

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

Rev. No. 661790 in

CAUSE TITLE T.S. 164/1982 of 19

Name of the parties Sri Suresh Chand Pal

Applicant.

Versus.

Union of India and others. Respondents

Part A

Description of documents

1.	Index	A1 to A2
2.	order sheet	A3 to A4
3.	Judgment dt. 09-12-1991	A5
4.	Review Petition	A6 to A19
5.	Affidavit	A20 to A26
6.	Annexure	A27 to A29
7.	(only one: Review)	
8.		
9.		
10.		

CERTIFICATE

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

Seal

Date : 01-8-11


Signature of the
Dealing Assistant.

Countersigned


Signature of the
Section Officer/Court Officer.

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No.

661/90(L)
19

(in TA No 164/86)

P A R T - I

1.	Index Papers	:-	1	—	—
2.	Order Sheet	:-	2	—	2 to 3
3.	Any other orders	:-	—	Nil	—
4.	Judgement	:-	1	—	4 —
5.	S.L.P.	:-	—	Nil	—

D.Y. Registrat

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

V.K. Mishra

①
ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Review Application No. 661/90 Ch. in
CAUSE TITLE I.A. No. 164/87 of 199

Name of the parties

S. C. Pal

Applicant.

Versus.

Union of India & others

Respondents.

Part A.B.C.

S. No.	Description of documents	Page
1	Order Sheet	A1 - A2
2	final judgment Dt. 9/1/91 - A3	
3	Review Petitions	A4 - A27

B. file

4. Bench-Copy 328- B 50

C. file

C-51 - C 52

5. Extra copy of the Review Application
for Applicant. one copy only

Chall. No. 41

27/3/92

ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUC. NOW.

Application No. _____ of 19

Transfer Application No _____ of 19

Old Writ Petition No. _____ of 19

C E R T I F I C A T E

Certified that no further action is required to
take and that the case is fit for consignment to the record room
(Decided)

Date :

Countersigned

Signature of the
Dealing Assistant.

Section Officer/ Court Officer.

12.12.90

AI (2) O/R (A) 3

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. K. Obayya, A.M.
Shri A.K. Gaur
will produce the
original enquiry
record for our
perusal at Allahabad.

Signature
13.12.90

8/1/91

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. K. Obayya, A.M.

Shri A.C. Taur produces the
enquiry record which had not
been produced in the course of
the pendency of the original
application. The case deserves
to be considered for review.
Issue notice and list for
hearing on the review application
as well as on the original
suit/case, if necessary, on
31/1/91. Shri A.K. Gaur will
produce the record of the
departmental proceedings on
the date fixed.

Signature
A.M.

Signature
VC

Review appl. No.

661/90(C)

91

Registration No. 164/

A.C.M. (Review) A

661/90(C), has been filed
in Registration No. 164
on 12.11.90.

The case bearing No. 661/90(C)
was decided by the
Hon. Bench of Hon. Mr.
Justice K. Nath, V.C.
& Hon. Mr. K. Obayya
on dated 28.9.90.
The Author of the judgment
is Hon. Mr.
Justice K. Nath, V.C.

S.F.O.

546
12/11

and only
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by of the
and other
and not
and
W. 144
17/11/91

91

No setting Ali to 26.2.91.

AB (W)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW CIRCUIT BENCH.

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Review Petition No. 661 of 1990

IN

T.A. No. 164 of 1987

Shri Sumer Chand Pal Petitioner.

Versus

Union of India and another Respondents.

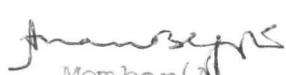
Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, A.M. (By Hon. Mr. Just. U.C. Srivastava, V.C.)

This Review Petition has been filed by the Union

of India against the judgment dated 28.9.1990 passed by this Tribunal. Sri A.K. Gaur, learned counsel for the Union of India has produced the record of this case before us and from the record it has been found that the charge-sheet against the applicant has been issued to the applicant but the applicant did not appear before the enquiry officer or enquiry committee and thereafter, the Railway Administration decided to hold ^{an} ex parte enquiry and the documents which are produced before us by the learned counsel for the respondents have no force to stand the review application.

2. In these circumstances, the review application of the respondents is hereby dismissed and accordingly it is dismissed. However, it is for the union of India, if notwithstanding the dismissal of review application, it can proceed in accordance with law, if it so advised.


Member (A)


Vice-Chairman.

Dated: 9.12.1991

(n.u.)

Application for recalling
Ex parte order No.

8
Renu No 661/90 7

M.P. No. 693/90 (L)
Renu No. 661/90 (L)
Jm

① Reg. No 169/982
S. C. P. d

45

U. O. G.

31/1/91 H

28/2/91 H

19/3/91 H

3/5/91 H

26/8/91 H

23/10/91 10

9/12/0

ए० क० गोड
ए० हॉटेल हॉटेल
ए० डॉ० ए० पलट ००० ११ द्वितीय तर्ज
3, सरकूल रोड शरवानी दोठी के पास
इलाहाबाद

A4 A/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

• • • • •

NOTICE OF MOTION

Misc Petition Review No of 1996
in O.A./T.A. 164 or 82 (T)

S. C. P. D Applicant/Appellant.

versus _____

U. o. S Respondents/Defendant

Take notice that the court will be moved by the order signed on _____ the day of 22-11-9 1990, at 10.30 O'clock in the forenoon or so soon these after the noticed on their occasion can be heard.

The object of the motion is hereby indicated by a copy of the Application is enclosed herewith. The further notice that meanwhile this court has been pleased to pass that following orders.

Dated this the _____ day of _____
1990.

Signature Subramanian

Advocate of petitioner

Applicant/Appellant

or

Petition/Defendant in not

Advocate on record for the opposite party

Respondent/Defendant.

AS
1/4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
(Circuit Bench at Lucknow)

REVIEW PETITION NO. 661 OF 1990. (L)

On behalf of

Union of India and others ----- Respondents/
Applicants.

IN

ORIGINAL APPLICATION NO. 164 OF 1987 (T)

Shri Sumer Chand Pal son of
Shri Parmeshwar Dayal, resident of
T 30/2 Haider Canal, Railway Colony,
Charbagh, Lucknow.

----- Petitioner.

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.

2. The Deputy Chief Engineer, Northern Railway,
Locomotive Workshop, Charbagh, Lucknow.

----- Respondents.

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Review against the judgment and order dated 28.9.1990 passed by Hon'ble Mr. Justice Kamleshwar Nath, Vice Chairman and Hon'ble Mr. K. Obayya A.M. in Registration T.A. No.164 OF 1987 (T) Sumer Chand Pal Versus Union of India and others quashing the order of reversion and entitled him to hold the post in the scale of Rs.260-400 is being preferred inter alia on the following amongst others:

G R O U N D S

1. Because the Hon'ble Tribunal could not consider the case in its true perspective in the absence of record and file ~~the~~ of the department. A perusal of same would indicate that the enquiry on the basis of charge sheet dated 21.2.78 was held against the employee according to law and the principle of natural justice has not ~~not~~ at all be violated.

2. Because the finding of this Hon'ble Tribunal that the charge sheet have been issued on the

basis of joint enquiry and the joint enquiry could only have been a preliminary enquiry and could not be in the nature of Departmental Enquiry is baseless. On the contrary a proper enquiry was held in the matter and the plaintiff was duly informed at several times but he did not turn~~d~~ up under false pretext as is evident from a perusal of enquiry file.

3. Because this Hon'ble Tribunal committed an error apparent on the face record holding that no proper enquiry was held in the matter, there is ample evidence on record which will prove in order to show that proper enquiry has been held in the case.

4. Because original S.F.5 was served upon the petitioner on 21.2.78 and alongwith charge sheet and various documents were given to him. The charge sheet was given for gross negligence and not for theft and the charge sheet was given to the petitioner only after receiving

the opinion of three junior grade scale officers
The Hon'ble Tribunal's order is misconception
came to the conclusion that charge sheet having
been issued on the basis of joint enquiry ~~in~~
whereas no joint enquiry was held.

5. Because Shri A.K.Banerji the then Assistant
Shop Superintendent Alambagh, Lucknow was
nominated as Enquiry Officer on 17.6.78 as per
Disciplinary Appeal and Rules.
6. Because inspite of repeated request and
reminder by the Enquiry Officer the petitioner
failed to attend the enquiry and wrote to the
Enquiry Officer that since a criminal case is
pending against him and as such there is no
necessity of holding the departmental enquiry
and on this protest he did not attend the
enquiry. The Railway circular dated 27.4.74 as
printed serial No.6171 which speak that the
pendency of criminal proceeding did not bar in

taking of deciplinary action.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble ~~Court~~ Tribunal may graciously be pleased to allow this review petition and set aside the judgment and order dated 28.9.1990 passed by this Hon'ble Tribunal or suitably modify as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(A.K.Gaur)

Advocate
COUNSEL FOR THE APPLICANTS.

Dated: Nov. 12, 1990.

N.B:— My Vakelatnama is already on the record of the case.
Anjan Dano.

A/2

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No. 164 of 1987
(Original Civil Suit No. 178 of 1979)
of the Court of Munsif Haveli, Lucknow

Sri Sumer Chand Pal Plaintiff

Versus

Union of India & Another..... Defendants

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, Member (A)

(By Hon. Mr. K. Nath, V.C.)

The regular Civil Suit described above is before us under Section 29 of the Administrative Tribunals Act, 1985 for an injunction to the defendants to prevent the reversion of the plaintiff from the scale of Rs. 260-400 to the scale of Rs. 210 - 290 and for a declaration that he continued to be entitled to the to the former scale.

2. It is admitted that the plaintiff was working as a clerk in the scale of Rs. 260-400 when he proceeded on Earned Leave and returned to his duty on 1.6.79. He was then served with the impugned order dated 31.5.79, Annexure-I whereby he was reverted from the scale of Rs. 260-400 to the scale of Rs. 210-290.

3. The plaintiff's case is that the impugned order of reversion is without any cause or reason and without any opportunity and therefore is in violation of Articles 14 and 16 of the Constitution of India. It is also stated that persons junior to him namely Har Gopal, Ram Lakhan, A.K. Bose and R.B. Srivastava were promoted to the scale of Rs. 260-400 and therefore there was discrimination against him, violative of Articles 14 and 16 of the Constitution of India.



8. ~~Dates~~ after dates were taken by the defendants-respondents to file a written statement but the defendants never filed a written statement till the case was pending in the Civil Court. In the meantime the interim relief continued to remain in force.

9. The Suit was transferred to this Tribunal shortly after 23.2.87. The defendants filed written statement before this Tribunal on 30.10.87.

10. The short question is whether any enquiry on the basis of the alleged chargesheet dated 21.2.78 was held against the plaintiff leading to the impugned reversion order. The defendants did not file any document to show that any enquiry was held. The language of the defendants' pleading in para 8 of the written in this regard is very significant. The relevant portion runs as follows :-

" It is significant to mention here that the chargesheet No.E/SCP/Clerk/TL/AMV dated 21.2.78 was issued to the petitioner on the basis of Joint Enquiry conducted by 3 juniors scale officers in connection with theft of Railway Property committed on 18.2.75, 8.3.75, 21.3.75 and 10.4.75. The plaintiff avoided to face the enquiry and as such the ex parte order was passed for his reversion from the scale of Rs.260-400(RS) to Rs.225-308 for the period of six months....."

11. It is immediately noticeable from these averments that even if a chargesheet was issued to the plaintiff, it was done on the basis of a Joint Enquiry conducted by 3 junior scale officers in connection with theft. The chargesheet having been issued on the basis



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of Joint Enquiry, it is clear that the Joint Enquiry could only have been a preliminary enquiry and could not be in the nature of the departmental disciplinary enquiry. Having stated that the plaintiff avoided to face the enquiry, the Written Statement does not proceed to say that thereafter an ex parte enquiry proceeding was held. All that it says is that the plaintiff having avoided the enquiry the impugned ex parte order was passed. It is clear enough that even if the chargesheet was served upon the plaintiff and he did not make appearance in the enquiry, it was the duty of the competent authority to hold a proper enquiry in which evidence ought to have been taken and finding ought to have been recorded. The defendants have not produced any documents whatsoever to show that any departmental disciplinary enquiry on the chargesheet at all held even though ex parte. The only possible finding therefore is that the punishment order was passed without holding any enquiry. This violates Article 311(2) of the Constitution of India.

12. The Suit is decreed and it is declared that the plaintiff continued to be entitled to hold the post in the scale of Rs. 260-400 and that the impugned order of reversion of the plaintiff contained in Annexure-I is void. The plaintiff shall be treated to have continued in his post as if the impugned reversion order was never passed. He shall be given consequential benefits of this position.

(SHARAD KUMAR)

Prepared on SECTION CHIEF
Central Administrative Tribunal
Allahabad.

9-10-90
S)

S. S.
Member (A)

S. S.
Vice Chairman

Dated the 28th Sept., 1990.

RKM

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
(Circuit Bench at Lucknow)

M.P. Application No.
(under Rule 16 of CAT Rules) of 1990.(L)
IN

ORIGINAL APPLICATION NO. 164 OF 1987 (T).

S.C.Pal -----Applicant.

Versus

Union of India & others -----Respondents.

Application for recalling the judgment and order dated 28.9.1990 delivered by Hon'ble Mr. Justice K. Nath V.C. and Mr. K. Obayya AM.

The applicant / respondents Most Respectfully Showeth as under:-

1. That the abovenoted case was listed on 28.9.90 before this Hon'ble Tribunal for hearing.
2. That Shri A.K.Gaur had sent his application for adjournment through one messenger but on perusal

H/

of record it is found that no such application is available on the record.

3. That it is significant to mention here that as per order dated 13.9.90 of the Vice Chairman it was observed that the Hon'ble Tribunal will not pass ex parte order and the cases may be better to adjourn if the counsel for either parties are not present before the Hon'ble Tribunal from 24.9.90 to 28.9.90.

4. That in view of the aforesaid fact the judgment dated 28.9.90 may be recalled and the Original Application may be decided a fresh after hearing both the parties and after going through the original record.

5. That the opposite party i.e. (Railway) could not produce the original record which indicate that question was held according to law and opportunity be given to the petitioner.

6. That in Original Application No.60 of 1990

Lalita Charan Versus Union of India this Hon'ble Tribunal has allowed the application for recalling the exparte order on the aforesaid grounds.

7. That it is expedient in the interest of justice and circumstances of the case that this Hon'ble Court may be pleased to recall the judgment and order dated 28.9.90 and restore the aforesaid Original Application No. 164 OF 1987(T) to its original number and decide the aforesaid case as afresh after hearing the parties counsel, ~~otherwise~~

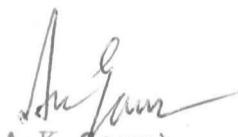
8. That it is further expedient in the interest of justice and circumstances of the case that this Hon'ble Tribunal may be pleased to stay the operation of the judgment dated 28.9.90 during the pendency of this review petition in this Hon'ble Court, otherwise the applicant shall suffer irreparable loss and injury.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to

allow this application and recall its order dated 28.9.90 and restore the aforesaid Original Application No.164 of 1987(T) to its original number and decide the aforesaid case as afresh after hearing the parties counsel.

It is further prayed that this Hon'ble Tribunal may be pleased to stay the operation of the judgment dated 28.9.1990 passed by this Hon'ble Tribunal during the pendency of this review petition in this Hon'ble ~~Govt~~ Tribunal.


(A.K. Gaur)
Advocate
COUNSEL FOR THE APPLICANT.

Dated: Nov. 12, 1990.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
(Circuit Bench sat Lucknow)

AFFIDAVIT

IN

REVIEW PETITION NO. OF 1990.

arising out of

REGISTRATION NO. 164 OF 1987 (T)

Shri Sumer Chandra Pal -----Petitioner.

Versus

Union of India & another -----Respondents.

Affidavit of A.K.Bose

aged about 35 years, son of
Shri N.N.Bose, resident of
90, Abbot Road, Lal Kuon
Lucknow.

(Deponent)

I, the deponent abovenamed do hereby solemnly
affirm and state on oath as under:-

1. That the deponent is working as Head Clerk
in the office of Deputy Chief Electrical Engineer,

A
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AIR

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Loco Workshop, Charbagh, Lucknow and looking after the aforesaid case and as such he is fully acquainted with the facts of the case deposed to below.

2. That the plaintiff filed a suit for permanent injunction restraining the defendant from reverting him from scale Rs. 260-400 to the scale of Rs. 210-290 and for a declaration that he continued to be entitled to the scale of Rs. 260-400.
3. That the plaintiff contended that vide order dated 31.5.79 he was reverted from Scale Rs. 260-400 to the Scale of Rs. 210-290 and prayed that the order of reversion is without any cause or reason and without any opportunity and therefore is in violation of Article 14 and 16 of the Constitution of India.
4. That the plaintiff also ~~pleaded~~ pleaded that his juniors were promoted to the Scale of Rs. 260-400 and as such there was discrimination against him.

5. That by means of filing written statement it was mentioned that a charge sheet was issued to the plaintiff and since the plaintiff avoided to face the enquiry, the enquiry proceeded ex parte against him.

6. That this Hon'ble Tribunal in the absence of departmental file and record came to the conclusion that no proper enquiry was held in the case and it was also observed that these defendants have not produced any documentary evidence to show that any departmental enquiry on the charge sheet was held at all even through ex parte. It will not be out of place to mention here that the enquiry was according to rule and the employee abovenoted did not participate in the enquiry and ultimately the Enquiry Officer proceeded ex parte. The employee in his reply to the letter for attending the enquiry clearly wrote to the Enquiry Officer that the departmental Enquiry will prejudice his criminal case in the court and as such departmental enquiry be stayed till final decision. A photostat copy of the letter written by the plaintiff

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is being filed herewith and marked as Annexure No.I to this affidavit.

7. That the plaintiff was also informed vide letter dated 24.7.78 that the departmental enquiry cannot be stayed as per Rules. A photostat copy of letter dated 24.7.78 is being filed herewith and marked as Annexure No.II to this petition.

8. That on 16.9.78 another letter was written to the petitioner by the ~~depex~~ department and on the receipt of the said letter the employee did not turn up to face the enquiry. A photostat copy of the aforesaid letter dated 16.9.78 is being filed herewith and marked as Annexure No.III to this affidavit.

9. That the Hon'ble Tribunal gave judgment on 28.8.90 and a copy of the same was received by Shri A.K.Gaur, Railway Advocate at Allahabad on 10.10.90. The copy of the judgment was sent to the department with his opinion and it was decided that a review

petition be filed in the matter and as such the same is being filed within a period of one month from the date of knowledge and receipt of judgment (excluding Saturday and Sunday the 10th and 11th of Nov. 1990 being holidays) on 12th of Nov., 1990.

10. That a perusal of record would indicate that the finding recorded by this Hon'ble Tribunal are not according to law and is based on no evidence.

11. That it is expedient in the interest of justice and circumstances of the case that this Hon'ble Tribunal may be pleased to stay the operation of impugned order dated 28.9.1990 passed by this Hon'ble Tribunal during the pendency of this Review Petition in this Hon'ble Tribunal, otherwise the applicants shall suffer irreparable loss and injury.

I, the deponent abovenamed do hereby solemnly affirm and state on oath that the contents of paragraph no. 1 and 11 — of this affidavit are true to my personal knowledge,

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A23

-6-

those of paragraph nos. 2 to 8, 9

of this affidavit are based on perusal of record, those of paragraph nos.

of this affidavit are based on information received and those of paragraph nos. 10

of this affidavit are based on ~~inner~~ legal advice which all I believe to be true that no part of it is false and nothing material has been concealed.

So help me God.

(Deponent)

I, Sheopal clerk to Shri A.K.Gaur, Advocate, High Court of Judicature at Allahabad do hereby declare that the person making this affidavit and alleging himself to be Shri A.K.Bose is known to me personally.

Sheopal 10-11-90

(Clerk)

Solemnly affirm ~~and~~ before me on this 10th day of November, 1990 at about 3.00 p.m. by the deponent who has been identified by the aforesaid clerk.

From: S. C. Pal, Annexure-I (19)

Chitt, N. Bly,

Time Office, C & W Shop,
Alambagh, Lucknow

A25

To

The Asstt. Shop Supervisor (Dnsp)
T. L. Shop, Amr.
Unknown

Dear Sir,

With reference to your letter

no. Dnsp / DAR / Paul dated 30.6.78

regarding Enquiry against me vide

Dy. C. E. & (W) L. C. order N.E / secy

Clark (TL) Amr. of date 14.6.78, I

have to submit that matter

pertaining to the above departmental

enquiry is now sub judice

before Sri U. S. Narain, Spcl.

Judicial Magistrate, Lucknow in

Crime no. 157 of 1975 of P. S. Alambagh.

As R. Chatterjee v/s 602 9 P.C.

has been submitted against me.

This departmental enquiry

would prejudice my case in the

Court and as such I pray that

this departmental enquiry be stayed

till final decision of the Court

in my case.

I shall be highly obliged.

Dated

12-7-1978

Yours faithfully,

S. C. Pal

Govt. of U.P. (S. C. Pal)
Clerk, I.C.T.C.

1799-AW17-March 1978 100,000 Pads.

Mr. M. L. B. D.
General Manager

NORTHERN RAILWAY

Insr/DRR/Paul.

24.7.78.

from.

Enquiry officer.

(21)

To:

S. C. Paul, Clerk
Time office, C 2475 Sub.
Alambagh, Lucknow.

Sub:- DRR Enquiry against Sri S. C. Paul, Clerk, Time office, R.W.

Ref:- Your application of date 12.7.78

► Reference your application of date 12.7.78. You are informed that it is not necessary to stay the departmental proceeding only because a criminal case is pending in a court of law on the same charges. Each case can be considered individually on its merit, facts and circumstances. However, the disciplinary proceeding can be suspended if you obtain stay order.

So, you are again required to submit the name of witnesses and defence council, along with consent of your defence council, designation, office where he is working within seven days to enable me to fix up the date of enquiry.

J. M.

f

For Army
Additional Army Superintendent
"Education Army C.P.W. Lucknow
Alambagh Lucknow"

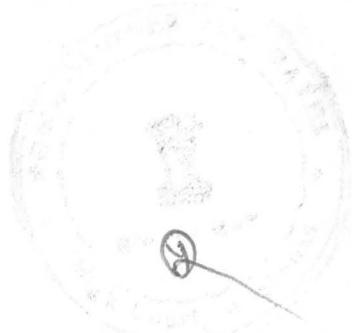
✓
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I have satisfied myself by examining the deponent that he is the same person and fully understand the contents of this affidavit which have been read over and explained to him by me.

Oath Commissioner


B. M. Adams

High Court Commissioner
No. 36/482
10/11/90

From: S. C. Pal, Annexure-I (19) 27

Chow, N. Bly.

Time Office, C & W Shop,
Alambagh, Lucknow

A25

To

Mr. Asstt. Shop Supervisor (Dnkp)

T. L. Shop, Amr.
Unknown

Dear Sir,

With reference to your letter

no. 11001 DAB/Pal dated 30.6.78

regarding Enquiry against me vide

Dy. C. E. & (W) L. 100 ordr N.P. / Secy

Clark (TL), Amr of date 19.6.78, I

have to submit that matter

pertaining to the above departmental
enquiry is now sub judice

before Sri U. S. Narain, Spec.

Judicial Magistrate, Lucknow in

Crime no. 157 of 1975 of P. S. Alambagh,

Re C. Chatterjee v/s 609 S.P.C.

has been submitted against me.

This departmental enquiry
would prejudice my case in the
Court and as such I pray that
this departmental enquiry be stayed
till final decision of the Court
in my case.

I shall be highly obliged

Yours faithfully,

Dated

12-7-1978

Yours faithfully,
S. C. Pal
S. C. Pal
Clerk, CTC

—1789-1817—Kreis 1425 100,000 Pader.

पर्स. नं. 114/CL. B, श.

THE NORTHERN RAILWAY

1 nsb/DMR/Paul.

24.7.78.

from

Enquiry office.

13

S. C. Paul, Clerk
Treas. office, C 24 N S. B.
Alam Bagh, Lucknow.

Sub:- D.H.R. enquiring against Sri S.C.
Paul, Clerk, Tunc office, Baw.

Ref:- Your application of date 12.7.78

► Referenced your application of date 12.7.78. you are informed that it is not necessary to stay the disciplinary proceeding only because a criminal case is pending in a court of law on the same charges. Each case can be considered individually on its merit, fact and circumstances. However, the disciplinary proceeding can be suspended if you obtain stay order.

So, you are again required to submit the name of witnesses and defence council, along with consent of your defence council, designation, office where he is working within seven days to enable me to fix up the date of enquiry.

Final costs
on

1

For Avery,
Automobile Shop Superintendent,
Production Draft Copy, Shop
License & Inspection

A-29

R-7

Office of the Dy.C.E.E.(J)/Northern Railway, Charbagh, Lucknow
No.E/SCP/Clerk/TL/AMV.

270

Dated: 16.9.1978.

Shri S.C. Pal,
Clerk,
c/o A.S.(Mech)/AMV
(C.T.R./AMV).

Reg:- DAR enquiry - stay of proceedings of departmental
enquiry.

Ref:- Your application dated 12.7.78 and 31.7.78 to
ASS/Insp./AMV (E.O.)

L.Since

SF.5 No.E(SCP)Clerk/TL/AMV dated 21.2.78 was received by you
on 23.2.78 but you failed to send any reply, an E.O. had to
be appointed on 19.6.78 to conduct an enquiry but you are
avoiding to face the enquiry on the plea that your case is
subjudice before the court of law in crime case No. 157 of
1975 under Section 409 I.P.C.

In case you feel that the charges to be tried in the court of
law are the same as specified in the SF.5 under reference,
you should have produced the copy of the charges ~~pleaded~~ in
the court of law alongwith your application dated 31.7.78.

Further even if the charges are the same it is not necessary
to stay departmental proceedings only because of the fact
that a criminal case is pending in the court of law as laid
down in Printed Sl.No. 6171. However if you may obtain a
stay order from the court of law, the departmental proceedings
can be stopped.

You are thus advised to cooperate with the E.O. in getting
the enquiry completed.

Dy. Chief Electrical Engineer (J),
Charbagh, Lucknow.

Copy to Shri A.M. Banerjee, ASS/Insp./Alambagh, E.O. for
information.

Copy to APO/Elec/AMV in reference to his letter No.E/Conf.1/
AMV dated 10.8.1978.

MLS/-