3/88  
13.3.90  
Sr. Div. Safety Officer  
N. E. Rly, Lucknow.

14 ::

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 ~~cross~~ ~~cross~~ reply.

21. That with regard to the contents of paragraph No.22 of the ~~said~~ petition, <sup>argument</sup> filing of the written ~~cross~~ 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.

3-3-90  
13.3.90

Sr. Divl. Safety Officer  
N. E. R.

A 114

:: 15 ::

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 Officer 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 <sup>are</sup> of the same rank <sup>and</sup> 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-changeable. Since memorandum of charges, order nominating enquiry officer to conduct the enquiry & orders

3/16/1940  
12.3.40

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

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 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

3w/07  
133.90

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

:: 17 ::

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~~ 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 ~~not~~ entitled to the ~~directions~~ <sup>reliefs</sup> prayed for in the petition and the petition is liable to be dismissed.

3/11/80  
13.3.90

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

----- Sp. Div. Safety Offic  
N. E. Rly. Lucknow

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

A 418  
100

:: 18 ::

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

*3/3/90*  
DEPONENT

Place Lucknow

Sp. Div. Safety Officer  
N.E. Rly. Lucknow.

In The Central Administrative Tribunal  
Circuit Bench, Lucknow.

T.A.W. 1200 of 87 (T)

Hari Shanker (et al)

1/3

Union of India & others.

(18) A-112

A-101

Annexure No. 1



22/4/69

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

Done Copy

3rd/16  
Dr. DIV. Safety Officer  
N.E. Rly, Lucknow.

## DUTIES OF DIVISIONAL SUPERINTENDENT

Each division will be placed under the administrative charge of a Gazette Officer of the later-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 continuing duty, 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 his department in respect of matters both within and beyond their powers. They will be responsible for co-ordinating and co-ordinating 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 the exception that 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/or 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 Workshop 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 in-corporated 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.

3rd Qtr  
13-3-90  
Sr. Div.  
E. Rly. LUCKNOW.

### 5. DUTIES AND RESPONSIBILITIES OF DIVISIONAL OFFICE

In the Divisional set up, the Divisional Office in the various departments will be in-charge of booking, loading and despatching and responsibilities which the Divisional Superintendent will exercise will be as follows:- The senior divisional officer will be the Divisional Superintendent and his duties will be as follows:- The Divisional Superintendent will be responsible for the day-to-day working of the Divisional Office and broadly indicated below. These are divided into two parts, i.e., (i) Divisional and (ii) Assistant Officer will exercise the following duties in accordance with the powers and functions delegated to them. For dealing with common day-to-day problems, the Divisional Superintendent and Assistant will co-ordinate and co-operation from other respective departments will be required. In this direction, however, the help and guidance of the Divisional Office will be available.

(I) **Divisional Operating Superintendent.**—The Divisional Operating Superintendent will be responsible to the Divisional Superintendent for the efficient movement of all traffic. He will be responsible for the following:- (i) to administer the working of the Transportation staff such as Station Masters, Assistant Station Masters, Masters of major marshalling yards and junction stations, Guards, Train Clerks, Signalmen, Telegraphers, etc. Functions of way side staff will have control over the lapses of operating nature committed by the operating staff of way side stations. Commercial staff, vii, for booking against restriction, wrong and misleading declaration 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 generally deal mainly with the following and other allied matter pertaining to the movement of traffic within the Division as concerned:-

- (a) Working of stations and yards of major marshalling yards and junction stations.
- (b) Time Table and train arrangement in general including drawing up—
  - (i) Engine Index, in consultation with D. M. E.
  - (ii) Passenger rake Index in consultation with D. M. E.
  - (iii) Evolution of power plants.
- (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 not controlled by the Head-quarters office.
- (i) Verification, Acceptance, Allocation, Adjustment of all claims for compensation bills pertaining to the Department.
- (j) Parliamentary Questions concerning unpunctual running of trains, etc., latencies, and irregularities, 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 will *inter alia* be as follows:-

- (a) Attending site of accidents as and when necessary.
- (b) Enquiries into accident cases and initiating action on recommendation 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 counsellors, inspectors and Safety Officers 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 specifically directed towards the specified categories of staff, i.e., of senior, i.e., traffic or accident-prone categories.
- (g) Preparing analysis of traffic accidents and rules frequently violated and initiating remedial action.

*your Copy*

3/2/2013  
13-3-90  
Sr. Div. Safety Officer  
E. Rly. Lucknow

(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 booking and ticket clerks, transhipment 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 matter 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 claim; such as addition of padding, liability, sealing and rivetting, clearing of wagons and monsoon protection, etc.
- (c) Complaints from public regarding commercial and other matters.
- (d) Clearance of outstanding, other than those dealt with by the Head-quarters 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 station earnings and investigation into cases of loss or theft of cash.
- (g) All work in connection with issue of concession orders, sea or land, etc.
- (h) All matters in connection with handling contracts of goods at Head-quarters and stations including billing for all items falling within powers of divisions.
- (i) Catering arrangements at station premises (except those controlled by the Head-quarters 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 staff, in equipment and arrangement for work, e.g. ticket books and forms, 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 compete in the traffic.
- (p) Verification, Acceptance, Allocation, Adjustment of all cash and adjustment 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, contractors of goods, execution of agreements, realization of license fees, etc.
- (t) Supervision and control over all Sheds, Parcel Offices, Repacking sheds and transhipment sheds.
- (u) All works in connection with reservation of berths and seats in trains except allocation of quotas.
- (v) Control over Refining Revenue 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

3/2/2013  
 13-3-90  
 Sr. Div. Safety Officer  
 D. E. Rly. Lucknow.

Central Administrative Bureau  
Circular Bench, Lucknow

T. A. No. 1200 of 87 (T)

Hansankar Lal

v/s

Union of India & others.

(24)

A/123

A/106

Annexure No A/2

Copy of Railway Board's /New Delhi's L/No. 2(184) dated 22.10.1984 to the General Manager/Railway/Cor. Alipur.

Sub:- Disciplinary authority under Railway Services (Disciplinary) Rules, 1908-staff of Operations Department.

Referred your letter No. 2/4/2/pt. 4/IV dated 24/6/784 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 concerned officers, belong to operating side and there should be no objection to their taking disciplinary action against operating staff like drivers, etc, who perform such passing duties.

Please acknowledge & receipt.

Some Copy

3/2/85  
13.3.90

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

(25)

P-124

6/2  
102

ANNEXURE 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

Done C.R.P.  
3rd/10  
13.3.90  
Sr. Div. Safety Officer  
S.E.R.I.Y, Lucknow.

(26)

P/125  
A/108

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.  
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 (P.W)  
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  
~~six~~ 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  
~~xx~~ efforts will be made to call for the said  
prosecution witness in the enquiry.

Sd.  
H.M. Mehrotra

Copy to Divisional Safty 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  
Sp. Divl. Safty  
N. E. Rly.

27

A-126

X/99

अनेकपरम् ५

गौरखपुर - 12.7.82

बधान श्री रमेश, विजिलेन्स छलासी, प्राजिक्यूशन विटनेस एक्स विजिलेन्स,  
डिकाय ।

दिनांक 16. 1. 81 को बृजमन गंग रेलवे स्टेशन सर्टिक्टा निरीक्षा के आदेशानुसार मैंने बुरीकंग बाबू से एक बाल्ब बी०टी० ना टिक्कमांगा त्रु मुझको तुछ यादनहीं आ रहा है ।

स्टेटमेन्टसमाप्त हुआ ।

बचाव पक्ष द्वारा पूछे गये प्रश्ने:-

बधाव पक्षने कोई प्रश्न नहीं पूछा ल्यों लि रमेश्वरा० विटनेस  
का कोई बधाव नहीं है। जांच प्राधिकारी द्वारा पूछे गये प्रश्नः

प्रश्नः— आपने अनास्टेटमेन्ट 16.1.81 को विजिलेन्स इस्प्रेक्टर को इस क्षेत्र के बारे में दियाथा। कृपया इसको देखिए और बतलाहये कि इस पर आपका हस्ताक्षर है किन्तु।

उत्तर :- मैं प्रमाणित करता हूं कि आज अपना हस्ताक्षर देखने के बाद  
कि यह मेरा ही हस्ताक्षर है। यह सटी बात लहै कि मुझ को 72 स्पष्ट  
बास्के बी०टी० का टिकटकाबाने के लिए बी०आई० लौगने दियाथा।  
मुझको यह याद नहीं है कि बाबू ने 64-65 स्पष्ट मार्गि। लितने कितने  
कानौट थामुझलो याद नहीं। जितना मैंने स्टेटमेन्ट में 16.1.81 के लिख  
कर दिया है उतना स्पष्टाबुकिंग बाबू लो दिया होगालो क्लमुझलो ठीक  
से यादनहीं है। बहुत दिन हो गया इस लिखमुझलो याद नहीं है। एक  
बास्के बी०टी० का टिकट बुकिंग बाबू ने हम लो दिया था। मैंने

3213  
S. DIV. 3-92  
R. E. RY, LUCKNOW

-2-

3 रुपये 35 पैसे शिव पूजन बाबू पीजाईंगो लो दिया। मैमो पर  
मैने दस्तखत कियाथा। जो स्टेटमेन्ट मैने बोला होगा वही स्टेट  
मेन्ट लिखा गया होगा।

एक्जामिनेशन समाप्त हुआ।

"रिएक्जामिनेशन बाईंडफैस्ट बचाव द्वारा पुनः पूछे गये प्रश्नः-

लिखा तो मेरे सामने गया लैरीन पढ़कर मुझे सुनाया नहीं  
गया। सिर्फ मेरे छस्तखत हुए थे। कुछ याद नहीं हैं लेकिन उन्होंने को  
तरह का रेट बतलायाथा।

रिएक्जामिनेशन समाप्त हुआ।

आरोपित कम्पारी	द० अप्रैल
बचाव सहायक	12.7.82
प्रार्थित वृत्तिनिटेस	द० अप्रैल
	द० रमेश
	द० सचिन महरोत्रा
	जाच प्रार्थिकारी
	12.7.82

हु सत्य प्रतीलिपि

3/2/82  
13.3.90  
Sr. Div. Safety Officer  
N. E. Rly, Lucknow.

DIVISIONAL CASE NO.

LD/SS-C/Vig/27/81. Annexure No - 6

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

Disciplinary Authority - D.O.S./LJN.  
Accused Rly. Employee - H. S. Lal, ASH/UD.  
Defence Asstt. - M. Husain, CG-1, TA & 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 :

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 DTC 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(l) (i), (ii) and (iii) of the Railway Services (Conduct) Rules, 1966.

Statement of imputations

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 culprit red-handed. They deployed a vigilance decoy Sri 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 (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.

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 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 no would make good the shortage from his pocket in the morning.

cont.....2

3-27

13-3-90

SD. DIV. Safety Officer.  
N. E. RAILWAY

iii) Statement dated 16.1.81 of Shri Ramesh Khaasi 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 EC on duty where upon EC on duty demanded  $\text{Rs. } 68.65$  from him. He paid a sum of  $\text{Rs. } 69.00$  to the EC and the EC gave him ticket No.03740 for BBVT and returned 35 paise to him. It will also prove that the preduced 3 GC notes of  $\text{Rs. } 1$ , one denomination and 35 paise which remained with him after purchase of ticket out of  $\text{Rs. } 72.00$  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 V.I. It will also prove that Sri Ram Kalesh, Khaasi 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  $\text{Rs. } 3.00$  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 EC and the EC had told him the fare as  $\text{Rs. } 68.65$  Shri Ramesh paid  $\text{Rs. } 69.00$  to the EC 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  $\text{Rs. } 69.00$  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  $\text{Rs. } 69.00$  were the same as noted in the Memo. Since while issuing the ticket for BBVT to Vigilance decoy Shri Ramesh, EC returned 35 paise to him after realising  $\text{Rs. } 69.00$  (imputation no. (iii)) as such the recovery of  $\text{Rs. } 69.00$  from the Govt. cash with Shri H.S. Lal conclusively proves that  $\text{Rs. } 68.65$  was demanded and accepted by the charged employee against the due fare of  $\text{Rs. } 67.00$  and the illegal excess money of  $\text{Rs. } 1.65$  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  $\text{Rs. } 69.00$  as detailed in the Memo were recovered from his cash.

vii) Ticket No.03740 ex. BMJ to BBVT will prove that it was a 1Ind OJM ticket with ordinary ex. BMJ to LNN and the fare printed thereon is  $\text{Rs. } 69.55$  and no correction in the fare was made by the charged employee with intention to realise excess in booking.

viii) GC notes amounting to  $\text{Rs. } 69/-$  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  $\text{Rs. } 50.00$  No. 4EF-9/4449.
- b) One GC note of  $\text{Rs. } 10.00$  No. 568-370716.
- c) One GC note of  $\text{Rs. } 5.00$  No. 664-807580.
- d) One GC note of  $\text{Rs. } 2.00$  No. 58G-811530.
- e) Two GC note of  $\text{Rs. } 1.00$  No. 99P-667418 and P-526860

34

True Copy  
7/3/80  
13.3.90

Sr. Div. Commr Officer  
now.

12. Statement dated 16.1.81 of Shri Jais Mohd. (Passenger) recorded by Shri B. N. Srivastava, Guard 185 Up in presence of BMJ/BMJ which Qismatdar will prove that passenger Shri Jais Mohammad purchased 3 tickets No. 03732/34 ex. BMJ to BHVT and paid Rs. 68.65 on each ticket on demand by the HU 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 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 BC 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.

xi) Page 5 of DTI 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 IIInd shift (16 to 24) on 16.1.81 and a sum of ",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 resewn with different threads.
- b) The persons who made entries at page one of DTC 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 IIInd 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 IIInd and IIIInd shifts have changed to Rs.872.30 and ~~Rs.531~~ 153.60 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. contd. 4

contd. 4

~~True Copy~~  
~~3/21/80~~  
~~12390~~

Sept. 11th, 1861. - *W. H. Miller*

xiii) Station Diary of BMJ station for the period from 22.1.80 to 28.1.80 will prove that S/S Sekh Qismatdar, S.H. G.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 a 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 DTG 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 DTG 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 DTG 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 DTG 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 DTG 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 BM/BMJ will prove that on 15.1.81 and 16.1.81 he closed the DTG book personally in his duty hours and he fully remembers having made all entries in his shift duty but from the perusal of the DTG 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 DTG 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 Qismatdar) at page 5 on 15.1.81 of the DTG 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. cashbox 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 DTG book in 8 to 16 hours and 16 to 24 hours shift duty on 16.1.81 are in his hand writing.

contd....5

True Copy

3/2/80  
13.3.90

Ex-Officio  
S. S. Lal  
S. S. Lal

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

<u>Date</u>	<u>Page No.</u>	<u>Entries in columns of DTI Book.</u>
16.1.81	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
16.1.81	4	22, 23, 25, 28 and 35.
16.1.81	4	9, 10, 15, 22, 23, 24, 25, 28 and 35.

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

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

(iii) 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. Upadhyay, 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 1Ind 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, when 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 Rs.68.65 for the sale of the 1Ind class ticket for BBVT. Other two passengers also gave the statement that Rs.68.65 was realised by them separately by booking babu for 1Ind class ticket for BBVT. Ramesh Vig. Khalasi (decoy) also gave his statement alongwith Mr. Ram Kalesh, written by ASM/BMJ, 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. Rs.69.00 which were given by

contd....6

One copy  
21/3/82  
13.3.90  
Sr. Divl. Safety Officer  
N.E. Rly. Lucknow.

Ramesh 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 account was done by Sri Sheo Fujan, 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 have 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

contd....7

copy  
3-3-90  
Sr. Divl. S. Officer  
N. E. Rly. Lucknow.

H.C  
35

A/34

A/17

Asi Sri R. R. Pandey, was also called for. He found in the station office several V.I.s counting the cash therefore the closing No. of tube was taken by Sri R.R. Pandey, ASM so far he remember. The V.I.s 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 do 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.I.s. He do 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 knowledge for remittance which is left is done after comparing with the entries of J.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.

contd.....8

True Copy

3/2/81

13.3.90

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

H/8

36

A/BS  
X/18

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. 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.

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.I.s were deputed to contact these passengers from whom excess money was realised while the train was standing at the station the other two V.I.s 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 LWN 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.

contd.....9

True Copy  
372/213  
13-3-90  
Sr. Div. Safety Officer  
N. E. Rly, Lucknow.

- 8 -

(37) A. 136  
10

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 BM 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 DTU book and made interpolations in the original entries recorded by other staff to cover the shortage found in the foyt. cash during the course of check on 16.1.81 which is proved by the statement of the staff working at BM station and DTU 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 IUD. 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

contd....10

Copy  
37-018  
13.3.90  
Sr. Div. Safety C.I.D.  
N. E. Rly. Lucknow.

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 DC book in each shift on 14th, 15th, 16th, January 1981 did not make 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 make 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 E.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 DC 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. It is stated that it has 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 KUDs 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 1st, 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 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. Ramesh 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 LJM 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 Rly. 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

contd....11

True Copy

3m Q12

13.3.90

SP. DIV. Safety Dirct  
N.E. Rly. Lucknow.

X (39)

D-138

Cash & Nos. of each and all currency Notes amounting to Rs. 69.00 were the same as noted in the said memo. Since while issuing the said ticket for BBVT to Vig. decoy, B. Clerk returned 35 paise to him after realising Rs. 69.00. As such the recovery of Rs. 69.00. H. S. Lal (SPS) was conclusively proved. Rs. 68.65 was demanded and accepted by the charge employee against the due fare of Rs. 67.00 and the illegal excess of Rs. 1.65 was recovered from his cash. This fact was also confirmed by other PWs before the enquiry (D. D. Upadhyay, V.I. and R.R. Pandey, ASM/BMJ (PWs)). From the statement of the passengers (PWs) it has been established that the SRS realised excess money on sale of tickets for BBVT 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 BBVT 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 Rs. 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 hand-writing 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 perusal 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 15.1.81 failed to maintain absolute integrity and devotion to duty and exhibited conduct unbecoming to a Rly. Servant in as much as :-

contd....12

Copy

31-216  
13-3-90Sr. Div. Safety Officer  
N. E. Rly, Lucknow.

40

139

122

122

- 12

(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 Khalasi, Vigilance for his personal gain.

(ii) He substituted pages from the DTG 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) (1), (ii) & (iii) of the Railway Services (Conduct) Rules, 1966.

### Finding.

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

*Time limit*  
( H. M. Mehrotra ) 17/9/82  
Enquiry Officer

*Some Copy*

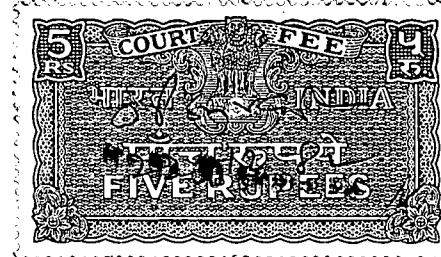
3/13/82  
13/3/90  
Sr. Divl. Safety Officer  
N.E.Rly, Lucknow

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

Cr. No. 13221 (W) - 13221 (W) of 1982.

IN RE: 6220

WRIT PETITION NO. 6220 OF 1982



Hari Shanker La, aged about 39 years, son of late Sri Jamuna Prasad, resident of Mohalla Rekabganj, 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:-

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.

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

v.s.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22-12-82	<p style="text-align: center;">Jcm SCM, Jcm SSA,</p> <p>Admit and connect with w.p. no 3335 of 82. Issue notice to the opp. parties.</p> <p style="text-align: center;">Sd SCM. Sd SSA. 22-12-82</p>	
22-12-82	<p style="text-align: center;">C.M.A.N. No 13221 of 82</p> <p style="text-align: center;">Jcm SCM, Jcm SSA,</p> <p>Issue notice. Meanwhile the operation of the impugned order</p> <p>the post held by him.</p> <p style="text-align: center;">Sd SCM. Sd SSA. 22-12-82</p>	
	<p style="text-align: center;">4-3-83</p> <p style="text-align: center;">Fixed for appearance and for filing C.A. in W.P. and C.M.A. No 13221 (at) 82 N. 1 to O. P. No. 1 to 8 R. P.</p>	11.30 25/12/82

(B)  
12-1-83

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
WP No. 6220 of 1982

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-9-04	<p>Mr. K N M,  <u>Mr. S S A, J</u></p>	
	<p>list in the week      commencing on 26<sup>th</sup> Sept. 1904.</p>	
2	<p><sup>In the meantime</sup>      Learned counsel for the      respondent may file counter      affidavit, if he may so      like. Petitioner may      also exchange written      affidavit during that      period.</p>	
Dt/ 11-9-04	<p>Keen      OJ      Open</p>	
<p>22-9-04      23-9-04      24-9-04      25-9-04      26-9-04      27-9-04      28-9-04      29-9-04</p>	<p>24-9-04 fixed for      hearing      the 25-9-04      the 26-9-04</p>	<p>Keen      OJ      Open</p>
	<p>19-11-04 fixed for</p>	

127-137-23

A-804

4

## हाई कोर्ट इलाहबाद, लखनऊ बोन्च लखनऊ

(अध्याय १८ नियम १ और ७)

दीवानी विभाग

127

प्रक्षीर्णक (मुतफर्क) प्रार्थना सं० ..... सन १९ ..... ई०

..... १८८ ..... सं० ६२२० ..... सं० ८१ ..... ई०

— Haru Shankar Lal — — — — — प्रार्थी

— — — — — Union of India and others — — — — — प्रत्यार्थी

— — — — — Divisional Safety officer.

— — — — — N.E. Railway office of the  
Divisional Railway manager

— — — — — Asstt. Mngt. Warden,

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय उपर्युक्त लिखे रुक्म में के सम्बन्ध में .....  
..... लिये प्रार्थनात्र दिया है अतः आपको आदेश दिया जाता है  
कि आप दिनांक ..... ६/१ ..... माह ..... ३ ..... 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 विज्ञति दिया और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर्याय उससे पहले स्थिर अथवा विसी एवं दों दा  
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपरित न हों तो उस प्रार्थना-पत्र की सुनवाई और  
निर्णय आपकी अनुपस्थिति में हो जायगा।

12 ..... 1-83

मेरे हस्ताक्षर और न्यायालय की मोहर से उज दिनांक ..... माह

..... को जारी किया गया।

..... के एडवोकेट



दिप्टी रजिस्ट्रार  
इलाहबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम २ के आधारन प्राप्त हस्ताक्षर  
मिल गया।

तलवाना प्राप्त करने वाले कर्के वे हस्ताक्षर

105

4

## ਹਾਈ ਕੋਟੀ ਇਲਾਹਿਬਾਦ, ਲਖਨਤੁ ਬੋਨਚ ਲਖਨਤੁ

( अध्याय १२, नियम १ और ७ )

## दीवानी विभाग

4  
128

प्रकीर्णक (मत्तेकर्त्ता) प्राप्तिप्रदाता ..... रुपरुप १९ ..... ५०

-- श्री - दिव्यांशु सेफ्टी ऑफिसे -- -- प्रत्यार्थी

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

Althoff, Marg. Rückenwurz

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रुक्मिणी के सम्बन्ध में ... ... ...  
 ...  
 ...  
 ...  
 ...  
 ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ... ... ...  
 ... ... ... ... ... ... ...  
 ... ... ... ... ... ...  
 ... ... ... ... ...  
 ... ... ... ...  
 ... ... ...  
 ... ...  
 ...  
 लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है  
 कि आप दिनांक ... ... ... <sup>५</sup> ... माह ... ... <sup>३</sup> ... सन १९...<sup>१३</sup> ... 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 उपर लिखे दिनांक पर या उससे पहले स्थिर अथवा विसी एवं दोहरे दो ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होने तो उस प्रार्थना-पत्र की सुनवाई और विराग आपकी अनुपस्थिति से हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह सन १९०० को जारी किया गया।

.....**के एडवोकेट**

तिथि..... .... .... .... .... .... .... ....

## हिन्दी रजिस्टर

इलाहीबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम २ वे आधीन प्राप्त करना मिल गया।

तुलबाना प्राप्त करने वाले कर्कि के हस्ताक्षर

# ਹਾਈ ਕੋਟੀ ਇਲਾਹਿਬਾਦ, ਲਖਨਤੁ ਫੋਨਚ ਲਖਨਤੁ

( ਅਧਿਅ. ੧੨, ਨਿਯਮ ੧ ਅਤੇ ੭ )

## दीवानी विभाग

प्रकीर्णक (मतफर्किक) प्रार्थना सं०..... सन १९..... १०

W.D. 6220 सत ११ ८२ १०

## — — — Union of India and its — — — प्रत्याख्य

## The Mineral Railway

... manager, N. E. Fly. Ashok

— Mareg — Wücknöll.

चूंकि ऊपर लिखे प्रार्थना ने इस न्यायालय में उपर्युक्त लिखे रुक्तमें 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 विसी और दिन होगी।

विदिद हो कि आप उपर लिखे दिनांक पर या उससे पहले स्थान अर्थात् विसी एडब्ल्यूट एसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होने तो उस प्रार्थना-पत्र की सुनवाई और विर्याय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालंय की मोहर से आज दिनांक १९ सन् १९ माह सन १९ को जारी किया गया है।

ବିଭିନ୍ନ ପଦ ପଦ୍ମ ପଦ୍ମ ପଦ୍ମ



408

## ਫਿਰੀ ਰਜਿਸਟਰ ਇਲਾਹਾਬਾਦ/ਲਖਨਤੁ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम ८ के आधीन प्राप्त बलाना मिल गया।

तलवाना प्राप्त करने वाले कर्त्ता के हस्ताक्षर



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

५  
४-८९  
१३२

दीवानी विभाग

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

सं० ..... सन १९..... ई०

प्रार्थी

प्रति

प्रत्यार्थी

N.E. १९५८

गोपनीय

कूँकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रखदेने के सम्बन्ध में .....  
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है  
कि आप दिनांक ..... ४ ..... 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 विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थयं अथवा विसी एवं दोनों दा  
एसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होने हो 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 १९५८ की नियमानुसार अध्याय ३७ नियम २ वे आधीन शात हल बाना  
मिल गया।

तलबाना प्राप्त करने वाले कर्के हस्ताक्षर

124-131-83

MC

90

8-10  
A-132

## हाई कोर्ट इलाहाबाद, लखनऊ बोन्च लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

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

..... सं०..... सन १९..... ई०

— Madras Central Tel — — — — — प्रार्थी

— Union of India Central — प्रति  
— Union of India through I.C. — प्रत्याधी

General manager, N.E.R.Rly

Garakhpur

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रक्कमें के सम्बंध में .....  
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है  
कि आप दिनांक ..... ४ ..... माह ..... सन १९..... ८ ..... 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 स्थिर अर्थवा विसी एवं दूसरी  
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

जीमा नहीं NOT INSURED		क्रमांक/No. <b>2359</b>
राजस्थान गये डाक टिकटों का मूल्य रु० ५०	फ्रैक्टमेंट of Stamps affixed Rs. ५०	
सुन रजिस्ट्री..... Registered a Registered	प्राप्त किया Received a Received	पात्र डाक टिकट Postage Stamp
वाले दाले का नाम Name of the Postman	पानवाले जयकारा लखनऊ लखनऊ	
124 M.E.R. General Manager	Signature of General Manager	

दिप्ति रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम २ वं आधीन शात सल बाना  
मिल गया।

तलवानी प्राप्त करने वाले के हस्ताक्षर

हाई कोर्ट इलाहबाद, लखनऊ बोन्च लखनऊ  
( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

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

..... सं० ..... सन १९..... ई०

प्रति

प्रत्यार्थी

सं० १९८० ई०

कूंकि ऊपर लिखे प्रार्थों ने इस न्यायालय में उपर्युक्त लिखे रुक्यमें के सम्बन्ध में .....  
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है  
कि आप दिनांक ..... ५ ..... माह ..... ३ ..... सन १९८० 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 विहित विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थिर अथवा विसी दैदिकोंट द्वा  
रा ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हो, 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 ..... ई०  
सन १९..... को जारी किया गया।

..... के एडबोकेट

तिथि



डिप्टी रजिस्ट्रार  
इलाहबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय १२ नियम २ के आधीन प्राप्त तत्त्वाना  
मिल गया।

तत्त्वाना प्राप्त करने वाले कर्त्त्व के हस्ताक्षर

126-131-83

(3)

## हाई कोर्ट इलाहाबाद, लखनऊ बोन्च लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

91

A/133

प्रकीर्णक (मुतफर्क) प्रार्थना सं० ..... सन १९ ..... ₹०

..... ८० ..... सं० ..... सन १९ ..... ₹०

— — — — — Hari Shanker Lal — — — — — प्रार्थी

— — — — — Under the प्रति — — — — — प्रत्यार्थी

... The Divisional operating Superintendent,

... N.E.R.Y. Ashok Marg. Lucknow.

(... New Addeessed to Senior  
Divisional operating Super)

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त क्रिये रुक्हमें के सम्बंध में .....  
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है  
कि आप दिनांक ..... ६/१ ..... माह ..... ३ ..... सन १९ ..... ₹० ..... ₹० 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।

कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थिर अधिकारी की सुनवाई और

बीमा नहीं NOT INSURED

क्रमांक/No

जगमे गये डाक टिकटों का मूल्य ₹०.५

235/

Amount of Stamps affixed Rs. ५

इस राजस्वी मात्र किया

Received a Registered

पाने वाले का नाम

Addressed to N.E.R.Y.

प्रानेवाले अधिकारी के हस्ताक्षर

Signature of Receiving Officer

126

1-83

माह

तिथि

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम ८ वें आधीन शाल हल्दाना  
मिल गया।

तलवाना प्राप्त करने वाले को के हस्ताक्षर

3

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

दीवानी विभाग

प्रक्रीणक (मुत्फर्किक) प्रार्थना सं२० सन १९८० ई०

Haru सं१९८० सन १९८० ई०

Union of India and others  
the Divisional Superintendent,

(N.E.Rly) Ashok Marg, Lucknow.

(New designated and senior  
Divisional operating staff).

चूंकि उपर लिखे प्रार्था ने इस न्यायालय में उपर्युक्त लिखे त्रैदमें के सम्बन्ध में लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १४ माह ३ सन १९८० 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 उपर लिखे दिनांक पर या उससे पहले स्थिर अधिकारी विसी एडवोकेट एवं उससे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होरे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह १९८० को जारी किया गया।

के एडवोकेट

तिथि



डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमाबली के अध्याय ३७ नियम ८ के आधीन प्राप्त होकरा नियम ८ के आधीन प्राप्त होकरा

मिल गया।

तलवाना प्राप्त करने वाले कर्के हस्ताक्षर

RP No 2359 124 13-1-85

(N)

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

135  
A/93

दीवानी विभाग

प्रकीर्णिक ( मुतफर्कि ) प्रार्थना सं०..... सन १९..... ई०

..... ~~Haru principle Ltd~~ ..... सन १९..... ई०

..... Union of India <sup>प्रति</sup> a civil avs. ..... प्रार्थी

..... Union of India through its

General manager N.E.R.Rly

..... Borsarkh浦

कूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रुक्दमे के रूपमें लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १४ 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 विज्ञति विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्थिर अधिकारी विसी पहलों द्वारा ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपर्युक्त न होरे, 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 ई० सन १९..... को जारी किया गया।

..... के एडवोकेट

तिथि

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम के आधिकारिक रूप से दिनांक १० अक्टूबर

तलवाना त इरने वाले कर्त्ता के हस्ताक्षर

दिप्तरजिस्ट्रार  
इलाहाबाद/लखनऊ

10/2/83

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम के आधिकारिक रूप से दिनांक १० अक्टूबर

मिल गया।



125

हाई कोर्ट इलाहबाद, लखनऊ बोन्च लखनऊ  
( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकीर्णिक ( मुतफर्कि ) प्रार्थना सं० ..... सन १९ ..... ₹०

..... सं० ..... सन १९ ..... ₹०

१०५

प्रति

प्रत्यार्थी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रुक्तमें के सम्बंध में ..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ..... ५ ..... माह ..... ३ ..... सन १९०३ ₹० ..... 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 दिसी और दिन होगी।

विद्यि हो कि आप उपर लिखे दिनांक पर या उससे पहले स्थान अधिकृत हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

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

..... के एडवोकेट

स्थिति.....

दिप्ती रजिस्ट्रार  
इलाहबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम २ वे आधीन सात ललवाना मिल गया।

ललवाना प्राप्त करने वाले को वे हस्ताक्षर

## हाई कोर्ट इलाहाबाद, लखनऊ बोन्च लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णिक (मुतफरिक) प्रार्थना सं० सन १९ ई०

सं० सन १९ ई०

प्रार्थी

प्रति

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रुचदमे 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 विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक यरथा उससे पहले स्थाय अधिकारियों द्वारा ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ५ माह सन १९ ई० 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 रुक्मिणी मिल गया।

तलवाना प्राप्त इरने वाले कर्के के हस्ताक्षर

हाई कोर्ट इलाहबाद, लखनऊ बोन्च लखनऊ  
( अध्याय १२, नियम १ और ७ )

५८  
A १३१

दीवानी विभाग

प्रकीर्णिक ( मुतफर्कि ) प्रार्थना सं० ..... सन १९ ..... ६०

..... सं० ..... सन १९ ..... ६०

प्रार्थी

प्रति

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे रखाए के सम्बंध 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 विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले रथ्यं अथवा विसी एवं १२ दा  
एसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होरे तो उस प्रार्थना-पत्र की हुनवाई और  
आपकी अनुपस्थिति में हो जायगा।

12/1-83

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ५ माह  
सन १९ ..... को जारी विया गया।

..... के एडब्ल्यूकेट

तिथि .....  
.....

डिप्टी रजिस्ट्रार  
इलाहबाद/लखनऊ

सूचना—इस न्यायालय की १९५८ की नियमाबली के अध्याय ३७ नियम ८ के आधीन शात रुदाना  
मिल गया।

तलबाना प्राप्त करने वाले के हस्ताक्षर

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

6A J.W  
T.A. No. 1230 of 1987

No.CAT/Alld/Jud 40539 dated the 20/9 A/140

40539

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 same one duly authorised to  
act and plead on your behalf

the matter will be heard and decided in your absence.

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

25th

dinesh/

DEPUTY REGISTRAR

Hukum Bencher

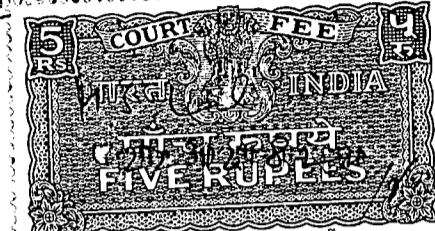
ब अदालत श्रीमान

महोदय

वादी Hanuman Lal  
(मुद्रालेह)

का

प्रतिवादी (मुद्रालेह)



## वकालतनामा

W.B. 40 - 4/1952

1951  
4/12

A  
141

Hanuman Lal वादी (मुद्रालेह)

बनाम

Union of India वादी (मुद्रालेह)

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

O.P. Srivastava Adv.

एडवोकेट

महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (द्वकार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरो  
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 तस्दीक करें या मुकदमा उठावें  
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का  
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)  
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह  
भी स्वीकार करता हूँ कि मैं हर ऐशी स्वयं या किसी अपने पैरो-  
क्रारको भेजता रहूगा अगर मुकदमा अदम पैरवी में एक तरफा  
मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील  
पर नहीं होगी । इसलिए यह वकालतनामा लिख दिया कि  
प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर २१/३१३ (८१०)

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

दिनांक 22 महीना 12 - 82

group to whom not

## ‘କୁଳାଙ୍ଗାର୍ଥିକାରୀ’

## 〔中華書局影印本〕

*Designation of the Executive Officer.*

S.M.N. 152019  
S.M.N. 152020

mpm 2 ms

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

McGraw-Hill

NEBR-84850400-8000-4 7/84

1

8

in pursuance of this authority.

Agree to ratify all acts done by the aforesaid Shri. A. N. Verma

The President of India do hereby appoint and authorise Shri A. R. Varma *For the above Aircarrier* *Luftwaffe*

Plaintiff Paula G. Givens vs. Defendant Appellant Deleondant Paula G. Givens

1988. 12-20 of 87 (1)

Admiral's office, 19th Oct 1870.  
C. H. Smith, Esq., 19th Oct 1870.

VAKALATNAMA

In the Court of

BRIDGE

S22/SN

## VAKALATNAMA