

A-1

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 1694 OF 1987

NAME OF THE PARTIES Cranga Ram Applicant

Versus

Respondent

Part A.

Sl.No.	Description of documents	Page
1		
2	A-2 Order sheet Final order	2 to 9
3	A-3 Petition	10 to 21
4	A-4 Affidavit	22 to 23
5	A-5 Power	24
6	A-6 M.P.	25 to 27
7	A-7 C.A.	28 to 50
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

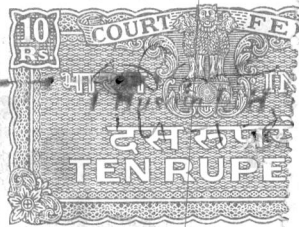
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant



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

WRIT PETITION NO. 208 OF 1985



Ganga Ram, aged about 51 years
son of Sri Raghunath working as
Mate, Gang No. 4, North Eastern
Railway, Bisheshwar Ganj,
Bahraich.

..... PETITIONER

versus

1. Union of India through its
General Manager, Northern
Eastern Railway, Gorakhpur.
2. Divisional Railway Manager
(Engineering) (also known as
Divisional Engineer) North
Eastern Railway, Ashok Marg,
Lucknow.
3. Assistant Engineer, North
Eastern Railway, Bahraich.
4. Permanent Way Inspector,
North Eastern Railway,
Bahraich.
5. Sohan Lal, Permanent Way
Inspector, North Eastern Rly.,
Bahraich.

..... OPP. PARTIES.

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA.

10

(5)

Received duplicate
for opp No 1284 only

Received
14.1.85 Adh
at 11. Am
for Unmesh Chandra
Adh

RECEIVED

Impressed
Adhesive 15/1/85
Total

Direct but final Court for report
will be made on receipt of lower
Court record.

is come up to

Papers filed. Copy of P. 2.

should also be filed

1/10 - Bench

Coates on endanne
Bahraich

14/1/85

for. SS Ahmad. J
for. BKumar. J

Sri Unmesh Chandra has
taken notice on behalf of
opposite parties 1 to 4.

List in the well

commencing 4th Feb 85 for
order.

14/1/85

1285

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

208

of 198

85

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
14-1-85	<p>Sen SS Ahmad,</p> <p>Sen B Kumar,</p> <p>Sen Umesh Chandra.</p> <p>has taken notice on behalf of opp parties, to 4. 1st in the week commencing 4th Feb, 1985 for orders.</p> <p>Sen SS Ahmad</p> <p>Sen B Kumar</p> <p>14-1-85</p> <p>C.M. An v o 522 @ 85</p>	
14-1-85	<p>Sen SS A,</p> <p>Sen B Kumar,</p> <p>Put up along with W.P. 1</p> <p>Sen SS A</p> <p>Sen B Kumar</p> <p>14-1-85</p> <p>7-2-85 fixed for 22-2-85 for admission of 522 cases for admission</p>	
21-3-85	<p>fixed with C.M. 522 (u) 85 for H.C. S.S.A.S</p> <p>H.C. B.K.S</p>	<p>By court</p> <p>Back 4-2-85</p>

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
22/9/85 rsl	Hr SCMS Hr CBS S	
<p>Sri Umash Chandra is stated to be out of the town. List in the week commencing on 7-10-85. Before the date fixed a copy of the Counter-affidavit shall be served upon the learned counsel for the petitioner but the original shall be filed in Court when the case is listed in Court. The petitioner may, if he so desires, file a rejoinder affidavit.</p>		
rsl 20/9/85	for	
9/10/85	SSA J Hr SCMS Hr CBS S	to Bench (week of 7/10/85)
<p>List in the next week if possible.</p>		
A	for 9.10.85	
16.10.85	Hr SCMS Hr CBS S	to Bench next week

32 → 71

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

C.M. AN. NO. 522 (W) OF 1985

IN RE.

WRIT PETITION NO. 208 OF 1985



Ganga Ram

Petitioner

Versus

Union of India & Others

Opp. Parties.

APPLICATION FOR INTERIM RELIEF

The applicant-petitioner above named
most respectfully begs to state as under.--

That for the facts, reasons and circumstances explained in the accompanying Writ
Petition it is most respectfully prayed that
this Hon'ble may graciously be pleased to
direct the Opposite Parties to allow the
petitioner to join his duty as mate and pay
the salary to the petitioner during pendency
of the instant Writ Petition or to pass any
Court
other order which this Hon'ble deems just
and proper in the circumstances of the case.

For this act of kindness the applicant
shall ever pray.

(U.P. SRIVASTAVA)
ADVOCATE.

LUCKNOW DATED:

COUNSEL FOR THE APPLICANT.

JANUARY, 1985.

26-6-90

TA 1694/87(T)

26-6-90

From Mr. Justice K. Nach, VCO
From Mr. K. Nayya, AM

No one is present for petitioner.
Shri Anil Srivastava for respondents '64
and files counter and also re for
to respondents application dated
1-5-90 supported by an Affidavit
dated 21-3-90 of an Ram Charan,
Asstt Engineer, stating that the
sole petitioner Gangar Ram had
died on 26-12-87. Copy of the
petition was given to Shri C. P.
Srivastava, the petitioner's counsel
on 1-6-90. No reply has been
filed.

The case in the writ petition is that
the petitioner had been spared from
duty on 17-7-84 and was not
brought on duty again ever since
then, but according to the affidavit
afore said he was spared from
duty on 3-10-84 and since then
he remained absent till 26-12-87
when he died. In the circumstances
this petition is disposed of as
abated.

[Signature]

AM

[Signature]
VCO

group no. A 14 (K)

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

WRIT PETITION NO. 208 OF 1985

Ganga Ram Petitioner

versus

Union of India & others Opp. Parties.

I N D E X

Sl. NO.	Description of papers	Page no.
1.	Writ Petition	1 - 13
2.	Annexure - 1 Order dated 1.6.1984 revoking suspension order.	- 14
3.	Annexure - 2 Representation dt. 4.6.1984	15 - 16
4.	Annexure - 3 Representation dt. 25.9.84	- 17
5.	Annexure - 4 Legal Notice dt. 9.12.1984	18 - 21
6.	Affidavit	22 - 23
7.	Power (Vakalatnama)	- 24

(U.P. SRIVASTAVA)
ADVOCATE

LUCKNOW DATED.
JANUARY ,1985.

COUNSEL FOR THE PETITIONER.

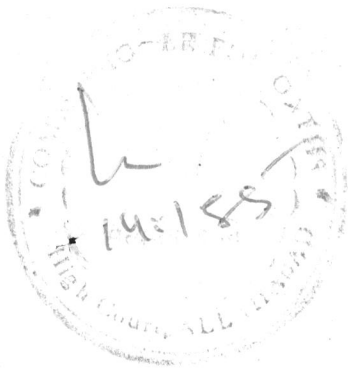
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To

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

The humble petitioner named above most
respectfully sheweth as under:-

1. That by way of the instant Writ Petition the petitioner seeks to challenge the validity of the most illegal, arbitrary, unwarranted and malafide action of the Opposite Party No.5, who is not allowing the petitioner to duty and demanding money for the same. The Opposite Party No. 5 has developed a habit of extracting the money from the poor labourers and he is also demanding money from the petitioner. No orders in writing to any effect whatsoever has been issued to the petitioner and the petitioner is starving for his no fault.
2. That the petitioner is a permanent old poor employee of the North Eastern Railway and was initially appointed on 2nd of June 1955 as Mate and since then he is performing his duties to the entire satisfaction of his superiors.
3. That the Opposite Party No. 5 Sri Sohan Lal is a resident of Bahraich and he is harassing



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the petitioner for money. While the petitioner was functioning under him on 14th April, 1984 the petitioner was placed under suspension vide order issued by the Opposite Party No. 5. Although the Opposite Party No. 5 was not competent authority to place the petitioner under suspension, yet with a view to know the charges, if any, levelled against the petitioner and with a view to cooperate the ~~petitioner~~ ^{✓ administration petitioner} did not think it proper to initiate any legal battle and he kept on waiting ~~onward~~ for the subsequent orders.

4. That when the petitioner did not receive any chargesheet etc. or any communication for a long time he contacted the Opposite Party No. 5 for the same. The Opposite Party ^{✓ his} No. 5 asked the petitioner to greeze/palm if the petitioner was interested to get his suspension revoked. Since the petitioner was a poor employee and was having a large family he was not in a position to maintain and feed his family and consequently having no alternative the petitioner requested the higher authorities for the duty and salary.

5. That thereafter the earlier order



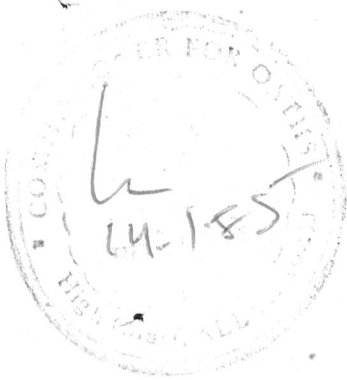
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of suspension dated 14.4.1984 issued by the Opposite Party No. 5 was taken away vide order dated 1.6.1984 by the ^{Interference of} higher authorities on the request of the petitioner. The petitioner was neither served any chargesheet nor he received any information regarding his suspension which was imposed upon him vide order dated 14.4.1984. A true copy of the order dated 1.6.1984 revoking the suspension is being filed herewith as Annexure-1 to this Writ Petition.

ANNEXURE -1

4. That thereafter again the Opposite Party No. 5 demanded Rs.1000/- (Rupees One thousand only) from the petitioner intimidating that in case the demand is not fulfill the petitioner would have to face dire consequences. The petitioner was so perturbed and mentally puzzled due to the demand of the Opposite Party No. 5, he requested the higher authorities to relieve him ^{from} the Opposite Party No. 5. The petitioner made a represent dated 14.6.84 to the Hon'ble Railway Minister and endorsed copies of the same to the Vigilance Department Railways, Chief Engineer and the General Manager, North Eastern Railway praying that he may be relieved of the dictatorship



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and illegal demand of the Opposite Party No.5 and a thorough enquiry into the matter may be made as it was wholly against the interest of the department besides the interest of labourers. A true copy of the aforesaid representation dated 4.6.1984 is being filed herewith as Annexure-2 to this petition.

ANNEXURE -2

5. That thereafter the petitioner performed his duties for 12 days and thereafter he was sent to Gorakhpur for training . The petitioner came back from the training on 17.7.1984 and gave his spare memo to the Opposite Party No. 5. The Opposite Party No.5 took the spare memo in his custody and asked the petitioner to wait for the orders.

6. That thereafter on next day the petitioner met the Opposite Party No. 5 requesting for the duty. The Opposite Party No. 5 demanded Rs.2000/- from the petitioner for allowing him to duty. The petitioner thereafter met personally to the Opposite Party No. 3 detailing the whole situation and asked for the duty. The Opposite PARTY No. 3 told the petitioner that the Opposite Party No. 5 was his immediate boss and therefore he could only allow the petitioner to duty.



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7. That thereafter the petitioner tried to meet the Opposite Party No. 2. But when he was not allowed to meet him he made a representation on 25th September 1984 narrating [✓]the his whole tale of woe and the a-trocities of the Opposite ~~Parties~~ [✓]Party No.5 who was adamant to extract Rs. 2000/- from the petitioner before allowing him to duty and the petitioner was too poor to meet his demand. The petitioner is an old employee at the verge of retirement and he is being unnecessarily harassed by the Opposite Party No. 5. A true copy of the aforesaid representation addressed to the Opposite Party No. 2 is being filed herewith as Annexure-3 to this Writ petition.

ANNEXURE -3

8. That thereafter the petitioner contacted to the Opposite Party No. 5 and 3 but neither he was allowed to duty nor any order in writing was given to him. Owing to the non payment of salary and disallowing him to ^aduty the petitioner and his family is starving.

9. That thereafter the petitioner sent a legal notice to the Opposite Party No. 5 and endorsed copies of it to the General Manager, N.E. Railway, Labour Enforcement Officer



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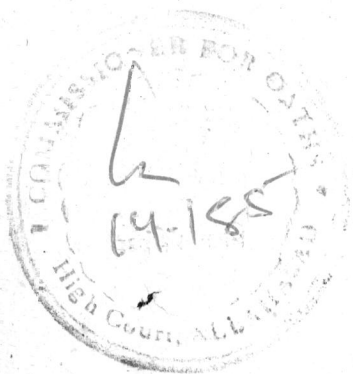
(Central), Divisional Railway Manager, opposite Parties Nos. 2 and 3 demanding duty from him and praying that in case there is anything otherwise, he may be informed regarding the same. A true copy of the aforesaid legal notice dated 9th December, 1984 is being filed herewith as Annexure-4 to this Writ Petition.

ANNEXURE -4

10. That although more than a month has already expired yet no reply from any one has been received so far to the said legal notice either by the petitioner or his Counsel through whom the ^{said} notice was sent.

11. That the petitioner having no alternative is invoking the jurisdiction of this Hon'ble Court and this Hon'ble Court may be pleased to interfere into the matter and issue a mandamus to opposite Parties to allow the petitioner to duty without demanding the money as aforesaid.

12. That the petitioner is a permanent employee and a railway servant within the meaning of clause (13) of Rule 102 of Vol. of the Indian Railway Establishment Code as such the provisions of Rail (Discipline and Appeal) cable, besides

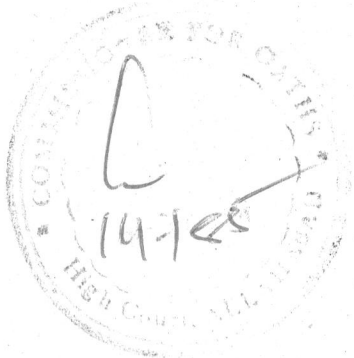


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(1 and 2) and the Industrial ~~Disputes~~ Disputes Act 1947 and its Rules of 1957.

13. That the petitioner cannot be ousted from the employment in such an illegal manner without following the proper procedure of law and in any case if there is any charge against the petitioner, he must be informed of the same and must be given opportunity in terms of the above Rules 1968. At least the petitioner must be given some order in writing.



14. That although the petitioner made several representations to the Opposite Parties and the higher authorities, yet he could not receive anything from any ~~one~~ one whatsoever. The petitioner does not know whether any action in the matter has been taken by any of the authorities so far or not.

15. That even in case the discharge of the petitioner is simplicitor, the same is covered within the definition of retrenchment and in those circumstances the provisions of Retrenchment as stipulated in the Industrial Disputes Act 1947 are available to the petitioner. The

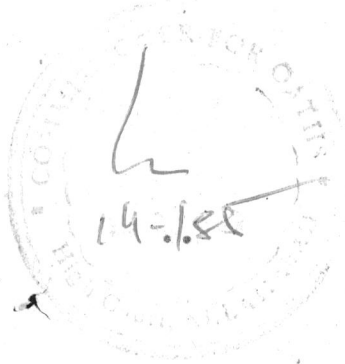
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petitioner is most senior Mate and unless his juniors are retrenched he cannot be retrenched on any account whatsoever.

16. That the action of the Opposite Party No. 5 in not allowing the petitioner to duty after taking the spare memo from him is full of malafide, arbitrary, unwarranted and against the conduct Rules of the Railway servants. The enquiry into the matter should be initiated against the Opposite Party No. 5 to see the veracity of the allegations hereby raised by the petitioner. The action of the Opposite Party No. 5 is covered under ^{Labour} the Corrupt Practices and as such ^{petitioner} he is entitled for the ~~protection~~ ^{protection}.

17. That it would not be out of place to mention here that onesri Ayodhya ^{singh} son of Dhureshwar working as Gangman in Gang No. 15 under the Opposite Party No. 5 is also a victim of the atrocities of the Opposite Party No. 5. He is also not being allowed to duty by the Opposite Party No. 5 because of illegal demand. Now the said Ayodhya singh is trying to negotiate with the Opposite Party No. 5 as he has been told by his other colleagues that the money which he will spend in



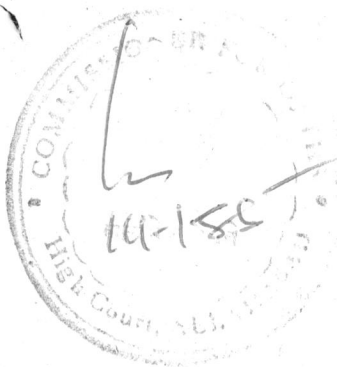
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litigation will be much more than the demand which has been made by the Opposite Party No. 5. More over there is surety of duty in case the demand of Opposite Party No. 5 is fulfilled, but in case the matter is hauled up to the court there is no surety of his duty.

18. That the succourless petitioner has come under the shelter of this Hon'ble Court to get the justice in his case having no other equally effective efficacious alternative remedy and he is challenging the action of the Opposite Party No. 5 in not allowing him to duty inter alia amongst the following:

G R O U N D S

- i) Because the Opposite Party No. 5 cannot oust the petitioner in such a way without following the proper procedure of law.
- ii) Because the petitioner is permanent employee of the Railway and even if ~~after~~ there are certain charges against him he must be given an opportunity and at least an order in writing



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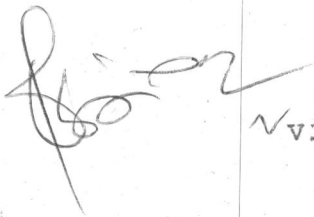
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8 as required under the provisions of the said Rules of 1968.

iii) Because the petitioner is workman under the Industrial Disputes Act 1947 and even in case he has been discharged from the service simpliciter the provisions of retrenchment as contemplated under Industrial Disputes Act 1947 are applicable to him.

iv) Because the petitioner cannot be ousted from service orally. In any case some order must be given to the petitioner in writing.

v) Because the action of the Opposite Party No. 5 in not allowing the petitioner to ^{work only} duty is contrary to the labour laws but also an act of malafide and victimisation in the eye of law.

 vi) Because the petitioner is entitled for all the benefits of the employment unless either he retires from the service or punished as in accordance with the law.

vii) Because the action of Opposite Party

1/13

No. 5 in not allowing the duty to the petitioner is tantamount to corrupt labour practice beside victimisation and colourable exercise of powers.

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 mandamus directing and commanding the Opposite Parties to allow the petitioner the duty with all consequential benefits as ^{treat him continuous service} Mate in the usual manner.
- b) to issue a writ, order or direction in the nature of mandamus directing and commanding the Opposite Parties Nos. 1 to 3 to initiate an enquiry in the matter against the Opposite Party No. 5 regarding his illegal extraction of money from the poor casual labourers, which amounting to corrupt labour practice.
- c) to issue any other writ, order or direction in which this Hon'ble Court deems just

for order

....

15/14

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

WRIT PETITION NO. - OF 1985.

Ganga Ram Petitioner

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 1

Standard Form No. 2

Standard form of revocation of suspension order
(Rule 5(s)(c) of RS (D&A) RULES 1968.

No. 1 E/mate/g

Dt. 1.6.84.

ORDER

Whereas an order placing Sri Ganga Ram s/o
Sri Raghunath, Mate Gang No. 4GN (Name and Design.
of the Railway servant under suspension was
made by PWI/BRK on 14.4.84.

Now, therefore, the undersigned (the
authority which made or deemed to have made
the order of suspension or any other authority
to which that authority is subordinate, in
exercise of the powers conferred by clause (c) of
sub Rule (5) of the Rule 5 of that RS(D&A) (Rules
1968) hereby revokes the said order of suspens-
ion W.E.F. 01.6.84.

Signature Illegible 1/6

Name (Sohan Lal)

and designation of the competent
authority making authority:

TRUE COPY

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इन दि आनरेबल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद,
लखनऊ बेंच, लखनऊ।

रिट पिटीशन नं०-

आफ - 1985.

गंगा राम मेट - -

..... पिटीशनर

बनाम

मुनिमन आनू इण्डिया आदि - -

..... जवा. पार्टीज

अनैम्जर नम्बर- 2

=====

श्रीमान्, रेल मन्त्री महोदय ,

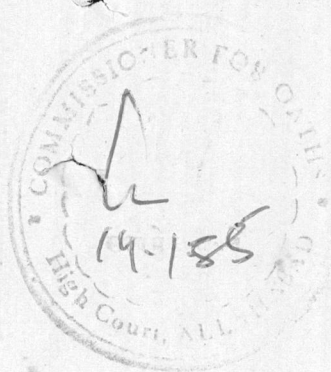
भारत सरकार,

नई - दिल्ली।

सेवा में,

विषय:- रेल पथ निरीक्षक श्री सोहन लाल एवं कार्य निरीक्षक श्री ज. पी. मोन्टा ने भ्रष्टाचार व ताना शाही के विरुद्ध शिकायत।

निवेदन है कि श्री सोहन लाल, रेल पथ निरीक्षक के कुछ आदमी ऐसे हैं जो गैंग में मासिक वेतन पर 50/- रु0 स्वयं देते हैं तथा दूसरों से भी बसूल करके दिताते हैं। रेल पथ निरीक्षक के आंतक से प्रत्येक गैंग-मैन की मैन तथा मेट सभी परेशान हैं, तथा इसके कारण सामने आने में असमर्थ हैं। गोपनीय जांच से प्रमाण मिल जायेगा तथा वास्तविकता सामने आ जायेगी। प्रमाण देने में एक हजार 1,000/- रु0 के तौर पर लेते हैं जैसे कल्लू, की मैन से 1000/- रु0 लेकर मेट पद पर प्रमोशन कर दिया। हम गैंगमैन का दान्सफर इधर उधर जैसे के लालन वश किया करते हैं। एक मेट श्री सातिक राम के इलाके में 94 डा0 गाड़ी 30 मि0 मी0 के अन्दर खम्बा नं0 1/2 के पास गिरी थी। उनके साथ कोई कार्यवाही नहीं की गई। क्योंकि घूस के तौर पर उसने 500/- रु0 दे दिया था। मुझे इसतिमे परेशान किया जा रहा है कि न तो मैं घूस के तौर पर पैसा दे पाता हूँ न ही इनके आदमी जगदेव को ऋजु नाजायज अवस्थिति दे पाता हूँ। जगदेव का काम कोबले का पैसा इकट्ठा करना तथा गैंग मैन से खम्बा



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इकट्ठा करना इनका काम है। इनकी उपस्थिति मैग में डिबूटी समय में नहीं रहती है लेकिन रजिस्टर पर उपस्थित श्री सोहन लाल जी के कृपापात्र बने रहने से रहती है। कार्य निरीक्षक जी की जगदेव से काफी पटती है। कृपा मिल जुत कर लोगों को परेशान करते हैं। सोहन लाल जी बहराइन घावर के रहने वाले हैं। रेल से काफी पगबदा डठाते हैं। रेल सम्पत्ति इनके निजी आवास पर जैसे स्लीपर इत्यादि काफी मात्रा में हड़पा हुआ छापा डालने से मिलेगा तथा घूस के बैसे से अपनी आलीशान कोठी बनवाई है। निम्नलिखित इनको मासिक किस्त घूस के तौर पर 100/- रु देते हैं जिनका नाम क्रमशः - राम खेलावन, श्याम सुन्दर, सगरदीन, गंगा राम, भोंदू, तीरथ, सन्त राम, जिराफ़, ब्रज लाल व बंशी लाल हैं। ये लोग घूस के बल पर घर के नजदीक हैं।

अतः श्रीम व जी से निवेदन है कि उपरोक्त समस्याओं पर विचार कर मुझे मजदूर को तानाशाही से मुक्ति दिलाने की कृपा करें। अति कृपा हो गी।

भावदीप,

१ गंगा राम, मेड १,

मैग नं०-4, विशेशरगंज।



प्रतिलिपि :-

११ गुप्तचर विभाग, गोरखपुर

१२ महा प्रबन्धक, गोरखपुर।

१३ चीफ़ इन्जीनियर, गोरखपुर।

सत्य-प्रतिलिपि।

गंगा राम मोट

1/18

इन दि आनरेबल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद,
लखनऊ, लखनऊ।

.....

रिट पिटीशन नं०-

आफ - 1985.

गंगा राम मेट - -

....., पिटीशनर

बनाम

मुनिबन आफ इण्डिया आदि - -

....., अपो. पार्टीज

अनै गजर नम्बर- 3

सेवा में,

श्रीमान् मन्डल रेल प्रबन्धक ॥ इंजी०॥,
पूर्वोत्तर रेलवे, लखनऊ।

महोदय,

विषय :- डिबूटी देने की प्रार्थना

सविनय निवेदन है कि प्रार्थी रेवनि/ बहराइच के अन्तर्गत गैंग नं०-4 में कार्यरत था, जिसे रेवनि/ बहराइच श्री सोहन लाल जी ने बिना किसी कारणों के निलम्बित कर दिया था किन्तु श्रीमान् जी के हस्तक्षेप से उसे डिबूटी दी गई, किन्तु 12 दिन कार्य करने के बाद उसे डेनिंग हेतु गोरखपुर भेज दिया। डेनिंग से वापस आने पर दिनांक- 17.7.84. को उसे डिबूटी नहीं दी गई।

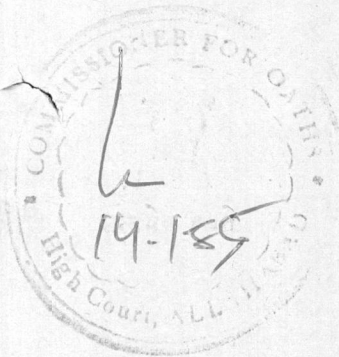
प्रार्थी दिनांक- 17-7-84. से ही रेवनि एवं सई/ बहराइच को कई प्रार्थना पत्र दिये और साक्षात्कार भी किया किन्तु कोई परिणाम नहीं निकला। इस समय गैंग नं०-4 में कोई मेट न होकर कोमेन श्री कल्लू से मेट का कार्य लिया जा रहा है।

रेवनि श्री सोहन लाल जिन्हें प्रार्थी अनुचित रूप से लाभान्वित नहीं कर सका है, प्रार्थी को परेशान कर रहे हैं एवं प्रार्थी के बच्चों को भूखों मरने को बाध्य है।
आप से किम्वन निवेदन है कि गैंग नं०-4 में डिबूटी दिलाने की प्रार्थना की जाये।

हो- गंगा राम मेट, गंगा राम मेट,
अधीन रेवनि/ बहराइच।

दिनांक: 25-9-84

सत्य- प्रतिलिपि।
गंगाराम मेट



1/2 19 18

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

WRIT PETITION NO. OF 1985

Ganga Ram Petitioner

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 4

REGISTERED A.D.

From

O.P. Srivastava, Advocate
(High Court),
867 Old Mahanagar,
Near Fatima Hospital
Lucknow - 226006.

To

Shri Sohan Lal,
Permanent Way Inspector,
N.E. Railway,
Bahraich.

Dear Sir,

Under the instructions of my clients Shri Ganga Ram, mate, son of Raghunath (working as Mate in Gang No. 4 and under PWI, NER Bahraich and Aayodhya Singh, son of Dhureshwar (working as Gangman in Gang No. 15 under PWI NER, Bahraich), you are hereby given this notice as under:-

1. That my aforesaid client, Sri Ganga Ram mate is being victimised and harassed illegally by you not allowing him to duty as he could not grease your palm by paying you Rs.2000/- which had been demanded by you illegally as you have developed a practice of extracting illegal money per month



गंगा राम मते

7/5/20

regularly from the poor labourers by frightening them to mark them absent or to oust them from the employment. Sri Ganga Ram Mate when failed to meet your demand on account of his poor family circumstances you placed him under suspension on infeasible grounds on 14.4.1984 and did not serve any chargesheet for a long time and put him to trouble by not even paying him a single penny during the period. When the request for suspension allowance and the chargesheet made to you could not yield anything, my succourness coient approached to Assistant Engineer, Bahraich on 25.5.84 and told him the tale of woe. On his instructions the said suspension order was revoked on 1.6.84. Thereafter my aforesaid client was sent to Gorakhpur by the Railway Administration to provide him some special training. He returned from Gorakhpur on 17.7.84. and met you to resume his duties. You again demanded Rs. 2000/- from him and threatened that my said client would not be allowed to resume his duties unless he meet the demand. But since my aforesaid client, who is at the verge of retirement, could not arrange your demand, he is facing the trouble



गंगा राम मटे

as unemployed and starving as a victim of your atrocities. In the mean time you picked one Shri Kailu Keyman to work in place of my said client after accepting Rs.1000/- from him as an illegal gratification.

2. That my ^{another} ~~client~~ / aforesaid client ~~Shri~~ ^{Shri} Ayodhya Singh who is also a victim of your atrocities, had proceeded on leave on 8th April, 1984 for 4 days. He came back after the expiry of the leave on 13.4.1984 for resuming his duty, but you did not allow him duty and demanded Rs.2000/- for allowing him to duty, and since he could not meet to your illegal demand he is suffering and starving due to non-payment without his no fault.
3. That my aforesaid clients have already approached to higher authorities for suitable action which is under process.
4. That my aforesaid clients cannot be disallowed to duty on any account and in any case if there is any fault on their part they are entitled for the protection of Railway Servant (Discipline and Appeal) Rules 1968.
5. That ousting my clients in such an illegal manner is 'retrenchment' in the eye of law and



गोपबन्धु

they cannot be deprived of the benefits admissible to them by virtue of prevalent law.

6. It is, therefore, requested to kindly look into the matter immediately and allow my aforesaid clients to resume duties in the same continuity with all consequential benefits (salary allowance etc.) without making any demand as aforesaid, which is not only illegal but is also a misconduct on your part or if anything otherwise kindly intimate the same to the undersigned within 30 days from the date of receipt of this notice failing which it will be presumed that you are deliberately not allowing my clients to resume duty because of your illegal demand and in such circumstances my clients will be at liberty to knock the doors of the court instituting appropriate civil and criminal proceedings against you totally at your cost and responsibility.

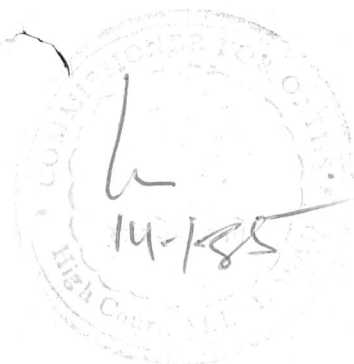
I hope that you will immediately respond to it.

Yours faithfully,

Sd/- O.P. Srivastava
December 9, 1984. Advocate.

Copy forwarded for information and necessary action to:-

1. The General Manager, NE Rly., Gorakhpur.
2. Labour Enforcement Officer (Central), Government of India, ~~Ministry~~ Ministry of Labour, A.P. Sen Road, Lucknow.
3. Divisional Railway Manager, NE Rly., Ashok Marg, Hazratganj, Lucknow.
4. Divisional Engineer (B&N), NE Rly., Ashok Marg, Hazratganj, Lucknow.
5. Asstt. Engineer, NE Rly., Bahraich.



True Copy

गंगा राम मेहता

By
High Court, Lucknow Bench
No. 38/103
Date 14-1-85

A-4 22
✓ 23

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



Ganga Ram Petitioner

Versus

Union of India & Others Opp. Parties.

AFFIDAVIT

I, Ganga Ram, aged about 51 years, son
of Sri Raghunath working as mate, Gang No.4,
North Eastern Railway, Bisheshwar Ganj,
Bahraich, do hereby solemnly affirm as under. -

1. That the deponent is the petitioner
in the above noted Writ Petition and as such
he is fully conversant with the facts of the
case.
2. That the contents of paras 1 to 18 of
the accompanying Writ Petition are true to my
knowledge, except the legal averments which
are belied to be true on the basis of legal
advice.
3. That the Annexures to the accompanying

....

गंगा राम मेर

१०१२३४५

DE PONENT.

DE PONENT.

24/11/1916

DE PONENT.

[Handwritten signature]

14-185

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 Clerk
 High Court, Allahabad
 Lucknow Bench
 38/103
 19-1-85

In the Honble High Court
at Lucknow

A-3
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अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का

वकालतनामा

W.P. No.

1985

14/1/05



Ganga Ram more वादी (मुद्दे)

बनाम

Union of India प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (परिवारिक) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई ब्रह्म कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर गंगा राम मौरा

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

M.P. No. 393/90 (L)

Civil Misc. Application No. of 1990(L)

In Re:

Registration (T.A.) No. 1694 of 1987(T)

(Writ Petition No. 208 of 1985)

Ganga Ram

...

Petitioner

versus

Union of India and others ...

Opp. Parties/

Respondents.

APPLICATION FOR DISMISSAL OF THE WRIT PETITION
AS INFRUCTUOUS.

P R A Y E R

That for the facts and reasons stated
in the accompanying supplementary application, It
is most respectfully prayed that the instant case
(Writ Petition) may be dismissed as infructuous.

Lucknow :

Dated : 01-05-90

Anil Srivastava

(ANIL SRIVASTAVA)

Counsel for the respondents.

f.T.F.
Siv
11/6/90

at 11.10 AM
1/6/70

Dr. G. D. D. D.
Dr. G. D. D. D.

Record Book

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, 26

CIRCUIT BENCH, LUCKNOW.

M.P. No. 393190(L)

Registration (T.A.) No.1694 of 1987(T)

(Writ Petition No. 208 of 1985)

B E T W E E N

Ganga Ram

...

Petitioner.

versus

Union of India and others ...

Opp. Parties/

Respondents.

SUPPLIMENTARY APPLICATION

I, Ram Charan

working as Asstt. Engineer in the office
of Asstt. Engineer North Eastern Railway,

Bahraich

do hereby solemnly

affirm and state as under :-

1. That the official abovenamed is working under the respondents and is fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the respondents to file this application on their behalf :-
2. That the sole petitioner in the instant case already died on 26.12.87.

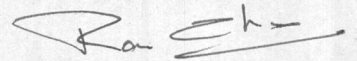
.....2

Ram Charan

सहायक अभियन्ता
पूर्वोत्तर-रेलवे-बहराइच

27

3. That after having been spared by P.W.I. (Bahraich) vide this order dated 3.10.84, the petitioner did not joined his duties rather he remained absent from 3.10.84 till 26.12.87.
4. That in view of the aforesaid facts the Writ Petition have become infructuous and therefore is liable to be dismissed.



सहायक अभियन्ता

पूर्वोत्तर-रेलवे-बहराइच

VERIFICATION

I, the official abovenamed do hereby verify that the contents of para 1 of this application is true to my personal knowledge and those of paras 2 to 4 of this application is believed by me to be true on the basis of records and legal advice.

Lucknow:

Dated : 21. 3. 90



सहायक अभियन्ता

पूर्वोत्तर-रेलवे-बहराइच

28

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.



(Writ Petition No. 208 of 1985)

GANGA RAM

.....

Petitioner.

Versus.

Union of India and others....

Opp. Parties.

COUNTER AFFIDAVIT, ON BEHALF OF THE
OPPOSITE PARTIES.

I, Sohan Lal, aged about 40 years Son of
Late Thakur Pd. Resident of Railway Colony Bahraich
do hereby solemnly affirm and state as under :-

1. That the deponent is working as Permanent way Inspector N.E.Rly Bahraich and is opposite party 4 and 5 and is well conversant with the facts of the Case.
2. That the deponent has read the contents of of the Writ Petition and has understood the same.
3. That the averments made in para 1 of the Writ Petition are denied. It is submitted that the petitioner has been transferred from Bisheshwarganj under P.W.1/Bahraich to



29¹⁷₆

-2-

Tikunia under P.W.1/Spl/Tikunia under the administrative control of Assistant Engineer N.E.Railway/Bahraich vide Office order No.E/283/IV/BRK dated 23.7.84. A photo Stat~~e~~ Copy of the order dated 23.7.84 is annexed with this counter affidavit and is marked as Annexure A/1 Statements contrary to it are denied.

4. That the contents of para 2 of the Writ petition are denied. It is stated that petitioner -er was appointed on 2.6.55 as Gangman in scale) 200-250) under P.W.1/Bahraich and there after he was promoted to the post of Mate Rs.(225-308) on 23.3.82.

5. It is further stated that the services of the petitioner has never been satisfactory and upto the mark. He was charge-sheeted on 10.9.79 for his negligence and careless working due to missing of 6 numbers . Hook Bolts, 37 Nos. keys and 3 Cotters at Bridge No.18 at KM 19/10-11 and after going through the defence statement of the petitioner his increment was with held for two years vide AEN/BRK NIP's No.E/74/1/BRK dt. 17.10.79. Again in the year 1981 Railway. Had to suffer a loss of materials on account of his negligence for which a sum of Rs.53/- was recovered from his salary vide AEN/BRK NIP NO.E/74/1 dated 30.5.1981. The true Copies of the aforesaid orders dated ¹⁷17.10.79 and 30.5.81 are annexed to this counter affidavit and are marked as Annexure A-2 and A-3.



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5. That of the contents of para 3 of the Writ petition it is admitted that the petitioner was put under suspension on 14th April/1984. The rest of the allegations made in this para are denied.
6. That the contents of para 4 of the Writ Petition are false, baseless and without any substance and hence denied. It is stated that a charge-sheet was issued ^u to the petitioner vide letter No.E/Ganga Ram dated 16.5.84 for lifting of the Rly. track and leaving in unsafe condition without proper packing but the same could not be served on the petitioner as he was ~~not~~ ^{neither} available on duty ^{not} ~~or to~~ at his residence .
7. ^{in reply to} That ~~of~~ the contents of para 5 of the Writ Petition, it is admitted that suspension order dated 14.4.84 was revoked on ¹⁻⁶⁻ ~~16~~.84 . It is ^{further} stated ~~in the petition~~ that the Charge-sheet dated 16.5.84 could not be served on the petitioner as he was not available at his head quarter . Statement contrary to it are denied.
8. That of the contents of another para 4 of the Writ petition the allegations of demand of money and giving threat of dire ⁸ ~~consequences~~ etc by opposite party no.5 are ⁸ ~~false~~, mischievous and concocted. ^{The petitioner has stated that representation dated 14.6.84 was sent by him to Hon'ble Rly. Minister and copies to Chief Engineer,} Simultaneously in the said para he further stated that he is enclosing Copy of represent-



-4-

ation dated 4.5.84 as Annexure 2 to the Writ petition. Annexure 2 does not bear any date. As there is no representation available in the record of Railway. Administration the same is denied.

9. That in reply to another para 5 of the Writ Petition it is stated that the petitioner after returning from Gorakhpur on 18.7.84 attended his duty on 19.7.84 and availed rest on 20.7.84. He reported sick on 21.7.84 under A.D.M.O/NANPARA and remained in sick list upto 11.9.84 and there-after he absconded from duty. The statement contrary to it are denied.

It is further stated that the petitioner was transferred to Tikunia vide Office order dated 23.7.84 (Annexure-A-1) to the Counter-affidavit) the Spare Memo No.E/283/BRK dated 3.10.84 was sent to him through P.W.1/III P.D.R but the acknowledgement of the same was refused by the petitioner. Hence the spare memo was pasted at his residence on 9.10.84 in presence of Railway., staff. A Photo copy of the spare memo dated 3.10.84 and refusal to acknowledge of the same are annexed to this Counter affidavit and are marked as Annexure No A-4 & A-5.

10. That the Contents of paras 6 & 7 of the Writ Petition are denied being false and without any ^{substance} ~~substance~~. The opposite-party No.5 never demanded any amount nor there was any



question for the same in view of the orders of transfer having been issued by Assistant Engineer, N.E.Railway Bahraich, a superior authority than opposite party No.5. The petitioner was since absconding from duty from 12.9.84, there was no question of allowing him duty. There is no representation dated 25.9.84 (AnnexureA-3) to the Writ Petition) on the record of the Railway. Administration hence the same is not admitted. Statement contrary to it are denied.

11. That in reply to para 8 of the Writ Petition it is stated that the ^{er}petitioner was himself absconding from ^{since}his duty from 12.9.84 he did not submit any leave application or any medical certificate so far. The petitioner is under order of transfer to Tikunia under P.W.2/Spl/TQN under order dated 23.7.84 as contained in AnnexureA-1 ^{vide} to ^{this}counter affidavit and even after issue of the spare memo to the petitioner ^{ed}he has not reported for duty at his transfer place viz. Tikunia . The question of allowing him duty at his earlier place of duty i.e. Bisheshwarganj does not arise. The salary of petitioner has been paid upto 15.9.84 & further pay will be drawn at Tikunia ~~drawn at tour~~ on his resumption of duty.



12. That in reply to para 9 of Writ Petition the receipt of notice dated 9.12.84 is admitted as the notice contained false and in correct allegation without any substance, the same was filed . There was no question of allowing duty to the petitioner at Bisheshwarganj when the

33

petitioner was been transferred to Tikunia under the order of Assistant Engineer/Bahraich Contained in Annexure^{A/}-1 to this Counter Affidavit

Para 13^{The} in reply to para 10 of the Writ Petition it is stated ~~that~~ the petitioner has been transferred to Tikunia in the same grade and capacity under PW1/Spl/Tikunia. He has to joined his duties at Tikunia instead of at Bisheshwarganj. The petitioner was aware of the transfer order and the facts as to where he was to join. The question of giving any reply to the notice ^{did} does not arise.

14. That in reply to para 11 of the Writ Petition, it is stated that there is no restraint from the ~~side~~ of Railway. Administration in allowing petitioner his duty if he joins at his transferred station. The petitioner himself has not joined his duties as yet at this station viz. Tikunia where he has been transferred under orders dated 23.7.84(Annexure A-1 to the Counter affidavit). There is no cause for the petitioner to invoke the jurisdiction of this Hon'ble Court. The allegation of demand of money is false and baseless.



15. That the contents of para 12 of the writ Petition are not disputed.

16. That the contents of para 13 of the Writ Petition are denied. It is stated that the petitioner has not ^{been} being ousted from

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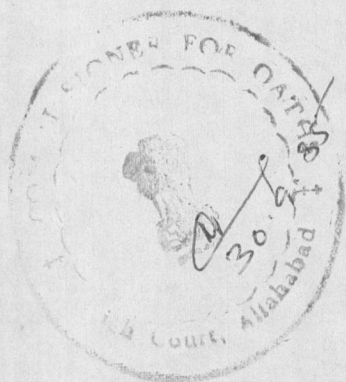
service and application of rules of D.A.R. 1968 does not arise.

It is further stated that the petitioner refused to acknowledge his transfer order for tikunia and approached the DMO/GD for cancellation of his transfer. The Railway Doctor recommended to Assistant Engineer/Bahraich that the petitioner may not be transferred. This proves that the petitioner has knowledge of his transfer and is wilfully avoiding to carry out his transfer and join his duties as Mate, under PW1/Spl/TQN. ^{True} The ~~Photo~~ Copy of petitioner's application and DMO/GD'S letter dated 15.10.84 to the Assistant Engineer/Bahraich are annexed to the Counter-affidavit and are marked as Annexure-A-6 and A-7.

17. That the averment made in para 14 of the Writ Petition are not admitted. It is stated that the petitioner has not reported for duty so far at Tikunia. The Assistant Engineer/Bahraich in reply to DMO/GD letter dated 15.10.84 informed the DMO/GD, to direct to the petitioner to attend the Office of AEN/BRK so that the matter of transfer of the petitioner may be sympathically considered. The petitioner has not so far attended the Office of Assistant Engineer/Bahraich. ^{True} A ~~Photo~~ Copy of the AEN/BRK letter dated 25.10.84 is annexed to this Counter Affidavit and is marked as Annexure No A-8.

18. That in reply to para 15 of the Writ petition it is stated that the petitioner has not stated

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correct facts before this Honble Court. The petitioner has not been retrenched from service and therefore the question of application of Industrial Dispute Act does not arise. It is reiterated that the petitioner has only been transferred from Bisheshwanganj to Tikunia on the administrative ground with all benefit of his pay & allowances. Statement contrary to it are denied.

19. That the contents of para 16 of the Writ petitions are denied. It is stated that the petitioner having joined duty^{at} Bisheshwanganj on 18.7.84 after completing his 15 days training at Gorakhpur, reported sick from 21.7.84 under A.D.M.O./^{Nanpara} NNP and remained in sick leave upto 11.9.84. He was declared fit by A.D.M.O./NNP from 12.9.84 for resuming his duty but he is absconding since 12.9.84 i.e. he did not join duty after 12.9.84 at Bisheshwanganj. On receipt of medical fit certificate of the petitioner alongwith Muster Sheet on 1.10.84 the petitioner was spared to carry out his transfer order contained in Annexure A-1 to this Counter Affidavit. The petitioner refused to accept the spare memo and as such the same was pasted at his residence in the presence of the same was pasted at his residence in the presence of the witnesses. The petitioner is on unauthorised absence from 12.9.84.



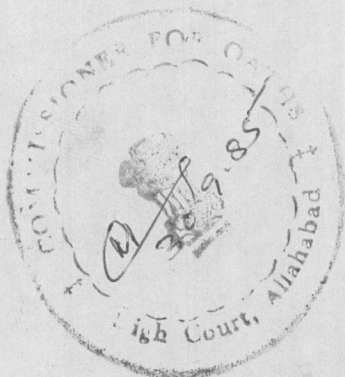
20. That the averments made in para 17 of the

36

-9-

Writ Petition, are emphatically denied. The petitioner is put to strict proof of his allegations, Sri Ayodhya Singh, Gang man went on casual leave for 4 days and there after rem^ained on unauthorised absence without any intimation to Railway. Administration. He met with Assistant Engineer/Bahraich who on hearing him and being satisfied, allowed him to join duty.

21. That the ^{med} contents of para 18 of the Writ petition, with the grounds there under are not admitted. The grounds taken by the petitioner are not tenable in law.
22. That the petitioner in accordance with the orders of transfer contained in Annexure-A-1 to this Counter Affidavit . has to join his duties at Tikunia under PWS[✓]/TON for which spare memo sparing the petitioner from Bisheshwarganj has already been issued and on the refusal of the petitioner to acknowledge the same, was pasted at his residence at Bisheshwar Ganj in presence of the Witnesses. The Hon'ble Court may graciously be pleased to direct the petitioner to join[✓] his duty at Tikunia.
23. That the petitioner is not entitled to the direction prayed from this Hon'ble Court and the Writ petition is liable to be dismissed.



Lucknow Dated:

DEPONENT.

March 30.9.1985.
August 30.9

VERIFICATION :-

I, the deponent aforesaid, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my personal knowledge and contents of para 3 to 22 are based on records and believed to be true by me and those contents of para 23 of the counter affidavit are based on legal advice. No part of it is false and nothing material has been concealed in it. So help me God.

[Signature]

Lucknow Dated :

DEPONENT

~~August~~ 30.9.85 ✓ 1985.

I identify the deponent who has signed before me.
He is personally known to me.

[Signature]
Advocate.



Solemnly affirmed before me on 30.9.85
at 3.20 A.M./P.M. by the deponent Sohan Lal who
has identified by Sri Umesh Chandra, Advocate, High Court,
Lucknow Bench, Lucknow.

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

[Signature]
High Court, Lucknow Bench
UCKNOW
No. 87/1043
DATE 30.9.85

308

इन दि आनरेबुल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद
लखनऊ बेंच लखनऊ।

रिट पिटीशन नं०

आफ 1985

गंगा राम

.....

..... पिटीशनर

बनाम

यूनियन आफ इन्डिया एण्ड

वर्कर्स

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अप्री० पार्टीज

अनैगजर नं०-1ए-1

निम्न लिखित स्थानान्तरण एवं पदोन्नति आदेश जारी किये जाते हैं, जो तत्काल प्रभावी होंगे।

- 1- श्री गंगाराम पुत्र श्री रघुनाथ गेट 225-308 गेग मं० 4 जी० एम० का स्थानान्तरण एवं नियुक्ति उसी पद और वेतनमान में रेल पथ निरीक्षक/विस्लेख/तिदुनिया के अधीन किया जाता है।
- 2- श्री कल्लू पुत्र श्री बली बहादुर की मैन गेग मं० 4 जी० एम० 210-270 के अधीन रेल पथ निरीक्षक/बहराइच को पदोन्नति गेट 225-308 में करके गेग मं० 4 जी० एम० क्रम सं० 1 के स्थान पर रेल पथ निरीक्षक/ बहराइच के अधीन किया जाता है।
- 3- श्री ननकऊ पुत्र श्री मुन्ना गंग मैन गेग मं० 13 जी० एम० अधीन रेल पथ निरीक्षक/बहराइच की पदोन्नति करके की मैन 210-270 में रेल पथ निरीक्षक/ बहराइच के अधीन गेग नं० 3 क्रम सं० 2 के स्थान पर की जाती है।

क्रम सं० 1 के स्थानान्तर प्रशासनिक आधार पर किया जाता है। अतः इन्हें स्थानान्तरण भत्ता पास, व्यभिक्त समय इत्यादि देय है।

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39^A₄₆

-2-

व्य २२१५५

पत्रांक सं० ई / 283/चतुर्थ/अध्याय

सहायक इन्जीनियर/बहराइच
दिनांक 23.7.1984

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही
हेतु प्रेषित :-

- 1- रेल पथ निरीक्षक/बहराइच, रेल पथ निरीक्षक विशेषज्ञ/
तिरुनिय्या ।
- 2- मण्डल रेल प्रबन्धक इन्जं०, मण्डल रेल प्रबन्धक का०/लखनऊ।
- 3- सम्बन्धित कर्मचारी ।

ह०- अपठनीय

सहायक इन्जीनियर/बहराइच

सार्थकाल २१७५५५

कृपया उपरोक्त स्थानान्तरण हेतु
3 कर्मचारियों को तुरन्त
स्पेयर कर दें।

ह० अपठनीय

25.7.84

सत्त्व, प्रतिलिपि



40

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.

Writ Petition No.

of 1985

Ganga Ram

RSRS

Petitioner.

Versus.

Union of India and others.

Opp. Parties.

ANNEXURE No- A-²~~11~~

NORTH EASTERN RAILWAY.

NOTICE OF IMPOSITION OF PENALTIES UNION RULE 11 OF
D.A.R. 1968 EXCEPT FOR DISMISSAL/REMOVAL/FROM SERVICE/
COMPULSORY RETIREMENT AND DEDUCTION

No.E/74/1/BRK

Dated ~~October~~ 17.10.79

From,

The Asstt. Engineer Office To Sri Ganga Ram ~~X~~
N.E. Railway/Bahraich K/man ~~Har~~ under PWL/ARK

Through PWL/BRK

With reference to your explanation to the
memorandum No.E/74/1 dated 10.9.79 you- are
hereby informed that the undersigned ADN/BRK has passed
the following orders:

"The defence ^{produced} ~~proceeded~~ by the employee is not
satisfactory. His increment is stopped for 2 years
with ^{N.C.} no effect.



Signature
Deisngation

sd/-Illegible
(S.I. Haider)

Asstt. Engineer
Bahraich

----- FC -----
..2 ..

4th

-2-

INSTRUCTIONS.

1. An appeal against these orders lies to DEN/1/IJN(Next immediate superior to be authority passing orders.
2. The appeal may be with held by an authority not lower than the authority from whose orders it is preferred if.
 - a. it is a case ^{is} which no appeal lies under rules.
 - b. it is not preferred within 45 days of the date on which the appellant was informed of the orders appealed against and no reasonable cause shown for the delay.
 - c. it does not comply with the provisions of rules 21 of DAR/1969.

.....

TRUE COPY.

[Signature]



42

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.

Writ Petition No. of 1985.

Ganga Ram Petitioner.
Versus.
Union of India and
others... Opp. Parties.

ANNEXURE-III

NORTH EASTERN RAILWAY.

NOTICE OF IMPOSITION OF PENALTIES UNDER-RULE 11 of
D.A.R. 1968 except for dismissal/removal from service /
compulsory retirement and deductions.

No.E/74/1

Dated :-30.5.81

From,

Asstt. Engineer
Bahraich

To, Sri Ganga Ram S/o
Rajendra Prasad, Gang No.4 GN
Under PWI/BRK
C/o PWI/BRK

With reference to your explanation to the
memorandum No.E/Keyman/4 GN.dt.12.6.81 you are
hereby informed that the undersigned(AEN/BRK) has
passed the following orders:-

"Explanation is not satisfactory, Cost of 26=
4=40 Nos. steel Keys @Rs.1/-each amounting to Rs.40/-
only and cost of 20+6=26 Nos. jaws @Rs.0.50 each Rs.13/-
A total amount of Rs.53/- to ^{be} recovered under advice
to this office. The recovery must ~~be~~ take immediate
effect."

sd/Illegible

--2--

12/
21



Recovered vide
Received.
V.No.7/741/6/E
dt.9.7.81

(S.I.Haddar)
Asstt. Engineer/Bahraich.

INSTRUCTIONS.

1. An appeal against these orders lies to DEN/I/IJN next immediate superior to be authority passing orders.
2. The appeal may be with held by an authority not lower than the authority from whose orders it is preferred if.
 - a) it is case is which no appeal lies under rules.
 - b) it is not preferre within 45 days of the date on which the appellant was informed of the orders appealed against and no reasonable cause shown for the delay.
 - c) it does not comply with the provisions of rules 21 of DAR 1968.

ACKNOWLEDGEMENT

To,

Sri Ganga Ram S/o Raghunath, Kayman, Gang

No.4 GN.

I hereby acknowledged receipt of your notice .

No. dt conveying
..... to memo. No. even dated.

L.T.I.

signature or thumb +
impression

True Copy.

[Signature]



44

इन दि बानरेबुल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद
लखनऊ बेंच लखनऊ ।

रिट पिटीशन नं०

आफ 1985

गंगा राम

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पिटीशनर

बनाम

यूनियन आफ इंडिया एण्ड

वर्कर्स

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अप्री० पार्टीज

अनैगजर नं०-ए-4

जहूरत पर पदोनो तरफ लिखे

पूर्वोत्तर रेलवे

संख्या 6/283/बहराइच

दिनांक 3.10.84

प्रेषक रेल पथ निरीक्षक, बहराइच

सेवा में श्री गंगाराम, मेट

विषय: कार्य मुक्त भेमों

द्वारा रे.प.नि.।।।

पदमपुर पयागपुर

संदर्भ: सं० 30 बहराइच का कार्यालय आदेश सं० ई/283/चतुर्थी
बहराइच दि० 23.7.84

सहायक इंजीनियर, बहराइच के का०आ० सं० ई/283/चतुर्थी
बहराइच दि० 23.7.84 के संदर्भ में आपको आज दिनांक 3.10.84
अपरान्ह से रे०प० नि०/विशेष/नियुक्तियों के पास/5-चुटी करने
हेतु कार्य मुक्त किया जाता है।

ह०- अपठनीय
रेल पथ निरीक्षक/
बहराइच

- 1- प्रतिलिपि सं० 30 बहराइच
- 2- प्रतिलिपि रे० प० नि०/नि०/तिकुनिया

ह०- अपठनीय
रेल पथ निरीक्षक
बहराइच

सत्य प्र तिलिपि



इन दि आनरेबुल हाई कोर्ट आफ जुडोकेवर ऐट इलाहाबाद

लखनऊ बेंच लखनऊ

रिट पिटीशन नं०

आफ 1985

गंगा राम

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पिटीशनर

बनाम

यूनियन आफ इण्डिया

एण्ड अर्द स

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अपोज पाटीज

अनैगजन नं०-ए-6

सेवा में,

श्रीमान् मण्डल-निबिकित्साधिकारी महोदय

पू० उ० र०/ गोण्डा।

महोदय,

विनम्र निवेदन है कि प्रार्थी रेल पथ निरीक्षक/बहाराइव के अधीन मेट के पद पर कार्यरत हैं। इसके पूर्व वह 10 वर्षों से भी अधिक जंगली व तराई इलाकों में रहकर रेल सेवा कर चुका है। वहाँ की जलवायु की प्रतिकूलता के फलस्वरूप ^{25 वर्ष} पूर्व ही हाँज में की गड़बड़ी बाये दिन सर्दी जुकाम आदि से रोगों से ग्रस्त व त्रस्त हो जाने के कारण ही उसने अपना स्थानान्तरण ^{स्थायी} निवृत्तीय आधार पर अपनी नशबन्दी कराकर मैदानी इलाके में करायी थी जहाँ की जलवायु उसके लिए अनुकूल साबित हुई है।

श्रीमान् जी ।

अप प्रार्थी जिसकी उम्र 50 वर्ष से भी ऊपर है व सेवा निवृत्ति नजदीक हो है। उसका स्थानान्तरण करके पुनः उसे जंगली व तराई इलाके में होने जा रहा है। जहाँ परकि वह अपनी



12/85

काफ़ी दिनों रह आया है। वहाँ मुनः जाकर वह रेल सेवा को सुचारु रूप से सम्पन्न करने में अपने को असमर्थ सा पा रहा है। उसकी शारीरिक क्षमता वहाँ की जलवायु के प्रतिकूल हो सकती है।

प्रार्थी के बाल बच्चों की पढ़ाई लिखायी व आये दिन बीमार रहने वाली उसकी बीरत की वजह से घर गृहस्थी का कार्य उसके बलावा और कोई देखने वाला नहीं है। विशेषकर गंज में वह रह कर रेल सेवा व उक्त कार्य की वह सुचारु रूप से सम्पन्न कर सकता है परन्तु पुनः दूर जंगली इलाके में जाकर नहीं। इन्हीं सब सुविधाओं को पाने के लिए ही उसने अपनी नशबन्दी कारायी थी परन्तु उसको नजर बन्दाज करके २० व ३० महोदय नाजायज तरीकों से परेशान करके उसे पुनः स्थानान्तरित करवाने पर तुले हैं अतः आप से करबद्ध अनुरोध प्रार्थना है कि परिवार कल्याण व राष्ट्र के प्रति प्रशंसनीय कार्य करने वाले एक कर्मचारी की उक्त समस्या को देखकर उस के उमर दयालुता पूर्वक विचार करके उसका स्थानान्तरण स्थगित करवाने की कृपा विभागीय कार्यवाही करके की जाय। महान कृपा होगी।

प्रार्थी- गंगाराम मेट

मेट - ५ जे २५

श्रीमान जी ।

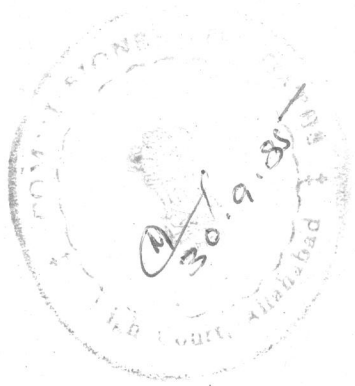
यदि उसका स्थानान्तरण रुक जाता है तो वह परिवार कल्याण कार्यक्रम में आपके विभाग को सक्रिय सहयोग ^{नशबन्दी} ~~सहयोग~~ के कई केशों को देकर करेगा।

वह आप से वादा करता है कि अगर वह केश न दे जायेगा। तो उसका स्थानान्तरण और ^{मे ३२} ~~मे ३२~~ करवा दीजियेगा।

ह०- गंगा राम मेट

सत्य प्रतिलिपि

३०.९.८५



48¹²/₅₅

इन दि आनरेबल हाई कोर्ट आफ जूडीकेवर ऐट इलाहाबाद
लखनऊ बेंच लखनऊ

रिट पिटीशन नं० आफ 1985

गंगा राम पिटीशनर

बनाम

यूनियन आफ इण्डिया
एण्ड बर्दस अपो पाटीज

बैंगजर नं०-ए-7

जरूरत पर दोनों पूर्वोत्तर रेलवे एन.ई.जी-40
तरह सिमेन रखे बार.बी.जी.एल-19

संख्या -एच/309/2प.नि.४ दिनांक 15.10.84
प्रेषक मंसिब-दी/गोण्डा सेवा में सहायक अभियन्ता
विषय- श्री गंगा राम मेट 4सी.एम. सहायक अभियन्ता
रे० ए० नि० बहराइच बहराइच

सदर्थ- का प्रार्थना बावत स्थानान्तरण
बहराइच नकरने हेतु।

श्री गंगाराम मेट बहराइच की प्रार्थना- पत्र मूल रूप में
संसुत के साथ निम्न टिप्पणी के साथ आप के उचित कार्यवाही हेतु
भेजी जा रही है।

१। श्री गंगा राम ने अपनी मसबन्दी के बापरेशन
प्रशिक्षित पत्र संख्या 03550 दिनांक 27.9.76 के द्वारा कराई थी
और उसका स्थानान्तरण जंगली एवं तराई क्षेत्र से बहराइच
रे० ए० नि० के अन्तर्गत हुआ है।

3-इसके पूर्व है कि मैं श्री गंगाराम ने परिवार कल्याण
कार्यक्रम में काफी सहयोग दिया था दो बापरेशन कराये थे काफी
सहयोग दिया तथा दो बापरेशन कराये थे जो कि ~~उनके भाई~~ कार्य



तीस सूत्री कार्य क्रम के अन्तर्गत राष्‍ट्रहित में है।

श्री गंगाराम ने पुनः वादा किया है कि ये परिवार कल्याण कार्य क्रम में काफी सहयोग देंगे तथा केस नसबन्दी का करायेगे।

चूँकि श्री गंगाराम ने राष्‍ट्र हित के लिये अपना अपरेशन करा चुके हैं तथा पिछले वर्ष केम्प में दो केस दे चुके जोखनु : केस देने का वादा कर रहे हैं इसलिये श्री गंगाराम का स्थानान्तरण अन्यत्र (जंगलीक्षेत्र) न करने की संस्तुति की जाती है।

ह0- अषठनीय

5.10.84

मण्डल चिकित्सा अधिकारी

पूर्वोत्तर रेलवे, गोण्डा।

संलग्न एक

सत्य प्र तिलिपि




3057

इन दि बानरेबुल हाई कोर्ट आफ जुडीकेचर ऐट इलाहाबाद
लखनऊ बेंच लखी नउग

रिट पिटीशन नं०

आफ 1985

गंगा राम

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पिटीशनर

बनाम

यूनियन आफ इण्डिया

एण्ड बर्दस

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बपो० पार्टीज

बनगर नं०-ए-8

एन० इ०-जी० 40

आ० बी० जी० एन० 19

जरूरत पर दोनों
तरफ लिखें

पूर्वोत्तर रेलवे

संख्या

ई 283/चतुर्थ/बहराइच

दिनांक 25.10.84

प्रेम्क

सेवा में मण्डल निरोक्षक

अधिकारी गोण्डा

सहायक इन्जीनियर

बहराइच

विषय= श्री गंगा राम, मेट ^{अधीन हेतु} ~~अधीन~~ स्मैमि/बहराइच।

सन्दर्भ= आष का पत्र सं० एच/309/2/पमि/ दिनांक 15.10.84

उपरोक्त पत्र के संदर्भ में सूचित किया जाता है कि
उक्त कर्मचारी लगातार अनुपस्थित चल रहा है।

कृपया उक्त कर्मचारी के इस कार्यालय में उपस्थिति होने
के लिये इन्ज में जिससे स्थानान्तरण के सम्बन्ध में सहानुभूतिपूर्वक
विचार किया जा सके।

ह०- अमठनीय

25.10

सहायक इन्जीनियर/बहराइच

का/प्र

ह, अमठनीय

25/10

सत्य प्रतिलिपि