

A-1

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A.1694 OF 1987

NAME OF THE PARTIES Granga Ram Applicant

Versus

Respondent

Part A.

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CERTIFICATE

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

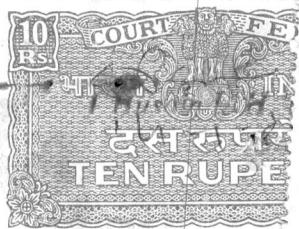
Dated

Counter Signed.....

Rajendra
16/08/11

Section Officer/In charge

Rajendra
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,
Bharaich.

..... PETITIONER

10/8/1985
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, Bharaich.
4. Permanent Way Inspector, North Eastern Railway, Bharaich.
5. Sohan Lal, Permanent Way Inspector, North Eastern Rly., Bharaich.

..... UPP. PARTIES.

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA.

3

(6)

(5)

Placed duplicate
to oppn No 1/224/85

Placed
14.1.85 AD
at 11. AM

for Umesh Chandra
AD

Impressed
Adhesive 1/224/85

Total

~~Entered but final Court fee not paid
made on receipt of letter
Court record.~~

~~is come up to~~

~~Papers filed. Copy of P. m.
also be filed
Hc - Bench~~

Writs or writs in aid of writs

Bahraich

Placed
14.1.85

for. S. S. Ahmad. 3

for. P. Kumar. 3

Sri Umesh Chandra has
delivered notice on behalf of
opposite parties 1 to 4
List in the well

commencing 4th Feb 85 for
orders.

28/1.85

285

Placed
14.1.85

4

5

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 208 of 1985 85

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
14-2-85	<p>2en SS Ahmad, 2en B Keemar,</p> <p>S. Umesh Chandra has taken notice on behalf of opp parties, to y. wt in the week commencing 4th Feb, 1985 for orders.</p> <p>Sd/ SS Ahmad Sd/ B Keemar 14-2-85</p> <p>C.M. No 522 @ 2.5</p>	
14-2-85	<p>2en SS A, 2en B Keemar,</p> <p>Put up along with w.p.</p> <p>Sd/ SS A Sd/ B Keemar 14-2-85</p>	
	<p>7-2-85 fixed for ad. 7-2-85 adj. 5-2-85 for ad. By Court Bench</p>	
21-3-85	<p>fixed with em 522(4)85 & order to be sent HCH S.S.A.S HCH B.K.S</p>	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
22/9/85 null	Hc. S.C.M. 5 Hc. G.B.S. 5	
	<p>Sir Bhushan 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>	
Vd 20/9/85	Hc. S.C.M. 5 Hc. G.B.S. 5	Hc. S.C.M. 5 Hc. G.B.S. 5
9/10/85	SSA 9 Hc. S.C.M. 5 Hc. G.B.S. 5	to Bench (week c/ 7/10/85)
List in the next week ↑ possible	Hc. S.C.M. 5 Hc. G.B.S. 5	Hc. S.C.M. 5 Hc. G.B.S. 5
16/10/85	Hc. S.C.M. 5 Hc. G.B.S. 5	to Bench next week

Order Sheet

TA 1694. of 1987

Ganga Ram :: 2 :: UOS

2/1/87

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<u>Hon' Mr. D.K. Agrawal, J.M.</u>	OK
2/11/89	<p>None appears for the parties. Notice was issued from the office at Allahabad. However, the office copy of the same is not available on record. Let notice again be issued to the counsel for the parties. List this case for orders on 10-1-90.</p> <p><i>Noted for 10/1/90 Allahabad S. F. A. I. O. f. S. D. S. S.</i></p>	<p>This WP no 208/85 received in transfer from Lucknow High Court in May 87 along with other WPs.</p> <p>On the date of transfer this case was not admitted. CA/RA not filed.</p> <p>Transfer notices issued to both the counsel by the Alld office (one not received from Alld) but neither any reply nor undelivered cover received back so far.</p> <p>Submitted for orders</p>
10-1-89	<p>No Siling - Ali to 0.3.90</p> <p><i>L 10/1/90</i></p>	<p><i>OK S. F. A. I. O. S. F. A. I. O. S. F. A. I. O.</i></p>
1.6.90	<p><u>Hon. J.P. Sharma J.M.</u></p> <p>On the request of Mr. O.P. Sivakumar case is adjourned to 1.6.90 for admission</p> <p><i>L J.M.</i></p>	<p><i>OK S. F. A. I. O. S. F. A. I. O. S. F. A. I. O.</i></p>
1.6.90	<p>Stahl Mr. P.C. Jain A.M Stahl Mr. J.P. Sharma J.M.</p> <p>At the request of applicant adjourned to 26.6.90 to 12.11.</p> <p>None present - to be responded -</p> <p><i>L J.M.</i></p>	<p><i>OK L for the refds. M.P. 392/90/4 to be dismissed duly S. F. A. I. O.</i></p>

Dinesh/

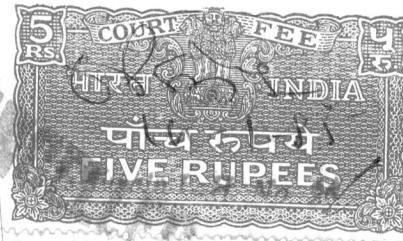
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22/1.

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

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

IN RE.

WRIT PETITION NO. 209 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 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: JANUARY, 1985.
COUNSEL FOR THE APPLICANT.

26-6-90

TA 1694/87(T)

26-6-90

Hon'ble Justice K. Nach, V.C.
Hon'ble Mr. K. Obayya, A.M.

SM

CA

No one is present for petitioner.
Shri Anil Shrivastava for respondents filed
and files counter and also referred
to respondents application dated
1-5-90 supported by an Affidavit
dated 21-3-90 of an Ram Chavan,
Asstt Engineer, stating that the
sole petitioner Gangaram had
died on 26-12-87. Copy of the
petition was given to Shri O.P.
Shrivastava, 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 & was since
then, but according to the affidavit
aforesaid 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
aforesaid.

AB

AB

DR
V.C.

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.

6u8

I N D E X

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2.	Annexure - 1 Order dated 1.6.1984 revok- ing 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

LUCKNOW DATED:
JANUARY , 1985.

S. P. Srivastava
(S. P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR THE PETITIONER.

To

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

The humble petitioner named above most
respectfully showeth 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

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

~~Administration petitioner~~

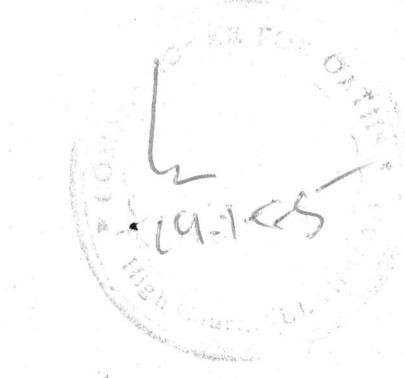
the ~~petitioner~~ did not think it proper to

initiate any legal battle and he kept on

waiting ~~on~~ 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 No. 5 asked the petitioner to ~~greet~~ ^{his} 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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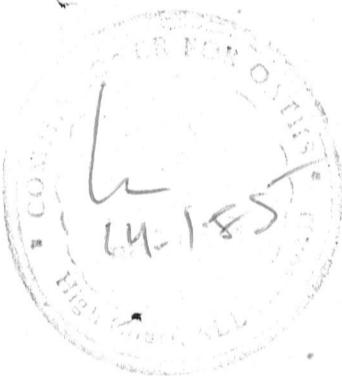
of suspension dated 14.4.1984 issued by the Opposite Party No. 5 was taken away vide order dated 1.6.1984 by the higher authorities on the request of the petitioner. The petitioner was neither served any charge sheet nor he received any information regarding his suspension which was imposed upon him 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.

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 ^{of} ~~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 ~~Vikk~~ vigilance Department Railways, Chief Engineer and the General Manager, North Eastern Railway praying that he may be relieved of the dictatorship

ANNEXURE -1



RECORDED
RECORDED

RECORDED
RECORDED

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.



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 atrocities of the opposite ~~Bankas~~ 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.

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 duty 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,

12/12

(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

[✓] said his Counsel through whom the notice was sent.

11. That the petitioner having no alter-

native is invoking the jurisdiction of this

Hon'ble Court and this Hon'ble Court may be

pleased to interfere into the matter and iss

a mandamus to opposite Parties to allow the

petitioner to duty without demanding the mone
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 ~~no~~ provisions of Rail

(Discipline and Appeal)

cable, besides



14-1-85

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(1 and 2) and the Industrial 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 ~~or~~ 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



14-1-68

Yg 10

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 innot allowing the petitioner to duty after taking the spare memo from him is full of malaride, 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~~ ^{petitioner} the Corrupt Practices and as such ~~he~~ is entitled for the ~~practices~~ protection.

17. That it would not be out of place

singh

to mention here that onesri Ayodhya 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 toduty

by the Opposite Party No. 5 because of illegal

demand. Now the ~~aid~~ 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

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
~~unless~~ there are certain charges aga-
inst him he must be given an opportu-
nity and at least an order in writing

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 simplicitor the provisions of
retrenchment as contemplated under
Industrial Disputes Act 1947 are appli-
cable 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
^{not 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

NO. 5 in not allowing the duty to the petitioner is tantamount to corrupt labour practice besides 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 follow the petitioner the duty with all consequential benefits as mate in the usual manner. *treat him continuous service*
- 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

15/4/85
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.

ANNE XUE - 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 &/o
Sri Raghunath, mate Gang No. 4N (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 confirm 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

गंगा राम माटे

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इन दि आनरेबुत हाई कोर्ट आफ जुडीकेवर ऐट हलाहाबाद,
लखनऊ बैन्च, लखनऊ।

रिट विटीशन न०-

आफ - 1985.

गंगा राम मेट - -

..... विटीशन

बनाम

बूनियन आपू इण्डिया आदि - -

..... अपौ. वाटीज़

अनेम्यर नम्कर - २

श्रीमान् रेत मन्त्री महोदय

भारत सरकार,

नई - दिल्ली।

सेवा में,

विषय:- रेत वथ निरीक्ष श्री सौहन लाल एवं कार्ब निरीक्ष श्री ज. पौ. माजा ने भूष्टाचार ब ताना शाही के विरुद्ध शिकायत।

निवेदन है कि श्री सौहन लाल, रेत वथ निरीक्ष के कुछ आदमी ऐसे हैं जो गैंग मैन मासिक बेतन पर 50/- रु० स्वयं देते हैं तथा दूसरों से भी बसूत करके दिलाते हैं। रेत वथ निरीक्ष के आंतक से प्रत्येक गैंग-मैन की मैन तथा मेट सभी वरेशान हैं, तथा इसके कारण सामने आने में असमर्थ हैं। गोष्ठनीय जांच से प्रमाण मिल जायेगा तथा वास्तविकता सामने आ जायेगी। प्रमाण देने में एक हजार 1,000/- रु० के तौर पर लेते हैं जैसे कल्पु, की मैन से 1000/- रु० लेकर मेट पद पर प्रमोशन कर दिया। हम गैंगमैन का दान्सफूर इधर डधर पैसे के लालब बश किया करते हैं। एक मेट श्री सातिक राम के इताके में 94 डांगा 30 मिंटो मीटो के अन्दर लम्बा न० 1/2 के बाल गिरी थी। उनके साथ कोई कार्यवाही नहीं की गई। क्योंकि धूस के तौर पर उनने 500/- रु० दे दिया था। मुझे हस्तिये वरेशान किया जा रहा है कि न तो मैं धूस के तौर पर पैसा दे पाता हूँ न ही इनके आदमी जगदेव को ऋष नाजाबूजु उपस्थिति दे पाता हूँ। जगदेव का काम कोयते का पैसा इकट्ठा करना तथा गैंग मैनों से रुक्षा

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17
8/21

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इकट्ठा करना इनका काम है। इनकी उपस्थिति मैग में डिकूटी समय में
नहीं रहती है लेकिन रजिस्टर पर उपस्थिति श्री सोहन तात्त्वजी के कृपापात्र
बने रहने से रहती है। कार्य निरीक्षक जी की जगहेव से काफ़ी पठती
है। क्षमा मिल जुल कर तीर्तों को वरेशनकरते हैं। सोहन तात्त्वजी बहरा हवा
घ्रावर के रहने वाले हैं। रेल से काफ़ी पूँजदा छठते हैं। रेल समर्पित
छापा डालने से मिलेगा तथा घूस के बैसे से अन्नी आलीशान कोठी बनाई
है। निम्नलिखित इनको मासिक किस्त घूस के तौर पर 100/- ₹० देते
हैं जिनका नाम क्रमशः - राम खेतावन, श्वाम सुन्दर, सगरदीन, गंगाराम,
भौदू, तीरथ, सन्त राम, चिराजन, ब्रज तात व बंशी तात हैं। वे तीर्तों
घूस के बल पर घर के नजदीक हैं।

अतः श्रीम व जी से निवेदन है कि उपरोक्त समस्ताओं पर विवार
कर मुझे मजदूर की तानाशाही से मुक्ति दिलाने की कृपा करें। अति क्षमा
हो गी।

भवदीब,

१ गंगा राम, मेट १,
गैगा नं०-४, विश्वारामगंगा।



प्रतिलिपि :-

१। गुप्तचर विभाग, गोरखपुर ८

२। महा प्रबन्धक, गोरखपुर।

३। चौथा इन्जीनियर, गोरखपुर।

सत्य- प्रतिलिपि।

गंगा नामगंगा

इन दिन आमरेबुत हाई कोर्ट आफ जुडीकेवर ऐट हलाहालाद,
तरकामेन्ब, तरकाम

रिट पिटीशन नं०-

आष - 1985.

गंगा राम मेट - -

, , , , पिटीशनर

बनाम

दूनियन आफु हण्डिया आदि - -

, , , अष. पाठीज

अनैग्जर नम्बर - 3

सेवा में,

श्रीमात्र मन्डल रेत प्रबन्धक दू इंजी०५,
पूर्वोत्तर रेतवे, तरकाम

महोदय,

विषय :- डिबूटी देने की प्रार्था

सविनय निवेदन है कि प्रार्थी रेवनि/ बहराइच के अन्तर्गत गैग नं०-४ में कार्बरत था, जिसे रेवनि/ बहराइच श्री सौहन लाल जी ने बिना किसी कारणों के नियमित कर दिया था किन्तु श्रीमात्र जी के हस्तक्षेप से उसे डिबूटी दी गई, किन्तु 12 दिन कार्ब करने के बाद उसे देनिंग हेतु गोरखपुर भेज दिया। देनिंग से बापस आने पर दिनांक - 17.7.84. को उसे डिबूटी नहीं दी गई।

प्रार्थी दिनांक - 17-7-84. से ही रेवनि एवं सह/ बहराइच को कई प्रार्था पत्र दिये और साथात्कार भी किया किन्तु कोई वरिणीम नहीं निकला। इस समय गैग नं०-४ में कोई मेट न होकर कोई श्री कल्पना से मेट का कार्ब लिया जा रहा है।

रेवनि श्री सौहन लाल जिन्हें प्रार्थी अनुबित रूप से ता भान्वित नहीं कर सका है, प्रार्थी को वरेशान कर रहे हैं एवं प्रार्थी के बच्चों की भूखों मरने को बाधा है। आप से किस्मत निवेदन है कि गैग नं०-४ में डिबूटी दिलाने की कृता की जाए।

ह०- गंगा राम मेट, दूंगंगा राम० मेट,
अधीन रेवनि/ बहराइच।

दिनांक: 25-9-84

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

U.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 GND under PWI, N.E. Bahraich and Ayodhya Singh, son of Dhureshwar (working as Gangman in Gang No. 15 under PWI N.E. 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 माटे

- 2 -

2/2/20

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 succourless client 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

14-1-85

राजीव राम मिट्टी

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.

another

2. That my ~~client~~ aforesaid client sri ~~ay~~ 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.

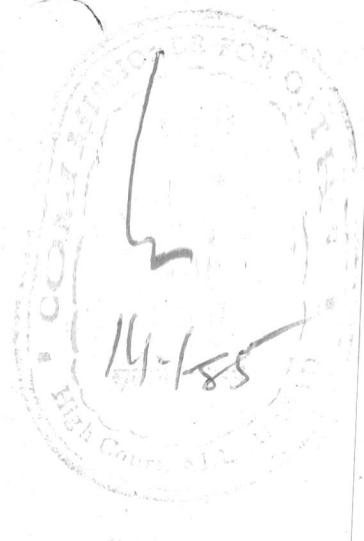
3. That my aforesaid clients have already approached to higher authorities for suitable action which is under process.

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

RETRNMENT



16-1-85

- 4 -

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 initiating 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/- U.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 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

राज्यराममंडु

Akbar

STATE COMMISSIONER Divisional Engineer (B&N), NE Rly.,
High Court Lucknow Bench Ashok Marg, Hazratganj, Lucknow.

No. 38/103

Date - 14-12-85

A-4 22
V23

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

W.R. PETITION NO. 14-185 OF 1985

1985
AFFIDAVIT
38/103
HIGH COURT
ALLAHABAD



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,
and state
Bhariaich, 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 believed to be true on the basis of legal
advice.
3. That the Annexures to the accompanying

गंगा राम

14-185

4/90

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Writ Petition are the true copies of the
respective originals.

LUCKNOW DATED
JANUARY 14, 1985.

DE PONENT.

VERIFICATION

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

LUCKNOW DATED
JANUARY 14, 1985.

DE PONENT.

I identify the deponent on the
basis of records produced before me
and that the deponent has signed in
my presence.

ADVOCATE.

Solemnly affirmed before me on 14-1-85
at 9:30 AM/PM by the deponent

who is identified by Sri O.P.

Srivastava, Advocate Allahabad High
Court, Lucknow Bench, Lucknow.

I have satisfied myself by examining
the deponent who that he understands the
contents of this Affidavit which have
been read over and explained to him by me.

Kher

3. Court Commissioner
High Court, Allahabad
Lucknow Bench
38/103
Date 14-1-85

High Court of Judicature of
Uttar Pradesh
A5
24/24

व अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाम्लेह) का वकालतनामा

W.P. No.

of 1985



Champa Ram maw वादी (मुद्दे)

बनाम

Union of India & प्रतिवादी (मुद्दाम्लेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर 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 वा हमारी ओर से डिगरी
जारी करावें और स्पष्ट 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 उटावें
या कोई स्पष्ट जमा करें या हमारी या विपक्ष (परिवसानी) वा
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-युवत (दरतरती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वाही कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या विसी
अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर गण/राम मंटु

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

M. P. No. 393190 (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 INFRACTUOUS.

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.R
SSW
116190

WATSON 10/11/90
26/11

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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.

SUPPLEMENTARY APPLICATION

I, Ram Chauhan

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 Chauhan
एकाधिक अधियनता
पुर्वोत्तर-रेलवे-वहराइन

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3. That after having been spared by P.W.I. (Bahrach) vide this order dated 3.10.84, the petitioner did not join 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.

Ran Ch-

सहायक अभियन्ता

पौत्र-रेलवे-बहुराहा

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

Ran Ch

सहायक अभियन्ता

पौत्र-रेलवे-बहुराहा

A
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.

(Handwritten mark: 26/6)
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



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-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 State 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 was appointed on 2.6.55 as Gangman in scale 250-250) under P.W.1/Bahraich and thereafter 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 withheld 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 17.10.79 and 30.5.81 are annexed to this counter affidavit and are marked as Annexure A-2 and A-3.



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-3-

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 ~~or~~ ^{not} 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 ¹⁶ 16.84 . It is further stated ~~anxhdxpxkxxkxx~~ 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 consequences etc by opposite party no.5 are false, mischievous and concocted. sent by him to Hon'ble RLY Minister and copies to Chief Engineer, ^{8/} Simultaneously in the said para he further stated that he is enclosing Copy of represent-

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 ^{✓ substance ✓} any subsistence. The opposite-party No.5 never demanded any amount nor there was any

SD

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 petitioner was himself absconding from his duty ~~from~~ ^{since} 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.9/Spl/TQN under order dated 23.7.84 as contained in AnnexureA-1 ~~vide~~ ^{the} counter-affidavit and even after issue of the spare memo to the petitioner 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~~ ^{the} ~~drawn at~~ ^{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 incorrect allegation without any substance, the same was filed. There was no question of allowing duty to the petitioner at Bisheshwarganj when the

petitioner was been transferred to Tikunia under the order of Assistant Engineer/Bahraich contained in Annexure-1 to this Counter Affidavit

Para 13 ^{That} 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} The question of giving any reply ^{did} to the notice ~~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 ^{been} the petitioner has not being ousted from



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, ^{true} under PW1/Spl/TQN. ~~fix~~ 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 averments 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 ^{true} Engineer/Bahraich. 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

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 petition^s 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 ^{'Nanbar'} under A.D.M.O./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



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-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 remained 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 contents of para 18 of the Writ ^{was} 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 PW¹⁵² TON for which spare memo sparing the petitioner from Bisheshwar Ganj 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 1985.
August 30. 1985.

37

- 10 -

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.



Lucknow Dated :

DEONENT

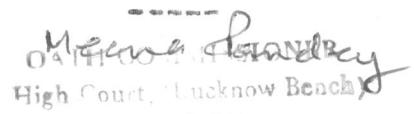
August
30.9 1985.

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


Sri Umesh Chandra
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.


High Court, Lucknow Bench
No. 87/1043
Dated 30.9.85

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इन दि बानरेबुल हाई कोर्ट बाफ जुडीकेवर ऐट इलाहाबाद
लघनउ बेन्च लघनउ।

रिट पिटीशन नं०

बाफ 1985

गंगा राम

पिटीशनर

बनाम

यूनियन बाफ इन्डिया एण्ड

बर्द स

बपौ० पार्टीज

बनेगर नं० १४-१

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

- 1- श्री गंगाराम पुत्र श्री रघुनाथ गेट० 225-308१ गेग मं० 4
जो० एम० का स्थानान्तरण एवं नियुक्ति उसी पद और वेतनमान में
रेल पद निरीक्षक/विस्त्रिथ/तिथिनिया के बधीन किया जाता है।
- 2- श्री कल्लू पुत्र श्री बली बहादुर की मैन गंग मं० 4 जी० एन०
१२१०-२७०१ के बधीन रेल पद निरीक्षक/बहराइच को पदोन्नति
गेट० २२५-३०८१ में करके गेग मं० 4 जी० एन० ब्रम सं० १ के स्थान
पर रेल पद निरीक्षक/बहराइच के बधीन किया जाता है।
- 3- श्री ननकउ पुत्र श्री मुन्ना गंग मैन गेग मं० १३ जी० एन०
बधीन रेल पद निरीक्षक/बहराइच की पदोन्नति करके की मैं१२१०-२
२७०१ में रेल पद निरीक्षक/बहराइच के बधीन गंग नं० ३ ब्रम सं० २
के स्थान पर की जाती है।

ब्रम सं० १४ के स्थानान्तर प्रशासनिक बधार पर
किया जाता है। बतः इन्हें स्थानान्तरण भत्ता पास, व्यनिंग समय
इत्यादि देय है।

... २ ...

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-2- बहराइच

पत्रांक सं. ई /283/ चतुर्थ/ कृपया

सहायक इन्जीनियर/बहराइच
दिनांक 23. 7. 1984

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही
हेतु प्रेषित :-

- 1- रेल पथ निरीक्षक/बहराइच, रेल पथ निरीक्षक विशेषा/ तिकुनिया ।
- 2- मण्डल रेल प्रबन्धक इन्जंगर, मण्डल रेल प्रबन्धक का० १/लखनऊ।
- 3- सम्बन्धित कर्मचारी ।

हो- अपठनीय

सहायक इन्जीनियर/बहराइच

सार्वकाल २५८५८८

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

हो अपठनीय

25. 7. 84

सत्य, प्रतिलिपि

११



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

Lucknow Bench, Lucknow.

Writ Petition No.

of 1985

Ganga Ram

Res

Petitioner.

versus.

Union of India and others.

Opp. Parties.

ANNEXURE No- A-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 ~~W~~
N.E. Railway/Bahraich ~~K/ma~~ under PW1/ARK

Through PW1/BRK

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

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

sd/-Illegible

& S.I. Haider

Signature
Designation

Asstt. Engineer
Bahraich

...2...

INSTRUCTIONS.

1. An appeal against these orders lies to DEN/1/LJN(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 ⁱⁿ 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.
21



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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
Raghunath Kayma, Gang No. 4 GN
Keyman
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--

14
21

-2-

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

(S.I.Hader)
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.

2/



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इन दि बानरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद
लघनउ बैन्च लघनउ ।

रिट पिटीशन नं०

बाफा 1985

गंगा राम

...

पिटीशनर

बनाम

यूनियन आफ हडिया एण्ड

बर्डस

...

बपौ० पाटीज

बैनरजर नं०-ए-4

जहूरत पर पदेशनों तरफ लिखे पूर्वोत्तर रेलवे

संख्या ६/२८३/बहराइच दिनांक ३०.१०.८४

प्रेषक रेल पथ निरीक्षक, बहराइच सेवा में श्रो गंगा राम, मेट
विषय: कार्य मुक्त भेजों द्वारा रेपनि. १११

पदानपुस पदानपुस

सन्दर्भ: सं ३० बहराइच का कार्यालय बादेश सं ६/२८३/वर्त्ती
बहराइच दि २३.७.८४

सहायक इंजीनियर, बहराइच के का०ब्ज० स०इ/२८३/वर्त्ती
बहराइच दि २३.७.८४ के संदर्भ में आपकों बाज दिनांक ३०.१०.८४
बूबरान्हू मेर०प० फॅनि०/विशेष नियुक्तियाँ के पास त्वारी करने
हेतु कार्य मुक्त किया जाता है।

ह०- बपठनीय

रेल पथ निरीक्षक/

१- प्रतिलिपि स०इ० बहराइच

बहराइच

२- प्रतिलिपि र० प०नि०/नि०/तिबुनिया

ह०- बपठनीय

रेल पथ निरीक्षक

बहराइच

सत्य प्र. तिलिपि

दिनांक 19 अगस्त 1984 को 3145 रुपौलियर रुपौलियर
(लेखनकारी वेत्ता लेर ५३)

रिप्रिटोरियन — जुलाई 1985

45

गांगाराम — — — — प्रिटोरियन

वनाम

श्रीनिवास आणि दूर्जिता }
रु 105 रु 420 } — . 3145 पाई

रुपौलियर ३ नं. २५/८

५/२८३/१८८४ ३-१०-८४

मुख्य विवरण नाम गांगाराम ५/२८३/१८८४/८४
दृष्टिकोण १५ जून २३-७-८४

— अनु विवरण १८८४/८४

स्वेच्छा:

गांगाराम को गांगाराम से

मुख्य विवरण नाम गांगाराम ५/२८३/१८८४/८४
दृष्टिकोण १५ जून २३-७-८४

१-

रामदास चौधरी (PDR)

२)

गांगाराम

३)

गांगाराम

४)

गांगाराम

५)

गांगाराम

६)

गांगाराम

७)

गांगाराम

रामदास चौधरी

गांगाराम

गांगाराम

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गांगाराम

गांगाराम

३०-९-८५

इन दिन बानरेबुल हाई कोर्ट बाफ जुडोकेवर ऐट इलाहाबाद
लखनऊ बैनच लखनऊ।

रिट पिटीशन नं०

बाफा 1985

गंगा राम

पिटीशनर

बनाम

यूनियन बाफ इण्डिया

एण्ड अर्द स

बपौ० पाटीज

बैनरजन नं०-८-६

सेवा में,

श्रीमान् मण्डल-चिकित्सा धिकारी महोदय

पू० ८० ८०/ गोण्डा।

महोदय,

विनम्र निवेदन है कि प्रार्थी रेल पथ निरीक्षक/बहराइच के बधीन मेट के पद पर कार्यरत हैं। इसके पूर्व वह 10 वर्षी से भी अधिक जंगली व तराई इलाकों में रहकर रेल सेवा कर चुका है। वहाँ की जलवायु की प्रतिकूलता के प्रत्यक्षरूप मूर्च्छा, हाज में की गडबडी वाये दिन सर्दी जुकाम आदि से रोगों से वृत्ति वृत्ति हो जाने के कारण ही उसने अपना स्थानान्तरण चिकित्साय आधार पर अपनी नशबन्दी कराकर मैदानी इलाके में करायी थीं जहाँ की जलवायु उसके लिए बनुकूल साबित हुई है।

श्रीमान् जी ।

अप प्रार्थी जिसकी उम्र 50 वर्ष से भी उमर है व मैवा निवृत्त नजदीक हो है। उसका स्थानान्तरण करके पुनः उसे जंगली व तराई इलाके में होने जा रहा है। जहाँ परकि वह काफी



१८
१९

का पर्व दिनों रह आया है। वहाँ मूनः जाकर वह लेल सेवा को सुवार रूप से सम्पन्न करने में अपने बो बस्तर्थ सा पा रहा है। उसकी शारीरिक कमज़ा वहाँ की जलवायु के प्रतिकूल हो सकती है।

प्रार्थी के बाल बच्चों की पदाई लिखायी व आये दिन बीमार रहने वाली उसकी बौरत की वजह से घर गृहस्थी का कार्य उसके बलावा बौर कोई देखने वाला नहीं है। विशेषवर्ग गंज में वह रह कर लेल सेवा व उक्त कार्य की वह सुवार 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 कारयी थी परन्तु उसको नजर बन्दाज करके ₹० पैसे निं० महीदय नाजायज तरोंकों से परेशान करके उसे नुनः स्थानान्तरित करवाने पर तुले हैं बतः आप से करबद्ध बनुरोध प्रार्थना है कि परिवार कल्याण व राष्ट्र के प्रति प्रशसनीय कार्य करने वाले एक कर्मचारी की उक्त समस्या को देखकर उस के उमर दया लुता पूर्वक वियार करके उसका स्थानान्तरण स्थगित करवाने की कृपा विभागीय कार्यवाही करके की जाय। महान् कृपा होगी। ॥

प्रार्थी- गंगाराम मेट
मेट - ५ अगस्त

श्रीमान जी।

यदि उसका स्थानान्तरण रूप भ्राता है तो वह परिवार कल्याण कार्यक्रम में आपके विभाग को सक्रिय छहयोग त्रस्तवदी के कई केशों को देकर करेगा।

वह आप से वादा करता है कि बगर वह केश न दे जायेगा। तो उसका स्थानान्तरण बौर मौस करवा दीजियेगा।

६०- गंगा राम मेट

सत्य प्रतिलिपि

३१

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इन दि बानरेबुल हाई कोर्ट बाफ जुडीकेवर ऐट इलाहाबाद
लखनऊ बैन्च लखनऊ

रिट पिटीशन नं

बाफ 1985

गंगा राम

पिटीशनर

बनाम

यूनियन बाफ इण्डिया

एण्ड बर्डस

बपौ० पाट्टज

बनेगजर नं०-ए-७

जल्हरत वर दोनों
तरह मिमेल लिलखे

पूर्वोत्तर रेलवे

एन०इ० जी०-४०
बार० छी० जी० एल०-१९

संख्या -एच०३०९/२प० निः०४

दिनांक १५० १० ८४

प्रेषक गंगाराम की/गोणडा

सेवा में सहायक बनियन्ता

विषय- श्री गंगा राम मेट ४सी० एम
रे० प० नि० अहराइच

सहायक बनियन्ता

बहराइच

तदर्थ- का प्रार्थना बावत स्थानान्तरण
बहराइच नकरने हेतु ।

श्री गंगा राम मेट बहराइच की प्रार्थना- पत्र मूल रूप में
संस्तुत के साथ निम्न टिप्पणी के साथ बाप के उचित कार्यवाही हेतु
भेजा जा रही है।

१। श्री गंगा राम ने बपनी बसबन्दी के बारें परेशन
प्रशंसित पत्र संख्या ०३५५० दिनांक २७.९.७ ६ के द्वारा कराई थी
और उसका स्थानान्तरण जगली एवं तराई शौत से बहराइच २
रे० प० नि० के बन्तर्गत हुआ क्या।

२-इसके पूर्व है क्षेत्र में श्री गंगा राम ने परिवार कल्याण
कार्यक्रम में काफी सहयोग दिया था दो बापरेशन कराये थे काफी
सहयोग दिया तथा दो बापरेशन केराये थे जो कि छोटे भाई कार्य-



२१

-2-

तीस सूत्रों कार्य ब्रह्म के बन्तर्गत राष्ट्रहित में है।

श्री गंगाराम ने पुनः वादा किया है कि ये परिवार कल्याण कार्य ब्रह्म में काषी सहयोग देंगे तथा केस नसबन्दी का करायेंगे।

वृक्ष श्री गंगाराम ने राष्ट्र हित के लिये बना बापरेशन करा चुके हैं तथा पिछले वर्ष केम्ब में दो केस दे चुके और नुः केस देने का वादा कर रहे हैं इसलिये श्री गंगाराम का स्थानान्तरण बन्धन (जंगलीकेन्द्र) न करने की संस्तुति की जाती है।

४०- अपठनीय

५. १०. ८४

मण्डल विकितसा बधिकारी

पूर्वोत्तर रेलवे, गोण्डा।

संलग्न x एक

मुख्य प्र. त्रिलिपि

१



505

इन दिन बानरेबुल हाई कोर्ट बाफु जुडीकेवर ऐट इलाहाबाद
लखराज बैन्च लखी नहा

रिट फिटोशन नं 1985

गंगा राम

१००

फिटोशनर

बनाम

यूनियन बाफु इण्डिया

एण्ड बर्डस ...

बपौ० पार्टीज

बनेगर नं०-४-८

एन० इ०-जी० ४०

ना० बी० जी० एन० १९

जहरत पर दोनों पूर्वोत्तर रेलवे
तरफ लिये

संख्या

ई२८३/चतुर्थ/बहराइच

दिनांक २५.१०.८४

प्रेषक

सहायक इन्जीनियर

सेवा में मण्डल निराकार
बधिकारी मण्डल

बहराइच

अधीक्ष लेपनि

विषय= श्री गंगा राम, मेट असोन सेमि/बहराइच

मनदर्भ बाप का पत्र नं० एच/३०९/२/पमि/ दिनांक १५.१०.८४

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

कथा उक्त कर्मचारी के इस कामार्लीय में उपस्थित होने
के लिये इंज में जिससे स्थानान्तरण के सम्बन्ध में सहानुभूतिपूर्वक
विवार किया जा सके।

ह०- अपठनीय

२५.१०

सहायक इन्जीनियर/बहराइच

का/प्र

ह, अपठनीय

२५/१०

सत्य प्रतिलिपि